

MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 4, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, May 4, 1987, in the Commissioners Hearing Room with President Rick Borries presiding.

Since it was the first meeting of the month, Cpl. Tom Brandsasse (representing Sheriff Shepard) called the meeting to order and declared the Board of Commissioners in session pursuant to adjournment.

The meeting proceeded with President Borries welcoming those in attendance at today's session.

President Borries entertained comments, corrections, or a motion to approve minutes of meeting held on April 27th.

Commissioner Cox said the only question she has concerns the spelling of the Browning Estates developer's last name on Pages 6 and 7. Mr. Wittekindt confirmed the correct spelling of his name.

With aforementioned correction, motion was made by Commissioner Cox that the minutes of April 27th be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

RE:     HEARING ON "B" STREET UNDERPASS

President Borries said the Board had advertised a Public Hearing to be held today on the "B" Street Underpass proposal. He will make brief comments and then turn this portion of the meeting over to County Engineer Andy Easley. For many years, the residents on the west side have been concerned about access over railroad tracks -- particularly for emergency vehicles -- near the area of the Expressway. This has been of concern for a long time by the residents in the area. The Board looked at several options and, after conferring with the engineer, the "B" Street Underpass has been an option that is being given a great deal of consideration at this point to alleviate the traffic and the problems that the residents in the area have experienced. President Borries then asked County Engineer Andy Easley for his comments and requested that he introduce the representative from Hayes, Seay, Mattern & Mattern (consultants in the "B" Street Underpass matter).

Mr. Easley said the residents of the area have requested the Commissioners to select the "B" Street location. He would like to inform them that the proposed width of the street going into the underpass area will be 46 ft. in front of the residents on "B" Street and then it narrows down to 30 ft. under the underpass and stays until it comes up to Broadway. A 60 ft. radius is proposed at Broadway. The underpass will have a standard 14-1/2 ft. clearance under the underpass super structure. The maximum height of the retaining wall at the east end of the block that contains the houses on the west side of the railroad track is approximately 6 ft. high. There will be some stairs in front of four (4) houses. He thinks that is really all he can say about the project. There will be curb, gutter and sidewalk on both sides and there will be a large pumping station. The Project Engineer he has been working with from Hayes, Seay, Mattern & Mattern out of Roanoke, VA is Scott Hodge. He is here and will be glad to answer any questions, such as how long it will take to

build the underpass, etc. He asked that Mr. Hodge join him at the easel. Mr. Easley said the construction of the roadway will use the 60 ft. right-of-way on "B" Street and no additional right-of-way will be acquired. We may need some temporary right-of-way to build the 6 ft. high retaining wall in front of the houses. They have to put in a footing and will have to cut off 3 ft. of the residents' property and then backfill 3 ft. in front of the wall. We will have to obtain an easement from whomever owns the property.

The traffic counts on this road are projected to be around 1,100 cars per day or less. That is not a heavily traveled road. It will no longer be the equivalent of a cul-de-sac, that is true. But it will not be turned into a First Avenue or Green River Rd. by any shape of the imagination. The residents can still park parallel to the curb in front of their property. He has noticed that some cars now pull in at right angles to the right-of-way and this will not be possible after the underpass is built.

An unidentified resident asked if Mr. Easley can guarantee the traffic count during the months people are traveling to/from their summer camps and in the fall when the grain trucks come in.

Mr. Easley said the Evansville Urban Transportation Study had their counters at numerous locations and determined that the ADT (Average Daily Traffic) was 1,100 vehicles or less and this is the ADT they use to design road facilities. Basically, the people that are going to town -- if they are pulling a boat and trailer -- he is going to say that if no one is blocking the Claremont Crossing, they are coming the shortest distance between two points in a straight line and they are not going to drive a U to get under that railroad track. If there is a train there, they will probably go down "B" Street.

Another unidentified resident asked if there will be a stoplight at the end of "B" Street and Barker?

Mr. Easley responded that this is not under Mr. Hodge's jurisdiction and the City doesn't really have a full time Traffic Engineer now, so he (Easley) hasn't asked EUTS that question. He is going to say that 1,100 cars per day probably will not warrant a traffic light. But this is just a guess.

President Borries asked that for purposes of the record here, it is going to be very difficult for Joanne Matthews, the secretary, to have minutes of this proceeding unless people come forward and identify himself/herself for the record. Two questions have already been asked. Will others who have questions please approach the podium and identify themselves.

Ms. Lotti L. Potts said she resides at 2822 "B" Street in the middle of the block. She would like to know how she is going to turn around to go back to Barker when she would be going out of her way to go the other way to turn around and go back to Barker?

Mr. Easley said his response would be that normally, when you're parked parallel on streets, the Traffic Department normally frowns on "U" turns in the middle of the block. She is probably going to have to drive around the super block, which means she may have to go up to Broadway and make a left turn and go out Claremont.

Ms. Potts said, "That is driving out of the way."

Mr. Easley said, "I understand that; I understand that. Remember, this location was chosen because of the Petitions signed by 500 people and submitted to the Commissioners. They really wanted this location and they felt it would be the most flood-free location and it is for the benefit of the majority of people who will be using it."

Ms. Potts asked, "Why don't they just buy the houses and do it right then?"



Mr. Easley responded, "I can't answer that question."

Ms. Potts said, "I don't have any children, I have grown boys. But several residents on the block have little children and it is really going to be sort of hectic for them. If I live there, I will make a U Turn -- I won't lie to you."

Mr. Easley said, "The street is going to be of such a width that I don't anticipate there will be parking on the north side of the pavement. It is going to be 46 ft. wide. If the traffic permits, I think you could probably get away with making U turns -- but I'm not advocating it."

Ms. Potts then asked, "Have you noticed how bad the houses are down in there?"

Mr. Easley asked, "What do you mean by 'bad'?"

Ms. Potts said, "They are falling in. Now I'm just starting to remodel mine -- and I'm down to my kitchen now. And I ain't going to do no more work on it until I know if it's going to be tore up or not. As you know, the machinery will rock the boat and stuff like that when you're digging up, etc., and I'm not going to do no more work until I know for sure that my job is going to stay corrected -- I'm on a fixed income and I'm down to my kitchen. So it makes a little predicament there....so what do you say, do it -- or don't do it?"

Mr. Easley said no blasting will be done -- pile driving is minimal and should not disturb the houses.

Mrs. Potts asked, "You think so?"

Mr. Easley said, "I think so. If the pile driving operation damages houses -- the contractors are building the Lloyd Expressway and they have procedures whereby if they damage somebody's property, they have insurance for that."

Mr. Kent Coleman approached the podium and said he resides at 2818 "B" Street. "We have various questions to ask and I'd like to submit some petitions with signatures of residents of every house except three; no one is living in one house and they were unable to contact people at the other homes. They would ask that the Commissioners consider a different route or buy their property. They are worried about a property value drop; the 6 ft. wall is coming down in front of their houses. Who is going to want to buy a house with a wall in front of it? With the load of traffic that will be coming through there in grain season and the people going to/from the river camps, etc., nine times out of ten you will pass the Claremont Crossing -- that is where the trains are going across, so they are going to be coming around. There is not going to be a light down there, so how are they going to get around. The residents should not be penalized for a road to come through there -- or have to turn around and take a chance going across the railroad tracks in the first place. That is what these people are trying to get away from. Why should we be penalized? We're worried about added traffic for our children. We have young children as well as elderly citizens. We have one man (where the deepest part will be) who is going to have steps in front of his house. He has some health problems and won't be able to climb the steps. We want to know what the construction damage will be to our houses -- our plaster walls. Ninety-nine percent of the houses down there do not have dry walls, they have plaster walls -- and who is going to pay for the repairs? What about parking during construction period -- when the road is being torn up? We have water line and gas lines underneath there. We want to know what is going to happen to our taxes, because we have a new road and new sidewalk down through there? Is it going to affect our taxes? Not only are we going

to have to suffer a drop in property value but will we have to suffer by paying higher taxes also? You mentioned that there will also be a pumping station. I believe the Ray Becker Parkway also has a pumping station and a lot of times during the rainy season the Ray Becker Parkway is flooded and can't be used. We want to know about the foundations. A lot of those houses were built back during the 1930's and those foundations aren't just maybe what they should be. I have a room on the back of my house that used to be a porch and it has been added in. It's on a brickbat foundation. I work for Wilhite Supply company down on Division Street, where they were doing pile driving. They are not even doing the pile driving close to us -- it's about half to three quarters of a block down the road and it is already shaking mortar loose from the bricks down there. We want to know if our houses are going to be able to withstand that kind of a change? We're worried about the elderly who are down there. Will they have trouble getting out? Parking during the construction period is going to be almost impossible. It is going to cost us -- There are several houses that don't have room; I, myself, have room where I can maybe put some rock down in the back and get through from "B" Street; but many others don't have this -- and it is going to cost me to put a driveway in. There is going to be a lot of inconvenience during construction. We want to know how dangerous it is going to be for the elderly to get to the bus stop down at the end of the blocks --especially with no traffic signal or way to get across? Our kids will have to go to the end of the block to catch the school buses and we want to know what is going to happen there?-- Especially in the morning when school buses come through there and stop the traffic as they come along -- sometime you have to wait at the end of "B" Street and Barker for as long as five to ten minutes if you don't get out before the bus comes through. Several times when I haven't gotten away from the house on time there have been periods of waiting. How is this going to affect our waiting, with these people coming in also down from Ohio Township maybe come down into the downtown area? We want to know about the steps you're talking about putting in on snow days. Who is going to be responsible for cleaning those? Will that be up to us? Or will the city clean them? The trucks and traffic noise is going to increase. We want to know how the road is going to be kept in condition. We want to know about mail delivery during construction. When the river is up it won't be able to get any higher than the Hybrid Inn anyhow. We still don't understand why we have to be penalized through all these different things because 500 people want it to come down that way. If you're going to do it, do it right. Buy the houses and put something up where it is not going to affect us. It is of no use to us if we're going to have to go down and come back around. That house of mine, I bought it just right after I was married. We didn't have any children. I have one boy now and the house is getting kind of small for us -- we're going to outgrow it. I bought it as kind of an investment -- getting into the credit line -- to where I am going to be able to sell this house and make a small profit off it to put down on the next bigger house as my family increases. But if it is going to drop my property values to where I can't even get out of it what I owe, how am I going to better myself? And what we want to know is, why should we be penalized just because of these people? We're petitioning you (petitions presented to President Borries) because we don't think we ought to be penalized. We're not against the road or those people to have a way to come out and come downtown and get into the city without having the hassle of a railroad track or anything else like that. We're asking you to buy the houses or take a different route."

President Borries thanked Mr. Coleman for his comments and said that, for the record, we'll show that two pages of petitions were submitted to the Board. Persons who signed it either reside on "B" Street and, in at least one instance, on a nearby street. Said petitions will be entered into the record at this time.

Ms. Carol James approached the podium and stated she resides at 2828 "B" Street. "I think Kent has pretty well covered most of our complaints, but I would like to highlight a couple of things. Correct me if I am wrong, but I think you said when you first began, Mr. Borries, that this has been a problem for many years -- and this is true. This is why the Ray Becker Parkway and Dixie Flyer were built. It was supposed to correct the problem but it did not. I feel that we're suffering from poor planning in the past. A lot of us do have young children; we do have Deig Bros. across the street which has created problems for many years and we've fought but it hasn't done any good. It is a one-block street. When Deig Bros. is closed they can get out on their bicycles. We don't have very large yards to begin with, so this is going to cause problems. When the Ray Becker Parkway was built we had a problem with equipment not being stored properly when not in use. My daughter was one of the children who climbed into a hole and got stuck and we had to call the Fire Department. What is going to happen now? Where is the equipment going to be stored while it is not in use after working hours and on weekends? We're going to have all this heavy equipment. I'm familiar with construction equipment as my Dad is a heavy equipment operator, so I know what we're going to be dealing with. How is this going to affect our children? It will be dangerous to them. So this is one of my main concerns -- and I think Kent has pretty well covered what everyone else feels."

Mr. Carl Dunn approached the podium and stated he resides at 2112 "B" Street. "You said it's been a problem for years for Union Township to get through. We had a way once and the city let it get torn down -- the viaduct. Now they want to come through and decrease the value of our houses and put more traffic there -- which will be more dangerous to our children. Why didn't they just fix up the viaduct instead of doing all this? This is a thought. I'm just saying that adding steps to my house is going to make it rough for me to get up and down and I feel that I shouldn't suffer anymore so Union Township can get around, because at one time they had an exit and the city let it go. That's all I got to say."

Mr. Easley entertained further questions or comments.

Mr. Dave Williams approached the podium and said he is a west sider. "How high is the entrance?"

Mrs. Cox said Mr. Easley stated there was a 14-1/2 ft. clearance.

Mr. Williams said that is all he wanted to know.

President Borries said he doesn't know whether Mr. Easley or Mr. Hodge have any response to the questions raised thus far. If they do, maybe the Board needs to hear those at this time. Further, the Commissioners might have some questions of their own.

Mr. Easley said the only response he could have would be that any contractors who have the capability to build a facility like this is an experienced, responsible contractor and he will be bonded and will be working under the jurisdiction of the Consulting Engineer and the Railroad and the County and the Board of Public Works -- and he feels reasonably sure that it will be done in a safe manner. It will be done in a manner that will keep inconvenience to the citizen of the block to a minimum. The street has to be lowered in order to be paved at the lower elevation. "I cannot guarantee that you can drive or park in front of your house everyday. You may have to walk half a block for a while. It has to be done in stages. I lived in a community years ago that got its first underpass and they had prayed and wished and persuaded and bribed to get that underpass and it went through fairly smoothly. It had massive walls very similar to the ones in Diamond Avenue. In my opinion, this is going to have little more impact on the property values in the

area. I'm not going to try to say what it is going to do to the property values. I think that will have to be addressed when we get to another point in this project."

Mr. Jack Coleman of 1403 Jackson was recognized by the Chair. "It is all very well for you people to be so certain that you are not going to do any damage. But you haven't addressed the concerns of these people as to the children, the elderly -- as to the amount of traffic, as to the noise, dust, dirt -- I don't think you have any concerns for these people at all. I think you're trying to rush something through here. There was very little concern as to letting people know when this meeting was going to be held. Everybody was hoping you'd get around to it at 4:00 p.m. and it was the first thing on the agenda. I think it is just another political deal."

Mr. Easley said he'd like to respond to Mr. Coleman's comments. We had a press release which stated that this hearing would be at 2:30 -- the Press Release said 2:30 p.m., did it not?

Mr. Coleman said the release said the Commissioners Meeting started at 2:30 p.m. and there was a possibility that they would not get to the hearing before 4:00 p.m. So, in other words, we tried to keep a certain amount of people interested in the hearing away.

Mr. Easley said we thought about putting a legal ad in the paper. "I heard it on WIKY twice this morning before breakfast. People were notified via the Press Release."

Ms. Velsa Saalwachter approached the podium and stated she resides on the north side of "B" Street. "I am the only resident on the north side and I am just wondering, do you not take anything off the north side of the street?"

Mr. Easley responded, "The construction of the project doesn't require the taking of any right-of-way."

Ms. Saalwachter said, "I mean the yards."

Mr. Easley said, "No, we won't bother your yards insofar as any permanent taking. And there will be no retaining wall for your yard."

Ms. Saalwachter said, "I didn't think there would be, but I was just wondering if that would do anything to my front yard."

Mr. Easley said, "I don't believe so; you'll get a new sidewalk on "B" Street. on both sides."

Ms. Saalwachter said she hopes it comes down in front of her house.

President Borries asked Mr. Easley if he would want to ask Scott Hodge to offer comments?

Mr. Hodge said he would give a brief overview of the project as it has been laid out. "We're starting at mid-point on "B" Street and going down to the 14 ft. 6 inch clearance until we intersect with an 8 degree curve at Broadway Avenue. Broadway Avenue will be lowered approximately 5 ft. There will be a temporary detour in place for approximately 30 days on Broadway Avenue for those people who travel down Broadway, to accommodate the undercut on Broadway. Once that is in place, the temporary detour on SIGECO property will be taken out and you'll travel on Broadway as it should exist in the future. The bridge type structures will be reinforced concrete structures with steel plate through girders over the top of the roadway with 14 ft. 6 inch minimum burms. You'll have two side slopes, so you won't have any retaining walls through the area around the railroad structure. There will be a pumping station located between the two structures. From that point, the pumping station will pump from a 12 inch forced

main down to Broadway Avenue and down to the southwest corner of the SIGECO property and on out into the Ohio River. The property damage should be minimal. Retaining walls will range from 0 to 6 ft. and there will be four sets of steps. The highest set of steps will consist of eight (8) steps and the lowest will consist of three (3). The tracks that have supplied SIGECO in the past will be removed, as shown on the right-hand side of the drawing. I believe that pretty much entails the scope of the project as we know it today.

A gentleman from the audience offered comment, but it was inaudible because he was speaking from whence he was seated.

Mr. Hodge responded, "Well, Sir, all we're talking about as far as Broadway Avenue is in the area of the vicinity shown.

Commissioner Borries said, "Again, Sir, we need to conduct an orderly meeting. If you'd like to come up and give your name for the record, we'd surely appreciate it -- as we'd like to get everyone on record at this point."

Mr. Lawrence Lowe approached the podium and identified himself and said he is with the West Side Improvement Association. He would like to know how we're going to go down Broadway where it is already closed off and has been closed off for years.

Mr. Hodge said he will address the question if Mr. Lowe will just explain to him what he is asking, since he (Hodge) is not from Evansville.

Mr. Lowe said, "The railroad runs across Broadway."

Mr. Easley said, "I think he's talking about the Dixie Flyer that goes down Broadway.

Mr. Lowe asked what good it is going to do to go down Broadway?

Mr. Hodge said designated area of Broadway Avenue needs to be lowered approximately 5 ft. for the detour, because for that distance it is not substantial to come from underneath these bridge structures to Broadway Avenue as it exists today.

Mr. Lowe asked, "Well, that is not going to help them out on "B" Street. Where is the detour going to help them out any?"

Mr. Hodge said, "Well, the detour is not for "B" Street -- it's for the traffic on Broadway Avenue."

Mr. Lowe asked, you mean on the north side of it?

Mr. Easley said there are coal trucks and tankers that take petroleum products that go south on Broadway, Sir. So it has to be kept open. If it is cut off, you'd have to go all the way to Dogtown to come back to Hybrid Inn.

Mr. Lowe said they have to cross the railroad tracks to get over on Broadway.

Mr. Easley said they have to come up from the south.

Mr. Lowe said, "I can't see that it is going to do them any good to detour via Broadway Avenue -- and the trucks ain't gonna go Broadway south because of the railroad tracks. You're talking about Dixie Flyer and I don't know what you're calling the Dixie Flyer -- the back road behind the railroad?"

Mr. Easley asked, "You know where the L&N Offices are?"

Mr. Lowe said, "I certainly do, I worked there."

Mr. Easley said if you want to go to the Hybrid Inn you take that by-pass around there. It's a matter of terminology -- we call it the Dixie Flyer. We're all talking about the same thing.

Mrs. Cox said, "He's not talking about Dixie Flyer on that map though, Andy. He's talking about Broadway."

Mr. Lowe said the L&N railroad is south of the elevators and everything -- it's south of where it comes off there.

Mr. Easley said, "It's Broadway Avenue until the Seaboard Offices, right?"

Mr. Lowe said the trucks coming off Claremont go to the left -- they don't go to the right.

President Borries called for order and thanked Mr. Lowe for his comments. If Mr. Lowe has specific comments, he can put those in writing to Mr. Easley and we will be glad to respond to those. Mr. Lowe's concern is appreciated and his vigilance on this matter. If he will put his comments in writing, we'll certainly want to take those under consideration.

Ms. Bertha Bergdorf was recognized by the Chair. She said she is a taxpayer and her question is, "How many times are the taxpayers going to be paying for mistakes that somebody else made? In other words, whoever took out the viaduct should have to put something through to let those people out. It shouldn't be the taxpayer over and over."

Commissioner Borries thanked Mrs. Bergdorf for her question and then entertained comments from the Commissioners.

Commissioner Cox said, "Mr. President, on a memo we received February 12, 1987, there were several different questions posed and there was to be some discussion taking place. Just for the record and for everyone's information, I think we should enter it into the record if we do have definite answers on these questions that were posed. One was that the railroad raised the question about closing the crossing at Claremont Avenue. I want to know if a decision has been reached with the railroad company that Claremont Avenue, because we are building "B" Street now, is it going to be closed or will it remain open? We'll take these one at a time.

Mr. Easley responded, "Mrs. Cox, Mr. Hodge was at that meeting when that question was raised and their only reply was that we are sure that the Board of Works and the County Commissioners would want to have a lot of input into any discussions concerning the possible closing of Claremont. And I was of the opinion that it should be left open if at all possible, unless there were great cries of increased safety from the standpoint that it was a high accident crossing. I have not heard of any accidents at that crossing, but that was my comment and I think the minutes should reflect that. Other than that, it has not been brought up again and I am not sure as to what the procedure is as to how you legally go about closing a crossing. Does the railroad have the right to arbitrarily close it?"

Mr. Hodge said they are going to meet with the railroad within the next two weeks to discuss this particular set of preliminary plans and, at that point, he is sure they will bring up the fact that as an alternative they would like to close Claremont Avenue. At that point, that is when HSM&M will get involved in getting Mr. Easley linked up with the railroad people to discuss this particular point. They have not made any sort of formal comment as far as saying they would want to close it, they just said it was a possibility that their main office might request that this be done. So nothing formal has been done at this point.

Commissioner Cox said, "You just might want to stay up there, Mr. Hodge. I think you addressed this, but the railroad was asked about the maximum degree of the curvature on the detour and they responded that it should be an 8 degree -- preferably a 10 degree -- maximum. Did I understand you to say that the plan calls for an 8 degree curvature?"

Mr. Hodge replied, "Yes Ma'm, but that is on a different subject. The 8 degree is the roadway, which is by actual guidelines. What we talked about was actual detour railroad track, in which we have followed the criteria, which is a CSX criteria."

Mrs. Cox said, "And there was the possibility of a fenced-in area on the northwest side of Broadway that was suggested to be used as a possible contractor's storage and staging area."

Mr. Hodge said, "Yes, Ma'm, that is true. The contractor's storage area is on the north side to the west of Broadway Avenue -- now that is with the approval of the SIGECO Power Company because they own that particular fenced-in area."

Mrs. Cox asked, "I know you said that there would be a pumping station located on this proposed underpass. We have one at Ray Becker and it does flood. So if people's cars are parked down there (see, there is no parking on Ray Becker) -- sometimes there is as much as 3-4 ft. of water or deeper that comes up at Ray Becker, we're talking about damage -- if we're going to allow parking to occur down there. Is the capacity of these pumps stronger or greater than Ray Becker, or have you made a comparison or what?"

Mr. Hodge said, "The first thing is, the comparison needs to be made of how much area needs to be drained. Ray Becker Parkway has several more lanes and a lot more area than the "B" Street Underpass area. Right now, in preliminary stages, we have estimated that the pump station will be at least as large as that of Ray Becker Parkway -- so that should tell you something right there. It should be able to handle the capacity. What we need to do is be sure that we design for storm frequency that is high enough to assure that there is no property damage to the people. Instead of designing for a five or ten year storm, we should design for something like around 25 year to 50 year storm. That is something that needs to be discussed with your office."

Commissioner Cox said this concludes her questions.

Commissioner Willner said, "I just have one thing -- and that is dollars. I see by your estimate here that the dollars (\$1,971,043.00) do you think that is a high figure and that the bids will actually come in at somewhat under that?"

Mr. Hodge said, "I would say there is a possibility that the bids will come in at slightly under that -- yes. Based on the possibility of the relocation of fiber optic cables it probably is not going to cost \$50,000, but can't grant that in writing due to the fact that we have not discussed it with the engineers from U.S. Sprint as to what the actual cost will be. That was only a telephonic estimate."

Commissioner Willner said, "I guess the second question is, the track leading into the SIGECO plant -- is that going to be completely taken away from Broadway and brought in from the northern end? Or, is that going to be relocated there?"

Mr. Hodge said, "I will comment that it is to be removed and I will let Mr. Easley comment on where it will be placed."

Mr. Easley asked, "Are we talking about the replacement track?"

Commissioner Willner said, "Yes."

Mr. Easley said, "SIGECO has indicated that they are probably going to request -- instead of our spending money to re-lay track so they will have railroad access - that they be given the cash and they will decide later how they want to put railroad siding to that property. I think there is a letter to this effect being written to the Commissioners."



Commissioner Borries said that unless anyone has closing remarks at this time in regard to this matter.....

Ms. Potts was again recognized by the Chair. She approached the podium and asked, "If you're going to give SIGECO all that money, why don't they just buy our damn houses? That's a bunch of crap. They get almost all of my check just for the electric bill. I just think it's a bunch of bull crap."

President Borries thanked Ms. Potts for her comments. He said, "Where we are is that we of this Commission have proceeded very carefully on this matter for a number of years. Our decision of today -- and, of course, the purpose of this meeting was to receive an update from the consultant and design engineering firm regarding this particular matter and to take your concerns under advisement at this time -- which we want to do. We will try to answer your questions as best we can once we are able to get this testimony and, certainly, we will be in contact with you. That is our concern. At this point we do not want to make more mistakes. Obviously, whatever mistakes and concerns that you have at this time -- it is certainly our utmost concern that we want to avoid those kinds of mistakes and proceed through this matter, not only officially, but certainly as tax efficient as we possibly can. We are concerned about you and these matters you brought up today and we will try to get answers for you. As we go, we will be in contact with you regarding those answers. I want to thank you for coming today. I thank Mr. Hodge for representing his firm and Mr. Easley. Again, if you'd like copies of the minutes of this meeting, they will be available from our County Commission Office. As you have additional things you might think of, please stay in touch with us. Again, thank you very much."

President Borries declared a five (5) minute recess at 3:30 p.m.

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The meeting reconvened at 3:37 p.m. and was called to order by President Borries.

RE: REQUEST FOR WAIVER OF CURB & GUTTERS IN BROWNING ROAD ESTATES, SECTION "D"

President Borries said Mr. Bill Wittekindt is present today to request waiver of curb and gutters in Browning Road Estates, Section "D". This matter was continued from last week.

Mr. Wittekindt said he has re-evaluated the situation since last week's meeting. What he would like to do is to withdraw his request for waiver of curb and gutters and go with the construction of rolled curbs and gutters in Browning Road Estates, Section "D".

President Borries said this is good news and he thanked Mr. Wittekindt for coming to today's meeting and his decision in the matter. Commissioner Cox echoed Mr. Borries' sentiments.

RE: MOTO COMMERCIAL PERMIT

Mrs. Barbara Cunningham of the Area Plan Commission said that in 1980 the Commissioners and the APC granted a petition for rezoning at the corner of Burkhardt & Division Streets (where the MOTO Station now stands) because the State was going to take additional right-of-way. They rezoned the portion behind it. When they did that, it was subject to certain commitments. In the APC it was subject to existing setback requirements. As for the County Commission, it was subject to existing setback requirements with only one (1) curb cut on Burkhardt. Since that time circumstances have changed, and the State will not allow them to have a curb cut on Division Street. The plan has been reviewed by the Site Review Committee, which includes Mrs.



Zigenfus and Mr. Easley. They are both in agreement that if certain stipulations are made as to the width (they do not want it any wider than 30 ft.) they find no objection to two (2) cuts on Burkhardt at this time, because there won't be any on Division Street. The matter is being brought before the Commission at this time to have the aforesaid stipulation lifted.

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

RE: MARION BIGGERSTAFF PROPERTY ON CYPRESS-DALE RD.  
(FORMERLY UNION TOWNSHIP SCHOOL)

It was noted by President Borries that an added item on today's agenda concerns the Marion Biggerstaff property on Cypress-Dale Rd., which was formerly the Union Township School. Mrs. Barbara Cunningham of the Area Plan Commission is here to address this matter. This concerns the clean-up of Mr. Biggerstaff's property and the Bergdorfs wanted to know "what action has been -- or will be -- taken to cause the removal of this health hazard and eye sore. As of April 17, 1987, we could not see that any improvement had taken place. In fact, more trash had been hauled in and piled up. The trash is a health threat and an eye sore to the community. Your continued surveillance of this problem will be appreciated by all of us in the community."

Mrs. Cunningham said that on March 31, she had a letter from the APC Attorney at the time (Paul Wallace) to the Attorney for Mr. Biggerstaff, who stated he had closed the Revised Entry of Injunction reflecting the proper signature of the Honorable Terry Dietsch, Judge of Vanderburgh Superior Court and he anticipated filing the Entry for the Judge's signature that week. In the letter he also said, "Additionally, I have caused the Area Plan Commission Staff (he is writing to the Attorney for Mr. Biggerstaff) to contact you to arrange an appointment for the Staff, yourself and Mr. Biggerstaff, to point out what items need to be removed and to be kept removed from the premises." In essence, he says, he will recommend the most serious penalties and fines be imposed against Mr. Biggerstaff if he continues to fail compliance, particularly in light of the extraordinary efforts made to accommodate him.

That was March 31st. On April 28th, the APC received a letter from the Bergdorfs. On April 2nd the APC received a letter from the attorney for Mr. Biggerstaff, who said (and this is addressed to Beverly Behme), "Confirming our telephone conversation of April 1st, where we agreed to meet with Marion Biggerstaff at the old Union Township School on April 21st at 4:00 p.m." Mrs. Cunningham said they set up the appointment. On April 21st the appointment was cancelled by the attorney for Mr. Biggerstaff. On April 28th the appointment was rescheduled on the advice of the APC Attorney for re-inspection. On April 18th, it was again cancelled by the attorney for Mr. Biggerstaff. On April 19th, they called the attorney for Mr. Biggerstaff and asked that he contact the APC. Subsequently, the APC has a new attorney who has informed them that they have made every effort possible and he has the materials and he is to file (and she has also spoken to Judge O'Connor today) and the APC Attorney will file the injunction for information for contempt and, at that time, the Judge will set a hearing. The attorney for the Petitioner called this morning. Mrs. Cunningham did not speak with her, but she left word that she would like to set up an appointment for later this week to come out and inspect the property. She said the APC can possibly go out there, but that is no longer necessary. We all know that what Mr. Biggerstaff needs to keep are only agricultural uses on that property. Anything that does not count as an agricultural use would not comply. Mrs. Cunningham continued, "Our attorney we have working now will be filing the injunction."

President Borries asked if any of the residents have questions regarding the Biggerstaff matter?

Mrs. Bergdorf asked if the Commissioners need proof that nothing has been done? She has some photos.

Commissioner Cox asked if she can ask that the Bergdorfs' names and addresses be entered again into the record. And when the document is filed, that they receive a copy of the document so they will know that it has been filed? Just have the attorney copy them in on any hearing dates that are coming up.

Mrs. Cunningham said she would be glad to do this. Is that Mr. and Mrs. Otto Bergdorf, R.R.#2, Box 60, Evansville, IN?

The Bergdorfs confirmed that this is correct.

With regard to the photos mentioned by the Bergdorfs, Mrs. Cunningham said it is possible that the APC will ask for those at a later date.

President Borries expressed appreciation to the residents who are in attendance today concerning the Biggerstaff matter. As they know, the County is working on this matter. We have been to court once on this and will do it again. At this point, what Mrs. Cunningham is saying is that contempt means defiance; that we are going back to court on the matter and, hopefully, he is going to see loud and clear here what needs to be done.

One of the residents said he still has several dogs -- and the wooden fence across the front is going in all directions -- but he is trying to hide the debris behind the fence.

RE: DRAINAGE WORKSHOP

Mrs. Cunningham said the Urban Drainage Workshop is scheduled for this coming Thursday (May 7th) and will begin at 9:00 a.m. The Commissioners are co-sponsors. They have 35-40 or more reservations at this point. They believe it will be helpful to the professional engineers and land developers, as well as local government.

RE: BURDETTE PARK

The Chair recognized Mark Tuley, Manager/Burdette Park. He said he'd like to begin with some good news. He has a check from the West Side Nut Club in the amount of \$2,000.00. He would like for the Board to accept the check, endorse it and deposit it into the County General Fund in the Burdette Park Account.

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

It was the consensus that a letter should be sent to the West Side Nut Club expressing appreciation for this contribution.

Insurance Matters: Mr. Tuley said there are several insurance matters that need to be addressed today, if possible. First concerns the Community Service Program which they have at Burdette in conjunction with the courts, which they're lucky to be a part of -- because this saves them thousands of dollars and helps them to accomplish a lot of work which they wouldn't have the manpower to accomplish otherwise. One of the problems both the courts and the Park has experienced during the past few months concerns the transport of these Community Service people to the park facility. Some of these people have a tendency to roam around and to not make it out to the job site. Basically, they are asking if there is a way to transport these people back and forth. He has talked with Jerry Schenk (who is in the audience today) and John Hodge, our insurance agent of record concerning the matter, as to whether the current county insurance

we currently have would cover this. The Commissioners have a copy of Mr. Hodge's letter to us. He doesn't see any problem with it at all. The only thing he would need the Commissioners' permission for would be to use Burdette's bus to transport these people. They would also need permission for the County to pay for a Chauffeur's License for four (4) of his staff people who will be working the various weekends to accomplish the transport of these workers. He forgot to bring the book with him, but under Public Passenger he thinks it says to get a Public Passenger Chauffeur's License you have to have a physical prior to that examination. He would think that it would be to the benefit of the county to pick up that cost and to pay for the Chauffeur's License. That program probably saves the County \$15,000 to \$20,000 per year in wages and salaries/benefits.

The Chair entertained questions of Mr. Tuley.

Commissioner Cox said, "Mark, I need to clarify; these are Work Release people?"

Mr. Tuley said in Mr. Hodge's letter he put Work Release people, but they are not.

Mrs. Cox asked, "Then where do they come from?"

Mr. Tuley said, "Well, I guess they operate now what they call the 'Safe House' out on Third Avenue."

Mrs. Cox asked, "Are they all in one specific area where you go and pick them up, or are you going to drive all over...."

Mr. Tuley said, "No, it is all one area -- right behind the old Zenith Plant."

Mrs. Cox said, "If that is where they are, I know where that is."

Mr. Tuley said from there they are dispatched to the Cemetery, the Highway Crew and to Burdette. What is happening to him lately is that they met with Dennis Heathcott (who was out at Burdette last week) of the Court Staff to meet concerning this. For instance, a guy would get off work early because he had to be at his job, then you'd get five or six people who would ride out there with him, so obviously they could leave early too -- and they're not getting a full day's work out of these people. The court obviously isn't happy about this and neither is he. They felt the best way to tighten the program up would be the transporting of the workers. Also, a lot of these people don't have transportation or a way to get out to Burdette.

Mrs. Cox said, "My other point is, this Halfway House doesn't have any vehicles whereby they could bring them out there?"

Mr. Tuley said, "From what I understand, they have two officers working on weekends and he believes there are something like six (6) support facilities that they try to handle -- and they just don't have enough manpower. Most of the time when they send employees out, it is only an average of 15 to 20 per day on Saturday or Sunday and they only have a van -- so they have to make two trips to get them out to Burdette."

Mrs. Cox asked, "And the Sheriff's Department couldn't do this for us?"

Mr. Tuley responded, "I don't know; I could check on that for you and would be glad to do that. They do have a Prisoner Transport Van."

Mrs. Cox said, "My other question here is that he is talking about two licenses: One is a Public Passenger and another is a Chauffeur's License. I know of nothing that says 'Public Passenger/Chauffeur's License'. It is either one or the other. A You don't have to have a physical for a Chauffeur's License. What do you have, Rick?"

Mr. Tuley said, "The law has changed on that."  
President Borries said, "Yes; I had to have a physical and that is what they call a PP/Chauffeur's License now."

Mr. Tuley said, "There is a big difference in driving a big gravel truck and driving a bus."

Mr. Borries said this was for purposes if he used the school van or anything like that; but he had to have a physical and pass a test. Again, he knows he had to take a physical and pass the test -- but maybe the law has changed,

Mrs. Cox said, "Well, I guess that is right then."

Mr. Tuley said he believes this was the first year it was implemented. But he believes they broke it down into two categories.

Commissioner Borries queried Mr. Tuley concerning the other license?

Mr. Tuley said they still have a regular Chauffeur's License; but they break it down into Public Passenger if it's 15 or more people -- he believes this is where they draw the line. From what he understands from Mr. Schenk, certain companies work with the insurance companies here in town who offer these physicals at a reduced rate for companies, etc.

Commissioner Cox said, "Or, you can go to the Minor Emergency Center and get it -- it doesn't involve that much."

Mr. Tuley said it won't cost a lot of money and the license is \$7.50...so we're not talking a lot of money -- \$200.00 at the most.

Commissioner Cox asked Mr. Tuley how many days a week he uses these workers?

Mr. Tuley said, "Two; last year we were able to get them sometimes three or four days a week. Now I understand there are five or six facilities using this program that have requested their help, and they are trying to help all of them. So we just get them on Saturdays and Sundays year around."

Mrs. Cox said, "I know they also help the State Highway Department. I don't know how they get them."

Mr. Tuley said, "I really don't know. From what I understand, basically that program is a part of the same insurance carrier that you are under -- and so whether we transport them or you transport them, we are basically insured anyway, I would think -- if I understand it correctly. I was trying to clarify that the other day with John Hodge and he said they have both programs insured. If the Commissioners want to take this under advisement and want him to come back next week, he will be glad to do so. But the court system would like an answer as soon as possible."

Commissioner Willner said, "I see no problem with it; let's let them get their licenses and pay for them -- we're not talking about that much money."

Mr. Tuley said they have enough money in Burdette's budget to cover this.

Mrs. Cox said an extensive physical is not required with an EKG and all the blood work, etc. Was Mr. Borries' physical that extensive?

Mr. Borries responded that it was a little more extensive than he wanted at the time -- but it was all right.

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

Loss Control Risk Management Program: Mr. Tuley continued and said that Mr. Schenk has been working with him on the Loss Control Risk Management program. In one of these visits to the park several weeks ago, they found several areas that they feel need to be addressed right away. According to letter from Mr. Schenk of April 29th, the following hazards need to be addressed immediately as they present serious liability hazards for the county. Mr. Schenk's letter is as follows:

April 29, 1987

Burdette Park  
Mark Tuley, Manager  
Nurrenbern Road  
Evansville, IN 47712

RE: Loss Control Services

This letter is to confirm my visit to your location on April 28, 1987.

The purpose of my visit was to meet Commissioner Rick Borries, and to inspect several hazards which you and I discovered last week while making a routine inspection.

The following hazards listed below need to be addressed immediately as they present serious liability hazards for the county.

- 1) Stop signs installed at all exits from the park onto Nurrenbern Road (total - 3)
- 2) Stop sign posted from the new softball diamond onto Nurrenbern Road (total - 1)
- 3) Painted crossway across Nurrenbern Road from the new softball diamond to main park area.
- 4) Small asphalt section added to allow the public to cross over from the ball diamond to the main entrance.
- 5) Reduce speed limit on Nurrenbern Road at park area (caution light may need to be installed).

We all agree that we need to address the above items as soon as possible. There is definitely a liability situation here that needs immediate attention before softball season starts.

Mr. Borries and I physically tested the Nurrenbern Hill and without any acceleration, our car reached 45 miles per hour by the time we passed the exit from the softball field. We also made a traffic count from 2:30 p.m. to 3:00 p.m., this was at a time which would be considered as a slow time. Thirty-one cars passed this area in 30 minutes, averaging one car per minute during slow time. The number will increase considerably during peak times of the day.

Thanks again, Mark and Rick, for your cooperation to our safety program. If at any time prior to our next safety meeting I can be of any assistance to you, please call.

Sincerely,

Jerry Schenk, President  
CREA/cra Appraiser  
Risk Manager

Mr. Tuley said that with regard to the speed limit, as you come down Red Bank, it is 30 mph; when you turn heading west on Nurrenbern, the speed limit increases to 40 mph in front of the park. He believes Mr. Schenk's letter is pretty well self-explanatory and Mr. Schenk is present today and will be glad to address these concerns with the Board. With the additional company picnics signed up this year as compared to last year and the ball diamonds being across the street, there were some serious problems. The traffic out there is becoming unbelievable. That hill has been there for years and, obviously, they have had some problems out there. But with the ball diamonds across the street at the bottom of the hill, he believes we have a serious problem. He doesn't know what it would take for the Commission to possibly reduce the speed limit in that area.

Commissioner Willner asked why Mr. Tuley doesn't come back with his recommendations to handle the safety problem and let the Commission vote on them -- rather than bringing the Commission all the problems. Just tell them what he wants.

Commissioner Borries said, "I think this is what he wants."

Mrs. Cox said, "He's got it here."

Mr. Tuley said, "Basically I need the Commissioners to have the Traffic & Sign Department install the proper signs needed at the entrances and exits of the park at all locations. From what he understands, that is a joint city-county department and it takes an order of the Commissioners to get the signs.

Commissioner Willner queried Mr. Tuley concerning the speed limit desired?

Commissioner Borries said, "30 mph".

Mr. Tuley said he agrees that they ought to drop it down to 30 mph.

Commissioner Borries emphasized again that he and Jerry Schenk started out at the top of Nurrenbern Rd., and without any acceleration whatsoever (he just had his foot right at the break pedal in case anyone came out into the road) -- they were 45 mph by the time they passed the exit at the softball field -- so he thinks Mr. Schenk's concerns are really appropriate. That is going to be a popular area there, so he thinks we need to consider a 30 mph speed limit.

Commissioner Cox said she agrees. She then asked if we have to place stop signs according to ordinance?"

Attorney Curt John responded that a list of all signage is kept, but it hasn't been updated for quite some time,"

Motion was made by Commissioner Cox that stop signs be installed at all exits from Burdette Park onto Nurrenbern Rd.; for a total of three (3). Mrs. Cox said we need to specifically say "Entrance 1, Entrance 2 and Entrance 3? Is that correct?

Mr. Tuley said there is a total of three (3) and that would be on the north side of the street and there is one on the south side where you exit the ball diamond.

Following brief discussion between Mr. Tuley and the Commissioners, Commissioner Cox said she would amend her motion to include that a stop sign be posted from the new softball diamond onto Nurrenbern Rd. and that the maximum speed limit on Nurrenbern Rd. be 30 miles per hour from the intersection of Red Bank Road West to the intersection of Nurrenbern Road and Graff Road.

Mr. Borries said he is not so sure that we shouldn't put it 30 miles per hour all the way to that curve, because that is a dangerous curve where it goes into Red Bank. He said consistency would be his concern; he doesn't want people speeding up and slowing down and getting all confused here as to how fast they are going in the summer -- when we all like to go a little faster -- and will be, if Congress passes this law on the 65 miles per hour limit. He has concerns because of the increased traffic. On the portion from Red Bank on the curve all the way to the top of Nurrenbern should be 30 miles per hour. People could take that curve quicker. How does that sound?

Mrs. Cox said her motion is amended to say that the speed limit on Nurrenbern Rd. from the intersection of Red Bank Rd. and Nurrenbern on the east to Graff Rd. on the west of Nurrenbern be posted at a 30 miles per hour speed limit.

Attorney John asked whether the Commissioners want the short section of Red Bank Rd. to be changed as well?

Following brief discussion, Commissioner Cox moved that the maximum speed limit for South Red Bank Road from Ogdon south to deadend also be posted at 30 miles per hour.

A second to Mrs. Cox's motion concerning the 30 miles per hour maximum speed limit on South Red Bank Rd. and Nurrenbern Rd. in designated areas was made by Commissioner Willner. So ordered.

Mr. Tuley said he has one more question. What do we do about Mr. Schenk's recommendation re the painted crossway across Nurrenbern?

Motion was made by Commissioner Cox that the Traffic Engineering Department be contacted to have this done immediately, with a second from Commissioner Willner. So ordered.

Mr. Tuley said his crew could put in the sidewalk from the ball diamond to the main entrance.

Commissioner Willner said he bets they could paint the crossway, too -- but go ahead with whatever agreed and he would provide a second.

Commissioner Cox said, "Well, Bob, they know the Federal Guidelines to be used. If they will come out there and lay it out, then these guys can paint it. If we have an accident there we want to make sure that it is according to Federal Guidelines; that is why I made the motion for the Traffic Engineering people to do it.

Commissioner Borries asked Mr. Tuley, "And you're going to do the asphalt? The only portion would be right along the road beyond the north side of the road?"

Mr. Tuley said that is correct.

Continuing, Mr. Tuley distributed promotional material concerning the U.S.C.F. 1987 Indiana-Kentucky District Championship Road Race to be held at Burdette Park on May 31st and the Big RV Show scheduled from Friday 5 p.m. on May 8th thru Saturday 10 p.m. May 9th. With regard to the Road Race, he said it was initially suggested that it be held downtown in conjunction with the Freedom Festival, and we are delighted that it was decided to hold it at Burdette Park and he is working with the Sheriff's Department with regard to getting the safety end worked out. They do have national insurance for that and the Commissioners will be receiving a copy.

President Borries expressed appreciation to Messrs. Tuley and Schenk. He said he appreciates all of Mr. Schenk's work in calling these matters to our attention. When we move in a positive way here to correct these problems, it is better on all of us -- particularly on the dollars that could go out.

RE: VANDEBURGH AUDITORIUM - KIM BITZ

Mr. Bitz presented the following report for the 1st Quarter - 1987:

Utilities (Gas & Electric only/January - March)

	<u>1987</u>	<u>1986</u>	<u>1985</u>
CCF	23,078 \$ 6,779.07	28,785 \$10,564.10	33,808 \$14,503.08
KWH	166,355 \$10,185.00	156,670 \$ 8,756.33	171,359 \$ 8,607.97
Total (Qtr.)	\$16,964.07	\$19,320.43	\$23,111.05

<u>Rentals</u>	<u>Calendar Days Occupied</u>	<u>Total Usage</u>	<u>Total Events</u>
1987	58	81	65
1986	60	63	58
1985	58	70	54

Revenue (1st four months)

1987	\$72,410.83
1986	\$70,090.86
1985	\$63,758.01

Mr. Bitz said cubic feet of gas used has dropped since 1985 by 10,000 cu. ft., which is a bright spot -- and the dollar figure has also been decreased. In fact, it has been sliced in half. With regard to kilowatt hours, they are a bit higher this year as compared to last year, but it is still a drop from 1985. But the overall utility cost for the 1st quarter has dropped as compared to 1985. They are really happy about that. They are also happy about the increase in total number of events. The figures under total usage reflect the total number of times that either the Gold Room or the Auditorium were used for performances or rehearsals, etc.

The revenue total reflects an increase in 1987 over 1986 -- not as much of an increase as reflected between 1985 and 1986; but we are up some \$2,400.00 over last year.

The Chair entertained questions of Mr. Bitz; there were none.

RE: COUNTY ATTORNEY - CURT JOHN

Attorney John asked whether the roads in Burdette Park are accepted County roads?

Commissioner Cox said, "We maintain them."

Attorney John said he doesn't think then that it will take any amendment to the Ordinance, since the roads are just egress/ingress to the Park. So he could just order those signs posted rather than amending the Ordinance. He believes the Ordinance just addresses Thru Streets and which streets have Right-of-Way.

Ordinance Amending Speed Limits on Harmony Way and Tupman Rd.:

Mr. John said he had also prepared the Ordinance with regard to speed limits on Harmony Way and Tupman Rd. If the Commissioners like, they may want to review same prior to advertising. He will be here next Monday, as well, and the Commissioners can sign the



Ordinance at that meeting if they so desire. He will add speed limit on Red Bank Rd. and Nurrenbern Rd. in the designated areas and the one Ordinance will cover these changes, as well.

Commissioner Cox asked whether the Board can just go ahead and vote on this and get this started?

Mr. John said the Board can vote on it now and it can be advertised.

Mrs. Cox said what she would like to do is to give Mr. John the authority to go ahead and legally advertise these two plus the speed limits on Red Bank Rd. and Nurrenbern Rd., which were approved today.

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

Commissioner Cox asked if Joanne Matthews will advertise the Ordinance as soon as possible.

(Note: Ordinance will be advertised in Courier & Press on Saturday, May 9, 1987.)

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period April 27 thru May 1, 1987.....report received and filed. Attached to the report was the following Work Schedule:

Gradall: Middle Mt. Vernon Rd., New Harmony Rd., Oak Hill Rd., and Old 460

Paved: Fisher Rd. (will finish today)

Patched: Marx Rd., Ridgewood, Audubon Chestnut, Cherry, Spry Rd., Fuquay Rd., Indian Mounds and Ridgeway

Grader: Bottoms

Moved in the east side.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Replaced culvert on St. Joe at Sensmeier
- Replaced culvert on Darmstadt Rd.
- Replaced culvert on Calf Lane

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for Employees at the County Garage and the Bridge Crew.....reports received and filed.

The Chair entertained questions of Mr. Bethel.

Commissioner Cox said, "Bill, I didn't get to the County Council Finance Meeting, but I did read an account of it in the paper and I believe there was some question over our road paving program for 1987 and what is the status?"

Mr. Bethel said, "Mrs. Cox, there is some question but I talked to all of them and I hope that it will be settled to our benefit."

Mrs. Cox said, "We invited them to the hearing and sent them an updated list of all the....."

Mr. Bethel responded, "There was some question but I really feel that they will appropriate the money for our repaving program."

RE: COUNTY ENGINEER

Mr. Easley reported that he does not have any new business. He attended the County Council's Finance Meeting last Wednesday and took the estimate that he had made on the Old Princeton Rd. They told him to come back to this week's meeting and they would approve a transfer of funds. He would like permission from the Commissioners to transfer the money (\$40,000.00) from the Eickhoff-Koressel account, which is not going to be in preliminary engineering in 1987 and he thinks we can probably spare those funds for the Old Princeton Rd. improvements. There is just a little over \$600,000 in the account. Otherwise, we would have to ask for an additional appropriation out of R&S. If we do go under construction with Eickhoff Koressel he is sure we can get \$40,000.00 for the R&S out of County Council. We can get that done in a hurry and that is why he would like to do it in this manner. Otherwise it would take 60 days to get an appropriation and we have no numbers to charge anything to.

Mr. Bethel emphasized that this was Council's suggestion.

Commissioner Cox asked "Is that the only place where we have any money left? I just don't like the condemnation that goes along with taking something out of one of our major projects that we need here in Vanderburgh County. Do we have any money left at all Andy, from the St. Joe or Lynch accounts or have we zeroed that out?"

Mr. Easley said, "At the end of the year, I think they were under the impression that we had no more bills to pay and it was not encumbered."

Mrs. Cox said, "Well, it is up to us to tell the Auditor to encumber it. He doesn't just automatically do that."

Mr. Easley said Suzie Kirk sent a letter requesting it, but somehow it didn't get done. And it takes sixty (60) days to get a new appropriation. If the Commissioners feel they want to put the money back, he will initiate a request to transfer the money back to the Eickhoff-Koressel account.

Commissioner Cox said, "We work on promises all the time and I never will forget that when you said the County Council could borrow \$300,000 from the Roads & Streets account with the understanding that they would put that back in from the Wheel Tax money and that money never went back into the R&S funds -- and we should all remember that very well."

Mr. Easley said we either have to get an appropriation or delay the project three (3) months.

Commissioner Borries said if Mr. Easley will put the request in writing, that we want that money back in the account -- because we don't want to send Council any signals at this point that the Eickhoff-Koressel project is not important or that we are delaying it for any reason. So the money that has been put into that account needs to be used for that. He would want to do this because that project is one that we don't want to delay. The USI area is going to grow and that project needs to continue.

County Auditor Sam Humphrey said there is a wide discrepancy between what is in the budget and what is shown as income. Somehow or the other in miscellaneous revenue we carry \$70,000 and Rose Zigenfus tells him that it is \$700,000. He doesn't know what it is. At this point there is \$3.1 million that is shown as income but is not allocated. Mr. Eads told him that he was not going to approve anymore additional appropriations until this is straightened out.

Mr. Easley said he thought this was straightened out at the end of the year.

Mr. Humphrey said, "No. I don't have those figures, because Rose has them. There was something at the tail end of the year last year. I am told that some encumbrances were to have occurred but Alice (McBride) wouldn't accept them.

Commissioner Borries asked if any of the members of the Commission have a suggestion, in order to get this Old Princeton Rd. project moving....

Mr. Easley said we have to charge some culverts and do some excavation work -- and purchase asphalt and crushed stone. He can request a reimbursement appropriation to that account, if we can satisfy them that we need it in 1987.

Commissioner Willner asked if there is any money left in the Lynch Rd. account?

Mr. Humphrey advised that this has been closed out.

Mrs. Cox said, "It surely has -- there's nothing left."

Mrs. Cox mentioned two or three accounts that have been zeroed out.

Mr. Humphrey said that legally, if an account is not encumbered by contract or by letter, then at the end of the year the funds go back into the General Fund.

Commissioner Borries asked if there will be any funds left from Covert Avenue?

Mr. Easley responded, "No, because I had to request an additional appropriation to pay bills."

Commissioner Cox noted that Covert Avenue was zeroed out.

Mr. Easley said this was an oversight and lack of communications. The Auditor's office got their standard letter and, for some reason, the letter was not respected or noted or something.

Commissioner Cox said Council is going to appropriate some monies for sand and gravel, etc., don't we have some monies in the highway budget to do this and then wait for the appropriation to come through for the County General Fund? Would they not do that?

Commissioner Willner said, "When we talked about this project the first time, if you will look at it really closely -- there are two big culverts there and I don't see why we can't call it a bridge project and take the whole thing out of the bridge funds as far as I am concerned. We didn't like the idea when it first came up, but the Bridge Crew is putting all culverts in on county highways right now and you go 500 ft. either side of it -- and there are two big culverts right here on this project. If we have a problem out of R&S, let's just switch over to the bridge accounts.

Commissioner Cox said, "If we qualify; and you have construction money in your bridge account."

Mr. Easley said, "We have contractual services and materials....if that is your pleasure, then we will do it that way."

Mrs. Cox said, "That qualifies then to use bridge money."

Commissioner Willner said, "Absolutely."

In response to query from Commissioner Borries, the Board unanimously agreed that this is the route to take.

Street Plans/McCutchan Estates I & Greenbriar Hills Section III:  
Mr. Easley said the approval of Street Plans was deferred until this week. Do the Commissioners have questions concerning this matter?

Commissioner Cox said she thought these were excellent plans, with one exception. She thinks that we did waive sidewalks on most of the area with the exception of the west side of Greendale Court and the south side of Bob Court. Is this shown on the plans? She could not find it -- except at the back of the plans. It states where they will be, but she doesn't believe they are shown on the street plan.

Mrs. Cox read following notation, "Sidewalks required on west side of Greendale and south side of Bob Court Drive."

Mr. Easley said, "That will suffice."

Mrs. Cox said, "If that will suffice, I have no further questions."

Commissioner Borries said this was going to be his concern, but as long as he has that notation on there....

Motion to approve Greenbriar Hills Section III, as presented, was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

With regard to McCutchan Estates I, there was a brief exchange of conversation between Mr. Easley and Mrs. Cunningham, but they were inaudible. Mrs. Cox said there was a statement in the plan regarding the Heinlein road and the easement has been granted. She asked if Mrs. Cunningham read that?

Mrs. Cunningham said, "I saw that, but he asked me what their time frame for that is."

Mr. Easley said "I discussed with Katheryn that I did not like the dedication certificates on the plat, because that does not clarify that the easement is being dedicated as a public road ...."

Mrs. Cunningham said "I understand, too, that the road has not been....."

Commissioner Borries asked if there is a motion on McCutchan Estates I?

Mr. Easley said, "This has to have official dedicated public road access off Heinlein and they are going to approve a section of Heinlein over to Burch Drive, so they will have proper width. It is a good thing we did some work on Heinlein, such as it is."

Commissioner Willner asked, "Weren't they going to build that first construction wise, so that the construction equipment used in the building of the subdivision can use that road? That is the problem."

Mr. Easley said "I haven't asked Morley that and I don't have an answer."

Mr. Willner said "We need an answer. The people don't want them coming in the other way and tearing the road up and I agree with them."

Mrs. Cox asked, "What does it have to say on the plat then, in order to....."

Commissioner Willner responded, "They build that road first before they improve the subdivision. I don't really care whether or not they blacktop it, but if they rock it and use it..."

Mr. Easley said he agrees.

RE: TALL TIMBERS

President Borries said he has a letter from Mr. Griggs concerning the Tall Timbers inspection report. Mr. Borries said he did not meet with Mr. Griggs at the site, so he assumes he may have met perhaps with Andy Easley. The Commission's knowledge and approval would be only to the extent that Mr. Griggs, as a licensed P.E., would furnish at Mr. Jarrett's expense a list of improvements that he was going to do, which he has talked about. Mr. Borries asked whether there are comments at this time concerning the letter received from Mr. Griggs? He is not sure where Mr. Griggs is talking about the nine (9) pipe culverts in the subdivision and the aspect of which ones are acceptable and which ones are not. At this time, we would ask for further clarification from Mr. Griggs. At that point, if we can get that information from him, then we ought to be able to make a decision. He says that these culverts are not acceptable, in his opinion, and they range in size from 18 inches to 24 inches in diameter and he feels that these should not be placed there in that fashion -- and he is saying that there is no excuse for this type of construction and they are going to have to be replaced. And there is a strong possibility that fill material may infiltrate some of the pipe joints causing a subsidence of the roadway slab -- so these things would have to be done. He says there have been some deviations that have occurred that should not have occurred if we'd had proper inspection. The culverts could become expensive maintenance problems and he does not see any major maintenance liability if the minor corrections referred to in the body of this report are implemented.

Thus, we'll ask for clarifications as to where these culverts are and his suggestions in putting these in. President Borries said he does not detect at this point whether Mr. Jarrett would be willing to do these things, but as Mr. Griggs stated in his report, he would have to do these things and Mr. Borries is of the opinion that there would have to be an inspection at that point in order for acceptance to be made.

Commissioner Cox asked, "Who is to adequately inspect the work that is going on out there? We have other subdivisions going. Who is inspecting to make sure that they are complying with the approved plans that this Board gave their sanction to during the time of construction? Who is inspecting these subdivisions?"

Commissioner Borries asked Mr. Easley, "Is the Assistant doing any inspection at all on any of these?"

Mr. Easley responded in the negative.

Mrs. Cox asked, "What kind of inspection is he doing? You mean our Assistant Bridge Engineer?"

Mr. Easley said he is not inspecting streets; he is doing culverts that are being replaced.

Mrs. Cox said, "But he shouldn't be doing that. He should not be doing subdivision...."

Mr. Willner said, "Culverts come out of the bridge fund..."

Mrs. Cox said, "Absolutely not, unless they qualify as a bridge. Who inspects the streets, then?"

Mr. Easley said, "Lee Stuckey and I are inspecting the streets."

Mrs. Cox asked, "Pinkston isn't inspecting the streets?"

Mr. Easley said, "He has from time to time."

Mrs. Cox said, "And he is a bridge crew member paid from bridge funds -- and we asked you, Andy, quite some time ago not to use bridge funds to do this. Yet you continue to do it. I tell you -- I just...."

Commissioner Willner asked, "Do you inspect the other street plans as they are called in and requests made via a routine that you have?"

Mr. Easley said, "Before the forms are made, if they give us notice we check the sub-grades and the concrete pour. Sometimes if Bill Bethel, Lee Stuckey, and myself are covered up (like this morning, when I was at the garage on the repaving program when I got a call that they were making a pour; Lee wasn't around and I asked whether Pinkston could go out and look at it before they poured the concrete -- but he was the only alternative I had). Possibly once a week I use Pinkston for an hour or two to do that, because he is covering the county. I'm trying to cover with the personnel we have -- and we haven't had all the inspection we should have had."

Mrs. Cox said "Who says it was not adequately inspected. That means we could have ten inspectors and it still could not be adequately inspected. I don't necessarily see that he is pointing out here that we have a shortage of inspectors, Andy."

Commissioner Borries said, "There is a lot of building going on in the county and I think that is the obvious thing and I would say to you that we simply have to do with the staff that we have at this point, which will include you (Easley) and Lee Stuckey and the highway crew and we cannot use the bridge crew to do these things. Again, at this point, I am going to ask for further clarification from him regarding the culverts. We'll have the Surveyor's office or the assistant review these -- but he is a P.E. and I would want at this point see his explanation as to where these culverts are and the modifications and suggestions he makes. The other obvious thing is whether Mr. Jarrett is committed to make those changes."

Mr. Easley said he went out and looked at those two culverts. There are two joints -- you can lay sections of pipe on a curve and you can deflect the section. But you cannot deflect it excessively to cause an open joint. As long as you have a moderate deflection there are tables -- I think they probably had excessive deflection in one or two joints. Otherwise, there is nothing wrong with laying (and I have books that show how to lay pipe on a curve) and I think he is apprehensive; he didn't crawl through all of them and he has a right to raise the question and that is a good point and I don't argue with it.

Commissioner Borries said, "He has done that -- and, again, I would want to know where these are in regard to the previous plans; if these changes are going to be made. If they are made, Mr. Jarrett will pay to have them made. If we're in compliance at that point,...."

Commissioner Cox interjected, "Well, somebody is telling Mr. Jarrett to do something, because they are doing some things out there in the subdivision and I don't know where he's getting his guidance -- because this Board has never given him any direction -- but they are cutting some streets and putting in a drainage pipe -- I was out there one day last week."

Commissioner Borries said, "We forwarded the comments made by the Surveyor's office and told him here were the concerns that had been advanced and that he needed to hire an engineer to address those. I would assume that Mr. Jarrett has done so."

Mrs. Cox asked, "Did he hire this engineer, too?"

Commissioner Borries said, "I assume; I don't now -- that would be his choice."

Mrs. Cox asked, "Well, how do we know that is right -- they haven't submitted a set of plans of what they are doing -- we don't know what they are doing out there."

Commissioner Borries responded, "That is what I said. I want to see the plans of what he is doing. I assume he is reacting to the comments from the Surveyor's Office and those concerns were raised at the meeting we had. We need to see those plans. We will be in contact with Mr. Griggs and ask him for those plans."

RE: TRAVEL REQUEST -VETERAN'S SERVICE OFFICE

The meeting proceeded with President Borries reading the following request:

MAY 7, 1987

Board of Commissioners  
of Vanderburgh County  
305 Administration Bldg.  
Civic Center Complex  
Evansville,, IN 47708

Dear County Commissioners:

Please be advised that we respectfully request permission to attend the Indiana Department of Veterans' Affairs 42nd Annual Service Officers Training School at Lake Monroe, Bloomington, Indiana, from May 26 through May 30, 1987.

This school is mandated under Indiana Code 10-5-1-12 for us to continue to be certified State Service Officers.

In our travel account we have allocated monies for this school expense.

Please feel free to contact me if you need any further information.

Sincerely yours,

Carl M. Wallace  
Vanderburgh County  
Veterans Service Officer

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

RE: ACCEPTANCE OF CHECKS

President Borries presented the following letter from Evansville Cable T-V:

April 27, 1987

Mr. Richard J. Borries, President  
Board of Commissioners/Vanderburgh County  
305 Administration Building/Civic Center Complex  
Evansville IN 47708

Dear Commissioners:

Enclosed you will find a check in the amount of \$22,918.97 which represents payment for the 1st quarter (Jan., Feb., March, 1987).

As indicated to you in my letter dated January 27, 1987, the first quarter should reflect a higher increase simply because of a rate increase on the basic and additional outlets that was effective January 1 1987. Our payment to you for the last quarter of 1986 was \$20,898.72. Also, attached you will find back up for this particular payment.

Again, we at Evansville Cable would like to thank the County Commissioners for giving Evansville Cable the pleasure of serving the residents in the county with cable television service.

If any of the Commissioners have questions, please feel free to call me at any time.

Thank you, and

Best regards,

Robert D. Ossenberg  
Vice President & General  
Manager

President Borries said a check has also been received from Wells Cable T.V., Inc. in the amount of \$112.18 for franchise fee for 1st quarter 1987.

Motion to accept both checks and endorse same for deposit into the General Fund was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: CERTIFICATE OF INSURANCE

Aiken Management Co.: Certificate of Insurance (Jesse F. Stock Insurance Co.) for "CATS" Performances on May 19, 19, and 20, 1987 at the Vanderburgh Auditorium.

RE: OFFICE CLOSING

It was announced by President Borries that all County Offices will be closed tomorrow, May 5th, for the Primary Election.

RE: SCHEDULED MEETINGS:

Wed.	May 6	5:00 p.m.	Area Plan (Room 301)
		2:30 p.m.	County Council Mtg.
Thurs.	May 7		District Mtg. Vincennes, IN
		10:30 a.m.	APC Mtg. (Room 303)
	May 7	8 a.m. to 4 p.m.	Drainage Seminar (Room 301)
Mon.	May 11		Special Drainage Mtg.

RE: OLD BUSINESS

SIGECO Proposal/Pollack Avenue: Commissioner Cox asked whether the Board needed to take any action re the SIGECO proposal on relocation of utilities on Pollack Avenue?

Commissioner Borries said he had a call concerning this, but he did not see it on the agenda. As Mr. Gulick has pointed out in a letter concerning the Pollack Avenue widening project, if the County can participate in the relocation of the company's 285 electric transmission pole (which will be in conflict with the County's construction when that project goes to construction) the County could save some money and the road's safety could be improved. It is on the northwest corner of Fuquay and Pollack. This proposal would combine three highway projects for electrical adjustments into one larger one. The cost to move the steel pole in question has been estimated at \$45,000.00. By combining projects and moving the line completely off Pollack Avenue, the State and Federal participation money for I-164 would help reduce the County's percentage. The adjusted cost then becomes \$37,000.00. Since Pollack widening will be 75% fundable, Gallivan has indicated that the final cost to the County would be



\$9,500.00. Mr. Gulick goes on to say that would only be a preliminary proposal and he would hope we could give him input back. But if we agree, we could send him a positive or negative report at this time. But he does say he thinks there are some cost savings to be gained here and they are going to have to do some moving because of the I-164 project that will be in that area.

Commissioner Willner suggested that Mr. Lindenschmidt check this out and bring the information to the next Commissioners' meeting.

Mr. Jim Lindshschmidt said that is what Mr. Gulick wanted to do. He needs to know, however, if the Commissioners would be in agreement if he can get it done for this amount.

Commissioner Willner said he really doesn't know, because this is the first he's heard about it.

Commissioner Borries said he spoke with Mr. Gulick by phone; again, what he wants to do is to do this along with the I-164 relocations because it will save us money at some point in the future.

Commissioner Willner again urged that Mr. Lindenschmidt check this out.

Commissioner Cox said, "In other words, if we want to spend money three different times on three different projects, rather than one time on a dovetail operation, SIGECO will gladly charge us three different amounts of money on three different projects. But they will also look into lumping them altogether so we can get it at a reduced amount.

Commissioner Willner said, "I am not sure whether this pole has an easement and that we have to pay to start with. Sometimes they don't have permission to have the pole on there to start with and, therefore, would have to move it at their own expense. They are not going to tell you that; you need to check it out to see whether we really have to pay for the move. That's all I'm saying.

Commissioner Borries said we will check that out. Speaking to the other Commissioners, he said he'd like to take another step here so we can get this commitment. "If we find out we do have to pay, would we have your approval at this time to do this to save money?"

Commissioner Willner responded, "Certainly."

Commissioner Cox chimed in, "Mine, too."

President Borries asked that Mr. Lindenschmidt advise Mr. Gulick that we are going to check out the easement. If they have to do it, good for them. If we have to do it, we're supporting the proposal.

RE: CLAIMS

Kenneth Jarboe, Jr.: Claim presented in the amount of \$38.00 for Permit Fee refund(6804V). Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

Treasurer's Department (Releases)

Barbara Hedges	Registrar	\$14,005/Yr.	Eff: 5/7/87
Georgiana Harris	Supv. of Posting..	\$14,005/Yr.	Eff: 5/4/87

Auditor's Office (Appointments)

Tabreccia Baker	Posting Clerk	\$12,400/Yr.	Eff: 5/4/87
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Recorder (Appointments)

Sharon Kohtala	Release Dep.	\$13,440/Yr	Eff: 5/11/87
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Recorder (Releases)

Dieanna J. Krepps	Release Dep.	\$13,440/Yr.	Eff: 5/8/87
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Circuit Court (Appointments)

Janice Ann Sloat	Secretary	\$12,000/Yr.	Eff: 4/27/87
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Circuit Court (Releases)

Janice Ann Sloat	Secretary	\$10,500/Yr.	Eff: 4/24/87
Lee Vandever	P.T. Intern	\$3.35/Hr.	Eff: 4/21/87

Clerk of Circuit & Superior Court (Appointments)

Sharon Yunker	Bookkeeper	\$566.93/Pay	Eff: 4/27/87
Shirley R. Eidson	Dep. Clerk	\$519.19/Pay	Eff: 4/27/87
Jennifer Althaus	Dep. Clerk	\$514.94/Pay	Eff: 4/27/87

Clerk of Circuit & Superior Court (Releases)

Dorothy J. Schaefer	Bookkeeper	\$566.93/Pay	Eff: 4/27/87
Sharon Yunker	Dep Clerk	\$519.19/Pay	Eff: 4/27/87
Shirley R. Eidson	Dep. Clerk	\$514.94/Pay	Eff: 4/27/87

Election Office (Appointments)

Casey E. Randolph	Bal. Assem.	\$4.85/Hr.	Eff:
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4/30/87

Vanderburgh Auditorium (Appointments)

Anthony LaRue	Part-Time	\$4.88/Hr.	Eff:
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4/27/87

Superior Court (Appointments)

Debra M. Settle	Court Reporter	\$19,695/Yr.	Eff: 5/4/87
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Superior Court (Releases)

Debra M. Settle	S.C. Sec'y.	\$16,308/Yr.	Eff: 5/1/87
Mary J. Stucki	Court Reporter	\$19,695/Yr.	Eff: 5/1/87
Marilyn Hess	Clerical Asst.	\$13,663/Yr.	Eff: 4/24/87
Adrianne Hawthorne	P.T. Intern	\$ 3.35/Hr.	Eff: 5/1/87

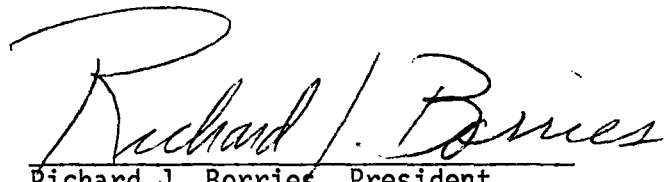
There being no further business to be brought before the Board,  
President Borries adjourned the meeting at 5:00 p.m.

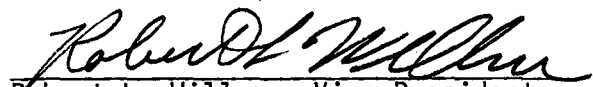
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	Curt John
	R. L. Willner		
	S. J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>SHERIFF</u>
	Bill Bethel	Andy Easley	T. Brandsasse
	<u>AREA PLAN</u>	<u>BURDETTE PARK</u>	<u>AUDITORIUM</u>
	B. Cunningham	Mark Tuley	K. Bitz
	B. Behme		

OTHER

Scott Hodge/Hayes, Seay, Mattern & Mattern  
Lottie L. Potts  
Kent Coleman  
Carol James  
Carl Dunn  
Jack Coleman  
Velsa Saalwachter  
Lawrence Lowe  
Mr. & Mrs. Otto Bergdorf  
Bill Wittekindt  
Jerry Schenk  
News Media

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

\_\_\_\_\_  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 11, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, May 11, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently stated that approval of minutes of the previous meeting will be deferred until next week.

RE:     SHERIFF'S DEPARTMENT

The Chair recognized James Fravel, Jr., Chief Deputy Sheriff. Mr. Fravel read the following letter from Sheriff Shepard:

May 8, 1987

Mr. Richard Borries, President  
Vanderburgh County Commissioners  
Civic Center Complex  
Evansville IN 47708

The Vanderburgh County Sheriff's Department requests permission to sell the following items at public auction such time as to be set by the auctioneer. The proceeds from this sale will be placed in the General Fund as per Indiana State Law.

The following items have been recovered from various offenses, or listed as found articles and the owners have not come forward to identify and claim them.

Sincerely,

Clarence C. Shepard  
Sheriff of Vanderburgh Co.

President Borries said a lengthy list of items is attached, which will be made available to the public.

Mr. Fravel said notices will be posted at the Civic Center and notices will appear two different times in the newspapers. He believes Mr. Curran Miller handled the auction the last time.

President Borries entertained questions.

Commissioner Cox asked, "These are no longer considered 'hot' items are they?"

Mr. Fravel said these are items they have had for at least two years, in general, and some longer than that.

Commissioner Willner asked what the State Statute says concerning items of this nature.

Mr. Fravel said that, to the best of his recollection, it says two (2) years. He said the auction should raise several hundred dollars.

President Borries asked if the Commission agrees that the Sheriff's Department is to follow the statute and work with County Attorney John and proceed?

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

RE: TALL TIMBERS

It was noted by Commissioner Borries that the Tall Timbers matter was scheduled for today's agenda. While he does have a letter, he has talked with Mr. Jarrett on the phone and there will be no action today on that matter. He believes he is still asking for some clarification on different aspects.

RE: PERRY TOWNSHIP VOLUNTEER FIRE DEPARTMENT

Mr. Paul Harper of 1416 Hathaway, a volunteer with the Perry Township Fire Department, was recognized by the Chair. He said they have been fighting a dump fire. It seems that there should be some way of eliminating this kind of stuff. What they have run into since the fire started at 4:00 p.m. Saturday, there have been 767.2 manhours put in fighting it. They were out there seven (7) hours and twenty-four (24) minutes....and they're still fighting it. He asked if the Board would believe that they have used 543,000 gallons of water. The dump runs from 15 to 20 ft. deep. There was over \$100.00 worth of fuel oil used. They ruined two hoses that would run about \$175.00 to replace. The question is, can't something be done to eliminate this kind of stuff? They had it before and it took them four or five days to put it out. What can be done? What is the solution? They are volunteer help -- they don't get paid -- they do it for free and they are glad to do it. But it looks like they should have some help some way.

Commissioner Borries asked Mr. Harper just where specifically is the dump located?

Mr. Harper said he believes it is at 2900 S. Red Bank Rd.

Commissioner Borries asked if this constitutes some kind of illegal dump where people are just trashing up that particular area. He doesn't know whether this is a public dump or what. But the Sheriff goes by there as well as other officials, so somebody ought to know what it is all about. He doesn't know. But there is a dump there that causes them so much trouble every so many years. They just want to know whether something can be done. If this keeps up, their treasury is going to be in bad shape. They want some answers. If people are breaking the law, why? If they are not, then what is the alternative? He doesn't want to go back to the Chief with no answers.

The Chair entertained questions,

Commissioner Cox said she doesn't know that she has questions -- but she does have comments to make. She lives out there very, very close to the action. She did check with Area Plan this morning and the area is zoned agricultural. They haven't received one complaint on this piece of property that they have in their files. She has lived out there since 1959. She knew the dump was back there, because a lot of people do use it to haul in lumber, shingles, tires, etc. But it is completely surrounded by big trees and the owner's home. His lawn and front is kept very nicely and people can't see the eyesore that it is and the potential hazard that it is. She talked to the owner of the property. It is a very, very deep ravine and they bought it from the railroad company. In fact, his father bought it from the railroad company. They used to raise livestock back there, but every now and then when the river would come up (depending upon the river's height) they would be flooded out. So they have been filling this in for the last twenty years. They do have a fire every now and then. The man would like to have it filled in. He doesn't want to just continue it as a dump necessarily, but this has been his livelihood. He's age 71 and a widower. She thinks he's willing to cooperate in any way that he can. The

city is only nine (9) blocks away from this site and the fumes and smoke that came from it certainly affected the city residents. She can't understand why all these manhours (and she just wrote it down) -- why some help by the City of Evansville couldn't have gotten involved in giving some manpower hours to this. She knows we had a problem with the water -- not being allowed to use City water -- and that was worked out. But that, too, was a detriment. But that is a little beside the point. The point is that we are going to be doing some road paving; we are going to be pulling some shoulders; we are going, hopefully, to be building a bridge on Rollet's Lane, where we will have some extra dirt. She was wondering if the county couldn't haul the dirt from out in that area to this man's landfill (or whatever you want to call it) and help get this covered up. It is zoned agricultural and the Board knows what a problem we've had down in Union Township with the Biggerstaff property. It is awfully hard to pin these things down -- it is a difficult job -- but we can work on it. Roger Lehman of the Building Commission is here and he knows what the rules and regulations are for operating the landfill (if this classifies as that).

Commissioner Borries asked Commissioner Willner if he has any comments?

Commissioner Willner said that landfills are strictly a State problem -- if it is a landfill.

Commissioner Borries said this was going to be his question. He asked Mr. Lehman if he has any comments? Is this a landfill or not?

Mr. Lehman said that from the pictures he has seen (he hasn't been out there personally), it definitely would be classified as a landfill, which is governed by the State Board of Health (or whatever their new name is now).

Commissioner Borries asked, "Has this man been following those regulations?"

Mr. Lehman said, "Evidently not; they require dirt put over it ever so many feet, etc., so he is sure he hasn't. The Building Commission has never received any complaints either and he wasn't aware of it until he saw it on the news. He will be glad to contact Rick Schroeder with the State Board of Health and have him check it out from the State's angle -- as we have in the past.

Commissioner Borries said that if it isn't licensed -- and if we're having problems now (we're in a dry spell; I heard on the media that we're talking about seven inches of moisture or precipitation below normal for this time of year) so we could reasonably expect more incidences like this -- at least a brush fire, and it is going to constitute a problem until we have some adequate rain. And then we have drainage problems, but that is another matter. The real question here is that if they are not following the State Statute, then as pointed out by Commissioner Cox, we need to begin to fill that thing and move in that direction. If anyone is going to operate a licensed landfill, they are going to have to go through all the State regulations and do whatever is necessary to keep it from becoming a health hazard. If this is going to constitute that much of a hazard (possibly toxic chemicals or something else in there) he would appreciate Mr. Lehman's continuing to work on this and obtain an immediate opinion from the State. Mr. Lehman agreed to do so.

Commissioner Cox said she doesn't know that Commissioner Borries is old enough to remember the First Avenue Dump, which was operated by the city. Look at the problems we had out there, even with control. You get spontaneous combustion -- and sometimes that thing would burn for a week or ten days or two weeks.

RE: SOIL & WATER CONSERVATION SERVICE - ELVIS DOUGLAS

Mr. Elvis Douglas of the Vanderburgh County Soil & Water Conservation Service was recognized by President Borries.

Mr. Douglas said he is present today to ask that the Commissioners join with the rest of the counties of Indiana and the nation to join in a celebration of Soil Stewardship Week. They can do this by proclaiming May 24 thru May 31, 1987 as Soil Stewardship Week in Vanderburgh County. The celebration goes back quite some time; in fact, some 1500 years ago it first began in Europe and early in the century it crossed the water and made it to the U.S. It first got its start in several of the Southern states beginning in the churches. After several years of not making very much growth, one of the National Farm Magazines formed a branch to join in the movement to try to spread this throughout the nation. Of course, they didn't make very much progress and it has continued to remain a celebration carried out pretty much in the southern states. In the mid 1950's, they asked the N.A.C.D. (National Association of Soil & Water Conservation Districts) to join in and try to make this a nationwide observance. In 1954, the N.A.C.D. joined in the movement and after one year with conflicts from other church activities, they decided it would be necessary to make it a week long observance. This year the theme of Soil Stewardship Week is "Health, Hope and Healing". Mr. Douglas said he would like to say that just as we need health, hope and healing in our daily lives, certainly the conservation of our soil (water, sunshine and air) resources so vital to our livelihood -- certainly, we need that type of commitment in those. Again, he asks that the Commissioners sign the Proclamation.

Motion to sign the following Proclamation was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

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

WHEREAS, the well-being of our people depends upon the production of ample supplies of food, fiber, and other products of the soil; and

WHEREAS, the quality and quantity of these products depend upon the conservation, wise and proper management of the soil and water resources; and,

WHEREAS, protection of our surface waters from pollution is dependent upon the protection of soils from being blown or washed into those waters;

WHEREAS, conservation districts provide a practical and democratic organization through which landowners are taking the initiative to conserve and make proper use of these resources; and

WHEREAS, the soil conservation movement is carrying forward a program of soil and water conservation in cooperation with numerous agencies and countless individuals:

NOW, THEREFORE, I, in full appreciation of the value of our soil and water resources to the public welfare, and desiring to honor those who protect those resources, do hereby proclaim May 24-31, 1987

SOIL AND WATER STEWARDSHIP WEEK

IN THE COUNTY OF VANDERBURGH

IN WITNESS WHEREOF, I have hereunto set my hand and Seal of the County to be affixed.

Done at the City of Evansville  
in the County  
of Vanderburgh  
this 11th day of May, the Year of  
Our Lord one thousand nine hundred  
eighty-seven.

Richard J. Borries, President  
Board of Commissioners of  
the County of Vanderburgh

Attest: Sam Humphrey, Auditor  
Vanderburgh County

President Borries said Mr. Douglas does nice work and the Board appreciates all the work he does in regard to soil conservation.

RE: COUNTY ATTORNEY - CURT JOHN

Attorney John reported that he has nothing other than the ordinance concerning the speed limits on county roads, which were approved by the Board last week. He believes the ordinance has already been advertised.

Commissioner Cox said she saw the advertisement in the newspaper on Saturday, May 9th.

It was noted by President Willner that the ordinance was approved last week; the Commissioners have only to formally sign same today.

Commissioner Borries said that with the nice weather this past weekend, he is certain traffic in the area of Burdette Park picked up considerably. Perhaps the local media can help the county via informing people that some changes in speed limits in this area have taken place. Again, because of the increased activity on those softball diamonds, we are really asking for cooperation to hold that speed down.

Attorney John asked whether the new speed limits have been posted?

Commissioner Borries said he is uncertain. He said Mr. Bethel may want a copy of the ordinance -- and he asked that Mr. Bethel coordinate with the Traffic Department to make sure the roads are properly signed. (Copy of the following ordinance was provided to Mr. Bethel.)

ORDINANCE AMENDING SPEED LIMITS

BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana that henceforth the Ordinance regulating the maximum speed limits is hereby amended as follows:

1. Tupman Road -- the maximum speed limit shall be 30 miles per hour.
2. Harmony Way -- from 600 feet North of Westwood Drive to 1200 feet South of Westwood, the maximum speed limit shall be 30 miles per hour.
3. South Red Bank Road -- from the corporate limits of the City of Evansville South to the end of Red Bank Road at the intersection of Red Bank and Nurrenbern Road and Graff Road, the maximum speed limit shall be 30 miles per hour.

This Ordinance shall become final, binding and in full force and effect immediately upon its passage and upon the execution hereof by the members of the Board of Commissioners of Vanderburgh County, or a majority of them.



VANDEBURGH COUNTY COMMISSIONERS

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

PASSED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY  
ON THIS 4TH DAY OF MAY, 1987 AND ON SAID DAY SIGNED BY THE  
MEMBERS OF SAID COMMISSION AND ATTESTED BY THE UNDERSIGNED  
AUDITOR OF VANDERBURGH COUNTY, INDIANA.

Sam Humphrey, Auditor  
Vanderburgh County, Indiana

Approved as to form:

Curt John  
County Attorney

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly work Report: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of May 4 thru May 8, 1987.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Radio Avenue, Oak Hill Rd, Old 460

Paved: Finished Fisher Rd., Old State Rd., from Camp Ground to Evergreen, and Telephone Rd.

Patch Crew: Larch Lane (curb), Happe Rd., Darmstadt Rd., Old Princeton Rd., Fisher, Audubon and Chestnut, Heckel Rd., Upper Mt. Vernon Rd., Cliffwood Dr., Peerless, Hillview Drive and Boonville-New Harmony

Graded & Rocked: Motz Lane, Motz Rd.

Mower: St. Joe Avenue

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Concreted and rip-rapped 7519 Meadow View Drive
- Concreted and rip-rapped end of culvert on Whispering Hill Drive
- Replaced culvert on Bender Rd., and repaired drain at 2442 Lexington Avenue
- Rip-rapped Bender Rd., St. Joe Rd., and Campbell Rd.
- Repaired the Ohio St. Bridge

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for Employees at the County Garage and the Bridge Crew.....reports received and filed.

Revised 1987 Road Paving Program: Mr. Bethel said he went before County Council last week to request money for the 1987 road paving program. He was cut back somewhat and a copy of the revised 1987 Road Paving Program has been submitted to the Commissioners. He still has hopes, however, of getting it all.

RE: COUNTY ENGINEER - ANDY EASLEY

McCutchan Estates I: Mr. Easley said that Mr. Gary Williams, the developer of McCutchan Estates, and Mr. Jim Morley of Morley & Associates are present today. He relayed the Commissioners' comments concerning the access to McCutchan Estates off Heinlein Rd. for construction equipment. He believes Mr. Morley would like to address the matter at this time.

Mr. Morley said that first of all, they have to have their cost estimate plans approved before they can record anything; thus, they are anxious to get this done. Questions were raised concerning access to Heinlein Rd. and they didn't want to do any work on Heinlein or the Effinger property until after the plans were approved. They do have a problem with Heinlein. Heinlein is posted "No Trucks" at a point some 600 ft. west of where they need to come in. What process will need to be done so they can legally get up Heinlein to the point to come into the subdivision. Andy said there were also questions raised regarding whether or not they should come in off Old Petersburg Rd. He relayed those to Gary Williams (who is here) and if there are questions they can answer, they would be glad to do so. Thus, there are two things: They need to be legally able to get up Heinlein Rd. And, the second concerned the questions the Board has concerning the entrance on Old Petersburg Rd.

The Chair entertained questions from the Commissioners.

Commissioner Willner said, "I think what we're doing on Heinlein is asking people to stay off of it; instead of taking a shortcut up Heinlein to Burch Park Drive, they can go Highway 57 and come around -- and we want them to do that.

Mr. Morley said, "But the sign is up just past Burch Park Drive. He asked, "So there is no problem, that is not something by ordinance?"

Mr. Willner said, "Just don't let it get you stuck in that small portion at the top of the hill -- that's all.

Mr. Morley said the next concerns access off Old Petersburg Rd., and whether the Commissioners had questions concerning construction equipment getting to the site off Old Petersburg Rd.?

Commissioner Willner said, "They wanted you to use the Heinlein Rd. entrance -- "

Mr. Morley said, "That is fine, when we get Heinlein Rd. constructed -- but until that time, the only road we have is..."

Commissioner Willner said, "I believe you are missing the point. We want you to do it first -- so you don't tear up...."

Mr. Morley said there are two property owners: Tom Wolf and Gary Williams (who are partners on the subdivision).

Commissioner Willner asked, "Why would you not build the entrance off Heinlein Rd. first before you start the subdivision?"

Mr. Morley said, "They are both to be roads for the subdivision. In the springtime, they'd rather come in the most convenient way and they are building a nice entrance up there. Under the present ordinance, they put up the money for everything -- it all comes. But if it is all put up and all guaranteed, what difference does it make? I don't understand. There are two roads that come in and out. I don't understand. Does someone have a real concern here or is there a problem that we need to address?

Commissioner Cox said, "I don't have a real concern. I understand that at the Area Plan Commission meeting there was an agreement to upgrade the present road that comes off Old

Petersburg Rd. back into the subdivision to a 24 ft. width, I believe. And the one off Heinlein was going to act as a primary entrance.

Commissioner Willner said, "A 24-ft roadway does not meet the code for a subdivision. So they just merely asked you to finish the other one first and use it. Is there anything wrong with that?"

Commissioner Cox asked, "Who is 'they', Bob?"

Commissioner Willner said, "The people in McCutchanville on Old Petersburg Rd. want that traffic to go in down below. It's simple.. If you don't want to do it, just say so. It's simple. I don't see the big problem."

Mr. Morley said there is no truck traffic going in and out. They moved equipment in.

Commissioner Willner asked, "How are they going to build the homes if they don't run truck traffic in? How are they going to get concrete trucks in?"

Mr. Morley responded, "I don't understand. There are five more subdivisions up and down Old Petersburg Rd. Why is this being singled out? What's going on?"

Commissioner Willner said, "We merely want you to use that. It's very simple."

Mr. Morley asked, "What is different about this subdivision and every other subdivision up and down that road? Is it posted? Is there something we don't know about here? I guess I understand what you are saying. But what is different here than the next one up the road?"

Mr. Willner responded, "Probably the next one up the road has 50 ft., I would imagine."

Mr. Morley said, "But it's Old Petersburg Rd. that we're talking about, right? It's traffic on Old Petersburg Rd.?"

Mr. Willner said, "I would say both of them, yes."

Mr. Morley said, "Because the private roadway, where there is a neck that is 36-1/2 ft. right-of-way which he is to build up to regular 24 ft. width -- because Rose suggested for traffic movement that it would preferable to have the two entrances in and out of the subdivision -- and that was agreed to -- and now there is the question of construction. He is starting and working at that end and when the plans are approved he has to put up 100% of the money for all of it. He has eighteen (18) months. But never before do I remember our telling any contractor where to start on something. I just don't understand. I am sure he will comply as much as he can, but there are two things: Is there some ordinance violation here? Secondly, what does that have to do with the approval of the construction drawings?"

Commissioner Borries responded, "Well, last week I think we wanted more information in terms of the project, itself. The other thing was the matter of comment that Bob made simply to ask for cooperation and it has nothing to do with singling anyone out, short of the fact of making the comment in terms of asking for cooperation -- and that is what we are doing."

Commissioner Willner commented, "There are some people who are afraid that they are not going to construct the lower drive and when he is through with the subdivision he will come in here and say he wants the extra portion to construct homes. That's the whole purpose of the thing. If you don't want to do it just say so."

Mr. Morley said, "That is why you passed the ordinance and said you have to guarantee 100% of it. You did and he is ready with the Letter of Credit as soon as the plans are approved."

Commissioner Cox asked, "Did this come up at Area Plan?"

Mr. Morley said, "Rose Zigenfus had suggested that we have both accesses. He's got to include the private road coming in..."

Commissioner Willner said, "Wait a minute. What do you mean suggested?"

Mr. Morley said, "At the Plan Commission meeting they wanted the 50 ft. legal road for a subdivision...."

Commissioner Willner said, "It wasn't suggested; if you did not give that road you would not have gotten your subdivision."

Mr. Morley said, "That is correct."

Commissioner Willner said, "Now then, they think you don't want to use that. After you have done the legal, there are people who say you are not ever going to use that. I just want you to assure me that you are; that you are going to start using it. If not, then I don't want to approve the plans. It's that simple, Jim. I don't care about the money. I just want to hear you say that they are going to build that 50 ft. road into there and use it. That's what I want to hear you say."

Mr. Morley said, "Yes sir, that is correct. The 50 ft. roadway is going to be built and used and the Letter of Credit will be put up right now or as soon as the plans are approved. That is part of the ordinance. We all have to guarantee them. We can't do what they are afraid of Bob. The new ordinance has completely eliminated that possibility. No longer can somebody go in and then pull out on a project, because your new ordinance now makes them guarantee the whole thing."

Commissioner Willner said, "It doesn't guarantee that you will build that 50 ft. roadway in there first, it doesn't do that at all."

Mr. Morley said, "It gives us that time; the ordinance gives us 18 months. They put up all the money and there is 18 months in which to complete it. Perhaps Mr. Williams can answer any questions I can't. I can't say when any particular part of it is to be completed. But both are entrances into the subdivision."

Commissioner Cox said, "I guess the question here is, are both entrances going to be completed before homes are started?"

Mr. Morley asked, "Before homes are started? I doubt that very much. They already have some buyers in line who will probably want to start homes within the next two or three weeks. And it will be probably the end of the summer before we get all the work on Heinlein done. There are some poles to relocate along the side and then we've got some sewer work along Heinlein. It will take longer to complete Heinlein than it will to do the upgrading of the entrance off Petersburg -- just by the nature of the work."

Mrs. Cox said, "Well, you're starting out with a road that has a potential base through a field, where you're going to build a road to connect onto Heinlein."

Mr. Morley said, "That's right." He then asked Mr. Williams what his anticipated completion date is for all the improvements on Phase I?

Mr. Williams responded, "Six months". He made other comments, but they were inaudible because he was speaking from his seat and not at the podium. "We upgraded the entry as suggested by the APC. We've done everything the Area Plan Commission asked."

Commissioner Borries asked Mr. Willner whether he wanted to ask Mr. Williams directly?

Commissioner Willner responded, "It is very clear to me that they are not going to put the road in off Heinlein first. It is very clear to me that they want to go to the other one which, in my opinion, they have not met the legal subdivision ordinance. They have to have a road in there 50 ft. and they have not got it and as far as I am concerned I am going to vote 'no', because I understand they don't want to do this. I understand why they don't want to do it."

Mr. Morley interjected, "No, we do want to do it. The private road is there right now. That road is already constructed; it is an asphalt road that...."

Mr. Willner interjected, "That is not a legal road for the subdivision."

Mr. Williams said, "But I didn't see anything in the minutes of the meeting I had that said we couldn't go back in and start construction in the subdivision now. It sets in a pocket away from everyone. We're working a thousand feet off Old Petersburg Rd. back in the subdivision. We intend to build Edinborough. But like Jim said, I had to file a Letter of Credit for \$426,000.00 at Citizens Bank to construct the road and put in utilities. There is no way I cannot do it. I have to do it. I intend to do it. I've done everything in my power to do everything the APC requested. There is not a thing I haven't done. If someone would drive by and look at what we are doing then I think they'd understand what we are doing. I'm not trying to get out of any laws; I'm not trying to do anything that is not right. I think that if anyone...."

Commissioner Borries asked, "Can you assure him as to what his concern is?"

Mr. Williams said, "Yes I can assure him. That road will be put in as quickly as possible. They are cutting on roads right now; that road ties into them."

Commissioner Borries asked, "What is your response to his comment that you are not following the subdivision ordinance at this point?"

Mr. Williams said, "I am; my attorney is Ted Ziemer. Had I known this, I would have had him come down here. We are following everything. I know Ted was working with the APC office, Rose Zigenfus; with everybody. I've spent a lot of money to do everything by the book the way it was supposed to have been done. There is not one request that has not been met. I've paid attorneys fees, engineering fees --and I've done everything that the Area Plan Commission has requested. In fact, we've gone out of our way. I even volunteered to widen Heinlein Rd. to 24 ft. just so we could meet these obligations."

Mr. Easley said, "The Commissioners (particularly Mr. Willner) are expressing apprehensions of the people in the neighborhood as to how soon they can expect to see the entrance off Heinlein."

Mr. Williams responded, "It will be in the summer; I have 18 months. The people that adjoin the property have actually bought a lot from me. The Harrisons are tapping into the sewers, so I don't know of anyone who is unhappy. There may be one or two that are not happy -- but we're doing everything we possibly can to meet our obligations."

Mr. Easley said "The people in the area practically filled this hearing room several months ago when the property was up for rezoning and when the subdivision was here for approval. They had hoped to see a major effort made to construct the access road

off of Heinlein and that is all Mr. Willner is saying. They really had expected to see a major concentration of effort to construct the road off Heinlein instead of building the little entrance shelter up off of Petersburg Rd. -- and that is what he is saying -- and I have to say that I heard some comments, also."

Mr. Williams commented, "I don't know what comments you heard, because everything I have stated I can prove. All I know is that I have met every requirement -- my attorney and engineer met -- and we have cooperated with every office down here. I know the neighbors out there opposed this, but it was approved by the Area Plan Commission above their objections. I wasn't happy with that which was built right behind me -- but I built a fence and I couldn't help that."

Mr. Willner said, "The roadway plans are approved by this Board -- this Board -- not Area Plan. You are not complying with what this Board asked you to do -- you are not. We're simply asking you to build that road first -- first."

Mr. Williams said, "I intend to build that road -- but you are asking for it right now."

Commissioner Cox said, "My question here is, why are we asking these people here to build a road first when we accept and approve other street plans that come before us and never even question where they are going to start? I don't know what the big problem here is. It just wasn't an access off Heinlein that these people were upset about. It was the density that they were planning out there and the duplexes and everything. We're talking single family residence."

Mr. Willner said, "The subdivision ordinance says that your subdivision must have a 50 ft. entrance period. That has never been changed. I have never asked for a 16 ft., 17 ft. or 24 ft. It's 50 ft. -- and the same for his subdivision. And the people want him to use the 50 ft. that he has off Heinlein Rd. It's very simple. If he doesn't want to use the 50 ft., then I am not going to..."

Mr. Williams interjected, "We are going to use the 50 ft. -- I'm not saying that we're not going to -- but not right now because the private road is there to be used. We couldn't use the road off Heinlein. It was impossible -- there was mud. It's a corn field -- you know that as well as I do. I live out there."

Commissioner Cox asked, "Why did EUTS recommend the extension at all of this private drive back into there as part of the subdivision?"

Mr. Williams responded, "They asked us to widen it to 24 ft."

Mrs. Cox said, "Why didn't they say, 'close your subdivision off and don't use that'? That would have solved the problem."

Mr. Williams said, "They said we needed two roads for emergency vehicles (like the fire department, ambulances, etc.)...."

Commissioner Willner said, "They don't mind if vehicular traffic comes through there (automobiles) -- but they don't want big trucks coming through there."

Mr. Williams said, "There haven't been any big trucks going through there; we haven't had hardly any trucks -- there has been more work done on the lake across the street concreting the banks the last two years than has been done on my property. The fire station has trucks going up and down there all the time on improvements. We haven't done anything that someone else hasn't done -- in fact, we've done hardly anything in there. I don't know why my plans haven't been approved. I've met every request they made."

Commissioner Willner said, "My answer is no."

Commissioner Borries said, "I share his concern; I would want clarification before we call for a vote on this. When do you think you are going to put the road in?"

Mr. Williams said, "I hope to have them between July and August. If I can't get these plans approved I'm going to have to stop, because I am going ahead in good faith that these plans would be approved. Jim has already been working and we've got Steve Blankenberger in there -- and I intend to have that road in as quickly as possible."

Commissioner Borries asked, "We're not trying to single you out. It seems as if every parcel of property has its own unique kinds of situations. We're just trying to get a commitment..."

Mr. Williams interjected, "I understand; I'm trying to be fair. I'll get that road in there as quickly as possible. I'll promise to have it by the end of August if not sooner -- is that good enough?"

Commissioner Borries expressed thanks to Mr. Williams.

Commissioner Cox asked Mr. Williams the name of the subdivision again.

Mr. Williams said it is McCutchan Estates I.

Mrs. Cox asked if these are the same plans that she has carried to the last three meetings of the Board of Commissioners? She didn't bring them today and now it comes up. She saw absolutely nothing wrong with the plans when she reviewed them. She did with the other set of plans (Greenbriar) -- she questioned the sidewalks. But she found nothing wrong with the plans for McCutchan Estates I. Therefore, she would move that the street plans for McCutchan Estates I be approved, as submitted, with the information provided by Mr. Williams that the entrance off of Heinlein Rd. will be completed in August. A second to the motion was provided by Commissioner Borries. Commissioner Willner declined to vote.

Commissioner Borries said he hopes we're able to address Commissioner Willner's concerns with the comments made by Mr. Williams.

Commissioner Willner said that when that road is torn up, then he will get the other one in.

Mrs. Cox said, "Well, it is his private road. Why are we going to worry about his private road getting torn up? I can't understand it, Bob."

Commissioner Willner said, "It is not his 50 ft. private road that is being torn up."

Mrs. Cox said, "It is his other road off Old Petersburg Rd. and he is going to have to improve it. I just don't understand. I'm trying to see what you're saying, but I just don't understand the logic."

Commissioner Willner replied, "All he'd have to say is that he'd do the other one first -- that's all he'd have to say; but he won't do that, will he?"

Mrs. Cox asked, "What if they build the road and come in off Old Petersburg?"

Mr. Willner replied, "If the vehicle traffic comes in off Old Petersburg Rd., that is fine."

Mrs. Cox said "Just because they build off Heinlein, that doesn't mean they have to use the Heinlein entrance, does it?"

Change Order/Heerdink Lane: The meeting continued with President Borries asking Mr. Easley what else he has for the Board's attention?

Mr. Easley presented Change Order No. 10 on Heerdink Lane. He went out and negotiated with Koester Equipment, Inc. and the State Project Engineer. We now have all the unit prices established for the work that has to be done. We have a gentlemen's agreement that when they get the sub grade graded, we would like to put down the base and do the asphalt paving. Koester said they would agree to let us do this. In order for the project to move forward, we need to sign the Change Order. By executing this we are, in effect, agreeing to pay for \$190,272 worth of work. It is his recommendation that the Commissioners sign the document and when they have the sub grade graded, then the Commissioners, Bill Bethel and he will decide whether we want to have that base put down and that asphalt in another manner. If the Commissioners will recall, he had estimated the aggregate for the base would cost about \$9.00 plus \$3.00 to put it down or a total of \$12.00, so we might save \$1.95 per ton. We still have the problem with their asphalt prices, but that matter can be taken up at a later date.

Motion to approve the Change Order and Extra Work Agreement was made by Commissioner Willner.

In response to query from Commissioner Cox, Mr. Easley explained that when this was originally conceived, the county was going to construct this half mile of road and he had estimated that we could put down a crushed stone base and have it compacted for \$12.00 per ton. If we elected to tell the state not to do this, we might save \$1.95 per ton.

A second to Mr. Willner's motion to approve the Change Order and sign the Extra Work Agreement was provided by Mrs. Cox. So ordered.

Commissioner Borries asked if Mr. Easley has the money?

Mr. Easley said there is an account for that. It may be \$10,000 short. He may have to transfer more money into the account -- but there is almost enough money in the account.

Mrs. Cox asked, "So the \$64,750.40 is Change Order No. 10?"

Mr. Easley responded that this is correct.

"B" Street Underpass: Commissioner Borries asked Mr. Easley if he is going to keep the Board informed concerning his conversations with the railroad, etc.?

Mr. Easley said he is. He has not officially received comments from either SIGECO or the Board of Works -- but he will keep the Board advised.

RE: REQUEST TO USE VOTO-MATICS

The meeting resumed with President Borries reading the following request letter:

May 6, 1987

County Commissioners Office  
Administration Bldg., Room 305  
Civic Center Complex  
Evansville, IN 47708



TO WHOM IT MAY CONCERN:

Our Student Council is preparing for our Spring General Elections. As in the past several years, we requested by phone the use of four portable VOTO-MATIC booths. I was asked to submit this request in writing for approval at a County Commissioners meeting.

Would it be possible to borrow FOUR booths to be used on May 19, 10 and 21? I would be able to pick these up at the County Commissioners Office on May 18 and return them personally. The booths would be set up only during the established times for voting. Our appointed Election Board and I will be present during the time of voting. Therefore, I feel certain that there would be no damage to the booths. I will have a Certificate of Insurance from our Diocesan Insurance Office regarding this matter.

We appreciate your cooperation in the past and thank you for consideration of our present request.

Sincerely,

Stephen J. Rode  
Student Council Adviser

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

RE: BUILDING COMMISSION - ROGER LEHMAN

Mr. Lehman submitted the monthly report from the Building Commission for April, 1987. Year to date there were 1,156 permits issued at a valuation of \$22,843,567 and fees of \$61,677.25. We have written 100 more permits than we had this time last year for the county -- and we are approximately \$500,000 ahead in valuation and approximately \$200 less in permit fees. So business hasn't slowed down yet. Houses in April did decline from 92 to 56; the previous month had been keeping pace but not exceeding last year.

Mr. Lehman asked if the Commissioners saw the letter at the last meeting concerning the Highway 57 north problem? This concerned Kay's Health Club. He will make copies for the Commissioners and get same to them. (His secretary was sick last week.) But he sent the letter to Mike Chandley, c/o Scales, Wissner and Krantz in Boonville, concerning 6930 Highway 57 North (which is the old Kay's Health Club). He had contact with them via phone a couple of weeks ago and they assured him they would get something taken care of. Nothing happened so he sent this letter. Inspection of described property revealed the presence of trash, debris, weeds, partially razed and delapidated structure. These conditions violate Vanderburgh County Code of Ordinances. If immediate remedial action is not taken, the case will be brought before the Board of County Commissioners for disposition. Reinspection will take place in fourteen (14) days. The letter was sent May 1st, so the reinspection will be made at the end of this week and he will have another report at the next Commissioners meeting.

The Chair entertained questions. There were none.

RE: OLD BUSINESS

Contempt Order/Marion Biggerstaff Property: President Borries said a Contempt Order was filed in Superior Court by the Board of Zoning Appeals and Area Plan Commission of Vanderburgh County vs. Marion Biggerstaff (Cause No. 84-CIV-397) on the matter of his Union Township property and the continuing complaints versus a Judgment that had at some point been given against him. (Copy of Order herewith attached to the minutes.)

Commissioner Cox said she thinks the hearing date has been set for May 26th at 9:00 a.m. in Judge Dietsch's Chambers.

Bob Knight: President Borries said that on April 7th we wrote to Bobby Knight congratulating him on his basketball team -- and we got a letter back, as follows:

Dear Rick,

Thank you for sending the Resolution to us on this year's Indiana Basketball Team. We appreciate very much the thoughtfulness of you and the other people in Vanderburgh County.

Sincerely yours,

Bobby Knight  
Basketball Coach

It was also noted that today is Commissioner Borries' birthday. -

IDOH Meeting: Mr. Easley advised that Rose Zigenfus has asked him to go to a meeting on Wednesday with the Indiana Department of Highways concerning the environmental on Eickhoff-Koressel Rd. It will probably take all day to make the trip. With the Commissioners' permission, he will be out of town on Wednesday.

It was the consensus of the Commissioners that Mr. Easley should attend subject meeting.

RE: SCHEDULED MEETINGS

Thurs.	May 14	4:15 p.m.	EUTS Meeting
Thurs.	May 14	4:00 p.m.	Legal Aid Society Annual Mtg. (Rm 303)
Thurs.	May 14	12:00 Noon	EMS Council Luncheon Mtg. at Welborn Hospital (Blue Room)

RE: CLAIMS

Jones & Wallace: Claim presented in the amount of \$390.90 for contractual litigation services. An itemized list of services is attached to the claim. Motion to approve the claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

Election Office (Appointments)

Clara Berry	Dep. Clerk	\$4.85/Hr.	Eff: 5/4/87
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Election Office (Releases)

Gerald Wohlhueter	Bal. Assem.	\$4.85/Hr.	Eff: 5/7/87
Warren Thompson	Bal. Assem.	\$5.70/Hr.	Eff: 5/7/87
Doris Cato	Dep. Clerk	\$4.85/Hr.	Eff: 5/6/87
Casey E. Randolph, Sr.	Bal. Assem.	\$4.85/Hr.	Eff: 5/6/87
John Lee Jones	Bal. Assem.	\$4.85/Hr.	Eff: 5/6/87
Carol Lee Primm	Dep. Clerk	\$5.70/Hr.	Eff: 5/6/87
Mary Lee Bassemier	Dep. Clerk	\$4.85/Hr.	Eff: 5/6/87
Charlotte Shetler	Dep. Clerk	\$4.85/Hr.	Eff: 5/6/87
Sylvia T. Loviscek	Dep. Clerk	\$4.85/Hr.	Eff: 5/6/87

Pigeon Township Trustee (Releases)

Ronald Crawford Clerk \$14,540/Yr.Eff: 4/25/87

Treasurer (Releases)

David L. Wedding P.T. Security \$10.00/Hr. Eff: 5/12/87

Treasurer (Appointments)

Bettye Joyce Miles Registrar \$13,000/Yr.Eff: 5/11/87

Dave Wedding P.T. Security \$10.00/Hr. Eff: 5/11/87

Burdette Park (Appointments)

Wm. Engelhardt, Jr. P.T.G.C. \$4.35/Hr. Eff: 5/4/87

Michael Gerard P.T.G.C. \$4.00/Hr. Eff: 5/11/87

Scott Buedel P.T.G.C. \$4.00/Hr. Eff: 5/11/87

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 3:50 p.m., with announcement that Special Drainage Meeting will be held immediately subsequent to the Commissioners Meeting.

PRESENT:      COMMISSIONERS      COUNTY AUDITOR      COUNTY ATTORNEY

R. J. Borries  
R. L. Willner  
S. J. Cox

Sam Humphrey

Curt John

COUNTY HIGHWAY

COUNTY ENGINEER

SHERIFF

Bill Bethel

Andy Easley

J. Fravel, Jr.

OTHER

Paul Harper/Perry Township Volunteer Fire Dept.  
Elvis Douglas/Soil & Water Conservation Service  
James Morley/Morley & Associates  
Gary Williams/Developer - McCutchan Estates I  
News Media

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

\_\_\_\_\_  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 18, 1987

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, May 18, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who extended a welcome to the crowd of approximately 125 persons and introduced Commissioner Willner and himself. He said that Commissioner Shirley Jean Cox will not be present for tonight's meeting, as she is out of the City. President Borries apologized for any inconvenience due to the overflowing meeting room, but explained that another meeting is simultaneously in progress in Council Chambers, which makes it impossible to move the Commissioners Session to the larger hearing room.

Continuing, President Borries entertained a motion concerning approval of the minutes of the meetings held May 4th and May 11th, noting that the Secretary had already noted an amendment on Page 5 of the May 11th minutes (to include Item #4 in Ordinance Amending Speed Limits). Motion was made by Commissioner Willner that the minutes of both meetings be approved, as engrossed by the County Auditor (including the amendment to the May 11th minutes) and the reading of same be waived, with a second from Commissioner Borries. So ordered.

RE: REZONING PETITIONS

President Borries said the evening meeting is held once a month for the purpose of hearing rezoning petitions, to allow the public to attend these in easier fashion than the afternoon sessions held on the 1st, 2nd, and 4th Mondays of the month.

The way the process works is that, on routine matter 1st Reading, the Commissioners will examine these petitions (he will read them off and then he and Commissioner Willner will look at them and if they wish to make any comments, they will do so). It will then be forwarded to the Area Plan Commission and heard in their meeting on the 2nd Reading. Area Plan meets every month on the first Wednesday of the month. That would mean that on 2nd Readings they would be heard on June 3rd. They would then be forwarded back to this Commission for a 3rd or Final Reading. Action can be taken on petitions (as some have been mentioned this evening as published on his agenda) have either been withdrawn or continued. To clarify that, the Ordinance says that if a motion is continued, the County Commissioners shall conduct a public hearing on the petition either at that meeting or within 90 days after the APC's recommendations. So if a person continues it tonight, one way or another it has to be withdrawn or heard 90 days from the time that the matter is acted upon at the Area Plan Commission.

VC-11-87/Petitioner, Old National Bank (1st Reading): This petition has been forwarded to the Town of Darmstadt. They have a Town Board. It will be considered there and will then be forwarded to Area Plan for the 2nd Reading.

VC-12-87/Petitioner, Virgil Pfingston (1st Reading): Common known address is 4809 Tanglewood Drive. The property is currently zoned R-1 and requested change is to R-3. Proposed land use is a multi-family dwelling (one building) near intersection of Bergdolt Rd. and Tanglewood Drive. There being no one present either to address the petition or remonstrate

against same, a motion was entertained. Motion to approve petition on 1st Reading and forward to the Area Plan Commission was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

VC-13-87/Petitioner, Reedco, Inc. (1st Reading): Common known address is 2131 Commercial Court. Property is currently zoned C-4 and requested change is to M-1. There being no one present either to address the petition or remonstrate against same, a motion was entertained. Motion to approve petition on 1st Reading and forward to the Area Plan Commission was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

VC-3-87/Petitioner, Harvey Klenck (3rd Reading): This petition has been withdrawn, so no action will be taken.

VC-5-87/Petitioner, Jeffrey S. Kempf (3rd Reading): Dave Robinson, Attorney for Mr. Kempf, was recognized by the Chair. He stated that one of the problems when this matter came before the Area Plan Commission was the fact that the APC considered it speculative rezoning. Since that time, Mr. Kempf has now obtained a tenant and some of the potential problems with the real estate on Allen's Lane have been resolved. Attorney Robinson said he would like to have a continuance in order to have further evidence to present to a full meeting of the Commissioners. By that time they should have all the potential problems resolved and, hopefully, the petition could be approved at that time.

Commissioner Borries said the petition would have to be heard next month in order to fit within the guidelines of the Ordinance. He then asked Commissioner Willner for his thoughts re the request for the continuance.

Following a brief discussion between the Commissioners, President Borries said the reason he and Commissioner Willner are concerned about continuing this matter is that while they recognize Mr. Robinson would like more time to consider this, there are also probably some persons who have made plans this evening and perhaps some personal sacrifices to attend this meeting. At this late date, it places a hardship on them to allow this continuance. He then asked if there are persons present who wish to speak to this rezoning?

Attorney Robinson said his main problem is that he didn't realize that Shirley Jean (Cox) wouldn't be here tonight until just shortly before he walked into the meeting. He does have most of the facts available, but he would like to clear a few matters up before the next hearing, particularly since Commissioner Cox is not here. Obviously, he could have called this afternoon had he known she was not going to be here. But, again, he did not learn this until shortly before he walked into the meeting.

Commissioner Borries said that without a full Board -- in courtesy to Attorney Robinson -- he would grant his request for a continuance. This would mean that it would come to a Final or 3rd Reading on Monday, June 15th. As far as he knows, Commissioner Cox would be in attendance at that time and that would give the Full Board an opportunity to hear this rezoning petition and act upon it at that time. He would want to apologize to those persons who have made personal sacrifices to come here this evening; but, also, out of respect and courtesy for the Petitioner and the Attorney, if Commissioner Willner agrees, the request for a continuance will be granted. Commissioner Willner verbally agreed.

An unidentified individual in the audience asked, "It will not be continued again after June, right? It has to be heard then?"

Commissioner Borries advised, "Yes, that is correct."

Pastor Carl Crowe of Harwood Baptist Church was recognized by the Chair. He said that he will be on vacation on June 15th. But he wants it known that the members of his church are against this rezoning. He cannot personally be present, but perhaps some of his church members can be present.

Commissioner Borries said that Pastor Crowe can submit a written statement to that effect and it will certainly be entered into the record at that time.

Pastor Crowe said he did want it known that the Church had voted as a body to oppose this rezoning.

The meeting continued with President Borries advising Attorney Robinson that his request for a continuance will be granted and the matter will be scheduled for a 3rd or Final Reading on Monday, June 15th, in the Commissioners Hearing Room at 7:30 p.m.

VC-6-87/Petitioner, Colonial Garden Center (3rd Reading): The Chair recognized Attorney Mark Miller, who stated he represents Colonial Garden Center. This is a petition to change the zoning from C-4 to R-1 for the purpose of developing a subdivision on Outer Lincoln Avenue. The property is located behind McCarty's Colonial Garden Center. This has gone before the APC several times and it is back here after an agreed judgment in a case. He does not anticipate any questions, but will be happy to respond to same.

Commissioner Borries said that as pointed out by Attorney Miller, this is a matter of legal settlement and, in effect, that agreement ends up here for official action. He then asked if there are persons who wish to speak to VC-6-87? There being no response, a motion was entertained.

Motion was made by Commissioner Willner that VC-6-87 be approved on 3rd Reading, with a second from Commissioner Borries.

President Borries then asked for a roll call vote: Commissioner Willner, yes; Commissioner Borries, yes. President Borries said the petition is approved.

VC-7-87/Petitioner, Robert Brenner (3rd Reading): This rezoning has been continued to June 15th at 7:30 p.m.

VC-8-87/Petitioner, John S. McCullough (3rd Reading): The Chair recognized Mr. John S. McCullough, who stated he resides at 2300 E. Boonville-New Harmony Rd. They expressed their feelings at the Area Plan Commission Meeting re the rezoning of this almost four (4) acres from Agricultural to C-4 for possible usage as a garden center. One of the problems brought up at that time was that they would agree to sell the right-of-way for the Boonville-New Harmony Rd. Extension at the agricultural rate and Mrs. Fehn had no objections to that, whatsoever; further, it would not hinder their situation.

President Borries said that Mrs. Barbara Cunningham, APC Director, has indicated that Mr. McCullough has submitted a Section 4. He asked if Mrs. Cunningham would like to explain this.

Mrs. Cunningham said the APC had asked for a Section 4. They asked EUTS to tell them where the Boonville-New Harmony Rd. will extend and the right-of-way needed. Mr. McCullough has agreed to sell the property to the County at agricultural prices, not at C-4 prices.

Mr. McCullough said what they have in mind is basically using only two (2) acres anyway out of the 3.4 acres.

Commissioner Borries asked that the record reflect that the Commissioners wanted to know whether they needed an attorney's opinion on that, but Mrs. Cunningham has said that it is clear

and, as Mr. McCullough stated, he would be willing to grant the right-of-way and that sale would be conducted at a much lower price in terms of land that would be needed for this Boonville-New Harmony Rd. intersection. The road is being relocated because of the I-164 Project in this general area and it will front out onto Green River Rd. once the road is relocated. He then asked if anyone wishes to remonstrate at this time? There being no response, a motion was entertained.

Motion was made by Commissioner Willner that VC-8-87 be approved on 3rd Reading, stipulated to Area Plan's request with regard to purchase of said right-of-way.

Mr. McCullough interjected, "I promise."

Commissioner Borries seconded the motion made by Commissioner Willner and asked for a roll call vote. Commissioner Willner, yes; Commissioner Borries, yes. President Borries declared the petition approved, as stipulated.

VC-9-87/Petitioner, Thomas Duncan (3rd Reading): Attorney Keith Wallace was recognized by the Chair. He said he is the attorney representing the Petitioner, Thomas Duncan. They are asking the Commissioners to rezone approximately a 31 acre parcel or what is more commonly known as 5701 Oak Hill Rd. It is currently zoned agricultural and R-1. They are requesting a P.U.D. designation -- a Planned Unit Development -- as defined by the Comprehensive Plan of the City of Evansville for 1985. He quoted....."The purpose of a P.U.D. is to match the creative approach of the building industry with unique land and housing demands of the city and the county, while maintaining the necessary zoning controls." The unique aspect of a P.U.D. is the fact that once it is approved by this body, before any actual construction takes place, it must go back before the Area Plan Commission to make sure that it complies with all of the classifications and restrictions placed on the P.U.D. as it is approved. Mr. Wallace said that is a safety check which no other zoning classification allows under the current zoning code.

This project (known as Oak Hill Estates) is an exciting and fantastic development. The total development would be between \$20 and \$25 million once you put in the houses, improvements to drainage, sewers, the commercial and the condominiums. Based upon a fairly standard technique (explained to him by Mr. Jim Morley, who will be speaking later), if you take approximately a third of that (between \$7 and \$8 million) as the cost of local labor, you are talking approximately \$7 to \$8 million in local labor; and at 2,000 hrs. per year per laborer, you're talking approximately 350-400 man years of labor involved, which would be jobs to our building industry.

All but 11% of the development is residential streets, lakes, and other recreational uses. In the interest of conciseness, he is going to address what he has known to be the three main areas of concern to this type of development.

The first area he will approach is drainage and sewer. For that, he would ask that Jim Morley, President of Jim Morley & Associates, speak -- he is known for his expertise in the area of drainage and sewers in the development of the City of Evansville.

Mr. Morley explained that what they have done is to create two quite large lakes on the property in the area that is now quite low; one of them to the very east side in an area around the hill (there is a large hill through the center of the 81 acre site. One is about 7 acres and the other about 10 acres -- and then create the entrance boulevard off Oak Hill Rd. coming across this lake, recreation facilities (tennis courts, etc.) along designated lake and in designated area a picnic area and large lake area with public walkway around. The condominium project will be at the very southeast corner about one-half mile east of Oak Hill Rd. Some of the areas would be filled with excavation

from the lake, so that at the completion of the project none of it would be in the flood plain. As can be seen from the size of the lake, it will hold a good deal of water.

The lift station for the sanitary sewers will be located in area near Oak Hill Rd. and the discharge will be south. This is the summary of the drainage and sewer construction.

In response to query, Mr. Morley said the system would be adequate to make it possible to run gravity sewers into the lift station.

Commissioner Borries asked how much of this property is currently in the flood plain?

Mr. Morley responded that between 25-30% at the most. At the end of the construction of the lakes, only the lakes themselves -- nothing would be in the flood plain. You would have 20 acres of recreational site when the project is finished. Even then about 20% of it would be reserved as lakes -- but somewhere around 25% to 30% is currently in the flood plain. The filling would occur in designated area up on Oak Hill Rd. from the lake. Excavation and filling would occur at the southeast corner in the area where the condominiums would go. The existing hill will not be cut down -- all of the fill will come from the excavation of the lakes.

Commissioner Borries asked if the lift station referred to -- is the lift station constructed by this developer or the City of Evansville?

Mr. Morley responded, "By the developer."

Mr. Borries asked, "That would be with the approval of the Sewer Department? In certain areas where we have seen lift stations constructed, we have also received some complaints that the discharge has begun to cause problems and the lift stations have not been adequate when they have been constructed."

Mr. Morley responded, "Right; I think that new lift stations are getting a closer review than they did previously. This would not create any significant problems. This is a large development, so you wouldn't have any problem with septic from a real small development. The sewer that you dump to is very large."

The Chair entertained questions. There were none.

Attorney Wallace continued, saying that the 93 residences and the 70 condominiums obviously create another question that perhaps the folks present tonight are interested in -- and that is traffic.

He will submit to the Commissioners a letter dated May 4th from Dave Savage Engineering, signed by Dave Savage (who, most of you know, used to work for EUTS and has great expertise in the area of traffic analysis, design and flow). For the benefit of all here, he will read the letter, as follows:

Dear Mr. Wallace:

At your request I have examined referenced proposed development concerning traffic impacts on Oak Hill Rd. Since existing traffic counts on Oak Hill vary significantly north and south of St. George Rd., I looked at impacts in both of these areas. The proposed site is served by S.R. 57, Whetstone, Millersburg, and Heckel Roads from the north and east; Oak Hill Rd. from the south and east; Lynch Rd. from the south and west; and St. George Rd. from the west. This will help distribute traffic generated by the development to various centralized intersections, thereby avoiding major impacts any any one location. Since existing traffic volumes on Oak Hill are generally low except during daily peak hours, I have restricted my analysis to these periods.



(Mr. Wallace was interrupted by loud laughter from the audience and President Borries called for order, stating the Board wants to encourage the audience to please act courteously -- as the Commissioners want to give everyone ample opportunity to express himself or herself -- so he would appreciate their cooperation in granting Attorney Wallace an opportunity to speak.)

Mr. Wallace proceeded, "The most recent traffic counts at Oak Hill north and south of St. George indicate a daily traffic volume of 4,016 and 7,362, respectfully. Based on existing terrain and pavement conditions, the maximum practical hourly capacity is approximately 1,740 vehicles per hour. Based on the information provided and the site plan showing the number of houses, residences, commercial square footage, etc., I definitely would not expect the proposed development to increase traffic on Oak Hill Rd. beyond its maximum peak hour capacity.

If you have any questions or require further information on this matter, please do not hesitate to contact me.

Very truly yours,

David L. Savage

Mr. Wallace said that in further discussions with Mr. Savage, he indicated to him that, in fact, the traffic would never exceed 70% of the capacity according to the design, specifications, width, etc., during a peak hour, including traffic generated by this development.

Commissioner Borries asked whether Mr. Wallace has any idea as to how recent those statistics might have been in relation to the EUTS report?

Mr. Wallace said they are the current EUTS statistics.

Mrs. Cunningham said that report was done for this particular meeting.

Mr. Borries asked, "Then their average count is 7,362 vehicles per day -- is that correct?"

Mrs. Cunningham said, "The proposed development would generate an average of approximately 1,300 trips per day."

Mr. Borries asked, "In addition to the 7,362?"

Attorney Wallace said, "What the numbers are -- EUTS has 7,362 traffic count south of St. George; north of St. George Rd; they have 4,016 and if you put in the 1,300 trips per day generated by the entire development, Dave Savage is saying that according to the way the road is built according to State specifications, County, etc., the traffic will never exceed 70% of capacity during peak rush hour traffic." He understands that people who live out there and have lived out there for several years know there has been an increase in development of houses, etc., out there -- and they feel like it is much busier than it used to be -- and he is sure that it is. But what Dave Savage, as an engineer, is saying is that it will not go to peak capacity according to the State and County statistics and the manual that they use as experts in designing and developing roads. He knows the Commissioners are very familiar with Mr. Savage and his reliability, having served the City and the County for some time.

Finally, of obvious concern are the proposed commercial uses that will go into this development. To that end, the developer and petitioner voluntarily limited the commercial area when the petition was filed to use groups allowed in C-2 or less zoning. That is, usually when a petition is filed as a P.U.D., anything allowed in a commercial means anything up to a C-4. However,

this developer voluntarily limited the commercial area to use groups allowed in C-2 or less. In addition, when Mr. Duncan (the petitioner) was out speaking with abutting property owners, including the church, he learned of other specific concerns of the neighbors in so far as permitting uses in certain use groups that were of concern to the neighbors. As a result of those meetings, Mr. Duncan had him draw up a written commitment (the original was turned into the APC at the last meeting, executed and ready for reporting) as allowed under Indiana Code 36-7-4 and the petitioner voluntarily agrees not to allow the following uses on the property under that Statute: Arcade, theater, dance hall, archery range, bowling alley, pool or billiard room, laundromat, party house, or a bar without a restaurant. What this is saying is that what is commonly known as a restrictive covenant running with the land (and this is enforceable by anyone who lives within one-quarter mile of the outside abutting property owner). This can be recorded, it is enforceable in court, and its duration is 20 years from date of approval. Obviously, it can be reinforced at that time depending upon the condition of the area and the facilities in the area and their desires.

Two of the four commercial lots have specific plans and he asked if Mrs. Cunningham will hand the Commissioners a copy of the written commitment?

Mrs. Cunningham said she gave the County Attorney a copy, but did not provide the Commissioners with one. She does, however, have an extra copy for the Commissioners to share.

Mr. Wallace then directed the Commissioners' attention to a letter from Welborn Clinic to Mr. Tom Duncan. Mr. Duncan had approached Welborn Clinic with regard to the proposed development and they are interested in putting a medical facility (whether it be a family practice, outreach of Welborn Clinic, or a type of minor emergency center). This letter was sent to Mr. Duncan:

Dear Mr. Duncan:

Pursuant to the April 13th meeting of the Board of Trustees of the Welborn Clinic, please consider this to be our 'Letter of Intent' to negotiate with you in the development of a Family Practice/Medical Emergency Center upon property to be included within Planned Unit Development known as Oak Hill Estates.

To further summarize our intent, we will be performing necessary analyses and feasibility studies of the proposed site and additionally determining all other implications relevant to the construction of the center of that location. Upon completion of the investigation of the relevant factors, it will be our intent to consider a formal agreement with you or your related parties for the successful finalization of a business relationship.

Very truly yours,

John C. Huus, Medical Director  
Welborn Clinic"

Mr. Wallace said he enters this into the record to establish that they do have specific plans already for two of the four lots and they think this will be a needed and useful facility, as many of the people here today will tell the Commissioners that their concern is getting down in Morgan Avenue and Green River Rd. or Fares Avenue or wherever else -- and the time it takes. Obviously a medical facility in this area would be a much needed and useful facility.

The developer plans to establish a European type food emporium, which would be high in food items, specializing in cheese, bakery and certain kinds of meats, etc., that basically would be on a come-in-and-shop-and-take-with-you basis.

The other two lots (which could be one or two lots) -- they have already had contact and negotiation with a local financial institution. They are not at liberty at this time to say which institution -- they have not committed themselves; they have expressed that they are interested in speaking with the developer and the developer's partners, who are members of our community. They believe that a financial institution would also be an attribute to the area.

This area is a growing area. As many of the folks present will tell you, there has been an increase in housing out there and housing creates needs for other types of facilities. He would direct the Commissioners' attention to Page 29 of the Comprehensive Plan of Evansville & Vanderburgh County done by the APC dated 1985: This area is Unit 216, which is denominated as growth and expansion area. Under Employment for 1980, under Retail Trade there is 0; under Service there are 12 designated jobs. Under the year 2000 employment, under Retail Trade there is a designation of 1 (which is acknowledging a Retail Trade in Unit 216 and there are none now) and under Service it goes from 12 to 22 jobs, of which several would be service jobs and consistent with the Comprehensive Plan.

In conclusion, this Planned Unit Development offers a great deal to these north side residents -- more housing of a quality nature; the sewers and drainage have been addressed by Mr. Morley, and it specifically will take all this property out of the flood plain, as well as improve the drainage in the P.U.D., itself, and bring sewers from a distance to serve this P.U.D., as well as others along the way; the traffic report from Mr. Savage indicates that yes, it will increase traffic, but as any property owner (whether it be a residential developer, single home owner or a Planned Unit Developer) is entitled to what we hope is a reasonable use of his property and that is just that. Mr. Wallace said he would be happy to entertain questions from the Commissioners at this time.

Commissioner Borries said he has a question for Mrs. Cunningham, in terms of the Comprehensive Plan in this area. Would she want to comment about that?

Mrs. Cunningham said she can comment on the Planning Unit 216 development zone. That zone shows 49 projected in Government and Institutions (which is Oak Hill School - that is what that is). And it projects in the year 2000 that there probably will be 49 in that category. It speaks of 12 in Service; that is an area of multi-church growth. Generally with churches there are ministers and generally child care centers and she believes that is what the increase in Service was intended to be. In the year 2000, they really have no knowledge, except there was a church that applied for a Special Use in that area, so it was projected in that area to have an increase in Service -- probably church-related activities. As far as one in Retail, there is probably an office somewhere and she believes there is one in the area.

Attorney Wallace said he appreciates her comments, but he is going from having read the Planned Unit Development in the Comprehensive Plan and there was nothing in there that dictated (that he was aware of) that they thought any jobs would be in the church-related area. Just as she said, 49 in Government and Institutions for the year 2000, he assumes that what the Comprehensive Plan is is a Policy Guide, but there is no certainty.....

Mrs. Cunningham interjected, "That is what it is -- a Policy Guide -- and I'm telling you that for those of us who wrote it, this is what it was intended to be.

Attorney Wallace said, "I only had the benefit of reading the Plan and that is what every developer and every person who comes up here has the benefit of."

Commissioner Borries thanked Mr. Wallace for his comments. He then asked if there are persons present who wish to speak to this rezoning (VC-9-87). For the record and, again, because there is a large audience, President Borries requested that individuals be as brief as possible and avoid repeating perhaps what other persons will say -- and to please give name and address for the record.

The Chair recognized Mr. M. L. Boultinghouse, who stated he resides at 3512 Schmitt Lane (he's lived there 34 years). He asked if it would be out of order for him to ask all those who object to this P.U.D. rezoning to please stand and remain standing while he makes his brief presentation? Commissioner Borries granted permission for those in opposition to stand. (Between 80-100 residents stood.)

Mr. Boultinghouse said that with all the commercial areas within easy driving time, it seems very inappropriate to deviate from the Comprehensive Plan which sets out that the Oak Hill area serve residential growth until the year 2000. "We, the people of the Oak Hill area, respectfully request that you deny the request for rezoning of this property R-1 and A to P.U.D./C-2. The intentions and promises offered by applicant seem hardly likely to be of any value when one would trace the actions demonstrated at Bull Island when, as a matter of record, he flaunted most contracts and laws regulating such demonstrations. We people of Oak Hill Rd. are not against good residential development. I'm sure the problems of traffic, including this St. George Rd. which at the west end of Whirlpool is not a public place -- it goes through private property -- the traffic and sewage and drainage will be adequately dealt with by the various departments who handle these things. Once again, please do not allow this applicant the opportunity to use this loose P.U.D./C-2 rezoning to rape the Oak Hill residential area with commercial rezoning. Thank you."

President Borries thanked Mr. Boultinghouse for his comments and asked that the record show that a Petition signed by several persons in the area was submitted to the Commissioners.

The Chair then recognized Bobbie Schmitt. She said she resides at 5820 Oak Hill Rd. She questioned the European restaurant, saying she doesn't think the residents know about this. She said she does not object to the houses, to the condos; but there are two main entrances and there will be two main exits coming out -- that means four exits proposed on Oak Hill Rd. This will be just that much more of a traffic hazard to watch -- plus they have Schmitt Lane in front of them. So there will be Schmitt Lane, an exit, two main entrances and two exits between Schmitt Lane and St. George Rd. -- and that is a lot. They also have a problem with buses -- people go through the bus arms -- and they will have a side exit, which means they will have three (3) lanes, which will present more of a problem for their children.

Mrs. Edwin Fehd was then recognized by the Chair. She said she and her husband reside at 5401 Oak Hill Rd. They are just 250 ft. from this proposed development. "We are not opposed to any type of single family development on this property. But we are definitely opposed to any commercial, multi-housing, or condominiums in any way, shape or form. Should this happen, this immediately depreciates our property and all surrounding property -- and I am sure many of the property owners who are here tonight would back me on this. Another major factor is the traffic problem this creates, in spite of what Mr. Savage said. Honestly, at times we can't even get out of our own driveway -- and there are many who will agree with this. We also have eight (8) churches in our area, so we have traffic on weekends, as well. We built our home out there in 1951 and we watched the area grow as a very nice, respectable neighborhood. So, let's keep it that way. Thank you."

The Chair recognized Mr. Robert Bond, who stated he lives at 3005 St. George Rd. First of all, he has to question the traffic counts. It is very dangerous at times to even try to get your paper. He wonders if the figures quoted were a five day or a seven day count -- there is not that much traffic on weekends, but peak periods are terrible. It is really dangerous. They had a little girl get hit last week (not their's fortunately). There is one good thing in this proposal and that is the fact that they do have a hospital handy -- as you may need it. Another thing, drainage is a problem. There is a 20-acre subdivision right across the street. Drainage is a real problem; he has lived there eight years and he knows. And it is going to be a lot worse if this proposed rezoning goes through -- lake or not. It will be worse because you will be picking up more water; he is going to have 80 houses on 20 acres -- and this means more water. If his figures are correct, there will be something like 10 acres commercial. You can put a bunch of commercial on 10 acres -- something like North Park. If you're only going to pick up 1,300 per day on the traffic count on this ten acres with all the residential, he doesn't see where the commercial would be profitable if this is all we're going to be picking up. It seems he'd have to be thinking of a lot more than that in the future. With regard to the C-2 zoning, if he were going to have a project like this -- he's start out in C-2, because he knows down the road he could change it to C-4 or whatever.

The Chair then recognized Pastor Syl Carter of the Trinity Church of the Nazarene (directly across the street from the proposed commercial area). They have a problem now with all kinds of literature in their yard; they have to pick it up every weekend -- beer bottles, McDonald hamburger wrappers, etc. -- and if they get a drive-in fast food service over there with gas pumps, it will create a horrible problem for them. All of his congregation voted and signed a petition that they are against putting this in. They welcome the housing. He's done a lot of building himself and has built a lot of churches -- and they welcome the housing and would be glad to have it. But they just don't want the commercial out there. As stated before, if this is passed, what is going to keep them from coming in later on and building other commercial in the area. Would there be any way to control that? Thus, he and his congregation are against the commercial rezoning and the water problem it would create. He has seen water up in the church parking lot when the rains came. Mr. Bowers (when he built) took pictures -- and he has seen water cover the wall part at the Oak Hill Presbyterian Church. And he has seen three feet of water in the corn field -- so there is a horrible water problem already. They would just like to see everything done right and they are against having this upgraded to commercial.

Mr. Lewis Smith was recognized by the Chair. He said he resides at 2813 Eastbrooke, which is a subdivision right off of Bergdorf. They have a water problem there whenever they have bad storms, because their basements have a pumping system which they have to pump up into the sewer. If that sewer is going into Bergdorf, this will create a bigger problem for them down the pike. He has been in his residence for over nine years and this is creating problems that they don't need. With regard to the traffic, you come out there in the morning and in the afternoons; you have T.J. Maax and all the factories in the area using those roads. So he thinks there is a bigger traffic problem than people realize.

The Chair then recognized Mr. Edward Howard. He said he lives at 5917 Oak Hill Rd., just a few hundred feet north of the planned development. "I am, by profession, a librarian, which means I very much am concerned with words and their precise definitions. I see no difference really in what is proposed here tonight (even though it is called a P.U.D.) than what I would term "spot zoning". And "spot zoning" is no more than a commercial beachhead; that is, initial development that leads on to further development. This concerns me as much as it has the previous

speakers, in that I am not so concerned about the ten (10) acres that might be developed initially (with the very finest kinds of innocuous commercial developments outlined here tonight) as I am by the growth -- the kind of spreading cancer throughout that neighborhood as it turns into a bonafide commercial development along Oak Hill Rd. Thank you."

Mr. Roger Kratz approached the podium and stated he lives on Lakeland Drive. He said he did not prepare a text or anything, but he thinks what everybody is here for is that, "Most of us live there because we don't want to live in a crowded neighborhood and that is why we chose to live there. I think that while the commercial proposal made by Mr. Wallace sounds good, I think all he really has is a commitment from the hospital to negotiate -- I don't think there is any guarantee that he will have them. But I think we are guaranteed a high density of housing in an area where we really don't want it. For myself and a lot of people like myself who have families out there, what we're objecting to is a lot of traffic out there. I know what the traffic report said, but I really don't think it is that accurate. I think what I want to say here is that we just don't want that type of development in our neighborhood. As far as what is planned, I think if we had something concrete and knew exactly what might happen, there would be more positive sentiment. But at this point, for myself and most of the people I've talked to, there isn't enough justification to change the zoning."

Attorney Wallace said he would like to take a moment or two to address some of the points brought up by the remonstrators. One of the things he hears that is the consensus of all the folks is that they like the area they live in. To those who were there thirty years ago, there is too much traffic. And those who have been there ten years now think there is too much traffic. He thinks that is inevitable when you're on the edge of a developing area that there be more traffic. And who is to say who is going to be the last house out there before they are not going to allow any?-- Or, the last development-- whether it be commercial. As stated by Mrs. Cunningham, the traffic counts were very recent counts and David Savage is a very qualified engineer and, although he knows that people sometimes think this road is too busy, he is saying that according to the rules and regulations there is room for more traffic on that road. He knows this upsets some people, but the way to do it is to change the rules and regulations insofar as top capacity, but don't let us go by the rules and then say the capacity isn't there. To facilitate the traffic, there are de-accel lanes which obviously will help people get in and out of this development. The facilities are on a 180 ft. setback, which will certainly secure no unsightly development on Oak Hill Rd. that might or might not disturb some people. But to clarify again that this is not spot rezoning, the idea of a P.U.D. is that once you go in and have a 180 ft. setback on your plan, when you come back for your building permit you're going to have to go before the Area Plan Commission and make sure you are abiding by those requirements. So these are built-in protections. To address the question of some folks that that the commercial will go in and that will be it, the developers are willing to bond and commit Phase I and Phase II together, which initially is 34 houses, to include the westerly drainage lake and streets in Phase I and Phase II at the same time. As far as the interest of the folks out there, obviously homeowners and condominium owners who would be out there (as well as the people who have the commercial facilities) are not here to all stand up. But he thinks they should get some concern. In fact, he has a petition (the original was handed in at Area Plan Commission) -- it is attached to Mr. Savage's letter and the Welborn letter -- which has approximately 21 to 22 signatures -- and they have only addressed the people in the immediate area. They did not go three or four blocks away (to Melody Hills, Green River Estates and other neighborhoods a good distance away) -- these are all people who live immediately in the area -- and there are approximately 10 of 21 abutting property owners'

signatures on the petition, which shows there is fair interest in a development of this type. He said the Commissioners will also note that Olivet Presbyterian Church designated their approval. As far as some of the concerns of the people re drainage across the street, etc., those are general concerns for them to have. But as Mr. Morley has so well stated, this development is going to help, because it is going to have drainage lakes; it is going to retain its own water -- and discharge in normal flow. One of the concerns re traffic is that any development will bring traffic. Some of the folks have said they would not mind the residential development but, obviously, every house that goes out there adds trips to the area, too. So it is sometimes hard to delineate sometimes what folks are saying. They are saying they want houses but they don't want traffic. Houses create traffic. It is just on the edge of town and people are concerned about traffic. They understand that and this is why they did it as a P.U.D. instead of coming in on Oak Hill and asking them to zone this or that -- they have put it all together.

In conclusion, Attorney Wallace said they do understand the concerns of the residents and they have tried to address them by limiting the zoning from the beginning, by giving a written commitment; by having detailed sewer and drainage plan; and by having Mr. Savage address this. He could very easily have come back with a letter that said that this road won't handle that type of facility -- and they would have been in a little pickle. But he came back with a letter that said they were o.k. It is their intent and desire to develop something that will be an asset to this area and they do not think it will affect property values (although that is not necessarily a valid consideration, they do not think it will). They believe this will be an attribute and something the people in the area will truly enjoy. They hope they have made it clear from the facts presented in the record that they have that development.

Commissioner Borries explained that the Commissioners asked Mr. Wallace to give his rebuttal at this time. If there are others who wish to speak, he'd want Mr. Wallace to have a chance to respond -- and if others wish to make comments, he would like them to be as brief as possible.

Mr. John Hoffman approached the podium, identified himself, and said he lives at 3500 Bexley Court (formerly at 3500 Schmitt Lane until their son was killed on his bicycle at Ward Rd. and St. George Rd. some 25 years ago). The traffic has not improved and a little girl was just hit on a bicycle. Oak Hill Rd. is no place for anybody on a bike or motorcycle anymore. It is just too narrow a road. Secondly, talking about the drainage -- the people complaining about the drainage on the west side of Oak Hill Rd., that drainage goes through the ditch that runs through the middle of this property. If they cut this off with lakes, development, etc., where is the water that the Minister and the other people were talking about -- where is that going? Thirdly, he understands that there is another 30 to 40 acres under option, which is right next to this property, which will be the next thing on the Commissioners' agenda -- and it goes right up to the back of Bexley Court. So we're talking about another 40 or 50 acres -- that will be the next thing to be rezoned. You're talking about traffic? You're going to have it.

Mr. Joe Kirby of 6200 Lakeland Drive said he has comments. First, Mr. Wallace said that the people say they want houses. He's putting words in their mouths. The people didn't say that -- they said that we're not against houses. They didn't say, "Hey, we want more houses out here." Another thing, at no time did he bring up the depth of the lakes, which I believe it was said at the last meeting was about 5 ft. I don't know how you consider that lakes. Another thing, they talk about the traffic and what it will and won't do and the developer will do this and that. From what I've seen driving that road every day to and from work, I think at the same time that they should consider changing it from "Oak Hill" to "Oak Kill" road.



Mr. Ed Fehd said he lives at 5401 Oak Hill Rd. right next to this property. Attorney Wallace made a remark about how many people signed and agreed to sign -- after they found the true picture -- there are a number of them who went ahead and signed the petition because they did not know the true facts of what was going on.

Elizabeth Hills of 3524 Schmitt Lane said that Mr. Wallace was talking about people who had lived there for 30 years find Oak Hill to be a traffic hazard -- she and her husband have lived there for only eight months and it is a very dangerous road. There are no curbs on the side of the road to allow people to speed out into traffic like there are on other major thoroughfares, and they find it a very dangerous road to be on. She thinks it is much more than volume of traffic -- it is the road conditions, themselves.

Mr. Ed Howard said he would like to direct a question to Mr. Morley. "What is the difference between a lake and a pond?"

Mr. Morley responded that it depends upon which part of the country you are in. He apologized, saying he did not mean to be facetious. At no time did he ever say this lake was only 5 ft. deep. He will re-state what he said at the last meeting. The lake will have a minimum depth of 5 ft. Minimum depth.

Mr. Howard said his question was not facetious -- he sincerely would like to know the difference between a pond and a lake.

Attorney Wallace interjected that, "Historically, we have called them lakes, ponds, detention areas -- the purpose of this facility would be to hold rainwater or any kind of surface water and allow it to flow properly without flooding the development. Obviously, that is the purpose and it would be built to whatever specifications the County Engineers require to meet those needs. And they will work with Mr. Morley (who has had vast experience in this) to insure that -- and that is what it will be. If it is less than 5 ft. and you want to call it a pond, fine. If it is more than 5 ft. and you want to call it a lake, fine; it is simply a terminology at this point to designate a detention area for surface waters during a storm until such time as it can flow off through proper drainage channels."

Pastor Carter said, "Our property stands to be flooded out more than anyone else's. I have seen water in our parking lot -- and we have pictures to prove that. That is a horrible problem there. If we get a two or three inch rain and it floods my church, who is going to be responsible?"

Attorney Wallace said, "As I am sure Mr. Morley can re-state, the purpose of the retention area is to drain surface water and it will be built according to any kind of county specifications necessary to handle whatever drainage they think will flow into the lake. The county will have the last say on this. Mr. Morley will work with them -- or the building permit will not be issued. If you have that concern, when and if this beautiful and helpful project is approved, you can check with the county and they can make sure that the retention lake will handle the water until it can flow off into proper channels."

Pastor Carter, "But if our church is flooded, will you be responsible? Will you sign that you will be responsible if the water floods our church to replace furniture, air conditioner, carpet, clean up the mess, etc.?"

President Borries asked that the meeting be restored to order.

Attorney Wallace stated, "They do not have an option on that property."

Mr. Borries asked, "Who does not have an option?"



Attorney Wallace responded, "An allegation was made by someone that my client has an option on property to the south and plans to do more building. As the librarian said, words are dangerous -- and it was stated that we have the option on it. We do not and anything that is not for this project is not for this Commission to decide.

In conclusion, Attorney Wallace said he feels they have addressed drainage, sewers, traffic -- they understand and appreciate the concerns -- that is the reason they are going in as a P.U.D., which offers the one unique aspect of having to come back before Plan Commission before any building is done to make sure that the drainage and sewers and de-accel lanes for traffic purposes are in place.

Mr. Morris Boultinghouse asked if the P.U.D. development in the offing here takes into consideration the action of Past Commissioners pertaining to Schmitt Lane and Oak Hill Rd. to the fullest extent?

Commissioner Borries asked if Mr. Boultinghouse would want to explain what he means?

Mr. Boultinghouse said there are many entries back to the year 1952 of various exceptions that the Commissioners have made concerning Schmitt Lane (the width of the road and length of the road) and he is wondering if they will be adhered to in this project?

Commissioner Borries said, "I don't know at this time whether I can comment on Schmitt Lane, because I would not have that information in front of me. I can only say that Schmitt Lane is not part of this proposal."

Commissioner Willner said he is trying to weigh the good and the bad and finances are bothering him. Would Attorney Wallace care to explain? If, in fact, the rezoning is approved, do we have sufficient finances to see this project through -- at least in the Phases he stated?

Attorney Wallace said, "Yes; I cannot provide proof in writing, but we have spoken with the banks and have a financial commitment and whatever work we do we will put Phase I and Phase II together, which will insure the residential area...the commercial and the first 34 houses."

Mrs. Cunningham said they changed the first plan to include Phase I to be all the commercial and the first 34 houses -- so, she believes that is what he is speaking to. So he is talking about Phase I between June of 1987 and December 1988 -- they plan to do all the commercial lots and 34 single family units.

Attorney Wallace said, "Which would include the initial drainage lakes, streets, sewers, etc. Obviously, their requirement of bonding would make necessary the financial commitment to the development."

Commissioner Willner said, "Final question; I asked you if you would design your inlet to correspond with St. George Rd. Is that a possibility? Or, have you completely ruled that out?

Attorney Wallace said he reached Mr. Morley at 5:00 p.m. this afternoon to see what he thought about that.

Mr. Morley said, "The section line is right in the center of St. George Rd., so it would have to be offset a little bit. It would be possible -- if the Commission would accept a little offset -- but unless they were able to acquire some of the property to the south (30 ft. or something along there) then it couldn't line up exactly. If they could get 30 ft., then it could line up.

President Borries said he would call for a vote at this time on the project.

Motion was made by Commissioner Willner that VC-9-87 be approved on 3rd Reading, with a second from Commissioner Borries.

President Borries then asked for a roll call vote: Commissioner Willner?

Commissioner Willner responded, "Like I say, I've been trying to weigh the good parts and the bad parts. I, personally, think that this development would help the water and drainage problems. I know you don't agree with that. But ten (10) years ago we faced the same thing on the east side; it was no more development or we put the detention lakes in -- and it has worked. I am here to tell you that it does work and it will work in this area, too. The sewers are o.k., too. I don't have a great big problem with the commercial area, but I would prefer to know what went in there. On the other side, I think the traffic is going to be a problem. I think the commercial zoning will spread -- and I do believe that this is "spot zoning". Therefore, I am going to vote 'no'."

Commissioner Borries said, "I would want to compliment all of you for your comments and politeness in attending this session. The room is stuffy and we apologize for that. I want to compliment Mr. Wallace. As I said, I believe space is getting scarce in Vanderburgh County and we have to look very carefully at each development as it takes place. My difficulty is not with housing, but rather again the commercial area that oftentimes are areas that turn over quickly and we begin to lose what we feel would be the aesthetics and quality of those developments. As a result, and because we have to consider this in a total package, I will also vote 'no' at this time."

President Borries declared a five (5) minute recess.

VC-10-87/Petitioner, W. C. Bussing, Jr. (3rd Reading): President Borries said Petitioner is W. C. Bussing, Jr.

The Chair recognized Mr. Jim Morley, who said he represents the developer of a P.U.D. called Harbor's Edge. It is to be located on a 10 acre site that located between Eagle Ditch and the Evansville Water Filtration Plant. The site is on the river side of the levee and it has been filled in years past through certain dredging operations of Inland Marina and now has an area that will provide this 10 acres of property completely above the 100 year flood zone of the Ohio River. The property would be accessed by a main road that would enter at the top of the levee right at the crest of the hill so that there will be good visibility in both directions. There is no limitation of access due to flooding, since all access is from the Evansville side and any flooding of that road (as you know) comes farther on towards Kentucky from Inland Marina.

The plan calls for some 110 condominium units and 60 single family homes. The P.U.D. concept is so that the 60 single family homes (which line the project on the river and on the harbor) will own the property on which the house sits. They will own the yard between them and the river, as well as the parking area behind their garages on out to the street. So they will be individually owned properties.

The utilities will all be there (gas, electric, sewer). A lift station will be constructed to convey the sewage down to the nearest sewer line. The property is in a location which is somewhat south and west of the Evansville Treatment Plant, which will mean that for the most part, while it is not normally this Treatment Plant that has odor problems, the location of the site is such that the prevailing winds are in the other direction so it is highly unlikely that that would cause any relevant problems at this particular site. Mr. Morley said he would be glad to answer any questions.

Commissioner Borries queried Mr. Morley concerning the 110 condos, asking if the residents will own the property?

Mr. Morley said, "What we call single-family lots (zero lot line homes) which are 30 ft. wide by 100 ft. long are all single family owned lots. They will individually build their structures and they will own the ground on which the structure sits. When you go to the other units, you get into condominium ownership, where you own inside the walls of the building. An Association is responsible for roof maintenance and exterior maintenance. On the others, the individual owners are responsible for that and it gives them more freedom of choice in decorating the interior, etc.

Commissioner Borries asked which phase would be done first?

Mr. Morley said the single-family homes will be developed first. They will start at the river's edge and work inward to higher levels each time. The first row along the river is all one-story. Back of that will be two-story units. Mr. Bussing is present tonight if the Board has any particular questions re the phasing of the operation that he (Morley) may not be able to answer.

Commissioner Borries said, "We would indicate here that this is a down zoning in the sense of the W-1 (which is an interesting rezoning). We don't have many W-1's come by here (Waterfront Industrial). This will be a P.U.D.; however, he would want to stress that this P.U.D. is different in that it contains no commercial development. It is a residential P.U.D. The Chair entertained comments or questions. There being no one present to speak to the petition or remonstrate against same, a motion was entertained.

Motion was made by Commissioner Willner that VC-10-87 be approved, as submitted on 3rd Reading, with a second from Commissioner Borries.

Commissioner Borries then asked for a roll call vote: Commissioner Willner, yes; Commissioner Borries, yes. President Borries declared the petition approved.

RE: TRAVEL REQUEST - AREA PLAN COMMISSION

Mrs. Cunningham said she has a request to travel on Thursday, May 28th, to Indianapolis for an Indiana Planning Association meeting. She is Awards Chairman for the meeting and she needs to be there to determine the awards. The trip would not entail any room costs. She is not sure whether it will be mileage or whether, if they have the new car in time, she will take it -- whichever.

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

RE: COUNTY ATTORNEY

President Borries announced that Tim Hubert is present tonight (from the law firm of Bowers, Harrison, Kent & Miller). He then asked if Mr. Hubert has anything to report?

Mr. Huber said he has nothing to report at this time.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period May 11 thru May 15, 1987.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Park St., Campbell Rd., Red Bank Rd.

Paver: Telephone Rd., Wedeking, Old Boonville Highway

Patch Crew: Boonville-New Harmony, Marx Rd., Tree Top Lane, St. George Rd. and Lynn Rd.

Grader: Telephone Rd., Wedeking, Old Boonville Highway and Fisher Rd.

Mower: St. Joe Ave., Schenk, Orchard, Little Schmuck, Nurrenbern, Boonville-New Harmony Rd.

Trash: Lynn Rd., Green River Rd., S. Weinbach and Bayou Creek

Rocked: Happe and Seminary Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Cut grass on St. Joe Rd.
- Cut across St. Joe Rd. to replace culvert
- Replaced culvert on Goebel Lane
- Replaced culvert on Koring Rd.
- Cut weeds around pipe at 8914 Darmstadt Rd.
- Built drop box on Dieffenbch Rd.
- Worked in yard at Vanderburgh County Highway Dept. digging up gas tank.
- Cut trees in bottom overhanging bridge.

Weekly Absentee Reports: Also submitted by Mr. Bethel for the same period were the Weekly Absentee Reports for the Bridge Crew. and Employees at the County Garage.....reports received and filed.

The Chair entertained questions of Mr. Bethel.

Accident on Darmstadt Rd.: Commissioner Borries said that six years ago this Commission requested Mr. Bethel to look at the installation of a guard rail on the western side of Darmstadt Rd. (about 500 ft. past the City limits). We had this person who had had their house hit at least four (4) times. We went out there and the Sheriff did a speed study, we did a site study, and we looked at everything there. There is something about that stretch -- one word to sum it up would be "speed" -- so we installed some guard rail. He understands that it got baptized rather well over the weekend.

Mr. Bethel said that on Saturday night, May 16th, at approximately 10:30 p.m., a company-owned truck hit a guard rail across from 7201 Darmstadt Rd., resulting in damage of approximately 40 ft. of guard rail. He then presented photographs of the damaged guard rail. Mr. Bethel said the Sheriff was called to the scene of the accident. The driver was under the influence of alcohol. After hitting the guard rail, he drove as far as Hilltop Inn, where his truck died -- and he abandoned the truck, leaving on foot. The Sheriff arrived on the scene and had the truck towed in. The Sheriff told James Peerman (who lived next door to the scene of the accident) that the truck smelled like a brewery. There were full and empty beer cans left at the scene. He said he does not have the Sheriff's report, but he will get it.

Commissioner Willner asked Mr. Bethel to get that report to our insurance carrier. Mr. Bethel said he will do this in the morning. Commissioner Willner said Mr. Bethel might also give the insurance carrier an estimate of the damage. Mr. Bethel said they are replacing that guard rail today. There is no dangerous curve or hill....

Commissioner Borries interjected, "Somehow when they leave the City -- maybe because of the light changes or whatever -- they tend to speed up.

Commissioner Willner noted that the vehicle was traveling south, however.

Mr. Bethel said you can get some idea of the speed the vehicle was traveling from the length of guard rail that was damaged -- he really hit it hard -- that guard rail is heavy stuff.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Progress Reports: Mr. Easley said he has Progress Reports to submit: One from Bernardin, Lochmueller on the Boonville-New Harmony Rd. and Lynch Rd. Extension Design Work. The other is from United Consulting Engineers on Eickhoff Rd.

Claim/Bernardin, Lochmueller & Associates: Claim in the amount of \$13,926.49 for Design Work on Lynch Rd. Extension from Oak Hill Rd. to Burkhardt Rd. He has reviewed the claim and finds it in order. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

Commissioner Borries asked if Mr. Easley would want to comment on the right-of-way? We have approval to move the extension road south -- is that correct -- to escape the proposed Fox Pointe Subdivision?

Mr. Easley said he was in Indianapolis last Wednesday. At that time he was given a copy of a letter that John Isenbarger has received from the Federal Highway Administration. He forgot to get to the Xerox machine to make a copy for the Commissioners. However, the letter says:

" Reference is given to your letter which requested our concurrence to adjust the alignment of the western portion of the subject project to avoid costly right-of-way acquisition. We have reviewed the request and concur with the adjustment. Our acceptance of the adjustment is based on the County's plan to acquire a 26 acre parcel of land adjacent to Pigeon Creek and use it as a mitigation measure for the alignment shift. We believe that the taking of the hardwood forest as required by the project will be offset by the preservation of the replacement hardwood forest and have enclosed a signed, revised record of decision for the project. Revised ROD replaces the original ROD, which was signed July 23, 1986."

The County has verbally acknowledged and accepted the acquisition of the replacement hardwood is not eligible for Federal Aid participation. We need to have the County prepare a formal acknowledgment of the eligibility of Federal funds for the replacement hardwood forest at their earliest convenience."

Mr. Easley said, "So they have approved the shift."

Commissioner Borries asked if we have appointed an appraiser and a buyer?

Mr. Lindenschmidt said we need a second appraiser.

Mr. Easley said that Mr. Lindenschmidt is correct; we need a second appraiser on Fox Pointe.

Commissioner Borries asked, "I think we need to move quickly on this, don't you, Bob, to get this matter of right-of-way resolved before somebody changes their mind?"

Commissioner Willner agreed, and then questioned why we need a second appraiser?

Mr. Lindenschmidt said that Rose Zigenfus told him that we had to have two appraisers.

Mr. Easley said he thinks we're supposed to follow Federal guidelines for obtaining the right-of-way, even though we are going to pay for it ourselves. And, apparently Rose said it requires two appraisers.

After further brief discussion, it was the consensus that Mr. Easley should check further before we hire two appraisers. Commissioner Willner said that could be a \$1,000.00 job there. Commissioner Borries said this was his question, also. He doesn't understand why we have to have two appraisers.

Mr. Easley asked if we had two appraisers on Burkhardt?

Commissioner Borries said we did not. We've never had two appraisers on anything.

Commissioner Willner noted that we will have to do the same thing for the Boonville-New Harmony Extension as soon as it is ready.

Again, the Commissioners urged that Messrs. Lindenschmidt and Easley check further with Rose Zigenfus.

Mr. Lindenschmidt asked that in the event two appraisers are required, do the Commissioners want to go ahead and name a second appraiser? Or, wait a week?

It was the consensus that the Commissioners will hold off naming a second appraiser until it is determined whether a second appraiser is needed.

Commissioner Willner said the first thing that comes to his mind is whether we could use some of our own forces? He then asked if we have enough money in that account?

Mr. Easley responded in the affirmative.

Mr. Willner asked, "One appraiser has been notified to start (Victor Funke) and one right-of-way buyer (Ken Hanson) has been notified?"

Mr. Easley said he has not had any conversation with the right-of-way buyer.

Commissioner Willner said we need to put him on notice.

Commissioner Borries said he has one other thought on Lynch Rd. It is apparent to him that the way the State funding looks and the way that this project is coming out, that the I-164 project is going to be a reality before Lynch Rd. He would want to ask Mr. Easley for some clarification as to where or if we're going to get that grade separation?

Commissioner Willner said, "It is a toss up".

Commissioner Borries said, "The way the State is, they are hem-hawing around -- and we're doing a lot of this on our own here."

Commissioner Willner said that he met with the State, Andy and Rose last week.

Commissioner Borries asked if they discussed the I-164 project at all?

Commissioner Willner responded, "Yes; we brought up the Interchange and it is coming out of a different pot."

Commissioner Borries said, "I understand; but are they going to build it at that point?"

Commissioner Willner replied, "It is no guarantee yet; but they say the project is going to go. They talk about down the road five or six years anyhow, because they still talk about lack of money for Federal Aid Urban. Federal Aid Urban is wiped out as far as they are concerned. There is some money in Federal Aid Secondary. That means that the part of Burkhardt into Warrick County is a go. At least, this was his understanding.

Commissioner Borries said, "It's strange, but we're on the same wave length there. But, again, it just raises that question -- I would want more information ...."

Commissioner Willner said, "You must think that the very essence of I-164 has caused us to use a lot of money we hadn't planned on using.....South Green River Rd., Heerdink Lane, etc. This has done irreparable harm to our funds. Unless County Council sees fit to allocate some Local Option Income Tax monies -- we don't have the money."

Commissioner Borries said, Another one is Fuquay Rd. -- a lot of residents are concerned about Fuquay Rd., so we're going to have to look at that.

Commissioner Willner said, "The problem is changing every month. Three or four months ago we got the bad news that they're not going to help us replenish our money spent for preliminary engineering. So everything we have heard this past year has depleted our funds -- so we might have enough money to proceed with Lynch Rd. -- but we need to get this piece of property purchased."

Commissioner Borries said he agrees; he just wanted some clarification. It looks to him that if they have funding, that they are going to be doing a lot of work on the northern leg of it this year. In fact, they have some grade separations as far down as Fuquay Rd. on the southern leg now. And, a lot of Morgan Avenue is done.

Claim/United Consulting Engineers: Claim in the amount of \$7,475.00 for engineering services on North Green River Rd. Again, he has reviewed the claim and finds it in order. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

Commissioner Borries noted that the engineer who handled this said that had he known what the traffic was out there, he would have upped his ante -- because he thought he took his life in his own hands.

In response to query as to when this work is to be finished, Mr. Willner said he talked to them on Thursday of last week and they were about to wrap up their on-site work.

Commissioner Borries said someone was out there today doing some work. He was coming from the north to look at a couple of rezonings and someone was doing some surveying just north of the bridge.

Boonville-New Harmony Rd.: Commissioner Borries asked if we're going to have to have a hearing on the Boonville-New Harmony Rd.?

Mr. Easley said he has requested that the State waive the hearing and he thinks they concur that we have done a sufficient amount of what the one farmer asked us to do. We shifted a culvert and gave them two new field entrances -- and apparently the Hearing

Officer (or whoever has to schedule it) agreed that we had done a sufficient amount -- considering they were only interested in a couple of small items.

Commissioner Borries commented that he would think then that we would begin there rather quickly.

"B" Street Underpass: Commissioner Willner queried Mr. Easley concerning the status of the "B" Street Underpass?

Mr. Easley said we need to approve the preliminary plans. He has not yet received comments from either SIGECO or the Board of Works. He will contact them tomorrow to determine whether they have any written comments they want incorporated into the design.

Commissioner Willner said, "We need to stay with that."

Commissioner Borries said that, for the record, he would have to say that he certainly opposes any closing of Claremont at this point. He can't go for that; that would drastically change the whole scope of the project -- so we need some clarification as to what the railroad is going to do on that.

Commissioner Willner said he called Continental Grain and told them, "No" -- he told them that over our dead bodies they would close Claremont. He noted that the railroad can't close it. The road would have to be closed by City government. They'd have to abandon it and that is not going to happen.

RE: ACCEPTANCE OF CHECK

President Borries submitted check from the Evansville-Vanderburgh School Corporation in the amount of \$1.00 for rent for West Heights School.

Motion to accept check and endorse same for deposit into County General Fund was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

RE: TRAVEL REQUEST - COUNTY ASSESSOR

President Borries said County Assessor Jim Angermeier is requesting permission to attend the 52nd National Conference of the Association of Counties (NACo), in Marion County, Indiana on July 11-14. He is asking that the county pay for his reservations and mileage. (He has been asked to serve on the committee by the Association.)

Commissioner Borries said he would be willing to approve the request if there is money in the account. But he is wondering if there are other officials who will be wanting to attend -- and what the Board should do about it. He may be out of the City and the State at that time -- but this is probably as close as the National Conference will ever be. Should the Board survey to see if others are interested? Or, get the requests on a case-by-case basis?

Motion was made by Commissioner Willner that Mr. Angermeier's request be approved, with a second from Commissioner Borries. So ordered.

RE: MONTHLY REPORT - CLERK OF CIRCUIT COURT

President Borries presented the Monthly Report from the Clerk of the Circuit Court for period ending April 1987.....report received and filed.

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim in the amount of \$143.00 presented for Labor General/Sheriff's Department (Evans & Reed cases). Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.



RE: REQUEST TO GO ON COUNCIL CALL - COUNTY COMMISSIONERS

It was noted by President Borries that the Commissioners need to go on Council Call to replenish Acct. 130-361 (Legal Services). It is very difficult to project how much will be needed for this account. But the County Attorney is involved in litigation on numerous cases (as mentioned in recent Executive Session) and we already have a claim that exceeds the balance in the account.

Following brief discussion, it was noted that the County Attorney is to provide the Commissioners with a projected dollar figure as to how much money will be needed to cover projected litigation expenses.

Motion was made by Commissioner Willner that the Commissioners go on Council Call for additional appropriation in Acct. 130-361 in an amount to be provided by the County Attorney. The legal staff has to prepare cases (there are several on behalf of the Sheriff; the Volpe case is probably another; the Assessor's case -- there are several); otherwise, we'd be in default.

RE: HOLIDAY CLOSING

President Borries announced that all County Offices will be closed on Monday, May 25th, for the Memorial Holiday.

RE: SCHEDULED MEETINGS

Tuesday	May 26	2:30 p.m.	Commissioners Meeting & Drainage Board Meeting
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RE: EMPLOYMENT CHANGES

Election Office (Releases)

Sandie Deig	Supervisor	\$6.00/Hr.	Eff: 5/8/87
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Voter's Registration (Appointments)

Casey E. Randolph, Jr.	Deputy	\$90.00/Day	Eff: 5/5/87
Robt. W. Tilford	Deputy	\$90.00/Day	Eff: 5/5/87
Lucille Musgrave	Deputy	\$90.00/Day	Eff: 5/5/87
Charlene Appman	Deputy	\$90.00/Day	Eff: 5/5/87
Gloria Evans	Deputy	\$90.00/Day	Eff: 5/5/87
Robt. K. Mays	T. Crew...	\$30.00/Day	Eff: 5/5/87
Jonathon F. Gugin	T. Crew	\$30.00/Day	Eff: 5/5/87

Voter's Registration (Releases)

Casey E. Randolph, Jr.	Deputy	\$90.00/Day	Eff: 5/6/87
Robt. W. Tilford	Deputy	\$90.00/Day	Eff: 5/6/87
Lucille Musgrave	Deputy	\$90.00/Day	Eff: 5/6/87
Charlene Appman	Deputy	\$90.00/Day	Eff: 5/6/87
Gloria Evans	Deputy	\$90.00/Day	Eff: 5/6/87
Robt. K. Mays	T. Crew	\$30.00/Day	Eff: 5/6/87
Jonathon F. Gugin	T. Crew	\$30.00/Day	Eff: 5/6/87

County Highway (Releases)

James H. Howell	Laborer	\$8.10/Hr.	Eff: 5/15/87
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Circuit Court (Appointments)

Russell P. Sumner	PTCS	\$5.00/Hr.	Eff: 5/4/87
Cynthia S. Jones	PT Intern	\$3.35/Hr.	Eff: 4/27/87
M. Margaret Lloyd.....	PT Intern	\$4.00/Hr.	Eff: 5/4/87
Larry E. Vowels	PTSG	\$5.00/Hr.	Eff: 5/2/87
Paul N. Aarstad	PTSG	\$5.00/Hr.	Eff: 4/16/87

Circuit Court (Releases)

Jon K. Aarstad	PTSG	\$5.00/Hr.	Eff: 4/16/87
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Superior Court (Appointments)

Jeri Warner                      Clk. Asst.              \$13,663/Yr.    Eff: 5/11/87

Superior Court (Releases)

Robin Craig                      PT Intern              \$3.35/Hr.      Eff: 5/8/87

Board of Review (Appointments)

Marilyn Flittner                  Clerk                      \$35.00/Day      Eff: 5//18/87

County Treasurer (Appointments)

Georgiana Harris                  Part Time              \$35.00/Day      Eff: 5/4/87

County Auditor (Releases)

Tammy Stephens                  Posting Clk.              \$13,440/Yr.      Eff: 5/7/87

Clerk of Circuit & Superior Courts (Appointments)

Deborah A. Hunter	Clerk	\$536.59/Pay	Eff: 5/11/87
Susan J. Heberer	Dep. Clk.	\$514.95/Pay	Eff: 5/11/87
Tracey Statz	Dep/ Clk.	\$536.59/Pay	Eff: 5/11/87

Clerk of Circuit & Superior Courts (Releases)

Jeri Warner                      Clerk                      \$536.59/Pay      Eff: 5/11/87

There being no further busines to come before the Board at this time, President Borries declared the meeting adjourned at 9:50 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Cindy Mayo,	Tim Hubert, Rep.
	R. L. Willner	Chief Deputy	
	S. J. Cox (Absent)		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Bethel	Andy Easley	B. Cunningham

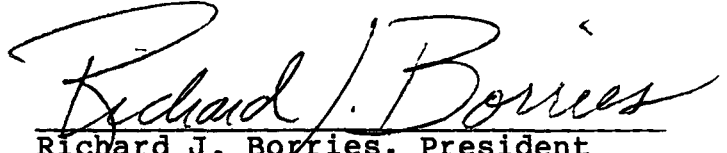
OTHER

Jeffrey Kempf  
Dave Robinson, Atty.  
Mark Miller, Atty.  
John S. McCullough  
James Morley  
Keith Wallace, Atty.  
Thomas Duncan  
M. L. Boultinghouse  
Bobbie Schmitt  
Mr. & Mrs. Edwin Fehd  
Robert Bond  
Sylvanus Carter, Pastor/Trinity Church of Nazarene  
Lewis Smith  
Edward Howard  
Roger Kratz  
John Hoffman  
Joe Kirby  
Elizabeth Hills  
W. C. Bussing, Jr.  
News Media

COUNTY COMMISSIONERS  
May 18, 1987

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SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

\_\_\_\_\_  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 26, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Tuesday, May 26, 1987, in the Commissioners Hearing Room, with Vice President Robert Willner presiding, since President Rick Borries had been delayed. He noted, however, that Commissioner Borries is expected to arrive while the meeting is in progress.

RE:     CONTRACT RE MANAGEMENT OF HILLCREST-WASHINGTON HOME

Commissioner Willner said County Attorney David Miller is back in his office reading the contract between the County and the Mental Health Association regarding management of the Hillcrest-Washington Children's Home. The reason he asked Attorney Miller to read the agreement verbatim is because he and Commissioner Cox just received the contract a few minutes ago and have not yet had an opportunity to read it. Attorney Miller will review it thoroughly and advise whether said contract is in proper order, etc.

RE:     AUTHORIZATION TO OPEN PROPOSALS ON DESIGN OF GREEN RIVER ROAD SOUTH

The Chair entertained a motion to authorize Jim Lindenschmidt to open the proposals received on design of Green River Road South, since Attorney Miller is otherwise occupied. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE:     COUNTY HIGHWAY - BILL BETHEL

Work Report/County Garage: Mr. Bethel submitted the following Work Report for Employees at the County Garage for period May 18 thru May 22, 1987.....report received and filed.

Gradall:         Darmstadt Rd. and Baehl Rd.

Patch Crew:     Red Bank Rd., Mesker Park Dr., Campbell and Walnut, Allen Lane, Mohr Rd. and Old Henderson Rd.

Paved:           Burkhardt Rd. and Wedeking

Mowed & Mo-Trim         Darmstadt Rd., Old Princeton Rd., Millersburg, Green River Rd., St. Joe Ave., Red Bank Rd., Nurrenbern, Broadway, Felstead, Heinlein, Old Petersburg, Kansas Rd., Boonville-New Harmony, Browning Rd. and St. Joe Median

Grader:          Wedeking

Work Report/Bridge Crew: Also submitted for the same period was the Work Report for the Bridge Crew.....report received and filed.

- Installed a culvert on Darmstadt and Mohr Rd.
- Repaired guard rails at 7206 Darmstadt Rd. and Hitch-Peters
- Replaced culvert on Campbell Rd. & Walnut and cut weeds on Boonville-New Harmony Rd.

- Repaired concrete channels on Heckel Rd. & cut weeds
- Cut weeds on Pollack Avenue

Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for Employees at the County Garage and the Bridge Crew.....reports received and filed.

In response to query from Commissioner Willner, Mr. Bethel said they are working on Heinlein Rd. today. Old Boonville Highway and Telephone Rd. are finished. They paved Burhardt Rd. from Highway 62 to Boonville-New Harmony Rd.

Commissioner Willner said he was out at McCutchan Place Subdivision and that is a mess.

Commissioner Cox said we have nothing to do with the developer's private drive.

Commissioner Willner noted there are a lot of people on that other than the developer.

RE: BURDETTE PARK - FINANCIAL REPORT

Commissioner Willner presented the following Financial Report which had been submitted by Mark Tuley, Manager/Burdette Park:

1987 STARTING BUDGET

1987 Budgeted	\$456,318.00
1986 Encumbered by Contract	66,368.84
1987 Additional Appropriation	<u>14,000.00</u>
Total	\$536,686.84

Expenditures & Balance 1/1/87 to 4/30/87

Total Expenditures	\$206,765.95
Total Balance	\$329,920.89

Income 1/1/87 to 4/30/87

Pool	\$ -0-
Rink	12,596.01
Rentals	22,274.00
Misc.	1,371.55

Total	\$ 36,241.56
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4/30/87

Total Expenditures	\$206,765.95
Total Income	- 36,241.56
Deficit Sub-Total	170,524.39
Less Capital Improvements	- 55,836.34

Total Deficit	\$114,688.05
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Commissioner Willner said Burdette had a very good weekend. The water slide and batting cages were busy. The lighting has done wonders for the batting cages -- and should help the entire park. Mr. Bethel interjected that they did a nice job on the lighting and he and Commissioner Willner agreed that this is something of which we can be proud.

RE: PIC/LEO AGREEMENT MODIFICATION

The meeting proceeded with Commissioner Willner reading the following letter from the Private Industry Council of Southwest Indiana:

May 14, 1987

To: Local Elected Officials

Please find enclosed a proposed modification of the Service Delivery Area Agreement between Elected Officials and the Private Industry Council of Southwest Indiana. The purpose of the modification is to incorporate into the document the following changes that have recently been discussed and approved by the Private Industry Council.

Section II - Beginning July 1, 1987, it is recommended that the Private Industry Council become the grant recipient. The City of Evansville had previously been charged with that responsibility. The change resulted in a mutual agreement between PIC and the City of Evansville based on financial liability.

Section IX - It is recommended that the wording for removal of board members be changed to include acknowledgment for attendance of both PIC Business and PIC Committee meetings. - Attendance at the business meetings is still greatly emphasized.

If this modification meets with your approval, please sign and return the document to Jeffrey L. Amos, Supervisor of Planning and Management Systems by June 12, 1987.

In the case of County Commissioners, the signatures of all the Commissioners are needed.

If you have any questions, or if I can be of any assistance concerning the agreement, please feel free to call.

Ann Penfield  
Acting Executive Director

It was subsequently determined that action on this matter will be deferred until after Commissioner Borries arrives.

RE: TRAVEL REQUESTS

Commissioner Willner stated that he has several requests, as follows:

- 1) County Assessor -- Jim Angermeier is requesting mileage and two days per diem for trip to Anderson County (to view computer system) and to Indianapolis for the NECO Conference on May 26 and 27. (Lodging to be provided by family member).

Motion to approve the request was made by Commissioner Cox with a second from Commissioner Willner. So ordered.

- 2) Township Assessors -- (Bob Dorsey, Al Folz and Bob Harris) are requesting permission for themselves and two deputies from each office to attend instructional meetings in Indianapolis on June 22, 23 and 24.

Motion to approve the foregoing requests was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

- 3) Area Plan Commission -- Mrs. Barbara Cunningham is requesting permission to attend the 1987 Indiana Planning Association Convention June 10-12 in Columbus, IN. As secretary of this organization, she is required to attend. In response to query from Commissioner Cox. Commissioner Willner checked and advised that the APC has no funds in their account for this; the travel expense will have to come from the Commissioners' Travel Account, which currently has a \$4,819.19 balance.

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

It was noted by Mrs. Cox that the Commissioners will need to keep an eye on travel expenses, as there will be fall meetings which newly elected officials will be required to attend.

RE: RIGHT-OF-WAY FOR LYNCH ROAD & "B" STREET UNDERPASS

Commissioner Cox asked if Andy Easley is in town this week? She said her notes indicate that the Commissioners were to name a right-of-way buyer for the Lynch Rd. Extension project. And he was to advise the Commissioners further re "B" Street Underpass Project.

Commissioner Willner said Mr. Easley is in town and should be in the meeting shortly.

RE: SCHEDULED MEETINGS

Wednesday	May 27	2:00 p.m.	Council Personnel Committee Mtg.
Wednesday	May 28	2:30 p.m.	Council Finance Committee Mtg.
Wednesday	June 3	2:30 p.m.	County Council Mtg.

RE: EMPLOYMENT CHANGES

Pigeon Township Assessor (Appointments)

Kraig M. Nance	Ext. Help	\$35.00/Day	6/1/87
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Prosecutor (Releases)

Timothy Klingler	Dep. Pros.	\$25,000/Yr.	Eff: 5/27/87
Steve Owens	Dep. Pros.	\$23,810/Yr.	Eff: 5/27/87
Michael J. Danks	Dep. Pros.	\$18,900/Yr.	Eff: 5/25/87
Christian M. Lenn	Dep. Pros.	\$27,000/Yr.	Eff: 5/25/87
Daniel DeArmond	Dep. Pros.	\$21,500/Yr.	Eff: 5/25/87
Debra Jo Day	P.Secretary	\$15,000/Yr.	Eff: 5/25/87

Prosecutor (Appointments)

Steve Owens	Dep. Pros.	\$25,045/Yr.	Eff: 5/27/87
Michael J Danks	Dep. Pros.	\$20,000/Yr.	Eff: 5/25/87
Christian M. Lenn	Dep. Pros.	\$28,540/Yr.	Eff: 5/25/87
Daniel DeArmond	Dep. Pros.	\$23,000/Yr.	Eff: 5/27/87
Debra Jo Day	P. Secretary	\$16,317/Yr.	Eff: 5/25/87

RE: COUNTY ATTORNEY RE HILLCREST-WASHINGTON HOME

County Attorney Miller entered the meeting room at 2:50 p.m. and said that they have been working with Counsel for the Southwestern Indiana Mental Health Foundation during the entire month of May and have arrived at a written agreement that involves all of the requirements of the bid and the various concerns the Commissioners have expressed. He has provided the Commissioners with a draft of the agreement that is a result of a number of exchanges and comments of information between his office and Mr. Evans, the attorney for Southwestern Indiana Mental Health Foundation, Inc. The document arrived in his office this morning and was brought to his attention at noon today. He has read it in its entirety and it appears that with one needed change (which is being done right now and will be brought over here for insertion) it appears to be totally satisfactory subject to these comments.

On Page 1 at the bottom where the language reads "NOW, THEREFORE," he has asked Mr. Evans and he has agreed to include the following language after the word 'herein':

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and in consideration of the statements and representations set forth in the Bid of Manager, all of which are incorporated into this Agreement by this reference...". In other words, the bid that Southwestern Indiana Mental Health Foundation, Inc. gave to us, all the language and representations incorporated into that bid are a part of our contract with them and we are entitled to rely on those documents.

Attorney Miller said he believes that the compensation amounts set forth in Paragraph II are correct. They are made subject, however, to the annual funding of the Vanderburgh County Council and that language appears later in the agreement.

The scope of the work is very extensively described beginning with Paragraph IV. This was a difficult job because nobody ever tried to do this before. Our agreement with the Department of Public Welfare was all verbal (as far as he knows). Paragraph IV was the result of some substantial discussion. He will not say "give and take" because there was no evident bargaining. We didn't bargain one thing in return for another. It was simply an effort to cover everything that everyone wanted to do -- and he must say that the people at Southwestern Indiana Mental Health Foundation have been extremely cooperative and have shown very good faith in attempting to set forth here everything that is expected of them.

Continuing, Attorney Miller said he wanted to point out that beginning on Page 16 there is a kind of condition set forth that the County will on or before December 31, 1987, perform certain capital improvements in the structure, including the correction of leaking roofs and installation of zonal heating and air conditioning. In order to do that, this contract provides that if the revenues received by Southwestern Indiana exceeds the expenses incurred by them during the 1987 operation (and that is to be determined by audited statement) -- but if Southwestern Indiana is able to perform these services for an amount less than the County pays, the County will be paid back all such overage to assist in the payment for the capital improvements. If the County does not see its way clear to do that, Southwestern Indiana will commit itself to maintain all of the grounds and improvements after December 31, 1987, except that the County will be required to maintain the roof and exterior and all heating and air conditioning equipment and plumbing and to repair any interior damage caused by the roof leaks, freezing or bursting of pipes. If the County made the suggested corrections on or before December 31, 1987, the maintenance obligation on the building and grounds will be that of Southwestern Indiana Mental Health Foundation, Inc. So there is some real incentive there for the county to find the funds to perform these needed improvements.

Page 18 sets forth the insurance coverage that Southwestern Mental Health Foundation, Inc. will provide for the operation of the facility and the County will be named as an additional insured on automobile liability with limits of \$1,000,000.00, and bodily injury on the grounds with limits of \$1,000,000.00 and property damage \$1,000,000.00 per occurrence and professional liability with limit of \$100,000.00 each loss and \$300,000.00 aggregate; Umbrella Liability with limit of \$5,000,000.00. This is better coverage than the County can get itself.

Attorney Miller said he would call the Commissioners' attention to the fact that on Page 20, sub-section D, the County assumes continuing responsibility for providing fire and other casualty insurance for the buildings, etc. We have insurance in place. It is our structure; it is our property; and the agreement says that we must maintain that insurance.



Beginning on Page 22, there is indemnification by Southwestern Indiana Mental Health Foundation, Inc. of the County for any and all activities conducted both in the operation of the Hillcrest-Washington Home and any purchases or acquisitions made in the course of the operation.

Likewise on Page 23, the County indemnifies Southwestern Indiana Mental Health Foundation from any claims that the County causes to be created for the cost and expenses incurred by the County.

Finally, Attorney Miller said he would point out that the Commissioners will look in vain in this document for a default provision. There was no discussion of a default provision in the bid. There was no question or answer concerning any portion of the public hearing. It is hardly to be anticipated that the County will not pay the expenses they have agreed to pay. They may have difficulty raising the money sometimes, but the County does pay its bills. That would be the only concern of Southwestern Indiana Mental Health Foundation, Inc. On the other hand, our concern would be that Southwestern Indiana maintain quality service and perform the services contemplated by this document. If a breach would occur that the County government would consider significant enough to warrant termination or significant enough to pose a danger to any of the children (and this we simply don't anticipate) an emergency action for a declaratory relief and the termination of this contract is available to us and would be the appropriate remedy. So and he and Mr. Evans agreed that in the event a dispute would arise, the appropriate place to have it dealt with on an emergency basis would be in the County Courts and that is what would have to happen anyway.

The Chair entertained questions.

Attorney Miller said he recommends the agreement be signed, with the understanding that the revised first page will be inserted.

It was determined that the Commissioners will delay signing the contract until such time as the revised Page 1 is delivered to Attorney Miller and Commissioner Borries arrives.

Attorney Miller said there is one other matter with respect to this agreement and he thinks it appropriate that it be mentioned at this meeting. It has been pointed out to us that there are two current employees at the Hillcrest-Washington Home who are within months of becoming qualified for PERF benefits. This arises as a result of the Statute. There is a third individual (none of these people have been named) who is a little more than a year away from vesting. Southwestern Indiana Mental Health Foundation will, of course, hire its own personnel, but they indicated initially a willingness to maintain in place the two employees who are within a few months of vesting, if we can work out a way to keep them in the public employee sector for that period of time, the indication being that they probably will be kept on indefinitely after that -- but at least for that period. It would be his recommendation that if Southwestern Indiana Mental Health is willing to use these people, that they should be maintained or continued as county employees and the county would contract their services (in a separate very short document) out to Southwestern Indiana Mental Health Foundation. Southwestern Indiana would pay the county the amount required to pay these individuals' salaries and the county would pay salaries direct to these people for the time required.

Following brief discussion, it was determined that County Attorney Miller should check on this further and no decision will be made until such time as the Commissioners know how many years or months the employees need. There are only three anywhere near the PERF vesting period. It is his understanding that one of the three is in excess of a year. They're not sure they want to go that far out -- but there are at least two they felt they could reach some agreement on.

Commissioner Willner said he thought the county was allowed to waive.....

Attorney Miller said he will check this out. Assuming that a waiver is not possible, is there indication by the Commission that they would want to engage in that kind of labor agreement?

Commissioner Cox said, "I have no problem with that."

Commissioner Willner said again that he would like to hold up any decision regarding this until such time as we find out how many years and/or months the employees need for vesting.

Commissioner Cox asked, "Are the Southwestern Indiana Mental Health Foundation people not eligible for PERF?"

Attorney Miller said they have their own plan.

Clement Case: Attorney Miller said he had intended to write a nice letter about one of their litigation successes. But the county has successfully extricated itself from the claim of Janette Clement. Mrs. Clement's husband was the man who was killed as the result of a high speed chase involving a minor named David Wiley, a resident of Henderson, Kentucky. He was driving a car owned by his mother and had no license. The Kentucky police started chasing him and chased him across the Evansville-Henderson bridge. At that time, the Vanderburgh County authorities took up the chase. Young Wiley went all the way through town on Highway 41 and rear-ended Mr. Clement in front of Whirlpool. As a result, the county was sued and they have been successful in obtaining a dismissal of the case.

RE: PROPOSALS ON DESIGN OF SOUTH GREEN RIVER RD.

The Chair asked Mr. Lindenschmidt for a report on proposals received for the design of South Green River Rd.

Mr. Lindenschmidt reported that eight (8) proposals were received, as follows:

Donan Engineering, Inc. (Jasper, IN)  
Morley & Associates (Evansville IN)  
Floyd E. Burroughs, Inc. (Indianapolis IN)  
Fink, Roberts & Petrie (Indianapolis, IN)  
United Consulting Engineers (Indianapolis, IN)  
Veach, Nicholson, Griggs Associates (Evansville, IN)  
Three I Engineering (Evansville, IN)  
Sebree, Craig & McKnight, Inc. (Indianapolis, IN)

It was noted by Mr. Lindenschmidt that the proposals were supposed to have been in by 2:00 p.m. yesterday. The bid from Three I Engineering came in at 9:15 a.m. today.

The Chair entertained a motion. Motion was made by Commissioner Cox that the proposals be taken under advisement for a period of two weeks, with a second from Commissioner Willner. So ordered.

In response to query from Commissioner Cox, Mr. Lindenschmidt said EUTS indicated they did not have a date set for reviewing these. Commissioner Willner said a date will be set up for reviewing these.

RE: APPROVAL OF MINUTES

Commissioner Borries entered the meeting. The Chair entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held May 18, 1987 be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

RE: BUILDING COMMISSION

Landfill Operation/Red Bank Rd.: With regard to the landfill operation out on Red Bank Road (which was still burning as of yesterday), Mr. Lehman reported that the State had ordered the landfill closed and they were issuing formal orders to that effect. He will provide the Commissioners with a copy.

Kay's Health Club: He had written the law firm in Boonville on May 1st concerning violations of Ordinance by Kay's Health Club. He has received a response. They have cut the weeds since his letter was sent and indicated that is all they are going to do. The usual procedure would be to issue citation for Ordinance Violation and they could take bids on clearing the property which includes raising any structures. They had started tearing down and then stopped because someone else didn't want it torn down. The structure is not safe, as the roof is collapsed -- so it is a definite hazard.

Commissioner Willner requested that Mr. Lehman make pictures and give the Board his recommendations, as well as asking the owner to be here next Monday morning.

Mr. Lehman noted that this would be one day short of the two week notice requirement. Thus, the hearing concerning this matter should be held at 2:30 p.m. on June 8th.

Plumbing Test: Mr. Lehman said one other item concerns the fact that he has been working with the State on getting the plumbing test administered down in this area. The State has agreed to come down and administer the plumbing test on June 8th if we can provide the room.

Commissioner Willner instructed Mr. Lehman to contact Vanderburgh Auditorium and arrange to conduct the test on the Auditorium stage. He has the Commissioners' permission to use the Auditorium for this purpose.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Veach, Nicholson, Griggs Associates: Claim in the amount of \$1,320.00 for field survey in conjunction with the Orchard Rd. Bridge project.

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

Boonville-New Harmony Road Extension: Mr. Easley presented copy of letter sent to the Indiana Department of Highways on May 11, 1987 re the Boonville-New Harmony Rd. Extension, as follows:

May 11, 1987

Hearings Examiner  
Indiana Department of Highways  
Room 1105 State Office Building  
100 N. Senate Avenue  
Indianapolis, IN 46204-2241

Attn: Ms. Teresa Parker-Breach

Dear Ms. Breach:

I met with Wilbert & Isabel Fehd on April 8, 1987, in response to their request for a public hearing. We discussed various subjects pertaining to the Boonville-New Harmony Road project. These items are explained in detail in the attached minutes of the meeting. Our consulting firm (Bernardin, Lochmueller & Associates, Inc.) responded to the Fehd's comments in the attached letter dated April 22, 1987. Changes were made to the design to accommodate the Fehd's concerns. All the issues discussed during my meeting with

the Fehds were appropriately addressed and responded to.

At this point, the Fehds have refused to withdraw their request for a public hearing. I feel that every reasonable effort has been made by myself and by our consultant to respond to the Fehd's concerns. No complaints have been voiced by any other residents affected by the project. I respectfully request that you waive the public hearing and close the hearing record at this time, so that we may complete design plans for the project.

If you have further questions or need more information, please feel free to contact me at (812) 426-5211 or Tom Bernardin at (812) 426-1737.

Sincerely,

Andy Easley  
Vanderburgh County Engineer

He briefed the Commissioners last week that he had requested waiver of public hearing. The IDOH has verbally agreed to waive same, and a letter to this effect is to follow.

Easement/Old Princeton Rd.: Mr. Easley reported that he has now obtained the easement for the Old Princeton Rd curve. The Strott's have signed it and had it notarized. He would like for the Board of Commissioners to accept it today. This was obtained for the amount of \$6,000.00. Motion to sign the easement signifying acceptance was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

In response to query from Commissioner Willner, Mr. Easley said this money is coming out of the bridge fund and the check has already been cut.

The matter of crop damage was brought up. Mr. Easley said he guesses there is about one quarter acre of crop in there and he said we were talking about a crop that was probably worth \$300.00 per acre. He said that if we were that close, he was sure we'd find some way to compensate them for same. So he may be coming back to the Commissioners to approve some \$75.00 or \$100.00 additional for the crop damage.

Street Plans/Oak View Place & Green River Estates: Mr. Easley said he had put copies of street plans for Oak View Place & Green River Estates on the Commissioners' desks the latter part of last week. These are to be concrete streets; these are flat grades and the streets have rolled curbs and gutters. The developers would like to get their plats recorded. Their bond amounts have been approved. He believes they can go ahead and record their plats if they have put up their money. Mrs. Cunningham entered the meeting room and verified that the developers can go ahead and record their plats if they have paid their money. However, it was determined by the Board that the matter of approval of street plans for these two subdivisions will be deferred for one week, as the Commissioners have not had an opportunity to review same.

"B" Street Underpass: To date, he has nothing in writing either from the Board of Works or SIGECO insofar as their comments. He needs to get these to the Consultant. They have another 120 days to complete the plans. He has received this morning an estimate from the consultant signed by someone in Little Rock on relocating that fibre optic cable and it is a very sad estimate -- he's very sorry to say. He thinks it may necessitate taking a trip to St. Louis. Apparently they are very reluctant to let our un-named contractor suspend the cable or work around it. They are afraid a crane may fall over and sever it and nobody has told him what it is worth an hour. He is going to talk to the people who are familiar with what it cost to work with the fiber optic cable to see if he can find some holes in the estimate of \$130,000. He

doesn't know whether we are in a position to insist that they let us have the contractor get insurance for that and keep it supported in place. He also understands that the railroad owns 25% of this cable, because they are going to use it for their own communications. This has never come up before. In the meantime, the design work can proceed as soon as we get comments from the Board of Works and SIGECO. They just put that fibre optic cable into service last October.

Right-of-Way Purchase for Lynch Rd.: With regard to right-of-way purchase for Lynch Rd., Mr. Easley said it is his understanding that we have to have a review appraiser. All he does is to review the first appraiser. The Board has indicated that Ken Hansen is acceptable to them?

Mrs. Cox said he is the right-of-way buyer. We've used Bob Goff before.

Mr. Easley said Mrs. Cox is correct.

In response to query from Commissioner Willner, Mr. Easley said the review appraiser just looks at it and checks the computations and they look at comparable valuations. Actually, he doesn't have to spend much time on it.

Motion was made by Commissioner Cox that Mr. Bob Goff be named the review appraiser for the Lynch Rd. project, with a second from Commissioner Borries. So ordered.

RE: "B" STREET UNDERPASS

Mrs. Cox asked if we have a firm answer concerning the Claremont Crossing?

Mr. Easley said this did not come up in the conversation....

Mrs. Cox interrupted, "Andy, we need a firm answer from the railroad and for this "B" Street project to go ahead as it is, we need a clear understanding. If we don't -- and that has to be closed -- then we're certainly going to have to look at a different design. The further we go, .....

Mr. Easley responded, "I'll contact them and tell them that under no circumstances do we want that Claremont crossing closed.

Commissioner Willner said "The railroad can't close that crossing; I don't now why we want their approval...."

Commissioner Cox interrupted "Now, Bob, you must understand -- we have to have the railroad's permission to do this underpass, o.k.? And that is what I am concerned about -- the trade-off. When the Ray Becker and Old Stinson viaduct was demolished there were trade-off agreements made between the existing property owners in order for that project to go forward. I just do not want us to get caught in this kind of a situation. That is true, there is a street going across there now -- but it is still railroad right-of-way -- and we have to have their permission to build this underpass and that is my concern; that we get a straight answer that, "Yes, we can go ahead and build the "B" Street Underpass the way it is designed and current Claremont Crossing will remain viable and open as is."

Mr. Easley said he will contact the railroad.

Commissioner Willner said, "I don't know that we need their permission. They can't close it.

Commissioner Cox said again, "We have to have the railroad's permission to build this underpass."

Lynch Rd. Right-of-Way: In response to query concerning the right-of-way for Lynch Rd. project, Mr. Easley said he talked with Mrs. Ryan and leveled with her, told her about our negotiations and what we were doing. She knows it has value as far as borrow pit site and she indicated originally that she thought she would like to make it available to the contractor and then if we can enter into something after it has been used as a borrow pit site or before or whatever -- she said she'd get back with him in about two weeks.

Commissioner Willner requested that Mr. Easley keep the Board informed concerning this matter.

RE: CLAIMS

Bowers, Harrison Kent & Miller: Claim presented in the amount of \$315.50 for expert witness fees and expenses (one half the cost) in connection with Elizabeth May deposition from Michael Mahoney of Chicago, IL. He is an expert in the area of viewing jail conditions, etc. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: HILLCREST-WASHINGTON AGREEMENT

Motion to approve agreement (subject to comments by County Attorney David Miller and the revised first page being inserted) between the County and the Southwestern Indiana Mental Health Foundation, Inc. was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. It was noted by County Attorney Miller that the revised Page 1 will read after the word 'Herein' and before the comma -- "And in consideration of the statements and representations set forth in the bid of the manager, all of which are incorporated into this agreement by reference."

RE: AGREEMENT WITH PRIVATE INDUSTRY COUNCIL

Motion to approve the agreement between Vanderburgh County and the Private Industry Council was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: UNION TOWNSHIP/MARION BIGGERSTAFF PROPERTY

The Chair recognized Mrs. Barbara Cunningham, who reported that a hearing concerning the Marion Biggerstaff property in Union Township was held in Judge Terry Dietsch's chambers this morning. The Court has given him until 8:45 a.m. on June 11th to clear up everything. He can retain all properties considered agricultural; but anything not connected with agricultural use must go inside the building. So, in essence, the old school is being used as a barn. He treats it as an agricultural project. Mrs. Cunningham said they will be out there before 8:45 a.m. on June 11th to see what happens.

Commissioner Borries said the Board appreciates the APC's work on this matter. Did Mr. Biggerstaff say anything about what is inside? He can verify that there were things inside that were not for agricultural use -- geese, chickens, water heaters, etc.

Mrs. Cunningham said they hope to move the animals outside. Right now the animals are inside while he is putting up a new fence. He said he has materials to rebuild the school and make improvements on the interior. He told the Judge this morning that nothing was inside except the materials he is going to use to restore the school.

Mrs. Cunningham said the APC did notify the Bergdorfs concerning the scheduled hearing this morning. They were not at the hearing; it was held in the Judge's Chambers. But the Judge did direct the APC attorney (Dennis Vowells) to go out and explain the Court's decision to the people who were there.

Mrs. Cox asked if the Bergdorfs were present this morning?

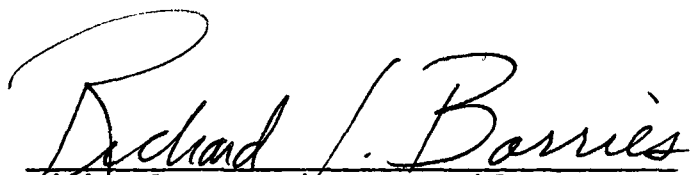
Ms. Cunningham said quite a few people were there -- but not in the Judge's Chambers.


Commissioner Willner said it has come to the Commissioners' attention that Clifford Elliott, brother of Councilman Harold Elliott, passed away last evening. Prior to adjournment, he asked for a moment of silence.

There being no further business to come before the Board at this time, Commissioner Willner declared the meeting adjourned at 3:45 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	David Miller
	<u>COUNTY SURVEYOR</u>	<u>AREA PLAN</u>	<u>BLDG. COMMISSION</u>
	Bill Jeffers, Chief Deputy	B. Cunningham B. Behme	Roger Lehman
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>OTHER</u>
	Bill Bethel	Andy Easley	News Media

SECRETARY: Joanne A. Matthews

  
Richard J Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 1, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, June 1, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

Since it was the first meeting of the month, the meeting was opened by Deputy Sheriff Ken Mitz, who declared the Commissioners in session pursuant to adjournment.

President Borries called the meeting to order at 2:40 p.m. and extended a welcome to those present. He subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Willner that the minutes of the meeting held on May 26, 1987, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

Pamela Trainer (Jack)/100 Harriett Street (Evansville): It was noted by President Borries that the name of applicant on appeal is Jack Trainer, but application is signed by his wife, Pamela Trainer. There was some question as to whether the Board could act on this matter under the circumstances. However, after conferring with County Attorney Curt John and Pigeon Trustee representative (Ruth Anslinger) and obtaining clarification, it was determined that it would be appropriate for the Board to review the matter, having altered the name on front of subject application to "Pamela Trainer" (in accordance with permission from both the County Attorney and the Pigeon Trustee's representative). Mrs. Trainer is the individual who came in for the denial. Mr. Trainer is currently in jail.

The Chair recognized Mrs. Trainer and asked that she state the nature of her request.

Mrs. Trainer identified herself and said she resides at 100 Harriett Street. She is requesting assistance to pay her rent as she has no income. In response to query from Commissioner Borries, Mrs. Trainer said rent is due for two months (May and June). She hopes that by next month she has a job. Rent is \$195.00 per month.

The Chair entertained questions,.

Commissioner Cox asked if Mrs. Trainer has received assistance previously?

Mrs. Trainer responded, "Not from the Pigeon Township Trustee's office."

Mrs. Cox asked, "Why was your request denied?"

Mrs. Trainer replied, "Because the apartment I live in belongs to my mother-in-law. She has a house and she rents the upstairs apartment. I live completely separate -- I have my own door to enter and leave, etc."

Commissioner Borries asked how many apartments are in the dwelling?



Mrs. Trainer said there are two: one downstairs and one upstairs. The mother-in-law lives in the downstairs apartment.

In response to query from Commissioner Willner concerning denial, Commissioner Borries cited portion of Pigeon Trustee's guidelines which prohibits paying rent to landlord related to those persons renting or buying on contract.

The Chair then recognized Ruth Anslinger of the Pigeon Trustee's Office and asked for her comments.

Ms. Anslinger said Mrs. Trainer was on ADC prior to marrying Jack Trainer; therefore, they never had to give her rent assistance. Mrs. Trainer came in the Trustee's Office April 9th requesting rent assistance and her caseworker also contacted the Trustee's office. Ms. Anslinger told her there was no way they could pay her rent because they cannot pay rent to relatives in accordance with Item #15 in the Poor Relief Assistance Guidelines for the Pigeon Trustee's Office.

Commissioner Willner asked how much the rent is per month?

Ms. Anslinger said it is \$195.00 per month with utilities furnished.

Commissioner Borries queried Ms. Anslinger, "You say there are no children involved at this time?"

Mrs. Anslinger verified that this is correct. Further comments revealed that at one time, Mrs. Trainer had children with her -- but as of the 9th of April they are no longer with her. Children are ages 5 and 2 (boy and girl, respectively). One child now lives with grandparents and the other is in a foster home. The Trainers have only been married since January. The Pigeon Trustee's Office has had a file on Mr. Trainer for some time -- but nothing real active. He has not had gainful employment for quite some time. His file goes back to 1972.

Mrs. Cox asked Mrs. Trainer how she has been paying her rent? Mrs. Trainer said she paid it out of her State Welfare check.

Ms. Anslinger said that at one time Mrs. Trainer was getting \$256.00 ADC and then it was cut to \$196.00. Now she doesn't get anything since she does not have the children. They were also on food stamps.

The Chair entertained questions.

Commissioner Cox said, "For purposes of clarification regarding Item #15 about not paying any relatives rent for applicants -- and you have in parenthesis it says 'State and something else standards' -- is this State Law that you can't do that?"

Ms. Anslinger said, "Evidently so, because these Notices of Action are made up and then approved by an attorney."

Commissioner Willner said, "Evidently there is a lot more to this case than we are hearing today. It sounds very interesting and I'd like to understand it better. But has she been seeing an attorney from Legal Aid or something? Undoubtedly, these people need help and something needs to be done. I'll make a motion to deny the appeal today, but I would like for you (Mrs. Anslinger) to contact the Legal Aid Attorney and see what is going on and how we might help these people. I see no reason to say she has to leave this apartment and go get somewhere else where she has to pay rent -- that is ridiculous. But there is something that is not being said here -- and we probably don't have enough time to go into it today. I would like for the Pigeon Township Trustee's Office to check with the Attorney and see how we can straighten this thing up -- if possible."

Mrs. Cox provided a second to the motion for denial. So ordered.

Commissioner Borries commented, "Apparently you will have to seek legal advice; and, as Commissioner Willner has pointed out here, according to what we can do and ask questions for clarification here -- without getting into confidentiality or privacy questions in a public meeting that may relate to this situation -- Mrs. Trainer may want to seek legal advice at this point and ask assistance in order to get assistance. What we're saying is, we cannot find at this time where the Trustee has violated statutes that have been adopted by the Trustee and the Trustee's Board. So, you must seek that legal assistance. Thank you."

RE: UNION TOWNSHIP UNDERPASS - SHIRLEY JAMES

The meeting proceeded with President Borries recognizing Mrs. Shirley James of the West Side Improvement Association.

Mrs. James said, "Commissioners, at a recent meeting of the West Side Improvement Association's Board of Directors, the members voted to take the following stance regarding the Union Township - Underpass:

It has always been the opinion of our organization that B Street is not the best location for the underpass for the reasons stated below:

- 1) The water table and unstable soil conditions would make the construction of an underpass in this area very expensive to build and maintain.
- 2) People living in the outer parts of Union Township will not get rapid fire protection services and this service would be more impaired if the Claremont Avenue access was closed by CSX.
- 3) Traffic moving on Barker would create problems and would necessitate additional signal lights.
- 4) Whereas a B Street access may help some industries, closing the Claremont access would be a definite impediment to other commercial interests.

In lieu of the above, W.I.A. still supports the construction of an overpass on Nurrenbern Road if the grade specifications can be constructed to meet State standards. In the event B Street is the final choice, we feel it would be imperative that all homes on the street be purchased. After reviewing the plans, it was obvious that the residents' quality of life would definitely be impaired by the construction of the underpass so close to their homes. Also, it would be necessary to keep the Claremont Avenue access open.

Now, one of the things in regard to Item #1 (Water Table and Unstable Soil Conditions) -- we did have the problem with the fire house there and the West Side Improvement Association has been working a lot in Howell Park area; and every time we did any digging or what have you, we came up against some very strange soil problems and I would imagine that that whole area is pretty much the same -- and that is what that was based upon.

Also, we have had several calls in regard to the point we made about the residents' quality of life. We have had several calls from neighbors wherein they complained that for one month they would be unable to reach their homes; that some of the people were elderly and had emphysema, etc., and then when we saw the parking -- we decided to take this stand. Thanks! Mr. Lowe, our Transportation Chairman, made another observation. May he speak at this moment?"

Mr. Lawrence Lowe was recognized by the Chair. He said,, "I was wondering on this underpass situation if anyone had considered what kind of hazard the detour route is going to create? You have a lot of big trucks going to that area and there is no way that they can get around there unless they go down Barker to Broadway, Red Bank Rd. and Red Bank to Nurrenbern Rd. and across -- back in behind the L&N Station. Or, from the west, they would go Broadway to Nurrenbern and around past Burdette Park and around there. Now, there's a lot of heavy trucks that travel that area while that has to be closed off while they are putting in the underpass. And what have we got - ten (10) ton bridges on those two streets? Red Bank Rd. and Nurrenbern Rd.? What are you going to do with 80 ton trucks? Who is going to pay for the damage that those trucks are going to make while they are making the detour? Where is that money coming from? Do you have any answers for that?"

Commissioner Borries replied, "Well, I will when you are finished -- I will try to get some answers for you."

Mr. Lowe said, "I'd kind of like to know where the money is coming from to repair those roads, because what are you going to do to keep those trucks off those 10 ton bridges?"

Commissioner Willner interjected, "Mr. President, I need some clarification. I really don't know what you are talking about, Sir."

Mr. Lowe responded "The detour...."

Commissioner Willner said, "What detour? Tell me, what detour?"

Mr. Lowe said, "O.K. How are you going to get the underpass without having any detour -- which Mr. Easley said -- or the gentleman who was here at the last meeting you had -- that Broadway was going to have to be closed for a detour -- and you'd have a detour? Now, where is the detour? If you're closing Claremont over there, there is only one way around that railroad track."

Commissioner Willner said, "That's another point. Who said anything about closing Claremont?"

Mr. Lowe responded, "They did!"

Commissioner Willner asked, "Who?"

Mr. Lowe responded, "Mr. Easley did -- and the man who was here the other day who showed up -- and he said Claremont would have to be closed and there would be a detour."

Commissioner Willner said, "No such thing. I don't know where you are coming up with what you are doing. It's fine if you want to continue that -- but what you are saying is absolutely not true."

Mr. Lowe asked, "How are you going to get the underpass cut in there without cutting traffic off of Broadway?"

Mr. Willner responded, "They will come in Broadway, just like they are doing now."

Mr. Lowe asked, "How are they going to get across it while they are working?"

Commissioner Willner said, "They are not going to close that traffic. As far as I know it is not going to be closed at all."

Mr. Lowe said, "They stated the other day that Broadway had to be closed over there while they were doing that work."

Commissioner Cox interjected, "I think he did make that statement and also stated that there would be a temporary relocation of Broadway to the east of the present Broadway to allow for that. But Broadway deadends up there by the Super Inn."

Mr. Lowe interrupted, "But where it goes across underneath the railroad tracks -- and they come out on Broadway -- are they going to be able to use that all the time?"

Commissioner Willner responded, "Absolutely."

Mr. Lowe asked, "Well, how are they going to get the trucks around their equipment that they are using?"

Mr. Willner responded, "Because they are going to make a temporary -- they are not going over 20 ft. --"

Mr. Lowe interrupted, "Well, that they didn't explain the other day."

Commissioner Willner said, "I don't mind that you people come up here and make your wishes known. That is what this thing is all about. But why don't you get your facts straight before you come? You said the same thing the other night and I didn't know anymore what you were talking about than the man in the moon."

Mr. Lowe said, "He stood right here and told us and showed us the chart and said that we'd have to detour on Broadway. That is what he said."

Mr. Willner said, "That's right -- it's a run-around."

Mr. Lowe said, "Nobody said anything about a run-around."

Commissioner Willner said, "That is what a detour is, isn't it?"

Mr. Lowe said, "Not exactly; not exactly. You could detour other ways besides a run-around."

Mrs. James started to speak....

Commissioner Willner said, "One other thing -- let me finish, please. The second thing you're saying is that we're not going to let people get to their homes. Isn't that what you are saying? You know that is not correct."

Mr. Lowe, "I didn't say anything about them not getting to their homes."

Commissioner Willner asked, "What did you say?"

Mr. Lowe said, "I said there was a detour."

Mrs. James interrupted, "I said that several people made complaints to us that during the time of construction they would have to park elsewhere because they wouldn't be able to get to the front of their homes. That was our understanding -- and if we are in error, I apologize. But, also, if we are misunderstanding something -- but it is our understanding that there are discussions taking place that the Claremont access is going to perhaps be closed. Now we had Mr. Easley to a meeting back some time ago -- before the plans were set forth and before the surveying was done -- to ask about it and ask about all the options. At that time there was some discussion that the Claremont Avenue access eventually -- may -- be closed. Since your last hearing, that rumor has come back to us and a couple of people from industry have indicated to us (from commercial interests) that this would be a problem for them -- if the Claremont Avenue access were closed. So I don't know -- is the closing of Claremont Avenue access being considered?"

Commissioner Willner asked, "Can you give me some basis? Who said Claremont access was going to be closed? Who started the rumor and why?"

Mrs. James responded, "Well,....."

Commissioner Willner interrupted, "Now wait a minute, Shirley; I listened to you, please show me the same courtesy."

Mrs. James interjected, "You asked me."

Commissioner Willner said, "I am going to continue to ask....."

Mrs. James said, "I submit to you, Mr. Willner."

Commissioner Willner asked, "In the first place, "Who decides whether Claremont is going to stay open or close?"

Mrs. James said, "That is what I am asking you gentlemen. I understood that there is the potential of that happening and it has been discussed by several people -- and, turning to Mr. Easley, she said, 'Mr. Easley, you discussed it at our meeting some time ago.' I don't remember the exact things -- it has just been discussed and then we have had several people calling us and asking if Claremont Avenue access is going to be closed? The Perry Township Fire Department would find it a real problem if the Claremont access were to be closed. I don't know whether it is definite -- but it has been rumored. But we want to make a little statement here that we would find it difficult if the Claremont Avenue access were closed. Now, we are not going to make problems for you at this point in time. We just are making a statement that we did not make previously, because we felt that the majority of the residents wanted to see that B Street thing in -- and we understood that they had a petition. We now understand that there is the potential that the petition is not legal -- so, under those circumstances we thought we'd make our points now and we are not going to be contentious or anything, we don't have any desire to be contentious. It is just simply that we do want to express a desire to keep the Claremont Avenue access open if there is any possibility of it being closed and we do feel after looking at the plan that some of these people are going to have the property in the front (those yards are very small) -- some of their yards will definitely be cut down somewhat -- and they may have a lesser quality of life. So, we do think that possibly you might consider purchasing their homes, if you do take the B street route."

Commissioner Borries asked Commissioner Cox if she has comments?

Mrs. Cox responded, "I don't have any comments. I've heard the same thing that Mrs. James has brought up here and I did ask at the last meeting -- and Andy is here now -- if he could give us some assurance or some agreement from the railroad that Claremont would stay open if B Street is built? I think this would allay a lot of fears that people have -- and that is what I have been asking for and I've gotten no answer up until today. We may have an answer today -- and I hope we do. Another thing, this has been clouded and I know people think we've been planning on this for a long time -- and we have. But it is awfully hard for people to take a stand and people to take a position when they really don't know what is going on. And I have sympathy for a lot of those people on B Street who tried to find out what the plan was going to be and couldn't. I mean, what they were told was adjusted from 'We're going to take all the homes' to 'No, I don't think we'll take but a few' -- and then 'I don't think we're going to take any' -- and there was really no definite proposal until the plan was submitted for a public hearing. And that is what public hearings are for -- to get input from the residents. They were here and they expressed their concerns. My big point here -- and they were told -- because I was at the meeting,, Bob, when they were told that while the construction was going on they could park down on Barker Avenue and walk to their homes. That is in our meeting minutes."

Mrs. James said, "And each of them that called us told us that and that is why we're here."

Mrs. Cox continued, "So they were told that. I was here and I heard that. But the thing that concerns me about them living there during the construction period is that when the new Mead Johnson office building was built and they were driving those pilings, the boom and noise from driving those pilings I could hear at my home on Red Bank Rd. I know these people are going to be put in a very uncomfortable situation in more ways than one -- and I think we really need to look at that situation of buying their homes. If that is where we are going to put it, let's buy their homes; let's do it right. If Claremont is not going to be open, we're going to have to revise those plans and make B Street wider to carry the traffic. Right now it will not carry the traffic. It is not designed like the Ray Becker Parkway -- not the width. In order to make good decisions, we need to have the answers."

Commissioner Borries said, "Well, I believe we all want the same thing. I wish from time to time that the emotionalism and perhaps the outlook would improve to the extent that we could feel comfortable here with everything. But I, for one -- in our system of government we have lots of players (about 170,000 players -- citizens who live in this county) and we are going to be careful. There have been problems with either the Becker Parkway or at least with this whole situation in Union Township ever since the viaduct and the whole situation came down a long time ago. So, we are going to be careful and certainly want to assure you (the representatives of the West Side Improvement Association) that your concerns will be heard and that we will proceed carefully on this. I would want to point out that the people of Union Township (or persons and people that I met with) did not feel that Nurrenbern Rd. was going to be helping them. We did not talk about an overpass at Nurrenbern, we talked about an underpass. There is another problem with construction in that area; not only because of flooding, but also because Union Township is not considered part of the urbanized area it means that if any construction is going to take place in that area we're not going to be able to qualify for one dime of Federal or State funding in relation to the whole construction phase. That all has to be done strictly out of local cumulative bridge funds. So we have been looking for other areas (particularly in the urbanized area) where, in Perry Township, for example, the various alternatives such as B Street, Barker Avenue and others were looked at and one of the things we might want to consider as we are proceeding is the possibility of some Federal or State funding in the urbanized area. We cannot get it on Nurrenbern Rd.; it simply has to come out of local money. Union Township is not an urbanized area. So that is another point that I think needs to be made in that situation. I think we are going to proceed cautiously to avoid any mistakes that would occur. I don't see how Claremont Avenue could ever be closed without the City of Evansville agreeing to vacate that. I don't see how that could happen regardless of whatever the railroad plans. We have never seen anything in writing -- and I will ask Andy Easley to comment at this point -- but we've only heard perhaps what you have heard -- nothing in writing as to what the railroad has done there. Again, certainly the City of Evansville would have a major decision as I would see it to vacate Claremont Avenue. I feel the same way here -- that we want to do this right. We are going to look at it from all the avenues we possibly can to make sure that we can do it in a way that will help the people in the area. So I think we need to proceed from that standpoint. I, for one, would not be willing to commit unless we know thoroughly what we are doing. We have to look at the traffic -- we understand all of that. But, again, I do want to stress the point that the Union Township situation is going to mean an awful lot of money in an area that is rural and not urbanized. We're willing to make that point and make that commitment. But, again that is not what the people of the Union Township area felt they

needed at the time. That is why they were asking us to look at other alternatives -- and we did not talk about an overpass but, rather, an underpass at Nurrenbern Rd. to get into that. We appreciate your concerns here and we want to work with you. But there is no rush here. The losers would be the people involved. We want to do what is best for the area. We also want to realize that we have financial constraints, as well. I will assure you that there is no move afoot to do anything here that is clandestine or something that is in any way going to be injurious to the people of the area. We appreciate your concerns and we're going to proceed in a very careful fashion so that the problems of the Becker Parkway are not going to be compounded by whatever we do here."

Mrs. James commented, "Mr. Borries, we're not making any suggestions that...."

Mr. Borries interjected, "Well, any emotionalism, Mrs. James; at times these things come on. But we're all thick-skinned. I just want to assure you that for the record, there is no move afoot here to do anything that would not be beneficial to the people of the west side and, in particular, Union Township."

Mrs. James said, "Well, we did not suggest that. Anyway, may I ask one question? Who has the final say -- is it County Council or City Council -- who has the final say regarding the funding? This is confusing to me. But it was my understanding that County Council would have the final say."

Commissioner Borries responded, "In regards to funding, the County Council would have the final say. However, before the project itself moves forward, it would be this Commission as the Executive Body that would have to give the approval, subject to the funding. Again, as I would see it, the funding is a major thing and what we would want to look at is to modify our TIP to put it inside the urbanized area to see if we could qualify for State or Federal funding -- before we did that. Again, we cannot do that on Nurrenbern Rd."

Mrs. James said, "At one time, the initial group that started the drive for the underpass was a group out on Schmuck Rd. which is outer township -- and they were the ones that started the initial course of action and we felt they were going to be the ones who would have the least access to fire equipment. But when they came to one of our meetings, they indicated that one house was literally burned down while they were waiting for trains to cross and the fire department to get there."

Commissioner Borries said, "Well, residents have told us that it was not only the fire -- regardless of whatever response time -- they still often would face that possibility as far out as they live -- but they were primarily concerned about emergency services and felt through the emergency ALS providers (Alexander Ambulance Service) that that was a much better route than any other route that they saw at the time. So they were most concerned (if they had to prioritize things) that as rapidly as things burn, they were more concerned about the ALS service delivery than they were at this point about the fire. But that was discussed and brought up as a concern in a meeting which, again, is something we want to look at and of which we were aware. Andy, would you like to make comments at this time?"

Mr. Easley said, "I'd like to comment on a couple of statements that were made. I don't recall discussing Claremont with the West Side Improvement Association. Claremont was brought up during a discussion in a meeting our engineers had with CSX engineers at their headquarters down on Broadway -- and I said I was sure the Commissioners and the Board of Works would not be in favor of any discussion re closing of Claremont -- and that is all I said. I think the minutes will reflect that -- and I gave you all a copy of the minutes. I didn't even want that to get to anybody else except the Commissioners and our engineers. Hayes,



Seay, Mattern & Mattern have submitted the preliminary plans to CSX and I will pursue trying to get some kind of commitment from them that they are not going to ask that Claremont be closed. But it will probably take several weeks for this to come back officially -- and we will all probably expect them to propose it. It was never brought up in any preliminary discussions between my office and the railroad. The comment about the detour on Broadway is, I think, just a misunderstanding. Yes, there will be a detour. The road is going to be shifted about 25 ft. to the east on SIGECO's property. It will probably never be closed -- it will always be open. I may have said that during the construction of the road in front of the houses on B Street, when you go to excavate and construct a new pavement -- maybe they can do it half at a time -- but I see problems in allowing people to park in front of their houses -- but maybe it can be done. There will be 18 ft. of pavement; but you really can't go in there and park at right angles or park parallel without backing out a block -- and I think it can be done much faster if they get in there, dig it, and let them back on it in a 10 day period. But we will have to write the specs and see what your wishes are and see what is feasible. When they build a new road in front of a house or sometimes a sewer, you do have to walk for a short period of time. If there are no questions, that is all I have to say."

The Chair entertained questions of Mr. Easley. There being none, Commissioner Borries said, "We thank you very much for your concern in this matter and personally want to assure you that we are not in any kind of a rush situation here where we are going to take steps to endanger anyone or seriously restrict their quality of life without looking at the whole project and what is going on. The need has been there and that is why we proceeded with this project -- because we thought it was going to be a good thing and help solve a problem that had been created previously for the people of Union Township -- and that is the way we want to proceed. But we certainly don't want to harm or endanger or create other problems until we have it worked out -- and we want to assure you of that. Thank you for your interest and for coming."

RE: VANDERBURGH AUDITORIUM - KIM BITZ

Plastic Telephone Book covers: Mr. Bitz passed around one of the new plastic telephone book covers which contains an advertisement re Vanderburgh Auditorium. He said this was paid for out of the Convention Bureau funding program in behalf of the Auditorium.

Request to Go on July Council Call: Mr. Bitz submitted request to go on July Council Call in the amount of \$1,040.00 for clothing allowance. The amount put in the budget last year was same amount requested for the prior year and this was put in the budget before the contract with the Teamsters was negotiated. He needs this amount of money to make up the balance in that account for the rest of the year.

Motion to approve the request, as presented, was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

It was noted by Mr. Bitz that the Auditorium continues to show an increase in revenue (\$3,062.20 increase from January - May over last year). They also continue to show additional savings in the area of utilities.

Sewer Problems: Mr. Bitz presented the Commissioners with the following memorandum:

June 1, 1987

TO: County Commissioners



Dear Commissioners:

This Saturday's downpour of rain has prompted me to write to you concerning a problem we have with sewer drainage around the facility. Whenever we have a heavy rain such as the one on this Saturday, the sewer on the Walnut Street side of the building backs up, flooding the street. As a result of this sewer not being able to handle the water flow (sometimes on even moderate rains) the toilets in the Walnut Lobby and Green Room, the water fountain in the Walnut Lobby, and the sinks and floor drains in the kitchen, and the toilets across from the kitchen all back up and overflow. This creates a terrible mess and a most unpleasant odor. The sewer department has been notified in the past and, to my knowledge, they have done everything they can to insure the sewer lines are open.

I have discussed this problem with the Advisory Board President, and it is a recommendation that the Commissioners write a letter to the appropriate city officials asking that this storm sewer's capacity to handle the volume of water it receives be examined and that if replacement is needed, that it be incorporated in the city's future storm sewer plans as soon as possible. Thank you for your assistance in this matter.

Sincerely,

Kim Patrick Bitz

cc: Commissioners  
Advisory Board

It was the consensus of the Commissioners that the letter be written to the appropriate city officials, as requested.

Naturalization Ceremonies: Mr. Bitz then presented the following letter from Judge Gene Brooks of the U. S. District Court/Southern District of Indiana:

May 4, 1987

Mr. Kim Bitz, Manager  
Vanderburgh Auditorium  
715 Locust Street  
Evansville IN 47708

Re: Holding Naturalization Ceremonies  
in Auditorium

Dear Mr. Bitz:

Mr. James Greenfield, my courtroom deputy, has advised me that he has discussed with you the availability of the auditorium in holding our naturalization ceremonies on September 17, 1987.

Normally, such ceremonies are held in the courtroom, but because of the celebration of the 200th year of the signing of the Constitution, we felt it appropriate to secure a larger room in order that more of the public could witness the swearing in of some fifty new citizens.

The event is being sponsored by the local Bar Association, the VFW, DAR, and the American Legion. We would appreciate being afforded an exempt status with regard to rental payment, if this is possible, and confirming the availability of the space on September 17, 1987.

Thank you for your cooperation.

Yours truly,

Gene E. Brooks  
Chief Judge

cc: Immigration and Naturalization Service

The Chair entertained a motion.

Motion was made by Commissioner Willner that the request be approved, with a second from Commissioner Cox. So ordered.

It was noted by Commissioner Borries that the Commissioners will respond to Judge Brooks' request.

RE: COUNTY ATTORNEY - CURT JOHN

Agreement between Commissioners & Mrs. Connie Davis: Attorney Curt John said the only matter of business he has to bring before the Board today is the agreement between the Commissioners and Mrs. Connie Davis regarding her recommendations re the operations of Hillcrest-Washington Home. The Commissioners retained her as a Consultant and adopted the Resolution several meetings ago authorizing this Board to enter into said agreement. Mrs. Davis has already signed the agreement. It is his recommendation that the Commissioners execute the agreement and attach a copy to the blue claim, prior to presenting for payment.

Commissioner Borries said that the agreement would take place and could be moved in this fashion now that Mrs. Davis is no longer an employee of Vanderburgh County. This sum (\$4,500.00) would suffice from the standpoint of the loss of income she incurred while serving as Acting Director of Hillcrest-Washington Home and also would be much less than the County Council had appropriated in the consulting account for Hillcrest Home at the time the matter was discussed. She did prepare not only specifications, but worked in great detail re the staffing of the home as well as the recommendations that were given to the Board of Commissioners on various occasions for their study as they looked at the direction of the home. As of today, it is now under contract -- being operated by the Southwestern Mental Health Center.

The Chair entertained comments, questions, or a motion.

Motion to approve and sign the agreement and that a blue claim be prepared and signed by the Commissioners ~~and that the Commissioners go on Council Call and repeal the amount of money over and above the \$4,500.00 back into the General Fund was made by Commissioner Cox, with a second from Commissioner Borries.~~ He said this would finalize any agreement that the Commissioners had with the Council. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of May 25 thru May 29, 1987.....report received and filed.

Attached to the Work Report was the following Work Schedule:

Gradall: Oak Hill, Eastview and Peerless

Paved: Heinlein, Wedeking and Walnut

Mower: Lynn Rd., Pollack, Mill Rd., Mesker Park,  
#6 School Rd., Upper Mt. Vernon Rd., Kansas Rd.,  
Old State Rd., Diefenbach and Boehne Camp Rd.

Patched: Tree Top Lane, Koring Rd., Little Schaefer Rd.,  
Darmstadt, Springdale, Cunningham, 6730 Old State  
Rd., St. George Rd. and Green River Rd.

Tree Crew: 7500 Outer Lincoln Avenue and Folz Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew, as follows.....report received and filed.

- Repaired guard rail on Calf Lane.
- Cut weeds on Kentucky Avenue, Christ Rd., Oak Hill Rd. and St. George Rd.
- Cut weeds and repaired Ohio Street Bridge and cut weeds on Old State Rd.
- Repaired culvert on Green River Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for both employees at the County Garage and the Bridge Crew.....reports received and filed.

Letter from Oak Hill Church of Christ: Mr. Bethel proceeded by reading the following letter, which he received last week:

"Recently some of your men cleaned out a ditch and installed a driveway culvert and repaired some drainage pipes in the property of the Oak Hill Church of Christ. This was done at the request of Cecil Sills, an employee of the County.

My purpose in writing this is to express sincere appreciation to the workers and anyone else who deserves our thanks. Your men were courteous and efficient in carrying out their duties. On behalf of the entire congregation, I sincerely thank you.

Bobby Wedding, Minister "

Request for VCR Camera/Recorder: Mr. Bethel said that as the work report shows, they had the gradall out on Peerless Rd. They cut down some fields on a curve. They had the full cooperation of SIGECO on this project. He took before and after photos and he wants to share those with the Commissioners.

Continuing, Mr. Bethel said Sears & Roebuck is selling out in the North Park area. He has a discount card there for 10% discount on anything they have. They have a VCR camera that was \$1,300.00 and they now have it marked down to \$800.00, and the price will be dropped again today. He can get his 10% discount on that -- which he would do for the County Garage. He can get a VCR unit to play back through for approximately \$250.00 right now and that price will probably be dropped again today. He has a T.V. he can bring to show VCR tapes and he can get by with that. This would be a very good thing for records. In fact, he has a VCR tape of Andy Easley going over the Pigeon Creek Log Jam and he thinks the Commissioners would like to see it; it is very clear.

Commissioner Cox asked if Mr. Bethel has the funds?

He responded that he can transfer them around some way; he has nothing set up for this, but he can get it out of office supplies account.

Commissioner Borries said that for instructional value, he would think that Jerry Schenk would also be interested in conducting various training sessions (as he does anyway) for Mr. Bethel's crew.

Mr. Bethel said that as he told Mr. Willner, when they went to the road school, just about all of it is done on video tape; they talked to some of those engineers and they said they would rent the tapes to Mr. Bethel and send them down here. It does have a

lot of good purposes. With the reduced prices at Sears, if we're going to get the camera, etc., now would be the time to get it.

Motion that the County Highway Superintendent be authorized to purchase with available funds a VCR camera and recorder was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Olmstead Road Situation: Commissioner Borries said he had talked with Mr. Bethel earlier (and Andy Easley may be aware) re some residents who had called about the Olmstead Road situation. These residents lived on the eastern part of Old Boonville Highway in Vanderburgh County, which has now been cut off by the construction on I-164. They were unaware that Olmstead Road was going to be closed and they are still unsure as to any lengths of time that it will be closed. They are concerned because, obviously, it is a nice area -- not much traffic on it now. But for emergency purposes (fire emergency vehicles, etc., and their own safety in getting there). They wanted to express their concerns about the closing of Olmstead Rd. Mr. Borries said he drove out there Saturday and he can sure understand that if you are going east on Morgan Avenue (which becomes S.R. 66), to get to their place now, you have to turn on Telephone Rd. -- and that is a heck of a turn-back (left) which means there is not a real blister (he didn't notice a blister when he turned). He was worried about the traffic behind him and whether he was signaling correctly. But in driving to Olmstead it looked as though the State Highway or whoever the construction firm was had just put a dirt barrier there (probably for the use of heavy construction vehicles going over the road).

Mr. Bethel interjected, "This is actually how I see Olmstead -- heavy construction equipment going across the road."

Mr. Borries continued, "It looked to me as though the pavement was o.k. It looked like the structure over Olmstead is now finished, so they were questioning why they had closed Olmstead Rd. For the record, he wanted to bring the matter up to see if we can get some clarification because he can understand their concerns. The other way, you'd end up by Stevenson Station.

Mr. Bethel said you could come in through Telephone Rd. (We paved that.) Pointing to the map, he said people could come in there, and from there back this way you could come straight out -- to Burkhardt Rd. But from there if you had to go back, you've got to go all the way back Olmstead and go toward Chandler, IN. They had that blocked off under that overpass at Olmstead. He drove over that yesterday and you can get under it; while you're not supposed to, people are going under the overpass and it is bad with all those nice homes and everything back there. He doesn't understand -- but maybe Andy can tell us why they blocked off Olmstead Rd. Why did they just take dirt and block it off?

Mr. Borries said all he can see there is the movement of construction vehicles across the road. It looks like a small dirt mound.

Mr. Easley said they are taking crawler tractors across it and that is to protect the pavement.

Mr. Borries said he is just wondering how long they are going to have it closed? These people called the Sheriff's Department and the Sheriff's Department referred them to the Commissioners. He just wasn't aware that they had closed off Olmstead Rd.

Commissioner Cox asked, "Usually they notify us when they do -- don't they?"

Mr. Bethel said, "If I'm not mistaken, I think we did get a notice that they were going to close that road."

Commissioner Borries said, "I guess the question is -- if they are going to close it, is there some way we can alternate this for the safety of the people? Do they have to have both of them closed at the same time? It looks to me as though Old Boonville is going to be closed a long time."

Mr. Easley asked, "Is Olmstead permanently closed? It doesn't go over or under the road, does it?"

Mr. Borries replied, "It goes under the structure. The structure has already been completed; the beams aren't finished, but the structure itself...."

Mr. Easley said, "I had a conversation with the engineer out there and evidently something was in the way. He said that if they moved it out of the way they could get through. And he said they would try to get it open shortly. That was about a month and a half ago. This is the first I've heard about it since then."

Mr. Bethel said, "We'll call them and have an answer tomorrow."

Commissioner Willner said, "Write them a letter and tell them we must have that road open period."

Mr. Borries asked, "It is not supposed to be closed permanently, is it?"

Mr. Easley said, "It is an overpass...."

Mr. Borries said, "They are going to have to set the base of the structure with the concrete on the top yet."

Mr. Bethel said, "It is already set."

Mr. Willner asked, "That bridge is already done, isn't it, Andy? The beams have been over Olmstead for two months."

There was some question as to whether or not the deck had been poured. Mr. Easley pointed out that if it has not, they can pour the deck from above.

Commissioner Borries asked that Mr. Easley write a letter expressing our concern and see if there is some way this can be opened as quickly as possible. Again, also reinforce the aspect that they communicate with us. Margie is very good -- and our office is always very good -- that if we have road closings the media is very cooperative from time to time. It is either in print or you will hear on the radio what roads are closed -- for the convenience of the motorists. It is a little embarrassing when you get calls and you've had no communication at all. Had we known the road was going to be closed, we could have communicated with those people and they are concerned that it might be a permanent kind of thing.

RE: COUNTY ENGINEER - ANDY EASLEY

"B" Street Underpass: Mr. Easley presented a copy of a letter from Hayes, Seay, Mattern & Mattern, wherein they forwarded the preliminary plans to the CSX Engineer of Bridges. This summarizes what they received and contains a few other comments.

Claim/United Consulting Engineers: Claim presented in the amount of \$16,170.00 for work on Green River Rd. during month of May. Mr. Easley said the claims is in accordance with their engineering agreement and it is his recommendation that it be paid.

Motion to approve the claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. Mrs. Cox said she notes they are now 80% complete. We gave them some extra money in order to do some things. Do we have this much money in the account?

Mr. Easley replied in the affirmative, saying we have a considerable amount of money in the account.

Concrete Culvert System/Rollet Lane: Mr. Easley said he guesses he has never brought a requisition to the Commissioners for the concrete culvert system on Rollet Lane. We have the right-of-way for the channel change and he has agreement from Mr. Lutz and his neighbor (Mr. Gatewood) that they will grant a temporary run-around over that driveway (that Mrs. Cox suggested he try to get). Mr. Gatewood has not yet signed the agreement; but he is confident enough he will sign it that he thinks we should now order the system. He still needs a couple of quotes on who is going to erect them. But he would like the Commissioners' permission to order the 32 lineal feet of precast concrete culvert at \$500.00 per ft. In response to query from Commissioner Willner, Mr. Easley said delivery should be within no more than four weeks. Unless they find someone else who can supply it, he suspects it will come from Louisville. This will all be done in accordance with the State Board of Accounts guidelines re purchasing.

Commissioner Willner asked who is going to install it?

Mr. Easley responded that he does not yet know who is going to install it. He will try to have that answer for the Board within a week.

Mr. Willner said, "I would just like to know before we order these parts."

Mr. Easley said, "It won't be shipped until we tell them to ship it, because we have to get the foundations in. He just wants to go ahead and order them so they will start the manufacture of same."

Motion to authorize Mr. Easley to proceed with ordering the culvert system was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Commissioner Cox asked if we're going to be taking any dirt out of there?

Mr. Easley said we are scooting the channel possibly 15 ft. to the south and there will probably be some dirt to be hauled away.

Mrs. Cox asked if the gentleman on Red Bank Rd. who experienced the fire in his area (whatever it is -- she doesn't want to call it a landfill) -- could we have an understanding from this Board that the dirt fill be hauled there?

Commissioners Borries and Willner verbally indicated their agreement.

Street Plans/Green River Estates & Oak View Place: Mr. Easley asked whether the Commissioners have had an opportunity to review the street plans for Green River Estates & Oak View Place? They would like to have these approved so they can proceed with the construction of the streets. He doesn't think it is necessary to have them approved to get their plat recorded, but he thinks Mrs. Cunningham likes to know that the plans meet with the Commissioners' approval.

Commissioner Cox said that with regard to Green River Estates, Section 'C', it says in the upper lefthand corner that "Storm Drainage Plans have been approved by Vanderburgh County Drainage Board on May 27, 1986". We did give approval to the conceptual

design; but the final approval -- she thought this Board directed Mr. Fuquay to come back to the Board with a final set of plans in several weeks. She has not seen the final drainage plans. Someone has marked on the street plans that they were approved May 27, 1986.

Mr. Easley asked if the milars go to the Drainage Board or to his office? His office has been getting the conceptual design from Bill Jeffers, Chief Deputy Surveyor, and checking it against what is submitted.

Mrs. Cox asked if they have submitted final drainage plans and whether they have been checked?

Mr. Easley responded in the affirmative.

Mrs. Cox asked if they were checked by the Surveyor's Office?

Mr. Easley replied, "No; the Surveyor's Office handed us the conceptual design and asked us to compare it to the improvement plans that came in."

Mrs. Cox said, "So they have not submitted their drainage plans as requested by the Board?"

Commissioner Borries asked that approval of the street plans be deferred for one more week while some clarification is obtained, if that is the wish of the Board.

In response to query from Commissioner Willner, Commissioner Cox said the Board has never seen the final drainage plans for either subdivision. She believes Commissioner Willner is the one who instructed both developers to come back to the Board with the final drainage plans. At least, this is what she has in her notes. With regard to Green River Estates (and Mr. Willner will recall this) Commissioner Willner was very concerned about it. Remember the lawsuit before she and Commissioner Borries came on the Commission about the mud spilling out on Green River Rd.? Commissioner Willner said he wanted to make sure that that water was going to be trapped there and had a culvert and not spill out on the road? We have not seen those plans.

Commissioner Willner said Mrs. Cox is right -- there was a million dollar lawsuit.

Mrs. Cox said the Board has not seen the drainage plans - and a lot of times you can't see what is there on the street plans.

RE: COUNTY TREASURER - MONTHLY INTEREST REPORT

President Borries presented the Monthly Interest Report through June 1, 1987, which had been submitted by the County Treasurer.....report received and filed. (Copy attached hereto.)

RE: TRAVEL REQUESTS

County Clerk/Helen Kuebler: Request to attend State Board of Accounts Meeting in Indianapolis on June 16, 1987. This concerns the New Single Fee Bill 1163 which goes into effect July 1, 1987.

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

Union Twp. Assessor: Request to attend the Indiana Assessor's Association Instructional Seminar on June 22-24 in Indianapolis.

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

Armstrong Twp. Assessor: Request to attend the Indiana Assessor's Association Instructional Seminar on June 22-24 in Indianapolis.

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

RE: CERTIFICATES OF INSURANCE

Wm. J. & Hazel Koewler & Plaza, Inc.: Bierstube June 19, 20, 25, 26, 27 and July 2, 3, and 4. Rain dates are July 10 and 11. (Courthouse Lawn).

Y.M.C.A./Evansville: Thunder Run Classic on June 27, 1987.

RE: OLD BUSINESS

Pulse Computer Systems, Inc./Request to go on Council Call:

The meeting continued with President Borries reading the following letter from Pulse, Inc.:

June 1, 1987

Rick Borries, President  
Vanderburgh County Commissioners  
Civic Center Complex  
Evansville, IN 47708

Dear Rick,

As you know, in October 1986, it became apparent that, due to the increased demand being placed on the computer system from new applications and greater utilization by various departments, upgrading action by March 1987 was imperative. P.C.S. implemented several short-run temporary solutions, but the situation is definitely critical at this point in time. We strongly recommend an immediate decision concerning the system upgrades.

You will find enclosed a copy of the system upgrade information packet sent to the individual members of the City/County Data Processing Review Board on May 4, 1987. The cost figures in Attachment #1 have been recalculated to reflect monthly expenditure over an eighteen (18) month term as opposed to a nineteen (19) month term in the initial correspondence.

In closing, I wish to reiterate that the system is capable of further expansion upon completion of the currently proposed upgrades.

Thank you.

Sincerely,

James A. Gager  
Vice President

President Borries said the figures they had given to him -- we are now in terms of our user fee 66% of the total capacity of the mainframe and the main hardware. Our cost for the remainder of this year (and this includes additional disk capability, disk controller, etc.) would be \$23,142.00.. Getting clarification from Jim Gager this morning, this gets us through the rest of the contract we would have with Pulse, subject to whatever "wants" to be done at that time. But we would be able to add additional functions and there have been many things added onto it. It is just the inevitability of growth. For the remainder of the year then, we would have to ask Council for \$23,142.00. This is everything that we would need. We would also have to reflect an additional amount of money as we budget for 1988. But this would get us through this year. We simply are going to have to do this if we want to expand. As he points out, you could end up with a huge mainframe and nothing on it, but you would be paying for that



kind of thing literally. So now we are at a point where we have to add on -- and this would get us through the remainder of the contract.

Mr. Borries said he did not get this directly, but Sam Humphrey (County Auditor) had been on it, and there is other correspondence. We've expanded; we've survived at this point. What is ahead we will have to look at in the future. At this time, he does need the Board's consideration concerning this request or we won't be able to do anything else -- and it might be critical with the reassessment. For us to do this, we'd have to get on July Council Call and request their approval.

Motion was made by Commissioner Cox that the Commissioners go on Council Call in the amount of \$23,142.00 to meet the commitment for expanded programs with Pulse Computer Systems, Inc., with a second from Commissioner Willner. (He noted, however, that prior to Council Call date he would like to conduct further study.) Commissioner Borries said there is a Data Processing Review Board that is functional -- Leslie Blenner, Sara Cooper, Fred Dormeier, Harold Elliott, Sam Humphrey, Betty Lou Jarboe, Helen Kuebler, Frank McDonald, William Jones, Jerry Niehaus, and Robert Pigman. County Auditor Sam Humphrey said we are in the process of hiring an in-house omnibus-man to overlook programming and interfacing.

Commissioner Willner said he would like to give the above-mentioned committee that recommendation.

Commissioner Borries said the committee is meeting. Our contract with Pulse expires on December 31, 1988 and we certainly can probably get a list of all the added functions that have been put on in the area of rapid change. Like everything, we are just going to have to see what is ahead; whether we need to buy; whether we need to continue to lease or what.

Commissioner Cox said, "When we signed that contract with them, we said this is what we want. They gave us a contract based on what we said we wanted at that time. But our needs and wants have changed and they have added on to accommodate some of these things. Area Plan is on there -- they came on in what -- December 1986? I didn't know Area plan was on the computer. And they are, with four things. What they are doing now is to adjust the contract to reflect these increased uses. Pat Tuley is on there, too."

Auditor Humphrey said, "We're going to ask for \$275.00 additional programming probably next month."

Commissioner Willner said, "What is the accrual system going to do to our computer? I tell you, there are a million and one questions I want to ask. That is why I want this committee to go ahead and....."

Commissioner Borries said, "The accrual system won't be affected by this, Bob. I don't think we'll get it operational that fast -- by the remainder of the contract."

Auditor Humphrey said the accrual system will affect only a small segment of the programming -- and it will give us more accurate, concise reports.

Commissioner Borries asked if the program that the Treasurer's Office is on comes through this whole system?

Mr. Humphrey verified that it does.

Commissioner Borries said, "That is impressive; you've got everything right there."

Commissioner Willner asked, "What about the reassessment?"

Commissioner Borries said that is all going to be handled under the new....."

Auditor Humphrey interjected, "But, hopefully, that can be interfaced. Whatever hardware you buy to handle that should be addressed. But right now I'm going to ask for \$275.00 for a simple program change. The purpose of it is to specifically identify all of the inputs that go into my office -- so if we have an error show up, I know exactly where it came from. As it is now, we've got township people; we have our transfer people, etc. When we correct an error, we don't know who is responsible and we're trying to tie it down. We've had a series of things, which ended with a termination today -- where I have a pile of errors -- and we try to balance our account with the Treasurer's Office on our assessments."

Commissioner Borries said, "Anytime you have rapid growth and change you're going to have lots of problems and I just hope we can solve them and look ahead to the future on this. But this system has grown by leaps and bounds and at this point I think we have at least improved our services in many areas -- the Courts,, the Sheriff, the Clerk, etc.

Nonetheless, the \$23,142 is the amount we need to go on Council Call for in July and there will be other amounts to be added when preparing the 1988 budget requests."

Green River Rd. South Proposals: Commissioner Cox asked whether the Board has received any recommendations concerning the proposals received on Green River Rd. South, which were opened last week?

President Borries said he has nothing.

In response to query from Commissioner Borries, Mr. Easley said EUTS has the proposals and he has not seen them.

Mrs. Cox asked, "Why is EUTS doing all this? I go to see my daughter for three days and don't get back for a meeting and -- I don't understand this. I thought the County Commissioners were the ones who are supposed to....."

Mr. Easley said, "I think EUTS ran the advertisement that we're interested in getting proposals and the proposals came to the Commissioners; but apparently they were collected and given to EUTS.

Commissioner Borries said, "They were -- for their recommendations."

Commissioner Willner noted, "This Board had never even said we were going to do the project. I think we signed the TIP program one time and it was on there."

Commissioner Borries and Mr. Easley said that it is on the TIP program. Mr. Easley said it is his understanding that Rose Zigenfus got the City to agree that the County would be the lead agency. It is a 50-50 project.

Commissioner Borries said he did talk with Rose about that, just like on Covert Avenue -- and there was one other one that bordered the city-county limits and he felt we ought to go ahead and be the lead agency on this.

Commissioner Cox said "Well, I'm glad we're moving on it."

Mr. Easley said, "Apparently the access that I-164 has to South Green River Rd. -- it needs to get in the program."

Commissioner Borries explained, "So that is where we are with it -- it's just a procedure but we've not made any decision to award a contract or anything. But we do need a report."

Lynch Rd. Project: Commissioner Cox asked whether we have received an answer from Mrs. Ryan concerning the replacement hardwood forest on the Lynch Rd. project?

Mr. Easley said it has only been about ten days since he talked with her. She had promised to get back to him within two weeks.

Mrs. Cox said she believed she mentioned at the last meeting that the State did accept this different route. Do we have plans drawn showing the route they accepted? Do we have the contour maps, etc. of that now?

Mr. Easley said, "We plotted it on a transparency of the aerial photographs, showing the centerline on the sectionline as the easterly prolongation of the centerline of Lynch Rd. That is what everybody has been dealing with and they have approved that concept."

Mrs. Cox asked, "Does Mr. Funke have that? Is it still going to take 170 ft. out of that subdivision?"

Mr. Easley said he didn't bring the file; but it has the legal description that our consultants (Bernardin, Lochmuller) have studied. They have looked at the planometric maps -- which are the maps that have the contour lines on them -- and we are coming off that hill on Oak Hill Rd., and they have projected that it will take 170 ft. out of that subdivision. He said he will go get his map to verify this if Mrs. Cox would like.

Mrs. Cox asked, "You do not have any new maps? You just made an overlay to send up to the State?"

Mr. Easley responded, "We made the overlay. We did not send the legal description and sketch prepared by Bernardin, Lochmuller. They made that for me at my request and they said we could proceed and they can get by for Lynch Rd. off of that Fox Pointe Subdivision with that parcel."

Mrs. Cox said "Well, we want to make sure Mr. Funke can get by. He has a meeting set up at 9:30 Friday morning. In between now and then, can you please check with him to make sure?"

Mr. Easley said, "I personally put it in an envelope and marked it for Vic Funke and he picked it up from my office."

Mrs. Cox said, "Just make sure it is the right one, because there was some question as to whether he did or did not have the right one."

Mr. Easley said, "He has the one that Tom Bernardin gave me."

Old State Rd. Railroad Bridge/Washout: Commissioner Cox said the railroad bridge out on Old State Rd. has some washouts around it. She received a call from a property owner and he was very concerned. He said that while they are doing that work out there that there really needs to be a culvert put .....

Mr. Easley said he is smiling because they heard about this. The man called him and he asked him to call Lee Stucki and check to see whether the county really needed to have the ditch piped. He asked if Mr. Bethel wants to comment on this?

Mr. Bethel said the man has to buy the pipe and the county will install it.

Commissioner Willner said that is the way it has always been.

Mr. Bethel said they are working on that right now.

RE: SCHEDULED MEETINGS

Wed.	June 3	2:30 p.m.	County Council Mtg.
Wed.	June 3	6:00 p.m.	Area Plan Meeting

RE: PUBLIC AUCTION - COUNTY-OWNED SURPLUS EQUIPMENT

It was announced by President Borries that a Public Auction of County-Owned Surplus Equipment will be held on Saturday June 6th, beginning at 10:00 a.m. at St. Joe Avenue & Mill Rd. Curran Miller will conduct the auction.

RE: CLAIMS

Larry Faulkenburg: Claim in the amount of \$102.00 for Permit Fee Refund (7089V).

Motion to approve the claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Ralph A. Easley, Jr.: Claim in the amount of \$85.00 for travel expense to attend meeting in Indianapolis on May 13th with IDOH representatives (along with Rose Zigenfus) concerning Eickhoff-Koressel Rd. project.

Commissioner Cox said this was never discussed in a public meeting and Mr. Easley never asked permission to travel in a public meeting.

Commissioners Willner and Borries said, however, that it was discussed and Mr. Easley did request permission and it was granted. (Discussion and permission to travel is reflected in Commissioners' minutes of May 11, 1987.)

Mrs. Cox apologized.

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

RE: LYNCH RD. PROJECT

Discussion continued on the Lynch Rd. project and Fox Pointe Subdivision. Mr. Easley had retrieved the overlay/map from his office.

Commissioner Willner asked if Guthrie May is still going to be able to get two rows of homes in there?

Mr. Easley said the planner had parallel lines on the map and they even widened the parallel lines a bit -- and drew them parallel to the sectionlines.

Commissioner Willner asked if Mr. Easley knows what Guthrie May is going to do now?

Mr. Easley said he does not know. Neither Sam Biggerstaff nor Don Blume have indicated what they are going to do.

Mr. Willner said they have too many houses for that.....

Mr. Easley said he was hoping they would cut the depth of the lots down and still not lose any lots.

Commissioner Willner said there are too many there anyhow.

Commissioner Cox said, "Now, wait a minute. We've seen them come in with 180 on them that weren't much bigger than this. You know how much the frontage was that we just approved for Bussing's project down on the riverfront? Did you look at those lot sizes?

Commissioner Borries said, "Those are zero lot lines...."

Mrs. Cox said, "That doesn't make any difference. At least these are 60 ft. I don't think those were over 20 or 30 ft. Anyway, Guthrie May will have to redesign the whole thing and let's hope it comes out prettier then."

In response to query from Commissioner Borries as to why they are losing 170 ft. in the subdivision, Mr. Easley said the fill. He explained that they are coming off this high hill and we have to have a vertical curve to meet design speed requirements and it will take one great big fill here -- because it goes up too fast and they can't just follow the ski jump.

Commissioner Borries said "If we need it, we need to buy it now. And, Guthrie May will have to submit some revised plans for Fox Pointe."

Mrs. Cox reiterated, "They will have to."

RE: EMPLOYMENT CHANGES

County Auditor (Releases)

Terri Pace	Transfer Clerk	\$13,440/Yr.	Eff: 5/29/87
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County Board of Review (Appointments)

Carol Haas	Clerk	\$35.00/Day	Eff: 5/26/87
Paul V. Batts	Lay Member	\$45.00/Day	Eff: 6/1/87

County Recorder (Releases)

Marjorie C. Keeney	Asst. Bkkpr.	\$13,440/Yr.	Eff: 6/5/87
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County Recorder (Appointments)

Mary R. Dorsett	Asst. Bkkpr.	\$13,440/Yr.	Eff: 6/8/87
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Clerk of Circuit & Superior Courts (Releases)

Sandra J. Rust	Dep. Clerk	\$6.00/Hr.	Eff: 6/1/87
Doris Schroeder	On LOA, unable to return)		Eff: 6/5/87
Tracey Lynn Statz	Dep. Clerk	\$514.94/Pay	Eff: 5/29/87
Karen Jo Conley	M&T Dep. Cl.	\$514.94/Pay	Eff: 5/29/87

Clerk of Circuit & Superior Courts (Appointments)

Kendra Martin	Dep. Clerk	\$6.00/Hr.	Eff: 6/1/87
Sandra J. Rust	Dep. Clerk	\$514.94/Pay	Eff: 6/1/87
Tracey Lynn Statz	M&T Dep. Clk.	\$514.94/Pay	Eff: 6/1/87

Knight Township Assessor (Appointments)

Anna Marie Umbach	Deputy	\$35.00/Day	Eff: 5/27/87
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Weights & Measures (Releases)

Gary Anderson	Deputy	\$35.00/Day	Eff: 5/29/87
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Weights & Measures (Appointments)

Gary Anderson	Deputy	\$13,000/Yr.	Eff: 6/1/87
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Circuit Court (Releases)

Melvin MacGregor	P/T Bailiff	\$5.00/Hr.	Eff: 5/8/87
Paul N. Aarstad	P/T Intern	\$4.00/Hr.	Eff: 5/1/87

Circuit Court (Appointments)

Jonathan Parkhurst	Intern	\$4.00/Hr.	Eff: 5/11/87
Jeffrey T. Shoulders	Intern	\$4.00/Hr.	Eff: 5/11/87

Burdette Park (Releases)

Barbara Bain	PTGC	\$4.00/Hr.	Eff: 5/23/87
Mary Kinsey	PTGC	\$4.00/Hr.	Eff: 5/23/87
Shawn Stanley	PTGC	\$4.00/Hr.	Eff: 5/23/87
John Bippus	PTGC	\$4.00/Hr.	Eff: 5/23/87
Cliff Harth	PTGC	\$4.00/Hr.	Eff: 5/23/87
Perry Gostley	Rink Guard	\$5.00/Hr.	Eff: 5/23/87
Mike Gerard	PTGC	\$4.00/Hr.	Eff: 5/23/87

Burdette Park (Appointments)

Barbara Bain	PTGC	\$4.00/Hr.	Eff: 5/21/87
Mary Kinsey	PTGC	\$4.00/Hr.	Eff: 5/18/87
Shawn Stanley	PTGC	\$4.00/Hr.	Eff: 5/18/87
John Bippus	PTGC	\$4.00/Hr.	Eff: 5/17/87
Jeffrey Ludwig	Slide	\$3.35/Hr.	Eff: 5/23/87
Daniel Julian	Slide	\$3.35/Hr.	Eff: 5/23/87
Tad Powless	Slide	\$3.35/Hr.	Eff: 5/23/87
Beth Hermann	Slide (FT)	\$3.50/Hr.	Eff: 5/23/87
Angela Burmeister	Slide	\$3.35/Hr.	Eff: 5/23/87
Denise Strange	Slide (FT)	\$3.50/Hr.	Eff: 5/23/87
Beth Howerton	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Larry Jourdan	Slide	\$3.35/Hr.	Eff: 5/23/87
Kevin Seidehamel	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Jill McNaughton	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Maria Anderson	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Ali Minton	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Kendra Stinson	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Kelly Siekmann	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Michael Pruitt	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Doug Kieffner	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Barbara Owens	Reg. Guard	\$3.60/Hr.	Eff: 5/23/87
Matthew Caton	Reg. Guard	\$3.60/Hr.	Eff: 5/23/87
Jennifer Talley	Reg. Guard	\$3.60/Hr.	Eff: 5/23/87
Randy Seidehamel	Reg. Guard	\$3.60/Hr.	Eff: 5/23/87
Amy Helfrik	Reg. Guard	\$3.60/Hr.	Eff: 5/23/87
Sarah Embry	Slide	\$3.35/Hr.	Eff: 5/23/87
Christy Eickhoff	Cashier	\$3.35/Hr.	Eff: 5/23/87
Andrea Thomas	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Shari Mosberger	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Benjamin McCarthy	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Crissy Hancock	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Don Gregory	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Laura Givens	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Jeff Braun	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Karla Hormuth	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Robert Kirk	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Shauntrece Crider	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Jeffrey Richardt	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Michelle Almon	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Shannon Neidig	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Kelli McElroy	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Jennifer Charles	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Robin Temme	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Joeli Staley	Reg. Guard	\$3.60/Hr.	Eff: 5/23/87
Dona Barton	Reg. Guard	\$3.60/Hr.	Eff: 5/23/87
Elizabeth Borries	Reg. Guard	\$3.60/Hr.	Eff: 5/23/87
Bob Hayes	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Brian Dooley	Ext. Guard	\$3.35/Hr.	Eff: 5/21/87
Stanton Angermeier	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Brooke Raney	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Carol Owens	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Cliff Harth	PTGC	\$4.00/Hr.	Eff: 5/16/87
Bryan Austill	PTGC	\$4.00/Hr.	Eff: 5/10/87
Cliff Harth	Reg. Guard	\$3.60/Hr.	Eff: 5/23/87
Perry Gostley	Pool Mgr.	\$48.00/Day	Eff: 5/23/87
Mike Gerard	Asst. P.M.	\$40.00/Day	Eff: 5/23/87
Mike Powless	Pool Head Guard	\$37.00/Day	Eff: 5/23/87
Greg Topper	Asst. PHG	\$35.00/Day	Eff: 5/23/87
Joeli Staley	PTGC	\$4.00/Hr.	Eff: 5/17/87

Burdette Park (Appointments cont'd.)

Dona Barton	PTGC	\$4.00/Hr.	Eff: 5/17/87
Elizabeth Borries	PTGC	\$4.00/Hr.	Eff: 5/16/87
Bob Hayes	PTGC	\$4.00/Hr.	Eff: 5/23/87
Barbara Bain	Slide	\$3.35/Hr.	Eff: 5/23/87
Mary Kinsey	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Shawn Stanley	Reg. Guard	\$3.60/Hr.	Eff: 5/23/87
John Bippus	Ext. Guard	\$3.35/Hr.	Eff: 5/23/87
Ken Vieland	Ext. Guard	\$3.35/Hr.	Eff: 5/21/87
Karen Williams	Reg. Cash.	\$3.75/Hr.	Eff: 5/21/87
Tobin Riney	PTGC	\$3.50/Hr.	Eff: 5/23/87
Angela Lawrence	Rink Cashier	\$4.00/Hr.	Eff: 5/15/87

During the meeting, Gail Brocksmith of C.A.P.E. was recognized by the Chair. In response to query as to whether she had anything to bring before the Board, Ms. Brocksmith stated that she was just attending the session in C.A.P.E.'s behalf to determine whether there was anything on today's agenda of which they should be aware. She will periodically attend meetings for this purpose.

President Borries extended a welcome and encouraged Ms. Brocksmith not to hesitate to ask questions if there is ever anything which needs clarification.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:45 p.m.

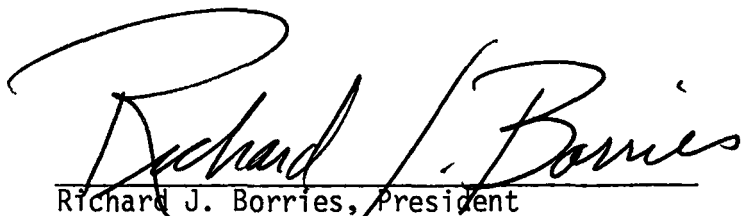
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	C. John


<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AUDITORIUM</u>
Bill Bethel	Andy Easley	Kim Bitz


OTHER

Ruth Anslinger/Pigeon Twp. Trustee's Office  
Pamela Trainer/Poor Relief Applicant  
Mrs. Shirley James/West Side Improvement Assn.  
Lawrence Lowe/West Side Improvement Assn.  
Gail Brocksmith/C.A.P.E.  
News Media

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 8, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, June 8, 1987, in the Commissioners' Hearing Room with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently welcomed Messrs. William Korb and Harold Frost to the meeting. He said they are here to discuss the confusion regarding Lynn/Len & Becker Rd. This matter will be considered after Item #3 on the agenda (Mr. Ed Johnson, Attorney).

Continuing, Mr. Borries entertained a motion concerning approval of the minutes of the previous meeting.

Commissioner Cox said she sees nothing incorrect in the minutes. However, she did make a motion (recorded on Page 11) based on some false information. Therefore, she would like to have that motion clarified at this time. It concerned an appropriation for an increase for the contractual agreement with Mrs. Connie Davis. She was under the impression that the County Council had appropriated money from the County General Fund to meet this obligation. "However, they did not do that; it was a transfer within our own budget under our control. I would like to amend the motion made on Page 11 to approve and sign the agreement and prepare a blue claim to be signed by the Commissioners."

Commissioner Borries said that if it is agreeable with the other Commissioners, he will simply 'x' out the remaining portion of that sentence in the minutes. Commissioners Willner and Cox gave their verbal approval. President Borries said that, as pointed out by Commissioner Cox, what this does is -- since the money was in the Hillcrest-Washington budget, it will remain there. Council had actually allowed a transfer of \$10,000.00 and the Commissioners told them that it was not necessary to do that, that we were only going to pay Mrs. Davis money that she had lost in income -- and that is basically what has come about. The remainder of the money approved for transfer will remain in the account and could be used by the County to pay for our agreement with the Southwest Mental Health Foundation Inc. With that correction, President Borries entertained a motion concerning approval of the minutes.

Motion was made by Commissioner Cox that the minutes of meeting held on Monday, June 1, 1987, be approved as amended, as engrossed by the County Auditor and the reading of same be waived, with a second by Commissioner Willner. So ordered.

RE: SEWER FOR CARANZA DRIVE & OLD STATE RD.

The Chair recognized Attorney Ed Johnson, Sr. He said that while the agenda shows simply Caranza Drive, he would request that Old State Rd. be included, as he has been informed that most of the violations of the Health Department's regulations occur on Old State Rd.

With him today are Clarence Day(?), Mr. and Mrs. D. E. Smith (who live on Caranza Drive) and also Fred Sievers. On June 18, 1986. he wrote a letter to Commissioner Robert Willner. He asked Commissioners Borries and Cox if they had seen this letter? He continued by reading same:



"Dear Mr. Willner,

Mr. & Mrs. D. E. Smith, who reside at 7 Caranza Drive, have asked the writer to make an official demand for enforcement of the sanitation laws in their area. You are aware that raw, untreated septic sewage is discharged on the surface of lots adjoining or in close proximity to the Smith's dwelling. The unsavory condition of this area is a distress to Mr. and Mrs. Smith and to other neighbors, I am sure, in this vicinity. I spoke with Sam Elder of the Health Department and he advises me that he is well aware of the deplorable condition, but is powerless to enforce the present law by reason of present conditions. Mr. Elder further advises me that only a sanitary sewer would serve the needs of the area and that, in fact, Jim Morley had done some preliminary work with this goal in mind. Nevertheless, Mr. and Mrs. Smith are extremely exercised about the conditions they have put up with for more than three years.

The Smiths contemplate action for mandate, private nuisance and public nuisance and damages. The Smiths are very tolerant people, but the present conditions destroy the enjoyment of their home.

I previously have corroborated the seriousness of the situation by speaking to other persons besides Sam Elder and the Smiths and all are in agreement that the situation is intolerable.

This is not an official notice of the Smith's intention to bring suit but is, however, formal notice of the conditions and a request for relief. I suggest this letter be made known to the other Commissioners, although at this time it is not necessary to make it a matter of record unless you elect to do so.

With best personal regards I remain,

Very truly yours"

Mr. Johnson continued, "Well, eleven months and three weeks have gone by and the conditions there are more deplorable than they were before. Mr. and Mrs. Smith and Mr. Sievers are here to say just a few words about the conditions. I know Mr. Willner has been out there. Mr. Borries, have you been there? (Mr. Borries responded in the negative.) Mrs. Cox have you been there?" (Mrs. Cox also responded in the negative.) "Well, you really ought to go. As I understand it, the smell is intolerable and destroys the entire use and enjoyment of the premises and constitutes a substantial health hazard. I am informed by Mr. Willner that certain steps have been taken by the Commissioners to initiate a Barrett Law process to have a sanitary sewer placed in this area, but the work has not been even substantially completed. Is that right Bob? This is what you told me on the phone?"

Commissioner Willner confirmed that this is correct. He had asked the County Attorney to research the statute. He is doing that right now. Mr. Willner said he has also asked the County Engineer to come down to the meeting as soon as he can. It is now in his hands to figure a cost estimate for the sanitary sewer for these 22 houses or so. We should have a report as soon as both parties arrive.

Mr. Johnson continued, "As we all know, these things take time. Even if the preliminary work were done -- if you had the report from the County Engineer as to the cost of each lineal foot of this sewer, etc., then it has to be published and a public hearing held and notice given to everybody -- and public hearings can be continued and, if things were in place, you're probably looking at 4 to 6 months' legal time. Once you get that taken care of, we're looking at probably a year (he's guessing at that)

in engineering time to install the sanitary sewer and bring it into the Evansville City Sewer System, which is available nearby. Pending that year or so, the Smiths and Sievers (and he supposes others in the neighborhood) are unwilling to wait any further. They are here for a twofold purpose: The first one is immediate relief; to have the laws of the County enforced, executed and steps be taken by the violators (and the violators are all known to the Health Department -- Sam Elder has a record and probably Bob Willner has a record) -- but have immediate steps taken to rectify this and immediate steps taken to put the sanitary sewer in this area. I believe I am informed that all of the other subdivisions in the area have sanitary sewers. So there are two things he'd like the Commissioners to act on:

- 1) Act on giving notice to the violating people there to cease the discharge of sanitary septic sewage on the surface of the ground immediately.
- 2) Ask the County Engineer (or whoever it is who has failed to provide the necessary information) to act on the Barrett Law, to do so forthwith and commence the enactment of the Barrett Law provisions for the installation of a sanitary sewer.

Mr. Johnson said he thinks Attorney Miller would agree that if all the legal work were in order today, it would be 4-6 months before all the publication notices could be given and public hearings held. There is a lag time on these things.

Attorney Miller said he is not sure that it is that long. He's looking at the statute now to get all the time frames together.

Attorney Johnson said these people cannot wait any longer.

The Chair recognized Mr. Sievers. He said to summarize the situation, this ditch runs about 350 ft. through his property. It's a drainage ditch about two to three feet wide and two or three feet deep. It is a natural drainage ditch that goes perhaps a mile up the road. They have some people who have a septic system tiled into the ditch -- even on his property. The Commissioners would probably ask, "Why don't you dig it up?" He could perhaps do this legally, but that probably wouldn't solve the problem and the sewage has to go someplace. He doesn't even use the ditch; he has a sanitary sewer system; a septic tank and field bed and a sand filter. His sand filter overflow does not go into the ditch at all, even though other people's flows into the ditch that is on his property (or at least the part of the ditch that is on his property).

Mr. Smith was then recognized by the Chair. He said he'd like to bring the Commissioners' attention to a situation where they have been there for 14 years. They started on this problem in 1985, because they thought eventually someone would do something about it. Since they didn't, he approached Mr. Elder and got no satisfaction. The only thing that really started happening was that Mr. Johnson wrote Mr. Willner that letter, which was almost a year ago. Mr. Smith said their home is situated on Caranza Drive and they are the lowest ones in the area. The rest of them are on the top of the hill and all of their sewage drains down into the ditch. When people come home from school, they take a bath and wash. It flushes out their sewage system through the pipe layed in Fred Sievers' property. There are also two other violators. One cannot pump out his sewage system, because he built a garage over the top of his sewage tank. The residents have an area where they cannot go outside unless the wind is coming from the east period. Any other way -- they get blown out. They have to fog their whole yard every time they go outside. People will come to see them for a social visit. The first thing when they enter the driveway, they start waving their hands, asking "What is that I smell?" They have come to the end of their rope and they intend to press this as far as the statutes of the State of Indiana will let them.

Attorney Johnson said now that the Commissioners have been made aware of and understand the problem, he would urge that Commissioners Borries and Cox take a trip out to Caranza Drive. Also he wants to say that he doesn't want to leave today's meeting with the statement that the Barrett Law will be done. He expects that to be done. But these people need to have some immediate relief and the laws of the county allow it. The Health Department can enforce it; the Commissioners can enforce it; and the County Attorney can enforce it. If necessary he can go to court and claim private nuisance and ask for a mandate -- but there is no reason to do that. The powers rest with the three County Commissioners. They'd like to wait around here....

Commissioner Cox asked, "Is this a subdivision?"

Attorney Johnson said it is a subdivision, Each house was separately purchased and separately built.

Commissioner Borries asked, "Are each of these lots at least an acre wide? I assume they must be, in order to have a septic system out there, right? They must be at least an acre."

Attorney Johnson replied, "I'd say they must be close to an acre; but the acre requirement only went into effect some time back. Some of the people do not have an acre; others have less than half an acre. These homes were individually built periodically "

Commissioner Borries asked, "So there was no developer organizing it at that time? No city water/city sewers, etc.?"

Attorney Johnson responded, "No sir; Mr. Sievers had to put in the water himself; the gas himself. The same happened on Old Kembell. We have Kembell on the west and Old State on the east; Campground on the north and Caranza to the south. Everything drains towards Caranza. Mr. Robert Allen from the Health Department came out and showed him a diagram. There are 53 homes that can be hooked into this sewer. He had the names of everyone there. The three violators are still violating."

Attorney Johnson said the big problem now is the pipe going across Mr. Sievers' property and the sewage coming out of it. That is the number one problem. The other problem is at 6414 Old State Rd. The yard is completely black. She has no place else to dump the sewage.

Commissioner Cox asked if this is discharging from 6414 or ending up at 6414?

Attorney Johnson said that 6414 is the beginning of the problem and it comes on down Old State Rd.

Commissioner Cox, "But you said her yard was black from the sewage. But is she....."

Attorney Johnson said, "6414 discharges in underground pipe. But about 200-300 feet later it pops out up in Sievers' backyard."

Commissioner Willner said he believes there were even a couple of houses on Campground Rd., were there not? He asked County Engineer Andy Easley what he has learned?

Mr. Easley said he supposes it was 90 days ago that Mr. Willner asked him to investigate helping these people get a sanitary sewer extension. Lee Stuckey turned over some information to him. He talked with John Rexing and had a field meeting with him. He has a preliminary design (and he told Mr. Sievers the first step was to get a preliminary design to see what the cost would be). He's had that about two weeks and was thinking of calling Mr. Sievers tomorrow morning to see what the next step would be -- whether he wanted to call an informal meeting of those people so he could present the cost estimate. He can go to his office

right now and give it to Mr. Sievers so he can talk to his neighbors if he wants to have an informal meeting. Or, does he want the Commissioners to call a meeting. Turning to Attorney Miller, he asked, "We've never done a Barrett Law, have we, Mr. Miller?"

Commissioner Willner commented, "He's looking into the legality of it now."

Continuing, Mr. Easley said he'd be glad to step outside the meeting room and show them what he has. We now have enough information to proceed with the proceeding.

Attorney Johnson said, "Both Mr. Sievers and Mr. Smith advise him that they do not wish to be involved in any ad hoc committees. They would like for it to be through the County Commissioners.

Mr. Easley said he had told Mr. Sievers he would let him know what we're looking at. He believes we have a count of between forty and fifty homes and we have it sketched out on a 100-200 planometric map, with contour lines showing how it can be served by gravity. There will not be a pumping station. It will all flow down in the small valley.

Commissioner Cox asked if Mr. Easley has an approximate cost per home owner for hooking onto this sewer?

Mr. Easley said that, recalling from memory, it is probably going to be \$2,500 per house for the construction. And he believes the City of Evansville's sewer system would want a tap-in fee of \$410.00 to connect to the system.

Mrs. Cox said, "So we're talking about \$3,000.00..

Mr. Easley said he thinks it would be best if he retrieved his file on this -- and Commissioner Willner urged him to do so.

Mr. Bill Jeffers, Chief Deputy Surveyor, was recognized by the Chair. He said he lives at 6608 Kembell. The neighbors know this is going on and some of the septic systems built on Kembell Drive are brand new, while others are twelve and fifteen years old. In any case, they would like a public meeting if it is going to cost them \$3,000 to tap in and not any secret or ad hoc meetings.

Commissioner Borries asked, "Are you referring to the ...."

Mr. Jeffers interjected, "There are forty (40) homes involved."

Commissioner Borries asked, "You're saying that the Barrett Law, as it is being discussed, could perhaps be used then in this particular area where you're requesting a public meeting?"

Mr. Jeffers said he guesses what he is saying is that there are several people who need this. He, for one, would be willing to participate. He knows of Mr. Sievers' problem, because he is his neighbor -- and it is horrendous on his side of the ridge. On his (Jeffers') side of the ridge that faces Salem Cemetery, it is not quite as bad -- but there is a problem. We're talking forty houses; we're talking every house on Kembell, Old State and Campground. He thinks there should be a public meeting, because some of the newer houses have just paid \$2,400 for a septic field. If they are within a certain number of feet of this new sanitary sewer line we're contemplating, they will be forced to abandon a \$2,400 investment and make another \$3,000 investment. Therefore, he thinks it would be to the benefit of everyone in the neighborhood to know that this is even going on. Really, only the folks down there at his end of Caranza and Kembell know anything is happening. Rather than having private meetings, he thinks there should be a public meeting so the entire neighborhood knows up front that we're contemplating their expending \$3,000 per household.

In response to query from Commissioner Borries, Commissioner Willner said he doesn't know whether the Commissioners are required by law to give notice re violations. He doesn't think the Board is the right agency for that. He thinks the Health Department has to do that. The attorney is back in the meeting and can advise the Commissioners re the legalities; but he doesn't think the Board of Commissioners has that power. He's sure he has read the Barrett Law; we're having trouble finding the current copy of the right edition.

Attorney Miller said he is having difficulty finding the current copy of our Indiana Code; but he is sure the Barrett Law gives the County a way of financing. There is no doubt in his mind about that.

Commissioner Willner asked if Attorney Miller can see Sam Elder of the Health Department and between the two of them determine who should give the notice and follow up?

Commissioner Cox asked whether Mr. Elder can come to the meeting now, since these people are here?

Auditor Sam Humphrey said, "He is in the building."

Commissioner Willner said he doesn't mind putting the burden on Sam, but...."

Mrs. Cox interrupted, "No, he could just tell us, couldn't he?"

Commissioner Willner said,, "All he is going to do is that if he does give a notice of violation, then these people are going to have to fix their septic systems. Then, the next month we come along with the sewer. I don't want any part of that. If Attorney Johnson wants to give the Commissioners a reasonable period of time to finish up what they have already started insofar as the sewer is concerned, he will do that. It is within his power to do that. But he is not going to cite these people for a violation and make them fix their present system and then next month go on a new system. That, he is not going to do.

Mrs. Cox said, "Commissioner Willner, my point was that if Sam could cite them for a violation today and make them fix the system, why couldn't he have done this a year ago? There may be some technicality here that we are not aware of and I think these people are here -- they have waited a long time for an answer. Sam is in the building and maybe we could just move on with the agenda and postpone this for a little while until Sam can get up here. We may be able to get this all straightened out while the parties are here who are interested in it."

Mr. Sievers said Mr. Robert Allen of the Health Department stood right in his driveway and showed him where the notices were sent when this was done last year. The notices have already been sent -- over nine (9) months ago -- and nothing has happened. What will more notices do? Nothing. What is a reasonable length of time? We wrote a letter a year ago. Are we going to wait another year? Is that a reasonable length of time?

Commissioner Willner queried Attorney Miller re the proper procedure?

Attorney Miller said the enforcement procedure goes through the Prosecutor's office.

Commissioner Willner asked, "Who would turn that over to the Prosecutor then, the Health Department?"

Attorney Miller said, "They should. That is not a civil procedure. Failure to comply with that notice is a misdemeanor that is properly forwarded to the Prosecutor's office. That is not something that the County Law Department handles."

Mr. Easley had returned with his files. He said he estimates \$76,000 worth of construction for the new sewer line. A lot of easements would have to be obtained and written. The engineering (if you allow 10% for that) would be \$7,600. The two added together would be approximately \$83,000. When you divide this by the number of homes (53) we'd come up with close to \$1,500, rather than \$2,500. Dividing by 50 homes, that would be \$1,660. If they still use the Barrett Law bonds, he is not sure what that does to the price -- but it inflates it a little bit. And then we'd have the City's tap-in charge. With \$410.00, maybe with luck the estimate might be under \$2,200 per home owner.

Commissioner Cox asked if Mr. Easley brought the plan with him?

He said he has it. This shows Kembell Drive. They did not go all the way to Campground with this study. He divided by 45 houses, because he was thinking there are only 45 houses, which gives him \$1,850 per home owner.

Mr. Sam Elder of the Health Department entered the meeting. Commissioner Borries said the Board is discussing the problems on Caranza Drive with two individuals and their attorney who are here today. The Commissioners understand that there have been some violations that have been documented and the Health Department has sent out some notices. The Board wants to know what would be some immediate steps they could take regarding this problem, so these people would see some relief to their problems this summer -- while we set up meetings re the Barrett Law and the installation of sanitary sewers in this particular area. At this time, we're looking in terms of 45, 50 or 53 houses that could be affected by this particular matter.

Mr. Elder said the only solution that has any permanency to it at all is the extension of the sewer. But there are a lot of them that can't repair the system because of lot size. They've been repaired before.

Commissioner Borries asked, "You mean they can't repair their septic systems at this point?"

Mr. Elder said "Had I known what you wanted, I could have brought the files. It is difficult to remember each and every one. But he'd be glad to go through them and assist anyone with some kind of temporary relief, if they want. But anything that they spend there without the extension of the sewer in that entire area is like one mite down a rathole; it's not going to help -- except the extension of the sewer. We'll help anybody we can."

Mrs. Cox said, "Sam, it was brought up that perhaps pumping out their septic tanks that they have there now would possibly eliminate some of the problems."

Mr. Elder responded, "Most of the houses or homes consume 4,000 to 8,000 gallons of water per month and the tank just holds 1,000 gallons, so it will be full again the next day. If they pump the tank from the time it gets 2/3 of the way full, this helps a lot. But most people don't pump the tanks until they are full and the solids have overflowed in the field bed and sealed it off. Then it does no good to pump it, except that it gives you a day or two's relief. That is all that most of them are going to get from pumping it. It is not a cure-all. They can pump it and they will have a few days that it won't run; but it will run again. If it is leaking out it is going to reach out again as soon as the tank fills up."

Mrs. Cox said, "They question (and I think I also question) that if someone is in violation of an ordinance or a regulation and they are sent a letter that they are in violation, do they have a certain length of time with which to comply? Or what is our action now? The understanding that we have from Attorney Johnson and Messrs. Sievers and Smith is that letters were sent out to

these known violators or proven violators when the tests were done that they were in violation, but they haven't done a thing and here we are a year later going through this same thing, Sam. It looks like there could be something done to help relieve these people's odor problem. I live out by the West Side Treatment Plant and I know it is sickening. It is enough to make you sick. You know, it seems like we need to do something. What do you do? When you send a notice out, do they have to comply within a certain length of time? If they don't comply, do you take them to court or does this body take them to court?"

Mr. Elder responded, "Let me explain to you first -- I live in a similar area. Where I happen to live at the present time is sewerred. But every time it rains, it flushes the sewage from about 100 houses right down in front of my house into those lakes. I don't like it. I don't like the smell of it. The only solution to that is an extension of the sewer. We have taken people to court from Harmony Way before and it is real difficult to decide which one to take first. They are all in violation -- everything from West Heights School all the rest of the way out -- and I'm just citing this one because it is one that I have to smell everyday myself. But it is difficult to decide which one to take, because you can't do it without being arbitrary -- at least, this is what the courts and attorneys have told us before. How did you decide which person to take? And I can't visualize myself or this body taking all of New Harmony Way and West Heights to court at one time. There are probably at least 100 homes in that vicinity that are not sewerred. They tell me the rock is close to the surface and a sewer would be terribly expensive. It is the same way with Caranza. If I have an answer for it, if the sewer is available and you are in violation -- you will connect to it or you will go to court. If you are in violation and you have enough property that you can put another field bed in,, you will go to court if you don't fix it. But if you don't have any answer I've got to figure out one for you,, because I don't think it would do any good to ask the court to make someone vacate the premises -- and this is the only thing that would help in some of these cases. West Heights, for example -- the only answer I have for that is to vacate them -- and there are a lot of people along there....

Mrs. Cox asked, "Does that mean you have to move too, Sam?"

Mr. Elder responded, "No, I am sewerred. I've moved off the septic tank. I lived on septic tanks in German Township and saw the severe limitation. There are two kinds of people who live on these hard pan soils. There are the people who have had problems and the people who are getting ready to have them -- because they just don't work. They are not intended for garbage grinders, automatic dishwashers, and all the things that people hang onto them. They were intended for the kitchen sink and a stool. About six years ago, the legislature appropriated a considerable amount of money to the State for the Board of Health to conduct research on this and they contracted with Purdue University and Purdue University did this research. They came to the same conclusion that a lot of us have had. If there's an answer or solution to the severe limitations, Purdue University doesn't know it; the State Board of Health doesn't know it; and we surely don't know it."

Mrs. Cox said, "What you're saying here is that these people who do not have problems right now out there may very well have problems at the end of this year, next year, or the next year? You're saying, 'Put the sewer in and then you would have some muscle to say hook on.'"

Mr. Elder said, "They would hook on if they were in violation. And I think that if there is any possibility that you might be able to sewer it, we shouldn't waste your time talking about it -- we should talk about something that would expedite the extension of the sewer. But it is difficult. If that were city limits, we could make an effort to mandate the city to extend it.



But we can't mandate them. It is my understanding we can't mandate the county because the county is not in the sewer districts."

Commissioner Willner said,, "As of September of last year, we are."

Mr. Elder asked, "And you've been mandated now to extend the sewer? Everybody knows that the bottom line is always the dollar. We don't have any sewer problems in Vanderburgh County that if we had enough money we couldn't cure them. But a lot of these areas -- we're now asking the Advisory Board to the Plan Commission (I've sure you're familiar with it) that no more plotting be done on this type of soil unless it is at least 2-1/2 acres -- and this is not to keep them from having problems. This is just to keep them from being so congested that they have to put up with their neighbor's mess. The only mess they will have will be their own. And you know as well as I do that 2-1/2 acre lots in a subdivision makes it economically just not feasible for the average home owner -- property is just too high."

Commissioner Borries entertained questions of Mr. Elder.

Mr. Elder commented, "I'm tickled to death to learn that you all are even seriously considering extending the sewer in that area. We tried once before and we had some problems with easements. But anything we can do to help you with it, we will. Our recommendation to you is that it be sewered; that we not spend a lot of time making people throw good money after bad in attempting to fix their systems if there is any possibility of a sewer. A lot of times we dig this area, primarily to try to get everybody active on it again. But they don't need a lot of encouragement in the summertime, because the smell is so bad."

Commissioner Borries said, "It seems that some of these developments did not occur under one developer, as such. Oftentimes these new developments already have the sanitary sewer and sanitary water as the development occurs. In this situation it is just different."

Mr. Elder said, "Anytime that the property is first being developed you don't have to encourage the developer to extend the sewer if it is possible at all, because he wants to. But when you've got -- the sewer runs way out past this area. It runs out to Guthrie May's new addition; it runs out to Bussing's new addition -- way out Old State Rd. Evergreen Acres is now sewered. But the old sections are just a mess. I suppose that one solution to it would be to try to declare it sub-standard from the environmental standpoint, but this reduces the value of them because a lot of the industry won't buy them where they guarantee prices if they are in the area. The last one we did this way was Lakewood Hills off Oak Hill Rd. I don't know if everybody is familiar with it or not, but there's hardly a piece of property sold anymore that the bank doesn't ask about the sewer system and want a letter on it. F.H.A. and a lot of the banks won't touch one unless the system is in compliance. So, some property -- the only way you can sell it is by cash, where there is no possible way to fix it."

The Commissioners expressed their appreciation to Mr. Elder.

President Borries then asked County Attorney David Miller if he has comments at this time as to what the Commissioners' next step should be?

Attorney Miller said he was just trying to quickly plot out the timing of a Barrett Law proceeding and he has been unable to do it as he sits here. But he can tell the Board that they can begin the process by giving notice of the public meeting via publication in the newspaper one (1) time, giving ten (10) days' notice of the meeting. Prior to the publication -- or at least ten (10) days prior to the meeting, the County Engineer will have



to file his written estimate of the cost of the project with the Commissioners' office and then the public hearing can be held. After the public hearing, there will have to be a finding made by this body that the cost is justified under the circumstances and an order made by the Commissioners initiating the Barrett Law assessment process. That can be done virtually immediately, although it must be done at a formal meeting of the Board of Commissioners. The Commissioners can only act through their formal Board meeting. There is a period of time (and he thinks it is only five days after that final order) that the residents who object to the proposal have a period of time they can seek to gather written remonstrances by forty percent (40%) of those who own property. If 40% of those who own property to be affected by the project (and they are subject to assessment) file these written objections, in that event the Circuit or Superior Court of the County become involved and make a determination as to whether the facts support the issuance of your order. I have no feel at all as to whether 40% or more of the property owners in this property area would mobilize in that fashion but that could, of course, delay the process quite a while. I am sure that Mr. Johnson may have been referring to that for the reason for the four to six month delay -- and that could, indeed, be a four to six month delay or more. It wouldn't have to be -- it could be done on an emergency basis by the Court; but this is without a question that could be covered by your Barrett Law powers. There is just no question about it."

Commissioner Cox asked, "David, when we give notice -- is public notification in the newspapers adequate?"

Attorney Miller responded, "No, publication must come ten (10) days before the meeting and there must also be notice by certified mail to all property owners who will be affected by the project -- notice of the public meeting must be in writing and sent via certified mail. So, it is done two ways. It is impossible for me to give you a complete timetable here today. But that is the way you begin it. A meeting could be scheduled by you today and the notices could be sent."

Attorney Johnson said, "Mr. Sievers and Mr. & Mrs. Smith urgently request you proceed immediately with the procedures to establish that. In the meantime, I suppose we will talk with the Health Department."

President Borries asked if the Commissioners want to schedule the public meeting at this time? He supposes Sam Elder's comments about the problems that "you either have problems or you are going to have them" are going to be the ultimate expression of what is needed. Even though we know there will be some residents affected here who are not going to have problems tomorrow, they may in the near future. At the Board's will, we will then set up procedures to have this meeting after determining a time and place and ask the representatives from the Health Department and the Water & Sewer Department to be here as well, for informational purposes -- and begin this process.

Attorney Miller said he thinks the Commissioners will want to give themselves a little lead time in deciding what date to have the meeting. If the Commissioners are going to decide that today, they should give themselves a bit of lead time to get together all the names, prepare the notices, etc.

Commissioner Borries said, "It seems as if you'd want to have as wide an area as you possibly could of affected property owners so you could lower the cost."

Attorney Miller said "I think that is exactly right. But the County Engineer has to tell us which properties are going to be affected and those have to be identified by tax code, the owners identified, and the notices prepared and all that kind of thing. So it is a process that will take a few days to get rolling."

Mr. Easley said he thinks Lee Stuckey has it at least 75% complete, if they want to go to Campground. He does have one question, however; this estimate that the County Engineer is supposed to file, is preliminary acceptable? Or, are we supposed to have final engineering?

Attorney Miller said his reading of the Statute is that there is supposed to be a preliminary estimate on the part of the County Engineer to give the public to have the opportunity to have some idea what their exposure is going to be. It certainly isn't anything we'd be bound by.

Mr. Easley said he believes he and Lee Stuckey could finish getting the mailing list together.

Commissioner Willner said he would move that the Board set a date, advertise and cause notices to be sent.

Commissioner Cox asked, "What date?"

Commissioner Willner said "Let's get by this first, then we'll come back to the date."

Mrs. Cox said, "Well, you could make that motion and then it would go on until next month and we'd come back and do the same thing again. Can we pin a date down here? Does the hearing need to be the same time as the County Commissioners meeting?"

Following brief discussion between the Commissioners and Attorney Miller, it was determined that the hearing should be held one month and one week from today (which would be July 20th). It was noted that this is the Commissioners' evening meeting.

Commissioner Cox asked if Commissioner Willner will include in his motion that the public hearing re the sanitary sewer serving the Caranza area be held on July 20, 1987 at 7:30 p.m. and that we proceed with the official notices, etc.?

Commissioner Willner said he will amend his motion to include the foregoing.

Commissioner Cox provided a second to the motion. So ordered.

President Borries said a Public Meeting regarding the installation of sanitary sewers (according to the Barrett Law) in the Caranza Drive-Kembell Drive -Campground Rd. and Old State Rd. area (and some properties to be determined) has been set for Monday, July 20, 1987 at 7:30 p.m.

RE: LYNN/LEN & BECKER RD.

President Borries said that Messrs. William Korb and Harold Frost are present today for purposes of discussing the confusion re Lynn/Len & Becker Rd. -- or whatever. The Board wants to listen to their concerns and get this matter resolved.

The Chair then recognized Mr. Korb, who said that, to his knowledge, it had been "Lynn" Rd. for at least twenty (20) years. A few years back, they came out with a new street sign and they put up "Lenn" Rd. They kind of went with that, because it still spelled "Lenn/Lynn" -- no matter how they spelled it -- and so they went along with it for a while. Then, either late last fall or early this spring, they came out with a sign "Lynn-Becker Rd.". Well, that totally changed everything. They currently still receive their telephone bill directed to "Lynn" Rd. and the SIGECO bill still shows "Lynn Rd.". At the corner of this road and Pollack Avenue, there is a concrete marker that says "Lynn" on it. They really need to stay with one name. They'd like to get it back to "Lynn" Rd. He guesses that is what it is supposed to be. If the Commissioners would go back to the plat book, he believes they would find it shows "Lynn" Rd., because that marker has been there for fifty (50) years -- unless

they marked it wrong to start out with. There are several people down there now and they have petitioned to get Cable T.V. down there, etc. The residents in the area would like to know where they stand and what street they live on..."

Commissioner Borries said, "Your concern, too -- and that of other residents -- is that there are some people who live on this road year around now and others who plan or want to do so. If they had to have a permanent mailing address in that area..."

Mr. Korb interrupted that there are enough families down there now to receive postal service.

Commissioner Borries said that Jim Lindenschmidt is pointing to the Hearne Brothers official map of Vanderburgh County map and Western Warrick County, that is not correct. It is not correct because, as Jim points out, the road nearest Angel Mounds is the residence of Messrs. Korb and Frost at this time. That is "Lynn" Rd.

Mr. Frost said, "We all got together down there and decided they ought to get it back to the original name and keep it there."

Commissioner Borries said, "The confusion probably results from that map, because it shows it Len & Becker".

Mr. Korb said he imagines this was just an oversight or something. He's certain there is some kind of procedure when you go to change the name of a road and people are notified in such a case. Therefore, he feels this was just an oversight or a mistake on the part of somebody. But they'd like to get it right and they didn't know where to go -- so they came to the Commissioners.

Mr. Lindenschmidt pointed out, "There is a toll free number on that map; we need to call them up to tell them about this. On the map 494-84 is designated as Lynn Road where there is, in fact, no road and 498-84 is designated as Len & Becker and is, in fact, Lynn Road, which is off Pollack Avenue. There is both a Lenbeck Road and a Lenn Road over the line in Warrick County."

Commissioner Borries said, "What we will do -- we will call that number and if this Board needs to do that -- if the road marker is out there, at some point we contact the County Surveyor's Office (since they will be the ones that would verify this) and the Area Plan Commission.

Mr. Korb said there is a Lenbeck Rd. right over the line in Warrick County -- and since they are so close to each other, it is bad. People come down to "Lynn" Rd. trying to find "Lenbeck" Rd. -- but "Lynn" Rd. would be the best for everyone.

Commissioner Borries said the County will verify that concrete marker and contact both the Area Plan Commission and the County Surveyor's Office re verification. Are the Commissioners in agreement?

Mrs. Cox said that Deputy Surveyor Bill Jeffers raised his hand. Maybe they can't do that.

Mr. Borries asked if Mr. Jeffers has a comment concerning this matter?

Mr. Jeffers said that, personally, he'd go with whatever the neighbors want -- just as we did on Darmtadt Rd., when we changed it from Mosquito Rd. The present name (for the last 20 of 30 years) is "Lynn" Rd., formerly known as "Len-Becker" Rd. It was accepted in 1852 as "Len-Becker" simply because of the people's names who petitioned (Charles Becker and his buddy or relative, who was Len) -- but it was changed from "Len-Becker" to "Lynn". The last action was 1927, so he'd say the change occurred sometime between 1927 and now.

President Borries asked if it is agreeable with the other Commissioners that we call Hearne Brothers and notify all who need to be (and we'll notify the Traffic Department, because he thinks they are the ones who install the signs) that this is "Lynn" Rd.

Commissioners Cox and Willner indicated their agreement. Further Mrs. Cox said "And we're going to notify Hearne Brothers, who distributed maps, to send a correction to each client to whom they have distributed maps. Is that what we are going to ask them to do?"

Commissioner Borries said, "We can ask them, but they will probably ask me to do something after I ask them."

Mr. Jeffers said there are a lot of roads that carry old names.

Mr. Willner said, "The same is true all over the county -- that's nothing new. Baseline Rd. is really Old Owensville.Rd.

It was noted that the same is true with "Eickhoff" and Eickoff".

President Borries said the Commission is in agreement that this is "Lynn" Rd. and all the affected people will be notified. If necessary, the Commission will send a letter to the U. S. Post Office, notifying them that there has been a mistake for many, many years and that we are going to change the road sign and that the affected residents' addresses should be "Lynn" Rd.

The Commissioners expressed appreciation to Messrs.Korb and Frost for coming to today's meeting.

RE: BUILDING COMMISSION - ROGER LEHMAN

Kay's Health Club Hearing:

The Chair recognized Mr. Roger Lehman, who said he received a call from Mr. Wisner, the owner of the property at 6930 Highway 57 North (which used to be Kay's Health Club). He has agreed to remove the building which is partially razed and seal the one that is barely stable by the end of this month -- if the Board would be so inclined to give him that period of time.

Commissioner Cox asked if this caught on fire?

Mr. Lehman said the building standing relatively intact has caught on fire at least once or twice (and maybe a few more times). The photos he passed to the Commissioners are fairly dark because there are not very many windows in the place -- for whatever reason. The Building Commission received bids on the building (which he asked Attorney Miller to open, as a formality) to get on the record bids to remove both structures and then we can perhaps decide what we want to do from that point. He asked that the bid prices be read into the minutes.

Attorney Miller said these are not formal bids in the sense that we're normally accustomed; but the bids are as follows:

Floyd Staub	\$1,495.00
McCullough Excavating	\$4,500.00
Art's Remodeling.(Happe's, Inc.)	\$2,800.00

Mr. Lehman said the specifications he gave on those bids was to basically remove the structures down to the slabs and just leave the slabs. He doesn't think there is any particular reason that they need to be taken out. When he was out there today to check out the property, he also noticed that there is at least probably one underground tank, which he thinks the State is also requiring people to move -- and we'll probably have to deal with this at some point in time. As it sees it, the problem is that this is on one of the main entries to Vanderburgh County and the City of

Evansville and does present less than an attractive appearance. In their defense, they have cut the weeds once this year. There is a small amount of trash that is basically on the entryways, which may or may not have been put there to keep people from driving through the parking lot (wire, mattress springs, etc.) -- kind of like booby-traps, rather than somebody making it into a regular dump. Again, the building that is relatively intact is repairable with a considerable amount of money. The fires have damaged most of the interior finish beyond use. Some of the rafters would have to be replaced. He isn't sure about the roof, because he couldn't get up on it. But he didn't see any holes in it (there wasn't any light coming through the roof).

Commissioner Willner asked if there is a time limit on the bids 30 days -- 90 days?

Mr. Lehman said Staub indicates 30 days and the other two bids do not have a time limit. But 30 days to 60 days is routinely allotted.

Mrs. Cox asked if Mr. Lehman asked for a time limit in the invitational bid?

Mr. Lehman said he did not. Generally, again, (they deal with this in the city a lot), 30 days to 60 days is a routine time to keep a bid good. Some even go beyond that. The thing that makes this a relatively expensive job is the distance that the debris has to be hauled and placed in a legal dump site -- which we also require. Again, the partially razed building is a safety hazard by its very existence. The other building, if sealed properly to where children or whoever could not get into it, would not present an immediate hazard because it is fairly structurally sound. There is some question in his mind as to whether it would be put to any use at all or whether it would stay there just as a sealed building for infinity.

The Chair then recognized Mr. Dave Donner,, who lives directly across the street from the subject property. He said he built a new home there on the assumption that something was supposed to be done with the place before he started building. The place is half torn down and there is writing all over the walls. The thing that bothers him the most is that there are two or three cars per day that stop for people to use the restroom underneath the building that is half torn down. It is just a matter of time before somebody gets hurt badly as the building collapses on somebody. He would like to know what we mean by having the building "sealed off" because it has been sealed off several times and they just keep breaking into it.

Commissioner Borries explained that that is why the Board is saying that if they would act on these bids that the structures would be demolished and there wouldn't be anything standing. Is that correct?

Mr. Lehman verified that this is correct.

Mr. Donner said this is what he would want. There is also a 4 ft. well that is full of water most of the time. He has two children and there are other children who live around there. Mr. Hedges came out and he did bush-hog. But he just bush-hogged all of the trash and everything and that is where it is laying.

Commissioner Borries asked Mr. Lehman if all the trash and debris will be taken away, assuming that one of the three bids submitted would be accepted?

Mr. Lehman responded in the affirmative.

The Chair then recognized Mr. Wayne Wheeler, a next door neighbor to the subject property and he stated that they have been wanting something like this to happen for years and they really appreciate this action to the maximum.

The Chair asked if Mr. Lehman has a recommendation?

Mr. Lehman said he would at this time. Mr. Wisner has agreed to remove the one building by the end of June. It probably would be that long before these contractors could get to it. Again, the building that is relatively sound -- he can't really recommend razing it because of structural impediments. It is open and if it remains open it is definitely a hazard. If it were sealed, it would not present that much of a hazard. At this time he would recommend that Mr. Wisner be given until the end of the month to remove the portion of the building that he has agreed to do and seal the other building to our specifications. If that does not take place, then he recommends that the bid be awarded to Floyd Staub to remove both buildings and all the debris on the lot.

Motion to this effect was made by Commissioner Cox.

Commissioner Willner asked if Mr. Lehman would change that to 20 days, rather than 30 days? The bid only covers 30 days.

Attorney Miller said the proposal is to the end of this month.

Mrs. Donner asked to speak. She said that as far as the mattresses (most of them are burned mattresses) the Board knows where they came from, because we do know what the building was used for whether we want to talk about it or not. The Donners have children ages 3 years and 9 years. They do not go over there. But if their 3-year old were to go over there, there is the 4 ft. deep by 3 ft. wide well -- and if it rains it is going to be full of water. There are always people stopping there. She doesn't know why anybody in their right mind would stop somewhere like that to go to the bathroom. She thinks she'd try to find a gas station. Just last week there were some people who stopped. It was daylight and she walked over there. She heard them talking about toilet paper and she asked them if it all came out all right. She also asked them to leave their address so she could go (expletive) in their front yard. The Donners have a brand new log home which is probably valued at approximately \$100,000.00 and this downgrades their property. They live on Petersburg Rd. right behind the massage parlor. Every morning at 6:30 a.m., she walks outside. There is a real cute green face on the building smiling at them. It did have some dirty words on it. Someone had come out there and painted over the dirty words. She has talked to the Building Commissioner two or three times. She has also talked to John Wisner. John Wisner told her that he did not have to tear those buildings down. He said the Building Commissioner was telling me a different story than he was telling him. He said he had not been ordered to tear the buildings down, but had been ordered to clean up the trash and mow the property. As Mr. Donner said, Mr. Hedges came that one day and mowed the property a bit; then he left all the trash. The Donners did have one telephone pole going across the one driveway to try to keep people out of there. Mr. Hedges came over to their house and he tried to apologize, saying he was sorry for people stopping over there to go to the bathroom, etc. He said, "If you want to, buy some 'No Trespassing' signs and put over there." Mrs. Donner said it is not her property to begin with and it is not her place to do that. Further, she feels that when you put "No Trespassing" signs up, that is inviting people to go there. She asked him what he was going to do about the building and said, "I know there have to be laws of some sort against them. They are of no use; they have been burned; one is almost completely collapsed. It invites vandals, rodents, trash and downgrades the Donner's property. Because of this mess, they do not have a nice view of the highway -- which they'd like to have. Mr. Hedges got a little aggravated with her and stormed off saying, 'If you're going to be that way I'm just going to get that telephone pole out of the way so people can pull in there.'" He pulled the telephone pole onto that property. She figures this way that if he is ordered to move the trash, he will also have to remove the telephone pole. She told her husband, "We've

got one more; stick it over there and if he wants to move it -- he's creating more trash for himself." Mrs. Donner said she used to work up at Lakeview Truck Stop and, of course, heard a lot of stories about the place -- but they did not live there when the massage parlor was in working order. She does know Mr. Hedges has been involved in a lot of drugs and things that you're not supposed to be involved in. She was told that he was going to be here today. She was also told, of course, that the attorney was going to be here. To her, if they wanted to do anything very badly about the place, then they would have been here.

Sheriff Shepard was recognized by the Chair. He asked who the property owner is?

Mr. Lehman said it is owned by Mr. John Wisner.

Sheriff Shepard said that when his department raided the place, they closed it down. He thinks part of the court order was that Harold Hedges had to sell that place.

Mr. Donner said Mr. Hedges was ordered to sell the place and he turned the land over to Mr. Wisner. Mr. Wisner couldn't get rid of the place. A friend of Mr. Donner's (Mike Chandley) lives up the road. What Mr. Wisner did was to turn over a quit claim deed to Mr. Chandley so he could get out from underneath it. Just recently, since the heat was coming down over the place, Mr. Chandley gave it back to Mr. Wisner and this is where it is right now. Mr. Chandley has no intention of buying the place. They want too much for it and you can't do anything with it.

Mrs. Donner said Mr. Hedges asked her if she wanted to buy it.

Sheriff Shepard again said, "Part of the court order was that he had to sell it."

Mr. Donner said, "The way he got out of it was through a quit claim deed. I-164 is where people will be coming off to go to the new Airport and he wouldn't think the county would want people seeing that property the way it is."

Commissioner Borries said, "So we can address the concerns of these people let's again go through this ordinance now as to what the county can do -- so that we follow the ordinance and do things legally. I believe we share the frustrations of the people who live in that area and we want to deal with this as quickly as we can."

Commissioner Willner said he believes we should close the pit.

Mr. Donner asked, "What about that underground tank?"

Mr. Lehman responded, "Closing of the pit (or open well) can be added. As for the underground tank, I believe the State will require removal of that at some point in time. If Mr. Hedges doesn't do everything else that we tell him to do, then we can tear down the big building. But if he does everything else and meets the requirements, then we would have a little problem with finding an ordinance to support our position."

Continuing, Mr. Lehman said the ordinance he cited was entitled, "Unfit Buildings", which is about 1-1/2 pages long. He doesn't believe the Commissioners would want him to read the entire ordinance. But it permits the Building Commissioner to issue orders on the building if the cost of repair is greater than 50% of the value of dwelling. If less than 50% of the value, the owner shall be required to repair, alter, or improve the building to render it fit for human habitation. (If they don't have it, then parts of this ordinance do not apply.) Basically, if the owner of the building or dwelling fails to comply with the order to repair, improve or vacate or close the building or dwelling, the Commissioners shall cause to be posted on the main dwelling that "This building is dangerous, unfit for human habitation."



(We don't do that much anymore.)....."Or, if owner fails to comply with order to remove or demolish the building, the Commissioners may cause the building to be removed or demolished. However, the duties of the Commissioners as previously set forth shall not be exercised until the Evansville Board of Public Safety or the Joint Department of Building Commissioners has ordered the Building Commissioner to proceed to effectuate the purpose of the Sub-Chapter with respect to the particular property or properties which the Joint Department of Building Commissioners have found to be unfit for human habitation."

It also empowers (when the Health Officer finds an emergency exists) immediate action to protect public health. "-- He may, without notice or hearing, issue an order citing the existence of the emergency and require that action be taken as he deems necessary, notwithstanding other provisions of this Sub-Chapter."

Commissioner Borries said, "What we are going to do, based on the resolution here, according to this ordinance, we will give him a reasonable amount of time to make the improvements set out by the Building Commission. He either has to live in it or seal off the property at that point. The one that is partially demolished has to be removed completely, as does any debris, trash, etc. If they don't comply with this by June 28th, then the Building Commission will contact the lowest bidder (Floyd Staub) to demolish the structures and clean the entire property and fill the pit or well. Is that correct?

Mr. Lehman confirmed that this is correct.

Commissioner Cox asked if she can add something to that just to help keep some of the people from stopping in the area and using the restrooms -- she would like to see us post the sign on the building that Mr. Lehman read earlier, although he said they don't do this much more. She'd like to see it in this case. If the sign says unsafe -- it is unsafe, it might collapse.

Mrs. Donner said that when they first moved into their house in January, there were three or four girls out there who just parked and pulled their pants down and did whatever they wanted to do. But that is a little ridiculous.

Monthly Report: Mr. Lehman submitted the monthly report from the Building Commission for May, 1987.....report received and filed.

Request for Garage Move: Mr. Lehman presented a request from J&J House Moving to move a garage from 112 Tekoppel Rd. (Tax Code #18-103-8) to 4124 Hogue Rd. (Tax Code #7-88-7). The Sheriff and Perry Township Fire Department were to be notified the day prior to the move. Date of Move was May 29, 1987.

Motion to approve subject move was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Update on Landfills/Dumps: Commissioner Cox requested that Mr. Lehman provide the Board with an update on the landfills/dumps on Treetop Lane, Crowley Drive, Detroy Rd., and McDowell Rd. at the Commissioners Meeting scheduled for June 22nd.

RE: COUNTY ATTORNEY - DAVID MILLER

Attorney Miller said he received notification today from Auditor Sam Humphrey that the Auditor, County Treasurer, and for some reason, Alvin Stucki in his capacity as Center Township Assessor, have all been sued by Keith Ramsey & Charlotte Ramsey. The basis of the suit appears to be that certain taxes were claimed to be overdue and were demanded by the county. There was a mistake made by the county. Such taxes were not and their request for repayment was and repayment was not made and should have been, according to the complaint, and these folks want their



money back. That is the basis of the suit. He wanted the Commissioners to be aware of this and he is asking for official authority to defend the suit in behalf of the county.

Commissioner Cox asked if there was an incorrect assessment?

Attorney Miller said the allegation is that there was apparently a payment made that was not posted somewhere. He has not had an opportunity to review the complaint. Sam Humphrey handed it to him right before the meeting. But it is a complaint for a declaratory judgment and tax refund.

Mr. Humphrey said that as they can reconstruct it, apparently what happened was.....

Attorney Miller said he would prefer that we not make any admissions at this time until we have an opportunity to interview some people. But at the present time, allegations are being made that a tax refund is due in the amount of \$1,500.00 and that we should have made the refund and didn't. That is what they are claiming, plus attorneys' fees.

Commissioner Cox asked when they say this happened?

Attorney Miller said the complaint says that on the 5th of May 1986 the plaintiffs discovered for the first time that the tax assessment had been placed on November 20, 1979 and documented as a certain duplicate number in the delinquent personal tax judgment docket book. They say it was for personal property which wasn't owned by either one of these people and they say that they have given notice to the defendants that the tax notice and delinquent tax judgment were erroneously assessed and they demand that it be removed and, although the plaintiffs attempted to resolve the dispute, that was not done. In order to complete contractual obligations in the sale of real estate, they were forced to pay this amount.

Commissioner Willner asked, "If they didn't owe it why would they have paid it?"

Attorney Miller responded, "If they had a real estate transaction that was pending and the real estate abstract showed a tax judgment against them, the buyers of that property would not close the sale without having that legally removed. They say they were forced to pay the tax in order to complete that transaction."

Attorney Miller said that speaking of delinquent taxes and tax sales and those kinds of things, there is a situation that has developed over the past couple of years that is going to be proceeding very soon. This set of circumstances grows out of a somewhat recent Supreme Court of the United States case, which came from Indiana, in which the Supreme Court of the United States held that a tax sale is not valid if the notices of the tax sale are not sent to everyone that has a substantial interest in the property, including holders of mortgages and judgments and those types of people. As you know, our statutes previously held that a tax sale notice was only sent to the record owner of the property. As a result of that Supreme Court case, the laws in Indiana have changed and before tax sales can be held now, the statute requires that each one of the properties that are going to be subjected to the tax sale have to be the subject of a title search. The title search cost is charged against the property and is part of the amount claimed by the county at the time of the tax sale. Not only does there have to be a search, somebody has to read those searches and advise the county who it is that has to be notified and who does not among all the names shown on the title report. The County Attorneys are the only people he can think of that can do that. That will be a job that he and Mr. John will have to engage themselves in during the months of August and September of this year in order to report to the appropriate people in the Treasurer's Office who has to be

notified in each particular case. That also will involve a charge that will be collected at the time of the tax sale. That will not cost the county anything. It will cost whoever ultimately pays the tax. The reason the county is concerned -- or should be concerned -- about this process is that from his past experience in tax sales -- not all properties are purchased at tax sales, and there will be expenses charged against certain of these properties for the abstracting and for the title report that goes to the Treasurer that will not be covered by the purchase -- because there will not be a purchase. In the next few weeks (we don't have to do it immediately) we need to deal with that and figure out how that can be handled at the least expense to the county. Ultimately the county will sell those properties at auction, but sometimes those properties bring terribly low prices at auctions and the possibility is that the county may never recover all of its expense back in that regard -- although we should get back a good portion of it.

Commissioner Willner said, "We have an abstractor in this building."

Attorney Miller said we have from four to six abstractors and plans are underway to prepare specifications for bids. They have to cooperate with us. We have to have their help, because we are talking about between August 5th and roughly September 15th -- we're talking about having them abstract about 400 separate pieces of real estate.

Commissioner Cox asked, "Is that how much is going for tax sale?"

Attorney Miller responded, "Not necessarily; that is not necessarily how many are going to go up for tax sale. But that is about how many are going to be on the delinquent list at the time the abstractors have to get to work. Once they have done the work, they've got a house to run and they have to be paid and they have to pay their people -- so that is going to be charged against the property. Then if somebody comes in to pay their taxes, they not only are going to face the tax expense, but they will face that abstract expense and the expense that was incurred by reason of the attorney reading the report and advising the Treasurer. That is just the way it is going to be. That is what the statute requires.

Mr. Humphrey said we will send a courtesy letter and we will state in that courtesy letter that there will be a cost of abstract and a cost for the attorney giving his opinion to the Treasurer. Once we send them a "Certified" letter, which will be our next move, then they will pay that regardless of whether or not we run an abstract -- because that becomes the official certified notice. From that point to September 15th, we will be doing abstracts, reading the titles, etc., so we have some very close deadlines we're working under.

Attorney Miller said they wanted the Commissioners to know that the process is underway and the reason it is underway -- and there may be some thought that needs to be given how to treat the expenses that are going to be incurred with respect to those parcels that are abstracted and not purchased by anybody -- because the county will have a contract with those abstractor companies to do this. The law requires it. The United States Supreme Court required it.

Commissioner Cox commented, "David, along the same line I notice here on House Bill 1622 that it reduces to one year from two years the period during which property can be redeemed following a tax sale also."

Attorney Miller stated, "That is correct. That is correct."

Commissioner Cox said she notes that we are out of funds for legal fees.

Attorney Miller said he is not suggesting that this is going to present an additional legal fee to the county -- not a legal fee. But the abstracting fee is a problem. He thinks the legal fees can be handled by the property owners -- that will be a requirement. With respect to those that aren't purchased, they will just carry those until the tax sales occur. He believes Curt John will agree to do that. But with respect to those abstracting fees, the Commissioners need to give it some thought. It is not a crisis situation.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted the Weekly Work Report for employees at the County Garage for period of June 1 thru June 5, 1987.....report received and filed.

Attached to the report was the following Work Schedule:

Gradall: Peerless, Campbell, Heckel & Green River, Radio and Park.

Paved: Radio Avenue and Campbell

Mowed: Peerless, Boehne Camp, Rosenberger, Creamery, Raintree, Hogue Rd., Westmore, Marlene, Jobe's Lane, Dieffenbach, Browning, Petersburg, Baumgart, Old Green River Rd., Lynn and Fitzgerald.

Patch Crew: Green River & Heckel, St. Joe Ave., Schenk, Pollack, Campbell, Park, Radio, Mohr and Mill Rd.

Rocked  
Shoulders: Pollack Avenue

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew, as follows report received and filed.

- Removed guard rails from Darmstdt Rd. and repaired drain on Mesker Park Drive.
- Worked on Worthman Rd. and painted rails and pots.
- Replaced culvert on Green River Rd.
- Cut grass on St. Joe Avenue
- Cut weeds on Pollack Avenue
- Cut weeds on Stringtown Rd., Pollack Ave., and prepared road to replace 12 inch culvert.

The Chair entertained questions.

Mrs. Cox said, "Just for a point of information, Bill, I know we started our paving program. Are we checking with the city and also SIGECO and the Telephone Company on these roads that we have scheduled for a new surface this year to make sure that if they have any hook-ons or anything that we get this done?"

Mr. Bethel said they have sent him a list of roads on which they are working.

Olmstead Rd. Situation: Commissioner Borries said he has heard again from those residents on Olmstead Rd. and promised to get back to them. Does Mr. Bethel have any update on this situation?

Mr. Bethel said he went down and checked the road. They have this road closed off and you can't get through there. Old Boonville Highway is the same.

Mr. Easley said he left a message with the secretary to the Area Engineer in Vincennes, who is in charge of construction, and he asked that she please get a message back to us when it is open. He has not had an acknowledgment to date. But the secretary took the message down carefully and said she would give it to the Area Engineer.

Commissioner Borries said he would appreciate it -- as would the residents on Olmstead Rd. -- if Mr. Easley will continue to work on this. He is concerned about the confusion in getting in and out of that area.

Mr. Bethel said that is where the overpass is going -- so it may be quite some time.

Commissioner Cox said she got a call last week from a resident on Old Boonville Highway. She said that the reason they closed Olmstead is that a lot of people who lived on Old Boonville Highway found this to be a short cut for them and they were using Olmstead Rd. so they didn't have to go around to Telephone Rd., etc. She said that someone then came and put the big mounds of dirt so they couldn't go that way. Now they have to go all the way around. Their concern is that if they really needed to do this (the neighbors can't see that they really need to do it) -- and she thinks this is what the Commissioners need to determine -- because this is what she told the resident. If they have a contract and there is liability insurance that says the road shall be closed that's one thing. If they are doing this just so they do not have to put flag people on to keep their costs down then she doesn't think this is right. She thinks they should be able to do their construction while the road remains open, because this is a big hardship for these people. They have to go a lot of miles out of the way and they brought up the fact that gas prices were increasing. She thinks the Commissioners need to determine why the contractor on this project chose to take this direction.

Commissioner Borries said maybe there is a way to determine where those graders need to be parked on any given day. It looks as if they have just created a dirt mound so that the heavy equipment can move across the road without ruining whatever is left of the surface of the road. It might be just a simple thing where they can move their graders to another spot -- but he would appreciate it if Messrs. Bethel and Easley can continue to work on this and he appreciates their work regarding the matter.. We need to get an answer to the residents as to how much longer it will be, because it is an inconvenience.

RE: COUNTY ENGINEER - ANDY EASLEY

Eickhoff Rd. Environmental Progress Report: Mr. Easley said he has several informational letters to present to the Commissioners. The first is the Monthly Status Report dated June 1st for the Eickhoff Rd. Environmental which United Consulting Engineers are doing.

Boonville-New Harmony Rd. over Barrs Creek: Mr. Easley next presented letters from the Indiana Department of Highways concerning the Boonville-New Harmony Rd. project as follows:

June 1, 1987

Board of County Commissioners  
Vanderburgh County Courthouse  
Evansville, IN 47708

Re: Project No. BRS-7082 ( )  
County Bridge #13  
Boonville-New Harmony Rd. over Barrs Creek

COUNTY COMMISSIONERS  
June 8, 1987

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Gentlemen:

Enclosed is a copy of the Federal Highway Administration concurrence in the Categorical Exclusion for the above reference project. Please forward six (6) copies of the approved document to this office for distribution to the appropriate agencies.

Feel free to contact this Division if you have any questions.

Sincerely yours,

Stephen M. Dilk, Area Engineer  
Division of Local Assistance

cc: EUTS - Attn: Ms. Rose Zigenfus

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May 1, 1987

Mr. Arthur A. Fendrick, Division Administrator  
Federal Highway Administration  
Room 254, Federal Office Building  
575 North Pennsylvania Street  
Indianapolis, IN 46204

Re: Project: BRZ-7082  
Structure: C.B. 13  
Over: Barrs Creek  
Road: Boonville-New Harmony  
County: Vanderburgh

Dear Mr. Fendrick:

The enclosed environmental study for the above-referenced project is submitted for your review. The project involves the replacement of a bridge and about 425 ft. of approach work. This project requires a minor amount of additional permanent right-of-way.

It is our opinion that the project meets the requirements for a type (9) categorical exclusion per the National list of Categorical Exclusions contained in the Thursday, October 30, 1980, issue of the Federal Register.

If you agree with the foregoing and the study is satisfactory as a categorical exclusion, please signify by signing below. Upon receipt of your concurrence, the project will be advanced to the public involvement stage of project development.

Sincerely,

J. R. Gulick, Acting Chief  
Division of Location  
and Environment

For: John P. Isenbarger  
Director

Mr. Easley said the preliminary design or first set of plans for this bridge is just about one hundred percent complete.

Statewide Interstate Interchange Study: Mr. Easley said the following letter was given to him by Terry Grimm of the Mayor's office. A firm has been retained by the Division of Highways to make a statewide study of interstate interchanges. They are asking for written comments on any problem with the interstate highway interchanges near our county:

May 21, 1987

Michael D. Vandever, Mayor  
807 S.E. First Street  
Evansville, IN 47708

Dear Mayor Vandever:

This letter is a formal announcement of our Statewide Interstate Interchange Study for the Indiana Department of Highways, Division of Program Development. Although the scope of our study is statewide, only 62 of the 225 existing interstate interchanges will be initially evaluated. Additionally, ten (10) potential interchange sites will be considered.

Since some of the interchanges we are studying for possible improvement are located in or near your city, we want to provide you the opportunity to input your concerns, problems, and/or opinions to our study process. It is important that your input be in writing and on official stationery, if possible. It will be incorporated into each interchange study file for reference during improvement analysis. Please respond within 30 days of receiving this letter to ensure this information will be included in the study. Due to the voluminous amounts of responses anticipated, telephone calls are discouraged since they are time consuming and the notes taken during the conversation may not be truly representative of the views you wish to convey in the study.

There are no existing interchanges near your city that are part of our study.

The potential interchange site near your city that will be evaluated as part of our study is:

I-164 at Lynch Road.

Thanks for your kind attention to this matter.

Sincerely,

Robert L. Groves,  
Vice President & General Manager  
MTA, Inc. (Indianapolis, IN)

Commissioner Borries said the key to this is on Page 2 of the letter, which states that "The potential interchange site near your city that will be evaluated as part of our study is I-164 at Lynch Rd.". It is going to be important, he guesses, that we write a letter; to the effect that we are in favor of it -- and we would ask for their funding assistance, because it is going to be needed when that interchange is built.

Mrs. Cox pointed out that the letter says we can only have ten (10) potential interchange sites in the entire state -- and one that they are considering is the I-164 at Lynch Rd.

Mr. Easley asked if we should immediately go on record that we want them to study-----he would take this as a "Safety Study"-----?

Mrs. Cox said she hopes they are going to help us build it -- that is what she would hope to take it as.

Mr. Easley said Terry Grimm just sent this to him on 6/4/87.

Since it is not yet built, Commissioner Borries said this must be one of the ten (10) potential. He thinks we need to go on record favoring a grade separation and an interchange at that site -- and he would want to give them a brief scope of what Lunch Road

is supposed to be (what is it? Four lanes?). He doesn't think it is going to have a divider, but we'd have to give them the scope of the project.

"B" Street Underpass: Continuing, Mr. Easley said the next letter he has to present concerns the "B" Street Underpass project, as follows:

June 3, 1987

Mr. J. Scott Hodge  
Hayes, Seay, Mattern & Mattern  
P. O. Box 12446  
Roanoke, VA 24034

Subject: "B":Street Underpasses, Mile Post  
LH 323.5, Henderson & St. Louis  
Subdivisions, County of Vanderburgh,  
IN near Howell Yard, Evansville, IN

Dear Mr. Hodge:

This is to acknowledge receipt of your letter of May 27, 1987, transmitting Preliminary Construction Plans of "B" Street Underpasses at the subject location.

We note that one underpass is for Track 3, St. Louis Subdivision, and the other underpass is for Track 1 and Track 34, Henderson Subdivision.

The plans indicate that a detour Track 3 will be provided while Track 3 underpass is being constructed. Also, the plans indicate that detour Tracks 1 and 34 will be provided while Track 1 Underpass is being constructed, then Track 1 will be shifted back to its original location on new underpass while Track 34 underpass is being constructed. This will require intermittent scheduling by the Contractor and force account work by the Railroad.

Also, the plans indicate that U. S. Sprint's cable is to be relocated from the west side of Track No. 1 to the east side of Track 34 at the "B" Street Underpass during construction, and will be attached to east side of Track No. 34 Underpass after completion.

The preliminary plans are being distributed to interested departments of the Railroad for their review and comments. As soon as their comments are received, we will furnish comments and preliminary estimates for force account work by the Railroad.

Very truly yours,

W. J. Turner, Jr.  
Chief Engineer - Design  
& Construction  
CSX Transportation

cc: R. Andrew Easley, County Highway Engineer,  
Vanderburgh County

Would you please arrange to furnish a letter from County agreeing to pay for review of plan expenses by Railroad personnel. An estimate of these expenses would be included in the Railroad's Force Account Estimate and billed at completion of project.

Mr. Easley pointed out that the railroad wants us to agree to pay for the time they spend reviewing the plans. The Board may want to take this under advisement for a week or so. Then, someone needs to prepare a letter agreeing to pay for the review time.

Commissioner Cox asked whether Mr. Easley has heard whether or not the Claremont Crossing is to be closed?

Mr. Easley responded that he has the name of the people in Jacksonville and is in the process of getting in touch with them.

Mrs. Cox asked if Mr. Easley has the name with him?

Mr. Easley replied that he does not. It is on his desk.

Commissioner Cox said it is important that Mr. Easley get some kind of letter off to them immediately concerning the Claremont Crossing.

Mr. Easley said he wanted to start with the people in Evansville to find out what they knew (whether this was a local comments or something they had heard from...)

Mrs. Cox said, "Andy, it is all in our minutes from the Public Hearing on May 4th. You made comments concerning it. I think February 14th a letter from the railroad company is in the minutes -- and that refers to that. Mr. Hodge referred to it. So it is all documented in the May 4th Public Hearing which was held."

Mr. Easley said, "I am aware of that. I want to go through the chain of command at the railroad and I've been instructed to go to Jacksonville."

Mrs. Cox asked if Mr. Easley has had a letter from SIGECO yet on the public hearing about "B" Street? Or, from the city?

Mr. Easley said he was with Bob Gulick this morning. They have not given us their comments in writing officially yet. He should have had them a week ago, but they haven't given them to him.

Mrs. Cox asked if there is any update on the fiber optic cable?

Mr. Easley responded, "No, but I am making progress. I understand that there was a fiber optics cable near the First Avenue Bridge and AT&T agreed to let it be suspended. It was within a city right-of-way. We are in the unique position of constructing an underpass in an area where we do not yet have a street right-of-way; we have to negotiate for the right-of-way with CSX and this fiber optics cable is already located in their right-of-way -- so we're not exactly in the same position that the county and city were in dealing with AT&T. I hope we can convince them to let us suspend it and let the contractor get insurance adequate to cover it if it becomes severed. That is what I am trying to do. Does the SIGECO representative know when we might SIGECO's comments?

Mr. Gulick said they should get them out this week.

Final Payment Request on St. Joseph Avenue: Mr. Easley said he received the following letter a few days ago:

June 3,, 1987

Board of County Commissioners  
Vanderburgh County Auditor  
City-County Building  
Evansville IN 47708

Re: Project TOM-E560(1), Contrct R-12200,  
Invoice 8701368

Dear Commissioners:

The Indiana Department of Highways has closed out the project referenced above. Pursuant to conditions of the agreement between the State of Indiana and Vanderburgh



County, the County is responsible for submitting a final payment to the State in the amount of \$79,588.30.

Per our conversation, enclosed is a corrected Claim Form describing the computed final payment.

Please make your check payable to:

Indiana Department of Highways  
Attention: Agent Cashier  
100 N. Sente Avenue, Room 1104  
Indianapolis, IN 46204-2249

If you have any questions concerning this invoice, do not hesitate to contact Bridgett Mosier at (317) 232-577.

Sincerely,

E. Lois Thomas  
Accounts Receivable Supervisor

Mr. Easley said he called the State when he received the letter. He will have to retrieve the records. He, personally, has done nothing on St. Joseph Avenue insofar as any payment request processing since he has been with the county. They are asking for just a little under \$80,000. It seems to him that Attorney David Jones did work re payments on both Lynch Rd. and St. Joseph Avenue -- didn't he?

Commissioner Willner said that he did.

Mr. Easley said he will have to see what Attorney Jones and the Auditor's office knows about this and also what he can find in the records left by the previous County Engineer, David South. Assuming that the State is accurate, he would like to have permission to go before County Council. We had money in there that was not encumbered and he would like to go before Council and request \$80,000 or the exact amount of the claim (\$79,588.30) -- whichever the Commissioners desire -- so the claim can be paid, assuming we agree with the State.

Auditor Sam Humphrey asked if the Commissioners want him to go on record about roads and streets?

Commissioner Borries said, "Well, I don't know whether you want to voice an opinion or state a fact here -- I would prefer that we get some information from the State Highway Department. You may have to talk with Mr. Jones. But it was my understanding that this account, as well as the Lynch Road accounts, were zeroed out. I just have to go back and look at the minutes and get more information on that. But in the settlement on these two projects, it sure seems to me that this county did not owe any money. Is this the only letter? You didn't get any substantiation? I think there is some real misunderstanding here, Andy.

Mr. Easley said, "I have not had time to verify it; I just got it."

Commissioner Borries said, "The letter does not give any time frame and I don't think there would be any rush on trying to go before Council until we get verification on what we owe and why we owe this. There was a settlement regarding both projects...."

Mr. Easley said, "I thought the settlement was perhaps over engineering fees, and I'm not so sure..."

Mrs. Cox said, "It was. At the end there is overhead and they calculate it on some percentage -- I can't remember what it is -- and there are always a couple or three years....."

Commissioner Borries, "Well, we're going to have to tell Council to keep a lot of these accounts open then -- The contract was June 20, 1978."

Mrs. Cox said it was held up for a while because of the questionable inspection engineering plans.

Commissioner Borries said he doesn't recall our owing any amount.

Mr. Easley said he just doesn't want the Commissioners fussed at for not meeting their obligations.

Commissioner Borries said, "No, we'll pay it if we have to. But it sure makes that kind of communication an impossibility -- a budget at any time -- because if you have to keep accounts open for (it seems the last time we talked about that was two years ago -- in 1985) -- you'd keep an ongoing account number there. Again, he'd have to research the minutes. He can't recall any kind of commitment that we had outstanding.

Mr. Easley said he will get clarification.

Specs on Resurfacing Program for 1987: Mr. Easley proceeded by submitting the Commissioners their copy of the specs on the 1987 Resurfacing Program. We're bidding it in six (6) projects. The first is due one week from today (June 8th).

Mrs. Cox asked, "It was never in the paper, was it?"

Mr. Easley said it was.

It was noted by Mr. Easley that he will put Olmstead Rd. at the top of his list -- in an effort to try to get that road open.

Replacement Hardwood Forest: Commissioner Cox asked whether Mr. Easley has heard from Mrs. Ryan yet with regard to the replacement hardwood forest area?

Mr. Easley responded that he has not. However, the two weeks have gone by, so he will be contacting her again.

Kansas Rd. Bridge: Mrs. Cox then asked if Mr. Easley has reached any kind of an agreement with Mr. Fehd yet concerning the Kansas Rd. bridge?

He said, "No; Mr. Fehd said that he didn't want to give Mr. Easley an answer to his question on the cul-de-sac until he has his settlement with the State on his right-of-way that was changed."

Attorney Miller interjected that Mr. Fehd has not been terribly cooperative with respect to this project.

Proposals re Green River Rd. South: Mrs. Cox asked if anything has been done with respect to the proposals received on Green River Rd. South?

Mr. Easley said the proposals were evaluated by Mr. Lindenschmidt, Rose Zigenfus and he, too, was in the review committee.

Mrs. Cox queried Mr. Easley concerning the chart which had been drawn up and asked who prepared it? She doesn't understand how the general quality of work is being rated. With us? She doesn't understand this. Work under contract -- is that with Vanderburgh County or overall?

Mr. Easley said, "With Vanderburgh County. EUTS prepared the chart.

In answering Mrs. Cox's inquiries, Mr. Easley said that if they don't have any contracts, in order to distribute the work around, they get more points for not having any Vanderburgh County engineering work. He said that EUTS should have provided the legend for the chart for purposes of clarification.

RE: SALE OF COUNTY SURPLUS PROPERTY

The Chair recognized Mr. Jim Lindenschmidt, who said a sale of county surplus property was conducted this past Saturday. Proceeds totaled \$1,520.07. He has the check and the cash to turn over to the Auditor for deposit into the County General Fund. He said anybody who missed the sale missed some good bargains.

The Board expressed appreciation to Mssrs. Lindenschmidt and Bethel for their work in connection with the auction. The money will be deposited into the County General Fund.

Commissioner Cox asked whether the Sheriff's "Officer Friendly" van has ever been auctioned? Whatever happened to it?

Mr. Bethel said it is at the County Garage.

Mrs. Cox asked, "What are you going to do with it? It seems you have all those cars out there."

Mr. Bethel said, "We've sold a bunch of them."

Mrs. Cox asked, "Well, who have you sold them to?"

Mr. Bethel said they are using the Sheriff's van for purposes of taking a bunch of people out when they have to do paving, etc.

Mr. Lindenschmidt reported that seven (7) vehicles were sold.

Mrs. Cox commented, "But they didn't have motors, any wheels....."

Mr. Lindenschmidt said somebody drove off in one of them out there. In fact, they got \$400.00 for one of the vehicles.

RE: QUESTIONNAIRE FROM DEPARTMENT OF NATURAL RESOURCES

Commissioner Borries handed Mr. Easley a questionnaire from the Department of Natural Resources for his review/handling.

RE: COUNTY TREASURER - MONTHLY REPORT

Commissioner Borries presented the Monthly Report for period of April, 1987 from the County Treasurer.....report received and filed.

RE: TRAVEL REQUEST

Perry Township Assessor: President Borries said he has a travel request from the Perry Township Assessor, Harry A. Tornatta, re attendance at the Indiana Assessors' Association Conference scheduled in Indianapolis on July 22, 23 and 24th. He is asking permission for him and his Chief Deputy, Glen Koob, to attend.

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

RE: REQUEST TO GO ON COUNCIL CALL

President Borries said the Commissioners need to go on Council Call re Legal Services. We are out of funds and will be holding bills to be paid for this account. It is estimated that these fees will be approximately \$30,000. Again, this would be used as necessary. There are a significant number of cases which require a number of hours of work and a lot of correspondence. Included

are such cases as the Volpe matter -- and he believes this one is a significant part of the claim. The Elizabeth May case is another one.

Commissioner Cox said she saw a letter (as did Mr. Lindenschmidt) and she believes this was settled.

It was subsequently noted that the letter Mrs. Cox was referring to had to do with the Mary Evans' case -- an entirely different case. The Evans' case is being handled by David Jones on behalf of the insurance compny. The county is not involved in the case.

Commissioner Cox advised that Council cut the requested amount for legal services, if her memory serves her correctly. The Commissioners initially asked for \$50,000 and Council gave them \$20,000. We anticipated \$50,000 worth of legal services and they only gave us \$20,000. We're not even half way through the year and we're out of money. Motion to go on Council Call for an appropriation for Legal Services be approved, with a second from Commissioner Willner. So ordered.

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim in the amount of \$4,012.04 for legal services in connection with several pending matters. (This is partial claim. The total amount was \$7,094.62 -- but we do not have that much in the account. We can only pay \$4,012.04 and this leaves some \$3,000 to be paid.)

Motion to approve the claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: SOUTH GREEN RIVER ROAD PROJECT

Presient Borries asked if Mr. Easley wants to ask the consultants to come in for an interview?

Following brief comments, it was determined that the following three (3) consultants will be scheduled for interviews on Friday, June 12th, beginning at 10:00 a.m.:

Morley & Associates  
Fink Roberts & Petrie  
Veach, Nicholson, Griggs Associates

Commissioner Cox asked if the consultants can give the Commissioners a dollar and cent figure?

RE: SCHEDULED MEETINGS

Thursday	June 11	8:45 a.m.	Court Decision re M. Biggrstaff
Thursday	June 11	4:15 p.m.	EUTS Meeting
Friday	June 12	10:00 a.m.	Consultant Interviews
Monday	June 15	7:30 p.m.	Commissioners Meeting

RE: LYNCH RD. EXTENSION

Commissioner Cox said she asked our consultants on the first leg of the Lynch Rd. project to furnish us a contour map showing where the road is going to go and what right-of-way is going to be needed. She did this to allay fears that all of the right-of-way was being taken off Fox Pointe Subdivision. The only way we can know is to see the contour maps. Mr. Bernardin said he will prepare those and send them along to the Commissioners' office.

RE: NOTICE FROM COUNTY CLERK RE NEW ACT

Mrs. Cox said that with regard to the Notice that came from the County Clerk (which she found in her mail box) last week on the new Acts. One specifically concerns the sizes of the precincts. She knows we don't do anything about it this year; but we are going to be preparing our budget to submit to Council. It is now the law that all precincts can only have 800 people. This means we need to include money in our budget for next year to re-draw the precinct lines -- because it must be done prior to January 1, 1989. We need to remember to include this in the budget.

Commissioner Borries asked if it gives a formula -- as to how much we'd want to include in the budget?

Mrs. Cox said the new law also says that it mandates the County Commissioners to locate each precinct poll in a location that is accessible to the handicapped. That is a mandate. It says, "If such a location does not exist in a precinct, then the County Commissioners must arrange for a location to be named temporarily accessible, using a portable ramp or other modifications."

I-164 - Lynch Rd:  
~~CSX Railroad Letter~~ President Borries said to expedite matters, he has drafted a letter to MTA, as follows:

" Dear Mr. Groves:

We unanimously support the construction of the I-164 Lynch Rd. Interchange. A grade separation will be needed to link these two important projects. Our design engineers on this Lynch Rd. project are Bernardin, Lochmueller Associates and HNTB. Please contact them regarding any technical information regarding their portion of the Lynch Rd. project.

Commissioner Willner asked if the letter can include, "The economic development is almost mandatory at this intersection for the future of U.S. Highway 42 Airport Corridor?"

Commissioner Cox asked, "Did you say that this is a vital link?"

President Borries said,, "I put the grade separation will be needed because that is apparently want they want to know -- the need -- the necessity-of this interchange to link these two important projects. We could say that our county's economic development in this area is tied to the completion of these projects."

Commissioners Cox and Willner said the letter sounds good. It was subsequently determined that the draft will be given to the secretary so she can type it immediately for their signatures.

Sewer Problems/Vanderburgh Auditorium: Commissioner Cox asked Mr. Lindenschmidt if the letter concerning the sewer problem at Vanderburgh Auditorium was written?

Mr. Lindenschmidt said that it was.

RE: EMPLOYMENT CHANGES

County Treasurer (Releases)

Betty Miles	Registrar/Taxes	\$13,000/Yr.	Eff: 6/8/87
Patricia Tutt	Part-Time	\$35.00/Day	Eff: 5/22/87
Diana Lindauer	Part-Time	\$35.00/Day	Eff: 5/22/87
Ruth Lawrence	Part-Time	\$35.00/Day	Eff: 5/22/87

County Treasurer (Appointments)

Julie Reis                      Registrar/Taxes      \$12,940/Yr.      Eff:    6/8/87

Hillcrest-Washington Home (Releases)

Jenal Jones	\$5.50/Hr.	Eff: 5/31/87
Dorothy Kramer	\$5.20/Hr.	Eff: 5/31/87
Myrna Krizek	\$5.20/Hr.	Eff: 5/31/87
Deborah Laster	\$5.20/Hr.	Eff: 5/31/87
Marjorie Lyons	\$5.50/Hr.	Eff: 5/31/87
Ernest Merriwether	\$5.50/Hr.	Eff: 5/31/87
Julie Miller	\$60.00/Day	Eff: 5/31/87
Jo Ann Moseley	\$5.50/Hr.	Eff: 5/31/87
Ruth Patrick	\$5.50/Hr.	Eff: 5/31/87
Peggy Pruitt	\$5.50/Hr.	Eff: 5/31/87
Mary Jo Richardson	\$5.20/Hr.	Eff: 5/31/87
Sharon Ramsey	\$5.50/Hr.	Eff: 5/31/87
Bertie Slaton	\$5.20/Hr.	Eff: 5/31/87
Bonnie Strickland	\$5.50/Hr.	Eff: 5/31/87
Mary Sweet	\$5.50/Hr.	Eff: 5/31/87
Edna DaTalente	\$5.20/Hr.	Eff: 5/31/87
Sylvia Edwards	\$5.50/Hr.	Eff: 5/31/87
Debra Forrest	\$56.00/Day	Eff: 5/31/87
Dorothy Furgerson	\$5.50/Hr.	Eff: 5/31/87
Michael Garris	\$5.60/Hr.	Eff: 5/31/87
George Harper	\$5.50/Hr.	Eff: 5/31/87
Annie Hawkins	\$5.50/Hr.	Eff: 5/31/87
Christine Howard	\$5.50/Hr.	Eff: 5/31/87
Mary Arvin	\$5.50/Hr.	Eff: 5/31/87
Lisa Benton	\$5.50/Hr.	Eff: 5/31/87
Evelyn Blythe	\$5.50/Hr.	Eff: 5/31/87
Gloria Brown	\$6.80/Hr.	Eff: 5/31/87
Mable Carroll	\$5.50/Hr.	Eff: 5/31/87
Norma Lee Carroll	\$5.50/Hr.	Eff: 5/31/87
Charlotte Cole	\$5.50/Hr.	Eff: 5/31/87
Connie Davis	\$85.00/Day	Eff: 5/31/87
Lois VanWay	\$5.50/Hr.	Eff: 5/31/87
Catherine Williams	\$5.50/Hr.	Eff: 5/31/87
Norman Williams	\$5.50/Hr.	Eff: 5/31/87
Nancy Woolsey	\$5.20/Hr.	Eff: 5/31/87
Shari Atkinson	\$5.50/Hr.	Eff: 5/31/87
Charles Coleman	\$5.50/Hr.	Eff: 5/31/87
Donna Zachritz	\$5.20/Hr.	Eff: 5/31/87

County Auditor (Appointments)

Betty Miles	\$12,400/Yr.	Eff: 6/8/87
Marie Dunn	\$12,400/Yr.	Eff: 6/8/87

\*Salary rate for 3 months

Land Commission (Appointments)

Virginia M. Wallace Clerk                      \$35.00/Day      Eff: 6/8/87

Superior Court (Appointments)

James O. Dunaway	Mis. Intern	\$5.75/Hr.	Eff: 5/26/87
Teresa J. Wargel	S.C. Sec'y.	\$16.308/Yr.	Eff: 6/1/87
Barbara C. Williams	Referee P.T.	\$677.01/Pay	Eff: 6/8/87

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 5:15 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	David V. Miller
	R. L. Willner		
	S. J. Cox		

COUNTY HIGHWAY      COUNTY ENGINEER      COUNTY SURVEYOR

Bill Bethel

Andy Easley

Bill Jeffers,  
Chief Deputy

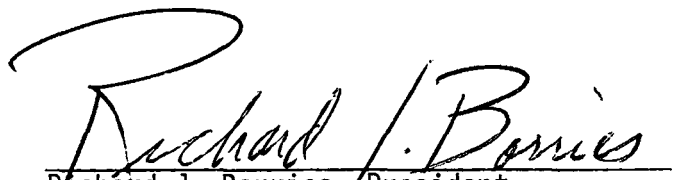
BLDG. COMMISSION

Roger Lehman

OTHER

E. Johnson, Sr./Atty.  
Clarence Day (?)  
Mr. & Mrs. D. E. Smith  
Fred Sievers  
Sam Elder/Health Dept.  
William Korb  
Harold Frost  
Mr. & Mrs. David Donner  
Wayne Wheeler  
News Media

SECRETARY:      Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 15, 1987

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, June 15, 1987, in the Commissioners' Hearing Room, with President Rick Borries presiding.

The meeting was called to order by Commissioner Borries, who subsequently extended a welcome to those present.

RE: APPROVAL OF MINUTES

President Borries said the Commissioners just received the minutes of the previous meeting, held on June 8, 1987 -- not because they have a secretary who cannot transcribe minutes very well -- but because the minutes were 32 pages in length this time. If Commissioner Cox agrees, approval of these particular minutes will be deferred until the next meeting since the Commissioners have not had a chance to read them.

Mrs. Cox indicated her agreement.

RE: AUTHORIZATION TO OPEN BIDS FOR RESURFACING OF OLD STATE RD. FROM CAMPGROUND RD. TO BASELINE RD.

President Borries entertained a motion authorizing County Attorney Curt John to open the bids received on resurfacing of Old State Rd. from ~~Campground Rd.~~ to Baseline Rd.

*EVERGREEN Rd*

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

RE: DEDICATION OF SHOSHONI LANE

Commissioner Borries recognized Attorney Ted Ziemer and said he is here regarding the dedication of Shoshoni Lane.

Attorney Ziemer said he represents Chal Corporation. This evening they would like to offer to dedicate to the county Shoshoni Lane. Displaying a map, Attorney Ziemer said that as the Commissioners can see, the platted subdivision in the center is Indian Woods Subdivision. Running from Pollack Avenue on the south to Covert Avenue on the north is Shoshoni Lane. That is a 70 ft. to 90 ft. right-of-way. Most of it is 70 ft., but it is 90 ft. when it gets to (designated) area, over which will be poured a 54' wide pavement and a bicycle path. It is the purpose of this easement to dedicate to the city a perpetual right-of-way for the improvement of Shoshoni Lane, subject to two reservations. One, to maintain in the median at Covert and Shoshoni and at Pollack and Shoshoni an identification sign for Indian Woods Subdivision. In the easement, they provide that the reservation, if approved, is subject to their maintaining the sign to the reasonable satisfaction of the County Commissioners and subject to their being located sufficiently behind each intersection so as not to impair site or traffic safety. Attorney Ziemer said he has some pictures which show the existing sign at the intersection of Pollack and Shoshoni and the one at Covert and Shoshoni will be similar. The other reservation would be the right for Chal Corporation to install a private street lighting system confined to the easterly and westerly most 6 ft. of either side of the this 70 ft. right-of-way. He has a form of easement which has been executed by Chal Corp. If the Commissioners are willing, he would appreciate their acceptance of said easement.



<sup>BRAUN</sup>  
Mr. Charlie ~~Brown~~, Jr., an officer of Chal Corp., is also here this evening should the Commissioners have any questions.

The Chair entertained questions.

Attorney Ziemer said he should mention that he has reviewed this with County Engineer Andy Easley and he has had an opportunity to look at the document. He also sent a copy of the proposed document to Attorney Curt John to review prior to tonight's meeting -- so all the necessary reviews could be accomplished in advance. He is unaware of any objections from either gentleman.

The Chair entertained a motion to approve dedication of this easement to the County.

Commissioner Willner said he finds it a little irregular. Never in the past has the county accepted any right-of-way, not for any price, much less for \$1.00. He guesses he doesn't understand why this is being done in such a fashion.

Attorney Ziemer said, "Mr. Willner, if I can explain -- as I understand it, it is the customary fashion to dedicate right-of-way to the county. At this point there is no assumption of maintenance or anything with regard to this right-of-way. We are dedicating without any charge, without any appraisal rights, without any compensation this total right-of-way to Vanderburgh County and the citizens of Vanderburgh County -- and the proper way to accomplish that, he understands, is to do that by way of an easement, which is accepted by the County Commissioners. They probably ordinarily see such dedications in the form of a plat and, of course,, part of this right-of-way is included in the plat of Indian Woods. But the southern portion of it (which is below the plat) and the northern portion of it (which is above the plat) isn't in the plat; therefore, it hasn't been heretofore dedicated to the county. Their purpose in doing this is to dedicate it to the county. When the construction of the roadway is complete in accordance with all requirements of the county, we would then come back separately and, by letter, request that the improved highway be accepted for maintenance by the county."

Mrs. Barbara Cunningham of the Area Plan Commission commented that this is a P.U.D. (Planned Unit Development) and Shoshoni is shown on the P.U.D. In the subdivision process, Jagoe Homes has been developing some other plats in the area. So it is a Planned Unit Development, but it is being done by sections -- and certain sections have already been done. The right-of-way for those has been accepted.

Commissioner Willner asked, "Why don't they then present Vanderburgh County with an easement of right-of-way without our accepting it as it is done in other cases? Why do they come to us and say, 'Please accept what we are going to give to you?'. That is really not the way it is done. You just grant it to us, you record the deed, and it is done. We don't have to accept it. Once we accept this right-of-way, then we are legally bound to do the maintenance."

Attorney Ziemer said, "I'm sorry, Mr. Willner, that is not exactly the way the law reads. What you are doing is accepting the property from us. The easement becomes the property of Vanderburgh County. You have no obligation to maintain it until you accept it for maintenance and that is another step which is only accomplished after the improvements have been completed to the satisfaction of the county."

Commissioner Cox said, "For a point of clarification here, rather than coming to us with an overall plan for this acreage that fronts out on Covert Avenue, which this Shoshoni would be a part of that plan -- you have no plan for that development at that area right now. You're simply asking for an easement to go up through that area to hook on Shoshoni up on to Covert?"

Attorney Ziemer said that is right.

Commissioner Cox said she doesn't see any problem with this. She then asked Attorney Ziemer if they have permission for a curb cut on Covert?

Attorney Ziemer responded in the affirmative.

Commissioner Willner asked, "Why not just dedicate it to Vanderburgh County period and be done with it? Just tell me why they don't do that -- that is all I want to know."

Attorney Ziemer said, "It is my understanding that to make the dedication, it needs to be accepted by the county. Without even coming to the County Commissioners, Bob, I could have drafted an easement and gone over and recorded it. If it didn't meet your specifications in some respect or it wasn't wide enough or it didn't in any way suit the Commissioners, it would be a totally meaningless thing. I cannot force on the County Commissioners an easement they don't wish to accept. What we are doing is dedicating it and asking that it be accepted by the county. We are not -- and I repeat (you can put it in the records of this meeting) we are not at this time asking for you to accept maintenance of the property. We intend to do that, but not until it has been developed pursuant to county specifications."

The Chair entertained questions.

Commissioner Borries commented, "With the 70 ft. and 90 ft. right-of-way, it is much larger than the right-of-way we have in many other areas. At some point, if traffic needs warrant and we have to come back and purchase any property -- it would seem to me that we resolve that by having that wide a right-of-way dedicated."

Mrs. Cox said, "I would think so. I don't see any problem with it. What they need is another access/entrance/exit into Indian Woods -- that is what they are asking for -- and they are asking us to approve what they have submitted here. If this came in on a total development, it would be part of it."

Commissioner Willner asked if he could have a week to study this? He might be completely wrong -- he doesn't know. He just doesn't feel comfortable with it and he would certainly like to do that.

Attorney Ziemer said, "Commissioner Willner, whatever the Commission decides, of course. But I'd like to point out that, in our legal opinion, this is the only way we can dedicate property to the county. This step is preliminary to some other activities of this caliber."

Commissioner Willner said, "I have a little problem with that. Why do you want to dedicate it to the county? Why don't you dedicate it to the public?"

Attorney Ziemer said, "It is to the public."

Commissioner Willner asked, "Then why are you dedicating it to the county?"

Attorney Ziemer said, "Because you are the public."

Commissioner Willner said, "I don't see it that way -- that's my problem. We're the county. We're not the public."

Attorney John said, "This basically is doing the same thing a subdivision plan would do, with the exception that there is no subdivision plan at this time. This is just a legal description of where the road would be located and they are dedicating the right-of-way to the county as they do in the subdivision code or in any other plan. Once you have accepted the plan, you have

accepted the easement. In this one, there is no plan so they requested that you accept the easement set forth in this dedication."

Commissioner Willner asked, "Why don't they dedicate it to the public? Make it a public right-of-way?"

Attorney John responded, "Because it is similar to a public road. You have not accepted it for maintenance, but you are the owners of all rights-of-way for county roads."

Attorney Ziemer said, Bob, if you look at the document, it says that -- the only entity that the public had accepted unfortunately they'd all have to sign some kind of an acceptance for him to know that they would be willing to take it. The public body that represents the people of Vanderburgh County are the Vanderburgh County Commissioners. I have the feeling that you think we are trying to force something off on you and we are not. We are trying to give something away -- and we just would like to have it accepted so that we can proceed."

Mr. James Morley was recognized by the Chair. He said there are a couple of things that were said here that were not quite true. This is part of Indian Woods P.U.D. The overall P.U.D. was prepared and was presented in 1981. This is exactly the same road shown on that plat. But, as you know, once you submit your preliminary plat or first phase of your plat, then you may dedicate it in sections. So, Indian Woods has been dedicated in sections -- Phase I, Phase II, Phase III. We are now at Phase IV. This roadway is exactly the same one shown on there and approved by this group in 1980. It is in the record. There is no change. The only thing that we have here -- and the only reason we ask for this at all -- is because we are up to Phase I, II, III and IV and we still have not finished and recorded Phase V or this next segment between where we are and Covert Avenue. So, to go ahead and make it official, we've got to pull it out and describe it as an easement. There is no change from the original plan. This is exactly the plan that was previously accepted. No change whatsoever. It has always been that way. The only thing is that since we haven't recorded the plat -- and that has been signed off by the Area Plan Commission -- there is no way to make it official except to describe this little thing and bring it forward to you here. But you have accepted that alignment right there. That is exactly what we're talking about and it was done seven (7) years ago.

Mrs. Cunningham interjected, "With the access to Covert at that location."

Mr. Morley said, "Right. There is absolutely no change. The only thing here is that we haven't recorded the last phases. The only thing that is happening is that we are just making it official that it does go through even though we haven't recorded the last phases. No changes in alignment -- nothing different from what was presented in 1981.

Commissioner Willner asked, "Why don't you just record it then?"

Mr. Morley said that is a legal question and Commissioner Willner is quite correct. Everybody keeps writing these things and one wonders if that is legal to just say that and record it? I think Mr. Ziemer is saying that that leaves a little bit of a gap. Where is the acknowledgment that the county received it? You are right; everyone is doing it, Bob, but I am not sure that that is quite correct. I am sure that perhaps your attorney can offer some advice on that.

Attorney John said he wasn't around during the beginning phases of this P.U.D., and basically he is unfamiliar with it other than what he learned from his discussion with Mr. Ziemer. Barbara Cunningham was more familiar with it. Does she have any comment?"

Mrs. Cunningham responded, "It is exactly as Mr. Morley said. It is a P.U.D. and it has been continuing in the process in the last few years. The road would not be accepted until the County Engineer accepted it. In essence, you cannot change from the original plat of the P.U.D. as it is. If there were any changes, they'd have to go back to the Area Plan Commission."

Commissioner Willner said, "I would move...."

Commissioner Borries said, "It has already been moved -- if you would second it..."

Commissioner Willner asked, "Are you going to waive the \$1.00?"

Motion was made by Commissioner Willner that the easement be accepted, as outlined in the first paragraph, with a second from Commissioner Cox.

The Chair asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes.

A bit of humor was injected into the meeting as Attorney Ziemer handed the Commissioners \$1.00. (Quietused into the County General Fund for Shoshoni Lane easement.)

RE: PETITION TO VACATE A PART OF CARANZA DRIVE IN GREENBRIAR HILLS SUBDIVISION - PHIL SIEGEL

The Chair recognized Attorney Phil Siegel, who was present to present a petition to vacate a part of Caranza Drive in Greenbriar Hills Subdivision.

Attorney Siegel said he represents <sup>Lyle</sup>~~Lionel~~ Thompson, the Petitioner, who filed the petition on June 12, 1987 requesting the County Commissioners to vacate a part of Caranza Drive in Greenbriar Hills Subdivision. He requests that the Hearing be held on July 6, 1987 at 2:30 p.m. in the Commissioners' Hearing Room.

The Chair entertained questions of Mr. Siegel.

Mr. Siegel said each member of the Board of Commissioners has received a copy of the Petition in advance, and Exhibit "A" is attached thereto.

It was noted that this is located north of Petersburg Rd. It is a 50 ft. by 130 ft. strip. Rather than to extend it on to another subdivision, they are requesting that that portion be vacated.

Mr. Easley said it is a street section of a dedicated street.

Commissioner Borries said, "Then what this will do, Phil, there will be no connection between the two subdivisions in that particular area -- where that Petersburg development is taking place?"

Mr. Siegel said it was going to go east, then Caranza Drive would go further east into Greenbriar Hills Section, Section III. However, they don't need that part of Caranza. It has never been used as a public street, etc., and he would expound on it at the hearing.

Commissioner Cox queried Mr. Siegel concerning the section line? Is there another road coming through here?

Mr. Siegel said there will not be another road extending further east into Greenbriar Hills, Section III. Mr. Morley is here and could better answer Mrs. Cox's question.

In response to Mrs. Cox's query, Mr. Morley said the designated area of which Mrs. Cox is speaking is the back end of the lots on Phase III. This was reviewed by the Subdivision Review Committee at the time of passage of Greenbriar Hills, Phase III and it was felt best to eliminate this street because it was so steep and it is served by a cul-de-sac that comes off Greendale and turns around in designated area. This just lets that part of the unused street right-of-way go to the two adjoining property owners, since it was never developed -- and does not need to be developed, It does not service any lot.

The Chair entertained a motion.

Motion to approve the Petition and schedule Public Hearing on Monday, July 6, 1987 at 2:30 p.m. in the Commissioners' Hearing Room was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: REZONINGS

The meeting resumed with Commissioner Borries explaining the rezoning petition procedures. The petitions are introduced; if the Commission has any comments, they are to be made on 1st Reading. The Petition is then forwarded to the Area Plan Commission for the in depth review and that will be heard on the 1st Wednesday of July (July 1st) and then it would come back to this Commission in our night meeting (July 20th).

VC-14-87/Petitioners, John & Mary Straub (1st Reading): At this time the real estate is zoned Agricultural. Requested change is to C-4. Common known address of subject property is 19421 Highway 65. The mailing address is in Haubstadt, IN, although the property itself is located in Vanderburgh County south of Interstate 64 on S.R. 65 north of Schmidt Rd. Present land use is residential and proposed use is commercial. The Chair entertained comments. There were none.

Motion was made by Commissioner Willner that the petition be approved on 1st Reading and forwarded to Are Plan Commission, with a second from Commissioner Cox. So ordered.

VC-5-87/Petitioner, Jeffrey Kempf (3rd Reading): Attorney Dave Robinson was recognized by the Chair and said he represents the Petitioner. They are here concerning a zoning of real estate on Allen's Lane in Vanderburgh County that has a street address of 1836 and 1730 Allen's Lane. When this matter was first brought before the Area Plan Commission, he thinks the reason it was denied was because at that time Mr. Kempf did not have a tenant and they considered it "speculative" zoning. Mr. Kempf is in the business of construction management, whereby he basically will handle construction projects for other firms. He also is an owner lessor of various properties. At the time they were before the APC, Mr. Kempf had the building in mind that he intended to build, but he wasn't sure whether he was going to move into it or just sell it to someone else. At this time they do have a diagram and some plans which show what the building will look like that he'd like to share with the Commissioners.

Continuing, Mr. Robinson said the structure itself is only 2,400 sq. ft. The lot is approximately 300 ft. long and 130 ft. wide. He has on the diagram a privacy fence drawn in which extends back approximately 150 ft. He doubts that Mr. Kempf will ever use that 150 ft. portion of the property, because he has no need for it. One of the objections indicated previously was that the building may possibly obscure vision along Allen's Lane. The structure is at least 70 ft off the roadway. There is more than adequate parking there for his purposes and most anybody using the structure. Mr. Kempf's business has been located at 2130 Commercial Court which, as you probably know, is on St. Joe Avenue. The reason he was uncertain as to whether or not he would personally occupy the building last time was because he owned the building there. Since that time he has sold the

structure to Roto-Rooter (the sale closed this week). He is currently operating out of North Brook Shopping Center and he needs a place to move into and this is the only area he wants to go into. He is sure the Commissioners are also aware that the general character itself appears to be going commercial. Across the street northwest you have the waterworks department. Directly across the street and to the west somewhat is a church. He is sure people from the church are here this evening. Approximately 200 ft. east on the same side of the road that Mr. Kempf would like to locate his business is a C-4 zoning. At this time we're unsure as to what type of business is being operated out of there, but it is C-4. Northeast you have Frontier-Kemper with an M-2 zoning. Directly east of that is American Sheet Extrusion with an M-2 zoning. One other point he'd like to make, obviously anybody with a residence in a particular area like this would have a concern for an area not remaining residential. When you take a look at Allen's Lane along there, a lot like this (which always has been wooded and is wooded) will never be used for anything other than some type of business structure. He thinks the structure Mr. Kempf is proposing (which he, personally, would like to use) will be one that will look good along Allen's Lane. He thinks it will be a structure that the other people residing along there would be proud of -- and, to a great extent, it could and would enhance the actual property values. At this time he is sure Mr. Kempf will be glad to entertain any questions that either the Commissioners or the remonstrators may have.

Commissioner Cox asked, "Did I understand you to say that you are not proposing any curb cut or entrance off of Myrtle Lane?"

Mr. Robinson said that is correct.

Mrs. Cox continued, "The only entrance and exit from the property will be on Allen's Lane?"

Mr. Robinson said that is correct.

Mrs. Cox asked, "I wonder if you are aware of the report from the Evansville Urban Transportation Department that says the sight distance to the west of the site is restricted due to the crest of a hill on Allen's Lane?"

Mr. Robinson asked Mr. Kempf if he is aware of this?

Mr. Kempf responded in the negative.

Mr. Robinson asked if this is west of the property?

Mrs. Cox said it is to the west of the site. She has had to contact the County Highway (and they have been very responsive) to get out and cut the growth along Allen's Lane several times. It really grows up fast out there. But she does know that the employees and also the clients for Frontier-Kemper have had trouble getting out onto Allen's Lane because of the overgrowth and it is narrow and just is not really set up to carry a lot of large commercial vehicles or semi-trailers or anything like that in the area. Mr. Kempf, what kind of business are you running now? I didn't understand."

Mr. Kempf said he is in construction management. He doesn't have any kind of construction equipment at all at this location.

Mrs. Cox asked, "So the place out of which you moved in Commercial Court -- you were operating a construction company office?"

Mr. Kempf said, "Right; originally I had a construction company at 2130 Commercial Court. Since then, I've changed to construction management. I no longer am in the construction business where I, myself, utilize equipment. As far as traffic, if I were to build a house there, I would have more traffic than I would utilize for my building."

Mrs. Cox said, "You're showing an awful lot of parking places around the building."

Mr. Kempf said he thinks that was required by Area Plan to show the parking for a building with that amount of square feet.

Mr. Robinson asked, "Even when you were running your construction company, you didn't have a large amount of traffic coming in and out, did you?"

Mr. Kempf said, "No, I did not."

Mrs. Cox said, "The only other question -- C-4 does allow for outside storage and I know you have a fence on two sides of the property. Do you plan on any storage outside the confines of the building -- like any vehicles?"

Mr. Kempf responded, "I don't have any plans for outside storage."

Mrs. Cox asked, "What is the large door for at the end of the building? What is that for?"

Mr. Kempf replied, "It is more or less a garage door. The building that I moved out of -- I utilized that door just driving in and out."

The Chair asked if there are persons present this evening who would wish to remonstrate concerning this rezoning (VC-5-87)? If so, please come forward, state name and address, and utilize the podium microphone.

Ms. Leona Thomason was recognized by the Chair. She stated she lives at 1724 Allen's Lane, adjacent to this building. "I'd like to make several points of interest here. Mr. Kempf said his lot was like 300 ft. on both lots. That is incorrect, because he does not own 300 ft. back on the first lot next to Myrtle Avenue. Mrs. Stoneberger owns half that lot, so it would only be going back 150 ft.

Secondly, with the regard to the curb cuts. There are no sidewalks -- there are no curbs -- on Allen's Lane. It is a very narrow road. There is a crest. The cars come over that crest at sometimes undetermined speeds. I have three children and two of them are school age. Both of them have almost been killed out there by that street. We have flooding problems out there and it doesn't take a downpour like we had a couple of days ago to flood our yard and Allen's Lane. We have railroad tracks down the street that block traffic regularly every single day. I am aware of this because I have lived out there for 33 years. It was my parents' home. It is a very stable neighborhood. We do not get a lot of people moving in and out. Granted there might be a C-4 zoning, but it is not used for commercial business. We have two churches in the area: One is Harwood Baptist and the other is a Pentecostal Church on the corner of Grove Street & Allen's Lane. There are no businesses on the south side of Allen's Lane and we want to keep it that way, because once they get their foot in -- they're going to move all the way down. I have two petitions here: One is signed by all the members of Harwood Baptist Church. They are against this rezoning. I have another petition signed by all the neighbors. They are against it. We have problems with cars. As I said, the traffic is bad. It would be a bad intersection. I don't care what Mr. Kempf says, you're going to have traffic there. I have a hard time getting out of my driveway and whether he is going to add one, two or fifty cars -- it is going to be bad. They just put lines down Allen's Lane -- about which I am very pleased. They are crooked -- but they are there. Myrtle Avenue is a bus stop for our children. We had to fight for that. They wanted our children to walk down Allen's Lane to Grove Street to catch the bus. There is a trucking



terminal down the road and I know this for a fact (because my husband works there) -- there are 50 to 75 trucks coming in and out daily. I wave to him daily.

I have a question about the Area Plan Field Report. I have not been able to hear what was in it. But I was told it was negative about the area. The area is in three different levels. I see no way that he can level this off and build a building on there and not affect me. His ground sits higher than mine and if he levels it to any level -- I am going to have more flooding problems than I already have. There was a house on this property. It sat upon the hill and was there for years. An elderly couple lived in it. He passed away and the house went to ruin. They pushed it over and demolished it. The lot has been sitting vacant for years. It would be a beautiful place for a house. It is a fine neighborhood. But as for a building, she doesn't see it. What happens if he decides to move again? We have a building sitting in the middle of our neighborhood. What happens to our property taxes? What happens to our insurance rates? And the fire protection? It is by German Township Volunteer Fire Protection. We just had a major fire a couple of years ago and it scared the dickens out of all of us and I don't want to have that next door. He's talking of at least maybe 40 ft. from my house. Granted, I've lived there all my life and I'm used to having that old woods there and I'd like to have it there longer (cleaned off maybe and a little bit neater.) But as for having a business there with an undetermined amount of employees, I'd like to ask a question. If it is zoned C-4, can he change his mind and put another business in there? This is the third time I've been down here and he has put us on hold and I want to know what is going to stop him from changing his mind after it is zoned?

President Borries asked that the record reflect that the two petitions were submitted to the Commissioners. He then asked if there are others who wish to speak to this rezoning at this time?

Mr. Jerry Benedict was recognized by the Chair. He stated he resides at 1716 Allen's Lane. He is curious The property he lives in currently is rental property of his future wife's parents. What is going to keep Mr. Kempf from coming back in a few years and having their property condemned or moving in and trying to buy them out? They have put 2-1/2 years' work in their home now. Further, Ms. Thomason has lived in her home for 33 years and they do work around their house as much as he and his future wife do. Right now it is hard enough for people to get started, let alone someone come along five or six years from now and buy your property out from under you. He hopes the Commissioners understand what he is saying.

Commissioner Borries said, "I think I do. I just don't know whether I'd have a good answer to predict the future. I understands your concern, but I don't know -- there are a wide number of uses under the C-4 zoning. Obviously, Mr. Kempf couldn't buy your property unless you consented."

Mr. Benedict asked, "But he could have it condemned, right?"

Mr. Borries replied, "No. The only property that could ever be condemned would be by the Building Commission and the county, which would be something that obviously had not been maintained and was a hazard to the neighborhood and the residents nearby. From what you have said about your home, that would not be the case at all. So there would be no way that anyone could condemn your home because it would be violating any code."

Mr. Benedict said, "What I want to say is that I agree with her. There are enough problems. I've got a 2-year old and she plays. I've got a long front yard -- but there is enough traffic on that road the way it is. We've got enough noise from the railroad tracks and the trucks and other heavy equipment that goes up and down that road from Frontier-Kemper, etc., without adding more to



it. As they say, Myrtle Avenue is a narrow road. I've lived out there for sixteen years (not in the house I'm in now, but I've been in that vicinity)"

Ms. Thomason said that on the west side, Myrtle Avenue is a gravel road. It is a very narrow road and it has a little creek that goes down the side that is used as drainage. No one knows who owns it; I've been there for years and no one knows who owns the property. But it is very dangerous pulling out of Myrtle Avenue. I don't even try it. Whenever I go to visit, I walk. Also, he mentioned the property across the street. My godmother sold some of their farmland with the stipulation that Kemper-Frontier would not build on the front part of that property. They are placed well away from the front of Allen's Lane, so all you can really see is her house and her garage. As for the traffic from them, at 6:30 or 7:00 a.m., whenever the water department comes through, it is very, very bad. I'm wondering where our children would go to catch the bus. They'd have to walk down Allen's Lane -- and we have no sidewalks. We have no easement. There is nothing there but a ditch-like area; that, plus the fact that I'd like to mention that the storm sewer they installed is caving in and I'd like to see if someone could do something about that. We have a couple of big holes where you could lose a couple of kids and not see them for years.

President Borries asked if there is any rebuttal at this time?

Attorney Robinson responded in the negative.

The Chair entertained further comments concerning this particular petition. There were none.

Commissioner Borries instructed the secretary to show that 89 signatures were received on the petitions concerning this particular rezoning.

Motion was made by Commissioner Willner that VC-5-87 be approved on 3rd Reading, with a second from Commissioner Cox.

The Chair asked for a roll call vote: Commissioner Cox, no. She said her reasons are because of the sight restrictions on the west part of Allen's Lane and also that this is predominantly a residential area and this would be an encroachment upon a residential area.

Commissioner Willner, no; Commissioner Borries, no. The Chair declared the motion denied.

President Borries asked that Ms. Thomason check with the Commissioners re the deteriorating sewer mentioned, so they can investigate same.

VC-7-87/Petitioner, Robert Brenner (3rd Reading): President Borries said the next petition for consideration is VC-7-87, Petitioner, Robert Brenner.

Attorney Wayne Turpin said he represents the petitioner, Robert Brenner, who owns a 20 acre plat on Hedden Rd. On the north it is bounded by M-2 and by M-1 on the west. The other areas to the east and west are agricultural. It is his understanding that for the last three or four years the property has been used for light manufacturing. Because of the close proximity of this 20 acres to the airport and because of the noise level, they feel that the highest and best use of this property is industrial.

Mr. James Morley is here tonight and he has noise level studies that he has conducted. Additionally, in an attempt to get along with the neighbors, we are scaling this 20 acres down to 5.95 acres. They have plat plans here and Mr. Morley will explain those as well as the noise levels. If there are questions, he would ask that they be directed either to Mr. Morley or Mr. Brenner.

Mr. Morley said he only has one copy of the Air Board's plan and he will give it to the Commissioners so they can see where the site is located. It is right underneath the 50 to 1 approach zone for the main runway. Mr. Morley said what he has is an excerpt from the Airport Master Plan. In addition, he has the noise contour maps for the Airport (he thinks the Commissioners may have copies of those; if not, he has extra copies). On the noise contour maps, you can see the site is fairly close to the 30 contour. It doesn't show the 20 contour (it goes out beyond the limits of that map). There is a guidance chart for use with the noise contours and you can see that in moderate exposure it is in an area of noise level from 20 to 30, which is where this site is. If you turn to the second page of the land use guidance chart, you will see that residential areas are recommended for Zone A and in Zone B you see manufacturing and all sorts of other things. But on the front page under Zone B, you will notice that land use control should be considered and, in fact, some of you might remember back a few years a subdivision came in very close to the same area (a subdivision called Malibu Park) and the Plan Commission insisted that they write a covenant. In order to have that subdivision accepted a covenant was put in that no one could remonstrate against noise from the Airport. The site is not in a prime residential development area, because of being exactly underneath the 50 to 1 approach slope for the main runway and the noise contours between 20 and 30.

On the revised site map, which Mr. Brenner asked him to prepare and bring to the Commissioners tonight, he has asked Mr. Morley to define the limits of the area that is developed and, as mentioned earlier, has been used for light manufacturing. They had originally sketched out some 13 lots for development along there. The revised plan would be only the four (4) lots that front off that main roadway and he thinks that is what Mr. Brenner wanted him to prepare for the Commissioners tonight. If there are questions, he will be glad to try and answer them.

The Chair entertained questions.

Commissioner Cox said, "I need to understand. You are amending your request from 20.35 acres to 5.95 acres?"

Mr. Morley said that is correct.

Mrs. Cox asked, "And the only entrance and exit to this acreage would be from Hedden Rd. Is this correct?"

Mr. Brenner acknowledged that this is correct. Additionally, he thinks there is a buffer zone.

Mr. Morley interjected that there is a 50 ft. building set-back along the property.

Mrs. Cox asked, "But that is a section line back there, isn't it? It's not a road?"

Mr. Morley said it is a section line.

Mr. Brenner said he is willing to give a covenant that there will be a 50 ft. buffer area and no buildings in the last 50 ft.

Mrs. Cox said, "This is what this site plan shows -- a 50 ft. building set-back line. On these lots (1, 2 3 and 4) I see some two-story frame houses. Are those existing buildings?"

Mr. Brenner said those are existing buildings that were previously used as an office and for light manufacturing -- aluminum windows, he thinks -- and then there are couple of other larger type buildings that were used for warehousing.

Mr. Brenner approached the podium. He said, "What we plan to do with this -- we hope to put a landscaping company and use all the property to the north as agricultural and put a tree and truck farm in there. Lots 1, 3 and 4 have all the buildings on them that they will get. Lot 4 is a buildable site of 1.4 acres.

Commissioner Borries asked, "Bob, does anyone intend to live in the residence on Lot 1 or in that area for any particular period of time? Would you need that in an M-1 situation?

Mr. Brenner said, "not really; I could go to some other zoning. It should go to offices and offices are permitted. I first thought R-0, but I think someone has to live there. Maybe C-1 -- he doesn't know what it should be for offices. If the Board will zone this to M-1, he will also stipulate that when he comes back for a rezoning, to downgrade Lot 1 to R-0.

Commissioner Cox asked, "Which lot is the lot that has the potential for building?

Mr. Brenner responded, "Lot #2."

Mrs. Cox asked, "That fronts out on Hedden Rd.?"

Mr. Brenner said that is correct.

Mrs. Cox asked, "What is the width of the entrance off of Hedden Rd.?"

Mr. Brenner said, "24 ft. -- industrial driveway width."

Mrs. Cox asked what kind of roadway he plans to install?"

Mr. Brenner said, "Concrete."

Mrs. Cox asked, "Are you going to have rolled curbs and gutters?"

Mr. Brenner replied, "Certainly. We'll try to make this look like the Industrial Park over there."

Mrs. Cox asked, "Could you tell me what distance would be between Lot #1 and the adjacent property owner on Hedden Rd.? Because, as I understand it, all of that will now remain agricultural."

Mr. Brenner responded, "314 ft. from the edge of the lot -- and that is the one we agreed to go R-0) on. But we would need it zoned M-1 so we wouldn't have to wait a year to come back and R-0 it."

Mrs. Cunningham said he can have an office in an M-1 zoning.

The Chair entertained further questions.

Mr. Brenner said one thing he might point out is that the manufacturing of the windows are sure to require an M-2 zoning and they're looking to put a warehouse in there.

The Chair asked whether anyone is present to remonstrate concerning this rezoning?

The Chair recognized Greg Heldman of 3801 Kansas Rd. Mr. Heldman said they are very much against the rezoning. Right now the area is primarily used for residential and agricultural. One individual just built a new house, horse barn, etc. east of the subject property. On the other side of the hill is Green River Estates. If the Commissioners have been by there lately, they know it is moving in this direction by adding onto that subdivision it could be coming over the hill anytime. He is very concerned with the roads in the area. Highway 57 doesn't have any turn lanes right now, even for what industrial facilities are there at this time. Additionally, Hedden Rd. doesn't have anything and there is a hill on Kansas Rd. just off Hedden Rd.

that is kind of a blind spot. People coming over that hill going west towards Highway 57 -- it would be very hard to stop if a truck were turning off Kansas Rd. onto Hedden Rd. -- it's very hard to get around it -- there are no turn lanes -- and even if there were turn lanes going from Hedden Rd. onto Kansas Rd. going either direction, they would be pulling out, there would be slow traffic -- and people coming over that hill would have a very rough time in stopping to avoid an accident. Also, Hedden Rd. is barely wide enough for two cars to get by, much less if you had two trucks or semis passing each other. You have three houses on that corner and the increased traffic would be a big hazard to the residents, the neighborhood -- you've got Oak Hill School and the Christian Fellowship Church on Millersburg Rd. -- and you have constant traffic with children playing there. Also, this rezoning would increase the petitioner's property value while decreasing everyone else's, because there are three or four houses right there at the corner of Hedden and Kansas Roads and that basically would be surrounding it. He did change it from the original 20 acres down to 5.95 acres; however, at a later point in time, what is going to keep him from surrounding those houses at future date? The Master Plan calls for that to remain residential and farming. He thinks we should keep that -- and keep the plan in perspective. Even though there is noise -- he thinks everyone who lives there now accepts that noise -- and, as pointed out, there was a subdivision built in that location also, where they signed covenant that they would not come in and complain about that noise. Right next to the airport is Melody Hills. Those people have lived up in there for years and there have been no complaints. They enjoy it there and he enjoys it out there. To the people who live out there now, the noise isn't really a factor at all. There is no public sewage out there. When it rains hard, that area tends to flood, especially the area just north of the houses and what he is proposing there. He doesn't know that any kind of septic or whatever would be adequate for any kind of commercial buildings there. The property had been used for light manufacturing (windows, etc.), they had talked to Mr. Stevens at the time he was doing all of this (and he presently is still the owner) and he hadn't even tried to rezone it. He said that as long as he lives there he can operate that business. It is the only business he had and he makes his living that way. The neighbors didn't want to run him out; they felt this was a fair trade and nobody complained or anything. But insofar as that having been a business, it was well kept and his neighbors didn't complain. That was that gentleman's living. With regard to making that industrial in future years, spot rezoning would be kind of bad. If he tried to sell those lots, there would be people who would grab at that. It is a nice area and is pleasant. It is close to schools, churches, shopping -- close to North Park and the east side -- he thinks there would be a lot of people -- maybe somebody would go in there with a subdivision and build all these homes up. But he thinks individual people would buy a lot here and a lot there and would have very nice homes there.

The Chair then recognized Phil Gerding. He said he owns 17 acres right behind the subject property. He has quite a bit of money invested and he doesn't want to spend a lot of time talking, as Greg Heldman has already done a super job in telling the Board how the residents in the area feel. But he does want to go on record that he opposes the rezoning. He bought the property 2-1/2 years ago and has a considerable amount of money invested and a nice home, horse barn, etc. Once this zoning starts, it is going to continue. He might profit by it as well as Mr. Brenner, but that was not his purpose for buying the property out there -- to resell it and make a lot money. It is beautiful farmland. He enjoys the airplanes and the noise doesn't bother him, his family or their horses -- and he just want to go on record that this rezoning is not good for that area. It may be good for one man -- Bob Brenner.

The Chair then recognized Ms. Virginia Craig. She said their 10 acres adjoins the property in question -- to the south. Their ancestors walked from Vincennes to purchase this property (including the property he is wanting to purchase) from the government. She was born here and would like to continue living here in a farming and agricultural section. It was her understanding two years ago (when they went through this same thing with Mr. Stevens) that this was to remain a buffer zone between residential, agricultural and the industrial on the other side of Hedden Rd. There are two historic farms in the area; they have been in the same family for 100 years. Their property has been in the same family for 100 years -- but they don't have the 20 acres to go for this historic deal, which doesn't bother her. There is another commercial building in the area that is for sale which Mr. Brenner could buy if he liked it. They did not press this issue for Mr. Stevens to stop his commercial use --because they were being kind to him. They didn't know at that time that they were setting a precedent, or they would have had him out at any time. In fact, she said to Mr. Stevens that they agreed for him to go ahead and use this for a commercial use if, when he sold it, he would revert to agricultural-residential. Of course, he didn't agree to that. All she can say is that they would certainly like to keep it residential and continue to use it as a buffer zone. They may be losing money on their property and maybe they have commercial right across the road, but they'd still like to keep this section residential/agricultural.

The Chair then recognized Mr. Ken Beck. He said he resides on the corner of Kansas Rd. and Hedden Rd. He would like to make a couple of points not mentioned. First, the residence that sits on there now is a beautiful home. It would behoove anyone to want to live there. It is 2-story; it has huge white pillars on both sides. He has had that for sale for quite some time as a residence and he was asking a lot of money for it. Before he built this huge building, he had horses. He had a big barn which he changed over to office buildings and then he built that huge building. There was a lot of chatter around the neighborhood as to why he would build this building. There were never any semis in there. Most of the time it is either vacant or quiet. It has just been during the last year that he started to do a bit of commercial work there. As Virginia Craig said, the neighbors decided they've gone this far -- why change it now?

The Chair entertained other comments.

The Chair recognized Mr. Phil Heston. He said he owns the Green River Estates Subdivision. He is not here as a remonstrator, whatsoever. He is here just as a friendly developer. If this plan were re-drawn it would possibly, in his opinion, be all right. But the Commissioners, in developing that area, ought to be very careful now and in the future as far as the sanitary sewer is concerned. There are two lift stations out in that area -- his and one other. Both pump to a manhole on airport property on Highway 57. Unfortunately, there is a section of that sanitary sewer on Highway 57 that runs gravity that is only a 10 inch line. After he got involved in Green River Estates Subdivision (developing two sections, but there will be a total of 179 houses there). It got to be critical as to whether that flow line would handle the number of houses being built in that one section -- in the 20 inch line. It has nothing to do with the lift stations at this time, because much larger pumps can be purchased and things like that. But that is a critical thing and this was brought to his attention once again no later than last week by John Rexing of the Sanitary Sewer Department. So, he's just throwing this information out for what it is worth.

The Chair entertained further comments. President Borries said, to summarize this petition, as shown this evening, has been amended to 5.95 acres. The request is to rezone a portion (5.95 acres) and the rest remains agricultural. There is a 50 ft. set-back line behind this property that has been dedicated via a covenant, where there would be no development. A front lot of approximately 1.49 acres would be rezoned R-0. Is that correct?

Mrs. Barbara Cunningham said the 50 ft. set-back would have to be part of a Section 4. Had she seen a plan prior to tonight's meeting she would have suggested this to the gentleman. This is usually why they like to try and see these ahead of time -- so they can stop this. They should be presenting the Commissioners with an amended site plan and a Section 4 to cover the 50-ft. set-back for this covenant, so it can be enforceable. There was one other thing....she thinks she wrote it down.

Mr. Brenner said Mr. Morley did the amended site plan and the legal description.

Mrs. Cunningham offered comments, but they were inaudible, as she was speaking to Messrs. Brenner and Morley, with her back to the microphone.

Mr. Turpin said, "For the record, Mr. Brenner does own this piece of property. At the time they filed the petition, the sale had not yet closed -- but he does own it at this time."

Mr. Heldman said that at the APC meeting, they presented a plot plan with 13 different lots and three (3) cul-de-sacs. Now they're coming back and presenting a scaled-down version. At what point in time -- if they get this passed -- can they come back and change whatever they want?

Commissioner Borries said they could do that at any time. But from the standpoint of what he is getting here is on legal record to the extent that if they do as they say they will do, that is all that will be rezoned. The rest stays just as it is as this point.

Attorney Turpin said it is his understanding, also, that Mr. Brenner contacted several property owners and tried to explain to them that he was going to scale it to a 5.95 area.

Mr. Brenner asked, "Mr. Gerding, did I talk to you?"

Mr. Gerding responded in the affirmative, saying he did not agree, however.

Mrs. Craig asked, "May I ask you, Mr. Brenner -- I understand that you own the property. I called your office and they said you 'acquired' it; I was questioning what this meant. Why was I told that you 'acquired' the property?"

Mr. Craig was recognized by the Chair. He said, "This term 'acquired' is new to me insofar as real estate is concerned. Can you explain it?"

Commissioner Borries said he did not hear the conversation, so he cannot verify what was said. He would assume that "acquire" means he intends to purchase it or does have ownership of the property. "I can't give a legal opinion because I am not an attorney."

Attorney Turpin commented, "Mr. Brenner, along with the bank, owns the property. There is a deed that is in his name. At the time we filed this petition, the transaction had not been finalized. I don't know how many of these property owners....several of the homes around him were for sale when I was out there several months ago. I don't know if these remonstrators are the same ones who had their homes for sale or not."

Mr. Heldman said he would like to comment that his home is for sale. He is being transferred to Indianapolis. He did talk to some realtors and they discussed the rezoning. They indicated that his property would go down in value substantially if they were surrounded by the commercial property on all sides. Were it not for his transferring in conjunction with his job, he would not be leaving this area. It is a nice area. Again, he thinks

the only person benefitting by this rezoning -- the property has been up for sale since 1984. It seems to him the only way someone would buy it (and, again, this is just his opinion) is that if it got zoned commercial.

Commissioner Borries said, "It is not all being zoned commercial -- you understand that?"

Mr. Heldman said he does understand this. But, again at the same time, part of it is being zoned commercial which, in turn, benefits one person and hurts everyone else around there.

Mrs. Craig said, "I would like to add that a number of people have asked Mr. Stevens if they could buy one lot or one section and he won't sell. So I wasn't going to say this, but I am going to say it anyhow. I am sorry if the bank is over extended on the property and needs to have the zoning changed to recover their loan. However, they should have been more aware of the zoning at the time of the loan."

Mrs. Shawna Gerding was recognized by the Chair. She said she resides at 3925 Kansas Rd. "Commissioner Borries, I have a question -- I am kind of confused on some things and need for you to straighten me out. Mr. Brenner is petitioning to zone 5.95 acres. Are you saying that at some point in the future he cannot come back and petition to rezone any of the remaining acres?"

Commissioner Borries responded, "No, oh, no!"

Mrs. Gerding said, "You are not saying that; he could do that?"

Mr. Borries responded, "Yes."

Mrs. Gerding said, "Well, that is what I thought. I guess I feel that I have a real question about the credibility of the whole thing when it was presented at the Area Plan Commission. It was thirteen point something acres and now we're going to 5.5 acres. I feel like it is a ploy to at least get in there and get part of it rezoned and then they will come back and try to do the rest of it later. You know, if I wanted to look out my dining room window at an industrial park I would have stayed in Newburgh. I didn't want that and so I moved to Vanderburgh County. So I am really emotional about the fact that I'm faced with this now."

The Chair recognized Mr. Tim Schmidt. He said he resides at 9439 Hedden Rd. "I don't know if you people are aware, but even though there is a lot of area out there that is light industrial or whatever -- they make it seem like they are right next door to them. You walk out the door and there it is. That is not that way. Some of the people. Sunbeam Plastics on Old Highway 57 is almost one quarter mile. The Airport Industrial Park has been there for he doesn't know how many years. They have four businesses in there and the rest of the place is completely vacant. It has taken them forever to fill the place up. Mr. Brenner originally wanted 20 acres rezoned and said he had three or four companies that wanted to move right in. Well, I don't believe that is true. Because if they did, how come they are not building over at the airport? I know you can't answer that and maybe he can't either; but they make it sound like we're completely surrounded and what is one more place -- and that is not true. We have room now and we don't want the industrial any closer than it is. That's all I've got to say. Thank you."

Mr. Ken Beck said he just wants to make one more point. If they lengthen the north-south runway (which they've talked about doing) it would take off about 50% of the air traffic, which would decrease the noise level.

Commissioner Cox said, "I don't understand."



Mr. Beck said, "There are two runways. He doesn't know how much planning has gone into it already, but the newspaper said there was talk of lengthening the north-south runway (north the northwest-south runway)-- the one that flies over his house is not the one they are working on. They are going to lengthen the other one, which would increase the traffic on the other runway. At least 50% of the bigger planes that now land over their house would go the other way. Not that it is a problem as it is, but since the noise level was brought up -- it would decrease if they do what they're talking about doing -- lengthening the other runway."

Commissioner Cox said she doesn't think this is correct. She is sorry, she doesn't know where Mr. Beck got his information, but she believes that is an incorrect statement. Where did he get this information?

Mr. Beck asked, "As far as the noise level? The large planes don't land on the short runway. The way he understands it (and he's been reading about it for years in the paper) there are two runways and one is shorter than the other. The short one will be lengthened according to the diagram he saw in the paper. They plan to lengthen the short runway which make it easier for the large planes to land."

Mr. Gerding said, "Putting all this stuff aside about the planes, noise level and all this stuff, we bought our property out there as property owners to live there. We knew what was there when we bought it and we expected it to stay that way. We knew that Sunbeam plastics was there. We knew the airplane noise was there. We bought it; we all work hard for our money -- and we bought our property. Now we've got one guy who wants to come along and buy the property and make money on it at the expense of the rest of us. That is what it boils down to -- it's just that simple."

Commissioner Borries said, "Mr. Brenner, from talking with Mrs. Cunningham, if we consider this 5.95 acres and then have withdrawn this request for the other land -- Mrs. Cunningham, would you say then what the considerations would be to address..."

Mrs. Cunningham said, "The rest of the property could not come up again for one year. The only property that could be rezoned within the year would be the 5.95 acres."

Mrs. Craig said, "We did this two years ago and we'd not like to do it in another year. We'd like to have it settled once and for all."

Commissioner Borries said, "Thank you. At this time I will ask for a motion to consider the amended motion on VC-7-87 to consider 5.95 acres of land on Hedden Rd. to be rezoned M-1 and the rest remains agricultural at this time."

Motion was made by Commissioner Cox that VC-7-87 be approved, as amended, with the stipulations of the 50 ft. building set-back line and that Lot #1 be zoned R-0...."

Mrs. Cunningham interjected, "They can put office space in an M-1 zoning."

Commissioner Cox said, "I would want it to be designated R-0, and providing the legal descriptions are correct and a Section 4 be provided."

Commissioner Borries said he will provide a second to the motion. It has been moved and seconded and he would ask for a roll call vote at this time. Commissioner Cox: "I am going to preface my vote with the statement that I have read the APC minutes extensively and at that time this rezoning was presented (as pointed out here tonight) 20 some odd acres with 13 lots and



several cul-de-sacs and it got six (6) positive votes and three (3) negative votes, which was almost enough to pass it as an entirely M-1 area. I think that by stipulating to a site development plan and we are limiting the developer here as to what can go into this area -- and I do have concerns about the noise factor and the airway pathlines from the airport as this ever being developed in any kind of a residential nature, unless it was developed as a big estate -- so I will vote "yes" to support the motion."

President Borries asked, "Commissioner Willner?"

Commissioner Willner said, "I am going to vote "no" for several reasons:

- 1) The roads and the traffic
- 2) The Master Plan says this should be residential
- 3) The rezoning freak will continue
- 4) The buffer zone on Hedden Rd. (It was his understanding that Highway 57 was the commercial area and he agrees with that.
- 5) (This is the worst one of all.) This piece of property was changed from agricultural to business property without the permission of county government -- or any government. The existing building was changed from a horse barn to commercial. Then, they built a new building under agricultural pretenses and moved the business into it right away. So, let's tell the whole county tonight that the zoning laws of Vanderburgh County are no longer valid; just go ahead with your industrial and your commercialism -- and when you get into trouble, come to the Commissioners and we'll rezone it. So I vote "no".

President Borries said, "My comments will be prefaced with the idea that I cannot judge the past and why Mr. Stevens did what he did on that particular site. But I also know that with the close proximity to the airport and the fine homes in the area, that as long as this area has been for sale (and it is, I think, a valid point to look at the best use of an area) that the sale (with low interest rates) certainly could have occurred in a residential fashion at some earlier point in time. I regard this as a significant down zoning from the standpoint of the land use itself. I see that a landscaping and shrub company and that kind of a facility on this ground makes what I would consider a very good use of that land. I think at this time I would say that I will vote "yes" for the rezoning. Therefore, the motion is approved."

VC-12-87/Petitioner, Virgil Pfingston (3rd Reading): Mr. Jerry Humphrey was recognized by the Chair. He said he represents Mr. Pfingston; he is his nephew. They petitioned the Plan Commission of Vanderburgh County to rezone a parcel of property that is currently R-1 to an R-3 zoning. This parcel is a buildable lot. It has an R-3 building on the north side of it. There is an R-1 and R-3 multi-family dwelling in the entire area. This is the last lot in this area that has not been built on. They have complied with all the Plan Commission's regulations that they have received and they have sent registered letters to all the adjoining landowners. Some of them have been contacted personally -- if they lived on or next to the property -- and there were no remonstrators at the APC meeting. The petition was unanimously approved and they are asking the County Commissioners to do the same. If there any questions, he would be glad to answer same.

Commissioner Borries said, "The petitioner is requesting change from R-1 to R-3 for multi-family dwelling?"

Commissioner Cox asked, "Mr. Humphrey, I recall that we have had some problems with storm drainage along Bergdolt Rd. and around down in this area. He has on his petition that a storm sewer and sanitary sewer are available."

Mr. Humphrey said, "Yes ma'm; they are in the street right on Tanglewood. As a matter of fact, they have a manhole lid on this property -- or the property adjoining this property -- in the public right-of-way."

Mrs. Cox said, "Also at one time there was question as to whether a portion of Tanglewood was accepted by the county."

Mr. Humphrey responded, "Well, I don't know about the acceptance portion of it, but I do know that there is a deed on record dedicating the property to the county. I don't have a copy of that with me; I didn't think I had to be concerned about that."

Mrs. Cox asked, "This is just going to be four (4) 2-Bedroom units?"

Mr. Humphrey replied, "Yes mam'm; that is exactly what is adjoining this property on the north and there are four units and duplexes in the R-3 area shown on the plot plan or site plan provided."

Mrs. Cox said, "Right."

The Chair asked if there are remonstrators regarding this petition? There was no response. A motion was entertained.

Motion was made by Commissioner Willner that VC-12-87 be approved on 3rd Reading, with a second from Commissioner Borries. The Chair then asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. President Borries declared the motion approved.

RE: "B" STREET UNDERPASS - LINDA CARR

Ms. Linda Carr of Union Township was recognized by the Chair. She said, "If you're wondering what prompted my appearance here tonight, it was an article which appeared in the Evansville Courier last week. I made a telephone call to Mr. Borries and we discussed this. I decided that perhaps now might be a good time to make an appearance to go over some things that have been said in the past.

During the past seven (7) years I've engaged in numerous conversations with each of you and I know that each of you realize my concerns and my feelings on the subject of an access road in and out of Union Township. I've addressed the Commissioners on several occasions in the past, but I have not done so recently due to the fact that the meetings dealing with this subject have been held during the afternoon meetings when my job prevented my attending. Also, I have not been vocal on this subject because I feel like we've become extremely redundant. We all know the limitations we're faced with, both financially and geographically. My feelings today haven't changed from how I felt when I began pursuing this project seven years ago. Any solution is better than what we have now. In the past I acted on behalf of a group in Union Township known as the "Citizens for Survival". Tonight I am not here as a spokesperson for these residents and friends who have been very supportive in the past, although I believe my sentiments are shared by most of them. I am speaking solely for myself, since you and I know that no one has been closer to the heart of this issue than I. I realize that there will be opposition no matter which alternative is chosen. After discussing this with Mr. Borries last week, I'm going to admit that perhaps the "B" Street Underpass will cause more problems than it will solve.

First of all, when the residents of Union Township (myself included) voiced support for "B" Street, we were led to believe that no homes would be involved. I can certainly sympathize with the people who are being faced with the possibility of losing their homes or staring at a concrete retaining wall. I believe their well being should be considered.

Secondly, the cost of the "B" Street project continues to escalate above the projected cost. As is true with most projects of this nature, as costs increase so does our criticism. Once again, I feel like we are losing support. I believe that it is time for some positive action. If costs are prohibitive, then let's admit that we've made a mistake and go to the next alternative, which is the underpass at Nurrenbern Rd. We all know there is no perfect solution. We've been through this enough and I think we all realize what we are faced with. Nurrenbern certainly is not going to serve everyone. But let's recall why we initially approached the Commissioners. On several occasions emergency assistance has been hampered because trains have blocked both Nurrenbern and Claremont crossings simultaneously. Those of us who must be at work at a set time must also deal daily with the problem of being late due to very lengthy waits while the trains switch. We now have extremely large volumes of recreational traffic (primarily boaters with trailers in tow) who are frequently delayed either going to or coming from the river. There is a need for one entrance to Union Township which is free of a railroad crossing. Objections to the Nurrenbern underpass include:

- 1) Flooding
- 2) The "I won't use it" dilemma
- 3) Increased traffic along Red Bank Rd. past the new Daniel Wertz School
- 4) And, the unknown effect on the unknown topography of surrounding farmland and natural drainage

Flooding -- yes; an underpass in a low lying area is going to flood. But what most people voicing this concern do not realize is that Union Township floods. At a point when the underpass is impassable, so is Old Henderson Rd. You can't go anywhere. During those time, which is perhaps a few weeks out of the year, we still have the alternative of Claremont.

Secondly, several people have plainly stated, "I won't use it". They feel it is too far out of the way to go Redbank to Broadway, and then into town. My feelings are that is their option. Most of the ones who have told me this (and I know Rick knows who I'm speaking of) are residents in the area who don't have to travel back and forth on a schedule, so they are not affected by the trains blocking the crossings for any length of time. Those of us who must punch the clock and many of the boaters are going to use Nurrenbern consistently. As a matter of routine, I always take Nurrenbern when I leave for work -- if I know that that crossing is clear. I have timed this route and it takes an additional three (3) minutes. It certainly is worth those few extra minutes to know that I will not have at least a 10 minute wait at Claremont.

Third, increased traffic on Nurrenbern Rd. past Daniel Wertz. There has been some concern that the underpass at Nurrenbern will cause an increase in large truck traffic along Red Bank Rd. near the school. I do not believe that the semis will be willing to go that far out of the way to avoid waiting on a train. There will probably be a definite increase in summer traffic due to the boat ramp, but this is primarily summer weekend traffic and it will not affect the school.

Topographical effects on surrounding farmlands and natural drainage. This concern has been raised by some residents. I honestly do not know if the underpass will create drainage problems. I believe the engineers who have been advising you could best answer this question. But I sincerely doubt that an underpass at Nurrenbern will encompass as many unknown problems as "B" Street has.

So, who will benefit from an underpass at Nurrenbern? Basically the same people who will benefit from "B" Street, with the exception of semi-truck traffic. It will serve our primary

purpose, which is to provide one crossing free entrance to Union Township. It will better facilitate emergency vehicles, as well as provide a means for residents and a large volume of boating traffic to travel freely in and out. It will not be perfect. It will not be cheap. And it is not going to make everybody happy. But if it works and can be done soon, then please let's do something. We've been dragging our heels a long time and I think it is time that something be done. Thank you."

Commissioner Borries expressed appreciation to Ms. Carr for her comments. He then entertained comments or questions from the Commissioners. He said he thinks we do have some hard choices ahead regarding this particular situation. His concerns are, again, because of the cost and the impact on "B" Street neighborhood, unless we can get some kind of assurance that we would have some kind of federal funding, he would not be willing to proceed with the project. He doesn't know whether we'd call it "mistakes" or not; he thinks that is why we have to have studies. We have to look at the various alternatives. There were concerns raised by some residents, just as she addressed tonight. But, again, we're going to have to do something. If it means to take a second look at this, he is willing to do it and still willing to commit that we're going to do something for Union Township. If that means Nurrenbern Rd., then that is where we'll go. At this point, even based on the impact in the neighborhood and the potential of having to purchase property (again without any federal funding) if it goes \$2-1/2 million, estimates on Nurrenbern were \$1 million under that, the savings would be significant. The long term goal for the residents of Union Township would still be achieved there. We will aggressively pursue this question and find out as quickly as we can what possibilities we have on federal funding. But, personally, he could not say he could commit to "B" Street with the impact as close as it would be on many of those properties in that neighborhood. This is why he would want to again look at Nurrenbern.

Commissioner Cox said, "We do have an estimate from the consultant that we hired on not only an underpass at Nurrenbern, but an also an overpass. I think we have both of those recommendations.

Commissioner Borries said there may also be the chance of improving the curve on Red Bank as it goes into Nurrenbern, because Burdette Park is really rolling along this summer and the traffic is increasing -- not because of the boaters and the residents of Union Township, but simply because more people seem to be using Burdette Park this year and that curve is one that we certainly need to examine and look at -- and perhaps with this project that would also afford us that opportunity.

Ms. Carr said, "A few residents have said that that road is their high road out and if we put an underpass there -- perhaps the water is naturally going to go to that area and they are going to be cut off sooner. There, again, these are farmers -- and that is family and friends -- and I certainly sympathize with them. But they have learned to contend with the flood water. The time is going to be very, very minimal now when they are going to be cut off. As you pointed out, the upgrading of Red Bank, I think that, in itself, may possibly offset any problems that the underpass might present. Those are my feelings; I don't know -- I'm not an engineer -- but, again, one of the big objections is flooding -- and Union Township is a flood plain -- and the way I've always been given to understand, that the level the underpass is going to be, at that point most of Old Henderson Rd. is going to be flooded and the people who have to get in and out have already learned to contend with that. They either move to town or find other ways by boat in and out of that property. It is such a minimal amount of time. No one else has any business being down there when the flood water is up anyway. Having the underpass blocked during those periods of time -- I can't see that as a problem, because..."

Commissioner Cox said, "I think the concerns might well be that the railroad tressel itself acts as a levee to keep some of the flood water away from the grounds that lay to the west of it, rather than to open underneath and let the water rush through. Like you, I would want to see an engineer's assessment or a surveyor's assessment of what this really did, because the county has a very large investment that lays right in this area -- and that is Burdette Park -- and we'd certainly have to consider that facility and the impact on it. But you are very right whenever you say that whenever we get big rains or the river comes up to a certain level, Red Bank Rd. at that dip in the bridge there is already impassable.

Ms. Carr said it has been several years since they couldn't use the road.

Commissioner Borries said, "I assure you that I don't want to study it to death again. We're at a point where we need to see if Andy can work with Rose (Zigenfus) and see just how quickly we can get some answers from the state and see if there are any qualifications here on "B" Street -- that might answer one of our questions. But if we're not, we're facing some pretty significant expenses there and, personally, I would prefer to look at Nurrenbern."

Ms. Carr said, "I just don't want to see it tabled."

Commissioner Borries said, "I understand."

Ms. Carr said, "I know you do; I just wanted to make my views public. It has been a while. If I can help you in any way, please feel free to call me."

Commissioner Borries said, "Thanks -- and you do the same."

RE: BIDS/OLD STATE RD. - COUNTY ATTORNEY/CURT JOHN

The Chair asked County Attorney Curt John to report on the bids received on Old State Road project.

Attorney John said two bids were received as follows:

Rogers Group, Inc. (Bloomington, IN)	\$164,215.10
J. H. Rudolph (Evansville, IN)	\$178,613.50

Mr. John said he would point out that the Auditor's Office file marker shows date received as June 25, 1987, rather than June 15, 1987, which is 10 days ahead.

Both bids are in order.

The Board discussed taking the bids under advisement for a one (1) week period. However, Mr. Bill Bethel approached the podium and requested that he and Mr. Easley be permitted to go over the bids while the meeting is in progress and report back to the Commissioners today -- so they can proceed on this project -- and award the contract to the low bidder. He said, "We've got to get going!"

Commissioner Willner queried Mr. Bethel as to why the resurfacing of Old State only was advertised.

Mr. Bethel said they bid the project out in three sections, as they the work did last year. In response to query from Commissioner Cox, he said this portion of the resurfacing project is a total of 5.8 miles..

The Board granted permission for Messrs. Bethel and Easley to go over the bids and get back to the Commissioners while today's meeting is still in progress.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of June 8 thru June 12, 1987.....report received and filed.

Gradall: Baehl R., Baseline, County Line, 5210 Kasson, 5220 Kasson, German Fire Dept.

Paved: Park, Walnut, Ridgeview Dr., and Woodland Lane

Patched: 2104 Harmony Way, Old 460, Denzer, Short Mill Rd., Pollack Avenue, Fuquay, Schmuck and Seminary Rd.

Mowed: Oak Hill, Bergdolt, Hedden, Kansas, Millersburg, Whetstone, St. George, Hitch-Peters, Voight, Owensville, Nisbet Station, Short Mill, Hillview, #3 School Rd., St. Joe Rd., Pruitt, Frontage, Boehne Camp Rd. and Slate Rd.

Mo-Trim: Happe Rd.

Trash Crew: Water Works Rd., S. Weinbach, Green River Rd. and St. Joe Avenue

Rocked washout on Dorothy Drive.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed, as follows:

- Removed rocks from Auditorium premises.
- Cut grass on Diefenbach and Upper Mt. Vernon Rd.
- Repaired drain on Greenbriar Rd.
- Cut weeds on Broadway
- Cleaned inlets at 4612 N. St. Joe, 400 block of Aspen Drive and unstopped storm sewer.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for Employees at the County Garage and the Bridge Crew.....reports received and filed.

The Chair entertained questions of Mr. Bethel. There were none.

RE: MONTHLY REPORT - CLERK OF THE CIRCUIT COURT

President Borries presented copies of the Monthly Report from the Clerk of the Circuit Court for period ending May 1987.....report received and filed.

RE: MONTHLY REPORT - COUNTY TREASURER

Also presented was the Monthly Report for period ending May 29, 1987 submitted by the County Treasurer.....report received and filed.

RE: REQUEST TO GO ON COUNCIL CALL - COUNTY ASSESSOR

The following request letter from County Assessor Jim Angermeier was read by President Borries:

June 11, 1987

To: County Commissioners

This is a request to appear before the County Council regarding requesting money in the amount of \$125.00 from the Re-assessment budget for the purpose of a computer program modification for a list of improved and unimproved lots in Vanderburgh County. Whereas this list is ready information to be used in the next re-assessment for an accurate accounting of land parcel numbers, land and improvement parcel numbers and, furthermore, a cross check with business locations.

Sincerely,

James L. Angermeier  
Vanderburgh County Assessor

Commissioner Borries said he assumes this request for July Council Call could still be placed today if the Commission approves? It was confirmed by Chief Deputy Auditor Cindy Mayo that this can still be included for July Council Call.

Commissioner Cox asked, "Does he have a computer? I don't think he does, does he?"

Commissioner Willner said, "The county has a computer."

Commissioner Borries said, "Maybe this is something they can run through the central processing unit and publish a report for the County Assessor -- and it would cost \$125.00 for the software portion. This will give him a list of lots. I assume he doesn't have to have a terminal.

Mrs. Cox said, "I don't think it is going to give him the list. It is going to put a program into the computer which would allow .....because we don't have anything logged into the computer. Probably what he wants is an identification -- when a lot is loaded into the computer, note whether it is improved or unimproved. I imagine that is all he is asking for here."

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

RE: BIDS RE OLD STATE RD. - ANDY EASLEY

In response to query from the Board, County Engineer Andy Easley reported that he and Mr. Bethel have gone over the bids. The extensions are correct. Rogers Group, Inc. is the low bidder in the amount of \$164,215.10. If the Commissioners wish to award the contract, last year the Commissioners just affixed their signatures to the Form 96.

Mrs. Cox asked, "How much tonnage are they planning to use, Andy?"

Mr. Easley said 2,030 tons of binder and 4,050 tons of surface. Then there is preparation of the the pavement and maintenance of traffic on all roads, which is their signing, etc.

Mrs. Cox asked if this includes the run-offs for the driveways and the mail boxes? She then asked to see the other bid, also.

Mr. Easley said this is correct, and passed the bid from J. H. Rudolph to Mrs. Cox for her perusal.

Motion to award the contract to The Rogers Group, Inc. for the resurfacing of Old State Rd. from Campground Rd. to Baseline Rd. in the amount of \$164,215.10 was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: AUTHORIZATION TO ADVERTISE SPECS FOR BIDS BY TITLE  
ABSTRACTORS TO PERFORM TITLE SEARCH SERVICES IN  
CONNECTION WITH 1987 TAX SALES

Attorney Curt John said he believes Attorney David Miller had submitted to the Board copies of the specs for bids to Title Abstractors re County Tax Sale Properties and he is requesting the Commissioners' approval of the specs so they can be advertised.

The Chair entertained comments or questions from the Commissioners.

Commissioner Willner said he is not quite clear concerning this. Do we have to make that charge? In other words, are \$100.00 properties now going to be \$100.00 plus the cost of the title search?

Commissioner Borries said, "That would be my understanding, yes."

Mrs. Cox said, "I would think so."

Commissioner Willner asked, "What is going to happen is that we're going to have a bunch of excess property that nobody is going to buy."

Mrs. Cox said, "Maybe if we're going to ask for bids and we have 500 or 1,000 pieces of property, the bids may come in very, very low."

Attorney John said, "I may be mistaken, but it is my understanding that this is to be taxed onto the taxes that are due. If it is purchased at tax sale, then they must pay for this abstract as well as any other expenses involved. I am not so sure that it says if the county ultimately becomes the owner of the property that they cannot sell it for less than the taxes and abstract expense. I believe you still have the right to sell it at public auction for whatever price you deem appropriate to get it back on the tax rolls. I don't think it means you have to keep the property."

Commissioner Borries read, "The terms for payment of the search fees charged upon properties which are sold at the tax sale and which, therefore, may ultimately become titled in the purchaser at the tax sale, or his or her nominee, or which may ultimately be redeemed by the current title holder."

Attorney John said, "At the tax sale, or his or her nominee, or which may ultimately be redeemed by the current title holder". That does not say if it is deeded to the county through tax deed and becomes county surplus property that you have to receive those amounts if you want to sell it."

Commissioner Willner said, "All properties that we have sold..."

Attorney John interrupted, "That is no longer on the tax sale though."

Mrs. Cox commented, "That is right -- there are no taxes on it; the county doesn't pay taxes."

Attorney John cited Item G of the specs, as follows:

"The terms of payment of title search fees charged upon properties which are not ultimately sold at the tax sale and which, therefore, may eventually become titled in Vanderburgh County, Indiana."

Commissioner Willner asked, "After that, what happens? After it is titled in the name of Vanderburgh County?"

Attorney John replied, "Then it is sold here by the Commissioners."



Commissioner Willner asked, "Do we still have to charge that fee?"

Attorney John said, "What you are talking about in this bid specification is what the abstractor is going to do if the properties are not redeemed or purchased at the tax sale, involving those properties where there is a charge against them but the property goes to Vanderburgh County. Do we pay it on the ultimate sale of the property by the county? Or, are they going to waive the fees on those? I think that is what you see under Item "G". How are you going to expect payment on that?"

Commissioner Cox asked, "They will address that in their bid, won't they? That is probably in the specs."

Attorney John said, "It is not answered; it is a question."

Mrs. Cox said, "We expect the bidders to tell us."

Attorney John said, "I don't think they are going to waive that charge."

Mrs. Cox said, "They might."

Commissioner Borries asked if the Board should hold up on advertising for bids until that question is answered?

Attorney John said, "No."

Commissioner Cox asked, "How many pieces of property do we sell each year?" Fifteen or twenty?

It was determined that the Commissioners probably sell 15 or 20 pieces of property at the most at their sale -- not the Tax Sale per se.

Commissioner Cox said, "One of these abstractors might very well say they won't charge the county for those that they are going to sell in order to do the 500 or 1,000 others. I think these specs seem to be very inclusive."

Commissioner Borries said, "As Jim Lindenschmidt said, it is the law and we have to do it."

Commissioner Willner said, "It is the law for tax sales -- but what the Commissioners hold is not a "Tax Sale" it is a "Sale of Surplus Property" -- so the tax sale item will take care of itself. But the surplus property sale that the Commissioners handle -- he is wondering if the law covers that and if the Commissioners have to charge the abstract fee -- that is his question."

Mr. Lindenschmidt commented, "Before you get them here, this has to be done anyway."

Commissioner Cox remarked, "That is right; you either have to pay for all of these, or if we get the contract we'll forget the ones that the county ultimately gets...."

Commissioner Willner said, "We should know that before we advertise."

Mr. Lindenschmidt said, "What we're doing here is advertising for bids. If they want the contract...."

Following further brief comments, a motion was entertained.

Motion was made by Commissioner Cox that the specs be advertised, as submitted, with the following agreed changes:

All bids are to be submitted in sealed envelope and delivered to the County Auditor's Office (rather than to the

Purchasing Department) by no later than 2:30 p.m. on Monday, July 13, 1987. (Ad is to appear twice, the last time at least ten (10) days prior to bid opening.)

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

Mrs. Cox noted that the specs tell the bidders that the work must be started on August 5, 1987 and be completed no later than September 5, 1987.

Attorney John said if the Commissioners have a question about the time frame, perhaps Chief Deputy Auditor Cindy Mayo can answer same. Somehow or the other, he was thinking the annual tax sale was the 3rd Monday in August or something like that.

Mrs. Mayo stated, "They did move the date of the tax sale this year due to the fact that we are going to have the abstracts and have not had any bids. The tax sale has been moved to some time in October, I don't remember the date."

(Note: Subsequent changes were made to the bid specs and a copy of the final version of the legal ad is attached hereto. Ad to appear on Friday, June 19 and Monday, June 29, 1987.)

RE: COUNTY ENGINEER - ANDY EASLEY

The Chair then asked County Engineer Andy Easley for his report.

Railroad Overpass/Orchard Rd.: Mr. Easley said he handed the Commissioners a copy of a letter from Steve Dilk of the Indiana Department of Highways, wherein he transmits to us a copy of the Federal Highway Administration's concurrence with the categorical exclusion for the railroad overpass on Orchard Rd. This is just for the Commissioners' information, meaning that the environmental report has been approved.

Claim/Bernardin, Lochmueller & Assoc.: Claim presented in the Amount of \$20,387.88 for engineering work on Lynch Rd. This is in accordance with their written agreement. Motion to approve the claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Commissioner Cox reported that she requested the contour maps for the Lynch Rd. Extension from Oak Hill -- and to show the right-of-way that was needed to the centerline of the road for the property owners along the north and south parts of the road. They did furnish that.

Mrs. Cox said she also got a call from Mr. Funke concerning the staking of the centerline of the road before we proceeded with the right-of-way purchase.

Mr. Easley said this has been done.

Mrs. Cox asked, "The stakes for the center of the road have been placed?"

Mr. Easley responded, "The right-of-way requirements -- the outer limits of what he is evaluating -- have been staked."

Acceptance of Check: Mr. Easley said a check from Mr. Phil Heston has been in the Commissioners' office for two or three weeks. It is a Cashier's Check in the amount of \$419.00, with a request that "In light of the recently adopted amendment to the Subdivision Drainage Ordinance, I am hereby requesting that the Board waive the requirement of the formation of a Homeowners Association for the maintenance of drainage facilities outside the street right-of-way for Green River Estates, Section C-2 (computed on the basis of \$0.50 per lineal foot of storm sewer.

Upon approval by the Board, I will make arrangements with the Area Plan Commission for the required revisions to the subdivision plat."

Motion to accept the check, endorse same and deposit into the special storm sewer maintenance account was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Acceptance of Street Plans: Mr. Easley said he has several street plans. Have the Commissioners received a report on the drainage re Oak View Place Subdivision from Mr. Bill Jeffers? He said Mr. Jeffers talked like he would be at today's meeting. He had checked them and had said they would be ready to approve.

The Commissioners said they have not.

Mr. Lindenschmidt said he was up to see Mr. Easley around 4:00 p.m. and Mr. Easley was otherwise involved. Mr. Jeffers said he could be reached at home, if Mr. Easley needed to talk to him about anything.

Mr. Easley said he did not get that message prior to this moment. He did tell him earlier, however, that he was coming to the meeting. Addressing Mr. Bivins, he said, "You talked with Bill?"

Mr. Bivins said, "Bill and I went over the drainage plans and I made some corrections and gave him a new set of plans; he was happy with those when he spoke with him today and he told me he would be here tonight."

Commissioner Borries asked, "Shall we wait a week -- until June 22nd?"

Mr. Easley said, "I think the developer has been trying for months to get the plat recorded. Apparently the APC didn't want the plat recorded until the plans were approved.

Commissioner Borries said, "I understand, but I don't have enough information -- unless the rest of the Commission wants to do something here tonight. I'd prefer to have everything organized and ready to go next Monday if at all possible. It is the fourth Monday of the month and there will also be a Drainage Board Meeting."

Mr. Bivins remarked, "As I said, I met with Mr. Jeffers and he indicated he planned to be here."

Mr. Easley said that Bill Wittekindt, Jr. gave him his plans over the weekend, which was his second review of them. He thinks he also would like the Commission's approval. He can leave the plans with the Commissioners so they can review them between now and next Monday. We also have a set of plans up for review on Green River Estates, which he guesses Mr. Jeffers has also reviewed those -- but is not here to give his report.

President Borries said if we can get those organized and the Commissioners have the information so they can review them and get Mr. Easley's recommendations and Mr. Jeffers' comments, then the Commission will try to act on these next week.

RE: ACCEPTANCE OF CHECK FROM WELFARE DEPARTMENT

The meeting proceeded with President Borries presenting a check from the Welfare Department for rent in the amount of \$11,503.92. He entertained a motion.

Motion was made by Commissioner Willner that the check be accepted, endorsed, and given to the County Auditor for deposit into the County General Fund, with a second from Commissioner Cox. So ordered. (Mr. Willner commented that he did not know whether the check was in the right amount. A subsequent check with the Auditor's office revealed that the amount of the check was correct.)

RE: TRAVEL REQUEST

Commissioner Borries read a letter from Susan Kirk of Voter's Registration stating she had received a letter requesting her presence at a meeting in Indianapolis on June 17, 1987 at 1:30 p.m. (letter from the Indiana State Election Board). She would like to be reimbursed for her expenses. The meeting has to do with new State Election Laws.

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

RE: OLD BUSINESS

The Chair entertained matters of old business for discussion. There were none.

RE: SCHEDULED MEETINGS

Tues. June 16 6:00 p.m. Indiana Association of  
Counties - Meeting re  
Hazardous Waste  
(Room 301)

President Borries suggested that Mr. Fred Hermann be contacted concerning the above-mentioned meeting.

RE: EMPLOYMENT CHANGES

Burdette Park (Releases)

Greg Bruce	PTGC	\$4.00/Hr.	Eff: 5/27/87
Scott Buedel	PTGC	\$4.00/Hr.	Eff: 6/10/87

Burdette Park (Appointments)

Toby Hames	PTGC	\$3.50/Hr.	Eff: 6/2/87
Scott Buedel	PTGC	\$4.35/Hr.	Eff: 5/27/87

Superior Court (Releases)

Mark A. Foster	Misd. Ref.	\$35,340/Yr.	Eff: 6/12/87
Barbara C. Williams	PTR	\$ 677.01/Pay	Eff: 6/12/87

County Highway (Appointments)

James E. Josey	P.T.	\$3.35/Hr.	Eff: 6/8/87
Steve D. Brown	P.T.	\$3.35/Hr.	Eff: 6/8/87
Arthur Baker	P.T.	\$3.35/Hr.	Eff: 6/10/87

Prosecutor's Office (Releases)

Barbara Williams	D. Pros.	\$16,020/Yr.	Eff: 6/8/8
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Circuit Court (Appointments)

William R. Wallace III	PTLC	\$5.00/Hr.	Eff: 5/26/87
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Land Commission (Appointment)

Ruth Lawrence	Clerk	\$35.00/Day	Eff: 6/14/87
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Cooperative Extensive Service (Appointments)

Lynn M. Koester	P.T.	\$27.00/Day	Eff: 6/1/87
Julie Ann Adler	P.T.	\$27.00/Day	Eff: 6/1/87
Jana L. Freudenberg	P.T.	\$27.00/Day	Eff: 6/1/87
Roger Angermeier	P.T.	\$31.00/Day	Eff: 6/1/87

RE: OLMSTEAD ROAD SITUATION

Commissioner Cox said she was wondering if we've had any response concerning the Olmstead Rd. situation. Has Commissioner Borries heard anything on this yet?

Commissioner Borries said he believes Commissioner Willner, Bill Bethel and Jim Lindenschmidt went out there today. They have the road well impacted with dirt. He thinks Bill Bethel said it may be September before it will be open.

Commissioner Cox asked, "What was their purpose for closing it?"

Mr. Borries responded, "To use it as a crossing for the land graders to construct that portion of the interstate as it goes along there. They apparently have permission to close the road. It will not be a permanent closing. But until they get that portion graded, they simply did not want to open and close it every day."

Mrs. Cox asked, "There would no possibility to open it maybe on weekends? But they couldn't move those earth berms, could they?"

Commissioner Borries said with the Commission's approval, we could send the State Highway a letter expressing the Commission's concern and asking that the road be re-opened as quickly as possible. But it does look as though it may be September before it can be re-opened. It will be closed through this construction season. It was agreed that the Commission will write the letter to the State Highway Department and President Borries said he will contact the residents who called him. This is the best he can do.

RE: LOGGING IN REQUESTS

The Chair entertained further business for discussion and subsequently recognized Mr. James Morley of Morley & Associates.

Mr. Morley said he would ask that the Commissioners look into the possibility of logging-in requests that come to the office of the County Commissioners, which are then transferred to the County Engineer's office for review of plans, acceptance of roads, etc. He has a list of items; he logged items as they were sent over. Some pending items on his list go back to October of last year for which he has had no response to date. One of the problems is that when no response is received, he has a hard time going back to a client and talking about whether this is being held up for this reason or whatever. He guesses that at the moment there is no formal method of logging something in. When something comes in, the Commission does not act on it until the County Engineer makes his recommendation. The items are simply transferred to the County Engineer and it comes back before the Commission whenever he brings it back -- and the Commissioners do not have it on their list as something pending that requires action. So, some things are getting lost. In defense of the County Engineer, he does not think he has enough space -- his desk is piled full of old things he needs to review and he doesn't have room to put them in a logical order and, perhaps, he lacks the secretarial help to come up with a system. He thinks there are projects that are falling between the cracks. Some things come in two days before a meeting for consideration and others that wait for months.

Commissioner Borries said, "We'll certainly ask him to do this."

Mr. Morley said, "My request is that it be logged in in your office."

Mrs. Cox said, "In other words, the directive should go out to the developers, Area Plan, etc....."

Mr. Borries said, "What happens, a lot of them may send them in to Mr. Easley's office (which is in the Surveyor's office) and there is confusion -- while others are brought to the Commissioners' office. But he does use the Commissioners' secretary (Margie Meeks does most or all of his correspondence) rather than the Surveyor's secretary."

Mr. Morley said the proper way is to submit documents to the Commissioners' office. Currently he does not believe documents are logged in, however. They are just transferred to him for his review, recommendations, etc., and if they are misplaced, the Commissioners don't even realize that they have it.

Commissioner Cox asked, "Are you asking for a log-in and confirmation back that it has been received?"

Mr. Morley said, "Just logged in. My problem is that I have projects pending from last year wherein I've had no response. Does this mean it is lost? Or, that it just has not been gotten to yet?"

Commissioner Borries said, "We'll have to come up with an answer and we'll do our best. Have you talked with him directly at all about the problem?"

Mr. Morley responded, "I've talked to him about some of the items. Some of them he won't have and I'll go down to his office and together we find it. But on some of them (the ones left over from last year) we find the documentation -- so the request was made back then and they're still pending."

Commissioner Borries said we will make every effort to resolve the problem and expedite the handling.

Mr. Morley said he thinks items should be logged-in at the Commissioners office, then we'd know they had been received and forwarded to the County Engineer.

Certification of Amount Owed on Completion of St. Joe Avenue:  
Commissioner Cox said she apologizes, but she overlooked another item under "old business", and that is the certification of amount owed on the St. Joe Avenue project. Has Commissioner Borries heard anything on this?

Commissioner Borries said he sent them a letter, but he is not aware of any response received to date. We're holding our breath -- because we have not received anything on Lynch Rd. He really wants more information on the St. Joe Avenue bill, because he doesn't know why we wouldn't have been aware of that at some earlier point in time.

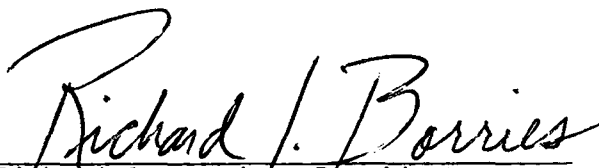
There being no further business to come before the Board, President Borries declared the meeting adjourned at 10:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Cindy Mayo	Curt John
	R. L. Willner	(Chief Deputy)	
	S. J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Bethel	Andy Easley	B. Cunningham
			B. Behme

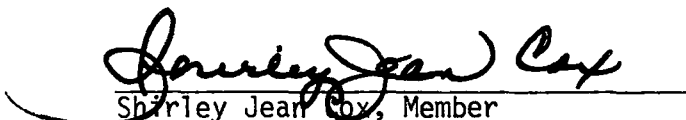
OTHERS

Ted Ziemer, Atty.  
Charlie Brown, Jr./Chal Corp.  
James Q. Morley/Morley & Associates  
Phil Siegel, Atty.  
Jeffrey Kempf  
Dave Robinson, Atty.  
Ms. Leona Thomason  
Jerry Benedict  
Robert W. Brenner  
Wayne Turpin, Atty.  
Greg Heldman  
Mr. & Mrs. Phil Gerding  
Phil Heston  
Mrs. Virginia Craig  
Mr. Craig  
Tim Schmidt  
Ken Beck  
Jerry Humphrey  
Linda Carr  
Representatives from J. H. Rudolph Co. and  
The Rogers Group. Inc.  
News Media

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

June 22, 1987

Please note that correct ad ran on June 20th.

In the version run on June 19th, the \$1,000.00 deductible permitted was omitted. Thus, the newspaper ran the correct version on June 20th.

J. Matthews

(Press June 20, 1987)

**DECLARATION FOR BIDS OF TITLE ABSTRACTORS TO PERFORM TITLE SEARCH SERVICES IN CONNECTION WITH 1987 TAX SALES TO BE CONDUCTED BY VANDERBURGH COUNTY, INDIANA**

In connection with the holding of tax sales for real estate which is subject of delinquent tax liens in Vanderburgh County, Indiana, Vanderburgh County will require the services of one or more title abstractors to perform title search services in connection with the subject properties. The date of initiation of these services must be August 3, 1987, and the work must be completed no later than September 3, 1987. The bidders for the performance of title search services in connection with these tax sales must provide the following assurances in connection with their bids:

A. The bidder must set forth in summary fashion his, her or its background and qualifications for the conduct of the title search work which is required by the specifications.

B. The bidder must provide proof of errors and omissions insurance coverage with a minimum policy limit of \$50,000.00 per occurrence (\$1,000.00 deductible permitted).

C. Each title search shall be conducted so as to disclose all of the following information:

1. The names and, to the extent reasonably available, the addresses of all owners of the subject real estate during the 10 years immediately last past.
2. The names and, to the extent reasonably available, the addresses of all judgment creditors rendered against the subject real estate or its owners during the 10 years immediately last past, unless such judgments, liens or liens have been released.
3. The names and, to the extent reasonably available, the addresses of the holders of all mortgage liens imposed on the real estate during the 10 years immediately last past, unless such mortgage lien or liens have been released.
4. The names and, to the extent reasonably available, the addresses of the holders of all other liens imposed upon the real estate during the 10 years immediately last past, unless such lien or liens have been released.

D. The unit price for each such title search and written title report.

E. A written description or attached examples of the form of the written document which will be used by the bidder to report the results of the title search to Vanderburgh County authorities.

F. The number of parcels of real estate which the bidder believes it is capable of completing title searches upon during the allotted time period.

G. The terms of payment of title search fees charged upon properties which are not ultimately sold at the tax sale and which, therefore, may eventually become titled in Vanderburgh County, Indiana.

H. The terms for payment search fees charged upon properties which are sold at the sale and which, therefore, ultimately become titled in the purchaser of the tax sale, or his or her nominee, or which may ultimately be redeemed by the current title holder.

Bids for these services must be submitted, along with a bid bond equal to 5% of the estimated total sum of the services bid upon, which bid bond shall be in favor of Vanderburgh County, Indiana, and which may be in the form of a cashier's check or in the form of a bond issued by an insurance or bonding company licensed to do business in the State of Indiana.

All bids shall be made in accordance with the forms and requirements of the Evansville-Vanderburgh County Joint Purchasing Department Directives.

All bids shall be submitted in a sealed envelope and delivered to the Vanderburgh County Auditor, Room 208, Civic Center, no later than 2:30 o'clock p.m. on the 13th day of July, 1987.

**BOARD OF COMMISSIONERS  
OF VANDERBURGH COUNTY**  
Richard J. Barries, President  
Robert L. Williner, Vice President

Shirley Jean Cox, Member  
ATTEST: Sam Humphrey, Auditor  
for  
Vanderburgh County  
(Courier & Press June 19, 20, 29, 1987)



MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 22, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, June 22, 1987, in the Commissioner's Hearing Room with President Rick Borries presiding.

The meeting was called to order by Commissioner Borries, who subsequently extended a welcome to those present.

RE: APPROVAL OF MINUTES

President Borries explained that we have minutes from the meeting of June 8, 1987 to approve today and the minutes from the last meeting, which was held on June 15, 1987 will again have to hold. He stated that "we have a hard working secretary, but, there is a lot of information, with the number of other boards that meet every week, so we have not had the opportunity to read these minutes. If there are any questions at this time, I would like to entertain those and approve the minutes of June 8th."

Motion was made by Commissioner Willner that the minutes of the meeting held on June 8, 1987, be approved as engrossed by the County Auditor and dispense with the reading. Seconded by Commissioner Cox, with one correction on page 30, paragraph 4, referring to the CSX Railroad letter, the caption should be corrected to, just for all clarity, "I-164 at Lynch Road."

President Borries explained that this particular section that Commissioner Cox has referenced indicates that we drafted a letter supporting the construction of the I-164-Lynch Road Interchange. There is a state consultant who had written us wanting to know our views on that subject and so the heading, then, when it would have I-164-Lynch Road, should acknowledge that we do support that and that we have written a letter in support of same.

With that correction, President Borries said "so ordered" and approved the minutes of June 8, 1987.

RE: AUTHORIZATION TO OPEN BIDS FOR RESURFACING OF OLD PRINCETON ROAD FROM DARMSTADT RD. TO COUNTY LINE RD. AND DARMSTADT RD. FROM EVANSVILLE CITY LIMITS TO OLD PRINCETON ROAD.

President Borries entertained a motion authorizing County Attorney David Miller to open the bids received on resurfacing of Old Princeton Road from Darmstadt Rd. to County Line Rd. and Darmstadt Rd. from Evansville City limits to Old Princeton Rd.

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

RE: LANDFILL - ROGER LEHMAN, BUILDING COMMISSIONER

The Chair recognized Mr. Roger Lehman, who distributed copies of a Status Report on known dumping problems in Vanderburgh County, as follows:

- 1) Treetop Lane at Upper Mt. Vernon Rd. Owner: Richard Gossman. Dumped material. Consists mainly of gypsum board and pushed over trees. Wood should be removed and remaining materials covered with dirt. Letter to go out 6-23-87.
- 2) S. Red Bank at Nurrenburn. Owner: Otis Futrell. State had issued closed and cover, ordered June 4, 1987.
- 3) McDowell Rd.--2201. Owner: Marian Cunningham. Junk cars, tractors, semi-trailers, wood, etc. Letter to go out 6-23-87; cc to Vanderburgh County Sheriff.
- 4) McDowell Rd.--2021. Owner: Michael Minor. Tax Code 7-102-81. Junk cars. Letter to go out 6-23-87; cc to Vanderburgh County Sheriff.
- 5) McDowell Rd.--1920. Owner: Lores Julian. Tax Code 7-102-25. Junk cars and trucks. Letter to go out 6-23-87; cc Vanderburgh County Sheriff
- 6) Detroy Rd.--4514. Owner: William B. Shepherd. Past reports indicate large amounts of junk and abandoned vehicles. Inspection 6-18-87 revealed little junk and no vehicles within view of a public right-of-way.

- 7) Crowley Dr.--3013. Owner: James and Dorothy Moore. Previous letter resulted in no action. Citation to be issued on 6-23-87 for trash and debris, wood, auto parts.
- 8) Frank Ave.--950. Owner: Jim Wicks. State Board of Health has issued close and cover order dated 5-12-87.
- 9) Claremont and Tekoppel. Owner: Victor Funke. State Board of Health has issued verbal clean-up orders and is re-inspecting this week.
- 10) Tekoppel and Edgewood. Owner: Ron Oxman. Owner is putting more fill in area, beginning to block some drainage. He is filling in Edgewood right-of-way. Letter to go out 6-23-87; cc to Evansville Board of Public Works and City Engineers.

President Borries, after looking over copy of Status Report, asked for feeling of Commissioners on this report.

Commissioner Cox said, "I think it is an excellent and up-dating report on the problem areas that we have reported."

Commissioner Willner stated that he thought it was a good report.

Mr. Lehman stated that if he did not hear from the Commissioners in a couple of days, he would go ahead with the proposed solutions or actions that are on the report.

Mr. Lehman also stated that he had received a call re 406 S. Boehne Camp, yesterday and had not had a chance to pull files. There is a burned out house that sits on top of the hill right off the highway. He stated that he thinks they addressed this two or three years ago, but evidently nothing ever happened and so he will be bringing this back to the Commissioners in a couple of weeks requesting an order to raze or that some appropriate action be taken on this. Address is 406 S. Boehne Camp. It is a two story farm house that has been burnt out and a more modern house on the front of the house close to the highway. It has been abandoned, the windows are out, doors are open and people are obviously using it for sleeping or whatever. There are a lot of bottles and cans around and we should probably take some action on it. We dealt with this a few years ago and it must have gotten lost in the shuffle somewhere.

Mr. Lehman said this is all he has for today.

President Borries asked if there were questions for Roger.

He further asked if we are in agreement that Mr. Lehman should take action on the address on South Boehne Camp Road as well?

Mr. Lehman brought up that on Pennington and Bosse, I believe that the trash and stuff that is piled there is in the city right-of-way, so he will contact the Board of Works and see if they can get that "stuff" cleaned up, because Bosse goes on to the south and Pennington goes on to the west there, legally, so he will check that out.

The Commissioners thanked Mr. Lehman for his report.

RE: BROWNING ROAD ESTATES, SECTION D

Mr. Bill Wittekindt, Jr., was introduced by President Borries, welcomed and requested to come up to the podium.

Mr. Wittekindt introduced himself for the record and stated that he was here representing Browning Road Estates, Section D, and stated, "I am here to ask for your o.k. of the road plan on Section D that was submitted by County Engineer, Mr. Easley last week."

President Borries said, "We did receive those. Any questions for Bill?"

President Borries further said, "If there are no questions, is there a motion?"

Commissioner Cox asked for a copy of the road plan.

The Commissioners examined the plans. The Chair asked Mr. Wittekindt if these were the revised plans.

Mr. Wittekindt stated they were going to curbs and gutters.

President Borries stated that this is what he meant by "revised plans."

The Chair then entertained a motion that these plans be approved. Motion to this effect was made by Commissioner Willner with a second from Commissioner Cox. So ordered.

Commissioner Willner stated that while Bill is up here, we had requested a turn lane on Boonville-New Harmony and Red Gate. He further stated that he did not know who had requested this, but if you started at Old State Road, traveling East, you would have four driveways back to housing projects between here and Browning Road, and Red Gate is probably the best one to see around and would probably be the least likely to need an acceleration lane; so, he does not see why they are requesting one here and not at the other places.

Mr. Wittekindt stated that EUTS probably suggested this at the Subdivision Review Committee.

Commissioner Willner stated that he did not mind, but if they did one, they need to do them all.

Mr. Wittekindt stated that he would have to concur with Commissioner Willner's observations and he thinks that for a few more lots, it does seem like quite an investment for the sub-divider. He further stated that we could ask them to review the requirement of it before it is constructed.

Commissioner Willner agreed that this is what they should do.

Commissioner Cox questioned Mr. Wittekindt as to whether Mr. Kuester said anything about this? Did it come up in Subdivision Review?

Mr. Wittekindt stated that it was brought up before and they requested we adhere to it and we did and they requested that we have one design and we did.

Commissioner Cox questioned that this was off of Boonville-New Harmony Road and that is along almost the entire length of Section B, Browning Road Estates.

Mr. Wittekindt affirmed that it was pretty well the length of the lot.

Mr. Easley explained that it really is not that long, but it will be the only one on the road. It has 100 feet of taper and 70 feet of storage area that is parallel to the center line, so it is only 170 feet long.

Commissioner Cox stated that maybe they were thinking in terms of the Iris Subdivision on the side of this because she can see some designation arrows that look like they are coming down in there and going into the proposed drive, into Iris Subdivision.

President Borries asked if we should seek more information from EUTS to find out if necessary, maybe they need to make a study along the Boonville-New Harmony Roadside.

Commissioner Cox asked if this was on a curve.

Commissioner Cox stated that this is probably why they asked for this.

Commissioner Willner stated that there are worse curves along this area, such as Iris, Red Gate, Pine Gate and one going back to where Geller used to live.

Commissioner Cox stated that Mr. Wittekindt had been in the office earlier and was anxious to get ready and get to building out there and she hates to put him off another week. Could we have Ms. Cunningham come down and bring the notes from Subdivision Review, to see the justification for this.

Commissioner Willner stated that we have already approved the other one. He doesn't have to wait.

Mr. Wittekindt stated that what he would like is to have the Commission's approval, then he could go ahead and get his letter of credit from the bank and a few other things and have this all recorded and then could we have it recorded and then talk about this?

President Borries explained that we have already approved this and Mr. can proceed with his Browning Estates, Section D Street Plans. There is no problem with than. We are just asking for more information, as to whether we need to get more information from EUTS, Barbara Cunningham in Area Planning Commission will do so.

Mr. Wittekindt then asked if they wanted to sign both of them.

President Borries stated that we want more information on the one with turn lane at Boonville-New Harmony Road - Red Gate. Made a note "More Information regarding Boonville-New Harmony Road - 4 other subs along the route."

RE: REQUESTS FOR WAIVER OF CURB, GUTTERS AND SIDEWALKS IN UNIVERSITY HEIGHTS NO. 6 AND OGLESBY ESTATES - BILL BIVINS

Bill Bivins introduced himself and stated that he represents Roseline Lutterbach at the University Heights No. 6, requesting a waiver on curbs, gutters and sidewalks. Pointing to plans, Mr. Bivins said this extension of the development --Rosemont Drive extends to approximately 250 feet long.

President Borries questioned if this was the only section to be waived at this time.

Mr. Bivins responded affirmatively.

President Borries asked if this section existed at this time.

Mr. Bivins responded negatively.

President Borries asked if this would just be a cul-de-sac.

Mr. Bivins responded affirmatively.

Commissioner Willner stated that one request Ms. Cunningham had was that Lutterbach give a letter stating that this would be constructed.

President Borries asked what is the feeling of the Commissioners on this?

Commissioner Willner stated that he had no problems, but do we have any problems with drainage? Does the rest of the subdivision have any of them?

Commissioner Cox questioned how many drives should have had them and how much undeveloped land remains out there in University Heights?

Response was "not very much."

Commissioner Willner moved to waive the sidewalks, gutters and curbs in University Heights No. 6, with a second by Commissioner Cox, with a request for a "roll call" because sidewalks, gutters and curbs are all in one motion."

Roll call vote was taken, with Commissioner Cox voting "no" and Commissioner Willner and President Borries voting "yes". President Borries made the comment that "he does so only because this completes an existing subdivision of a very short distance; however, again, that would be the reason why I voted for the waiver."

RE: OGLESBY ESTATES

*rolled*

Mr. Bivins stated that in this case he represented Mrs. Wolf and explained that the Oglesby Estates are located three miles south of Darmstadt and 1/2 mile east of St. Joe Avenue and Mrs. Wolf is requesting waivers on sidewalks, curbs and gutters.

Commissioner Willner questioned if it was for the entire section and if any of this road had been built.

There has been some construction up there.

Commissioner Cox asked "what is the purpose of requesting the waiver of the curbs, and gutters?"

Mr. Bivins responded that "basically it was expense."

Commissioner Cox explained that the problem that the Commission has is that when we grant a request like this, side ditches have to be there for drainage and for protection of the road bed, etc. The first thing that comes up if there aren't road, curbs and gutters, is that the homeowner wants to come in and pipe the ditch that is running down the front of their lot. Some want to tile it and some don't want to tile it. Then the shoulders of the road get all eroded and rutted and etc. So, even in view of the initial expense, they have a much happier property owner and a much better feeling between the property owner and developer in the long run.

Mr. Wittekindt said, "You know also, Mr. Willner, that any slope over 2% will be sized." *sodded*

Mrs. Cox said, "That is not really the point here. The point here is that the first thing that happens is that people come in and they don't want an unsightly ditch at the front of the lot--they want to tile it. Everybody would rather mow over straight than they would down into a ditch--and a lot of times water stands in the ditch and creates a big problem--and that is why there was a lot of study that went in on the Subdivision Review Committee, with some input from the community, to come up with an ordinance that calls for the rolled curbs and gutters along the roadside."

Mr. Willner stated, "I think I understand your feelings on the curbs and gutters. The sidewalks -- Are you requiring sidewalks on both sides now? I think we would be more willing to talk in terms of the sidewalks, unwilling for the length of this to talk in terms, I am speaking personally, you would not have my support on waivers on curbs and gutters."

Mr. Bivins said, "I gathered this."

Mr. Willner said, "I think probably because of the nature of the urban location of the subdivision. Is this a mile outside of the city limits of Evansville?"

Mr. Bivins answered, "yes."

Mr. Willner stated that "he would be willing to waive the curbs and gutters, excuse me, sidewalks, but not curbs and gutters."

Mrs. Cox, after looking at plans, questioned if there would be a need for sidewalks.

Mr. Willner said, "none whatsoever."

Mr. Willner moved that we not require sidewalks in the Oglesby Estates Subdivision. Seconded by Mrs. Cox. So ordered.

Mrs. Cox asked if Mr. Bivins needed an action on his request for curbs and gutters, "so that there is no misunderstanding. There always seems to be some gray areas on this and in order for Mrs. Wolf and Mr. Bivins and Area Plan and the Board, all of us to know where we stand on this."

Mrs. Cox introduced a motion in the negative, that the request for the waiver for rolled curbs and gutters in Oglesby Subdivision be denied. Seconded by Commissioner Willner. Motion made and seconded and roll call vote made, Votes from all Commissioners "yes."

RE: BIDS ON RESURFACING OLD PRINCETON ROAD & DARMSTADT ROAD - COUNTY ATTORNEY DAVID MILLER

Attorney Miller stated that we have two bids, both of them are in proper form, First bid is from J. H. Rudolph - a total for the package - \$153,609.95. Rogers Group bids \$141,322.03. Both of the bids are in appropriate form.

"I would ask the folks from Rudolph, if there is anybody here from Rudolph, to staple their itemization to the bid form in the future, but their bid form is in proper order."

Mr. Easley requested to check extensions.

Mr. Miller had no further reports.

RE: COUNTY HIGHWAY SUPERINTENDENT - BILL BETHEL

Work performed from June 15, 1987 thru June 19, 1987

GRADALL: Kasson Rd., Meadowview, Kuebler, Hogue Rd., Schmuck, Miller Rd., and Rosenberger Rd.

PAVED: Meadowview and Greenbriar Ct.

PATCH  
CREW: Burkhardt, Heckel, Green River Rd., Peacock, S. Green River Rd., Koring Rd., Seminary, Bayou Creek.

GRADED: Burkhardt, Heckel, and Green River Rd., Mann, Darmstadt Rd.

MOWED: St. Joe Ave., Koring, Little Schaefer Rd., Waterworks Rd., River Rd.

TRASH & #6 School Rd., Vienna, St. Joe Rd., Kleitz, Folz, Meadowview, Peerless,  
 TREE LIMBS Koressel, River Rd., Old Green River, Schutte Rd., and County Garage  
 PICKED UP:

Work performed from June 15, 1987 thru June 19, 1987 Vanderburgh County Bridge Crew:

Cut weeds on Mesker Park Drive

Replaced pipe on Pollack Avenue

Repaired a pot hole on Green Hill Drive

Cut weeds on Baseline Rd., and cut trees out of ditch on Dieffenbach

Clean out culvert at 3422 Mesker Park Drive

Cut weeds on Petersburg Rd.

President Borries asked for questions...No questions..Mr. Borries thanked Bill Bethel.

RE: MONTHLY REPORT - BURDETTE PARK

1987 Starting Budget

1987 Budgeted	\$456,318.00
1986 Encumbered by P.O.	-0-
1986 Encumbered by Contract	66,368.84
1987 Additional Appropriation	64,000.00
Total 1987 Budget	586,686.84

Expenditures and Balance 1/1/87 to 5/31/87

Total Expenditures	\$248,693.41
Total Balance	337,993.43

Income 1/1/87 to 5/31/87

Pool	13,155.68
Rink	15,161.43
Rentals	31,391.50
Misc.	1,893.95
Totals	\$ 61,602.56

5/31/87

Total Expenditures	\$248,693.41
Total Income	- \$ 61,602.56
Deficit Subtotal	\$187,090.85
Less Capital Improvements	- \$ 55,836.34
Total Deficit	\$131,254.51

RE: OLD BUSINESS

President Borries reported that he had a letter from the President of the Evansville Vanderburgh Airport Authority District, which he received at home and he would like to enter it at this time, so if the Commission chooses to do so, it could make an appointment.

Evansville-Vanderburgh Airport Authority District  
 Evansville Dress Regional Airport  
 Evansville, IN. 47711

June 11, 1987

Mr. Richard J. Borries, President  
 Vanderburgh County Commissioners  
 5112 Graham Avenue  
 Evansville, Indiana 47715

Dear Commissioner Borries,

As you know, the County Commissioners appointed James L. Will, Sr., on December 1, 1986 to fill the airport board position vacated by Mr. Jack Kinkel Jr.'s resignation. Mr. Will has been a tremendous asset to the board and serves as both Chairman of Personnel and Secretary. Mr. Kinkel's, and therefore Mr. Will's, appointment to this board expires on June 30, 1987.

On behalf of the airport board members, we request that the County Commissioners re-appoint Mr. Will to a new three (3) year term beginning on July 1, 1987. The Commissioners consideration and action in this matter is greatly appreciated.

Sincerely,  
EVANSVILLE VANDERBURGH AIRPORT AUTHORITY  
W.C. Bussing, President

President Borries explained that he has talked to Mr. Will and that he does enjoy his service on the Board and would serve again if the Commission would re-appoint him.

Mr. Borries believes that the Commission should act upon this so that we can give the Airport Authorities proper notice. Motion was entertained that James L. Will be appointed.

Commissioner Willner moved that James L. Will be appointed, with a second by Commissioner Cox. So ordered.

RE: REQUEST TO TRAVEL - JUDGE WILLIAM H. MILLER, Judge Vanderburgh Circuit Court

The Vanderburgh Circuit Court  
Civic Center Complex  
Courts Bldg. - Room 210  
Evansville, IN. 47708

June 22, 1987

County Commissioners of  
Vanderburgh County  
Evansville, Indiana 47701

RE: Directors Meeting Indiana Judicial Center

There is a Directors Meeting of the Indiana Judicial Center on June 26, 1987 at Indianapolis. This is a request for room and meal allowance for that night.

Thank you very much.

Sincerely,  
William H. Miller  
Judge, Vanderburgh  
Circuit Court

Commissioner Willner moved that this request be approved, with a second by Mrs. Cox. So ordered.

RE: AWARDING OF CONTRACT ON RESURFACING OLD PRINCETON ROAD

Mr. Easley has judged that the extensions are correct.

Bill Bethel moved that we give contract to lowest bidder - Rogers Group.

Commissioner Willner moved that we give the contract to Rogers Group in the amount of \$141,322.03.

Mrs. Cox asked if we had an engineer's estimate on this project.

Mr. Easley stated that he had brought one last week which was not read. He further stated, "my resurfacing tabulation estimate would have been for \$160,000.00."

Mr. Easley asked if they would like him to bring an Engineer's estimate each week in the future.

Mrs. Cox replied, "no."

Mrs. Cox then seconded that the bid be accepted in the amount of \$141,322.03. So ordered.

Mr. Willner stated that we have within that length of roadway, a safety improvement coming up and "I would like to have the County Engineer ask Roger's to leave 1,000 feet out of that program until such time as we need it."

Mr. Easley stated that he has talked to Bruce, the superintendent, and he has

indicated that he will cooperate with us. "The excavation contractor is supposed to start dirt moving out there in a couple of days and there is a good chance that we can get it prepared before the resurfacing comes. Otherwise, we will have to splice it in."

Mr. Willner said, "Let's just don't let him pave it. Let's don't have any slip ups."

President Borries then asked Andy Easley if he had anything else to report.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

B STREET UNDERPASS:

Mr. Easley asked the Board if they had received a list of the comments from SIGECO. He further explained that the comments were a little detailed and stated that the Commissioners might have to get the plan in front of them to study. He said that he had read it carefully and would transmit it to the Consultant when the Board reaches their conclusion.

BOONVILLE-NEW HARMONY ROAD & LYNCH ROAD

Mr. Easley presented a copy of Project Charts on the Boonville-New Harmony Road and Lynch Road plans from Bernardin-Lochmueller & Associates. He asked if there were questions on this and stated that they seemed to be on schedule.

Mr. Easley had another letter from the Indiana Department of Highways concerning the Boonville-New Harmony Road Extension. It is an official device from Steve Dilk that we may submit a request for a finding of "no significant impact," concerning the environmental study for the Boonville-New Harmony Road extension, which means that we should not encounter any problems environmentally.

Mr. Easley gave each of the Commissioners a copy of the Progress Chart.

Claim/Bernardin-Lochmueller

Mr. Easley presented a payment request from Bernardin-Lochmueller Assoc. in the amount of \$8,641.22 and recommended approval of same.

Mr. Willner moved that this request be approved with a second by Mrs. Cox. So ordered.

Claim/Hayes, Seay, Mattern and Mattern

Mr. Easley presented a payment request from Hayes, Seay, Mattern and Mattern in the amount of \$17,525.79.

He stated that they are essentially not doing any more work until the preliminary plans are approved by the parties that have to approve them.

The claim has been reviewed by Mr. Easley.

Motion by Mr. Willner that claim be approved with a second by Mrs. Cox. So ordered.

Notice of Public Hearing on Sewer on Caranza Drive

David Miller's office prepared a notice on the public hearing on the sewer on Caranza Drive which needs to be signed by the President of the Board of Commissioners. Meeting to be held on Monday, July 20, 1987 at 7:30 p.m.

Mr. Easley presented a map of the owners in this area and there are fifty-one (51) property owners and some of the properties are quite large that will lie adjacent to the sewer, but he thinks that these fifty-one (51) will include everyone that will have an interest in this.

Mr. Willner asked if the other portion of Shady Hills were included?

Mr. Easley explained that these people are connected to Louis Heier's line. "Originally I was advised that they were not on a sewer and field investigation and knocking on some doors proved that they are being served by the sewer that is east of Old State Road. They are already connected, so essentially, this sewer would serve houses west of Old State Road and then the yellow line on the map, which is fifty-one (51) property owners. Some of them own more than one parcel."

President Borries then requested the Board's permission to sign the letter regarding



the hearing that will hear on the Barrett Law and on the possible Sanitary Sewer System located in that portion of Caranza Drive and Kimble Drive.

Mr. Willner explained that it was already voted in the meeting two weeks ago, so President Borries is authorized to sign.

Mr. Easley explained that it had taken this long to get the names looked up.

Street Improvement Plans - <sup>Heston</sup>~~Heseman~~ Subdivision and Cooper Subdivision

Engineer Easley asked, "What is the sequence of approval on these, are you going to approve the plans now and drainage portion at the Drainage Board?"

President Borries said, "I think that we would have to look at the drainage situation."

Engineer Easley stated that the street plans needed to be signed by the Commissioners if everything is in order.

Bill Bivins and Bill Jeffers have been working on the drainage and they have reached an agreement on the pipe sizes, etc.

Mr. Easley said, "the developers are really in a panic to get them approved so that they can record the plats."

President Borries said, "I understand that, but if we don't have a recommendation on the drainage--are the roads in currently?"

Mr. Easley responded with a "no."

President Borries questioned, "Do these have curbs and gutters? Any waivers at this point, and asked Bill Jeffers if he had any comments at this time."

Bill Jeffers said, "It is my understanding from one of the engineers on the job that they would like to have the street plans approved today so that they can proceed setting grade stakes on the job. That is just transmitting some information from the engineer to you."

RE: GREEN RIVER ESTATES - SECTION C2

Bill Jeffers said, "The comments that I will make in regards to Green River Estates, Section C2, will not address any other section which may have come in prior to or after Section C2."

"After reviewing the street and drainage plans for C2 and making certain suggestions to the developer and his engineer, which are reflected in the most part positively in the most recent set of plans submitted to our office by Mr. Bivins, our staff finds that the most current street plans for Section C2 basically conform to the conceptual drainage plan passed by the Drainage Board and represent a substantial improvement over the preliminary plans, in that the open drainage channels shown on the preliminary plans have been replaced by underground storm sewers sized to handle a twenty-five (25) year storm, as shown in the revised drainage calculations submitted by Mr. Bivins with the latest plans."

President Borries asked, "Do these streets have rolled curbs and gutters?"

Affirmative reply.

Mr. Borries asked for questions by Commissioners.

Mrs. Cox asked, "You have saw the drainage plan and it is okay then?"  
"The water supposedly is going to run away from Green River Road, but not out on to Green River Road?"

Mr. Jeffers replied, "I saw them, I am not going to say which way the water is going to run because I'm not sure. I will take the engineer's word. It seems that they have raised the center so that it runs each way instead of to the center of the road."

Mrs. Cox said, "I think that Mr. <sup>Heston</sup>~~Heseman~~ is to be commended for revising the plans and putting in a piping of the ditch rather than the open drainage ditch or whatever."

President Borries explained that he had asked for Mr. Jeffers comments so that the Board could proceed to this point. The decision will be made at the Drainage Board Meeting to follow.

Commissioner Willner moved that the plan be approved, seconded by Mrs. Cox. So moved.

RE: OAK VIEW II , SECTION "A"

Commissioner Borries asked if Drainage Board approval is needed on Oak View Place, Section A and if so, does Mr. Jeffers have comments?

Mr. Jeffers responded that it is approved. On Oak View Place II, he believe that the Board approved the preliminary conceptual drainage plan. Following approval, more discussion took place and the Board asked the developer (Mr. Fuquay) to bring in a complete set of drainage plans.

Mr. Jeffers further stated, "So, for comments on Oak View II at this time, the comments I will make are in regards to Oak View II, Section A and will not address the previous section of the development known as Oak View Subdivision."

"After reviewing the most recently revised street and drainage plans for Oak View II, Section A, our staff finds that the only significant deversions from the preliminary plans tentatively approved by the Drainage Board, I believe in February, 1987, is replacement of a 30 inch concrete pipe along the south line of Lots 7 thru 9 by a 24 inch corrugated flexible polyethylene culvert and the moving of a drop ~~basis~~, an 18 inch culvert from Section A down into Section B. These changes impact of the size and the grade of the remaining parts in Section A reduced one from 36 inch to 30 inch and lowered the grades from .8% to .6% and as a result, the quantity of run-off into the detention basin is lessened."

*drop basin*

President Borries asked, "Bill, these comments that you have made are the ones that indicate that these are suggestions that you had made and you have found at least that these changes have been made to address some of the concerns that you had on the original comments?"

Mr. Jeffers answered, "No, these are changes that were made by the engineer on his drawings, possibly after the installation of the 24 inch corrugated polyethylene flexible tube."

Mrs. Cox asked Mr. Bivins if he could tell the Board why the change was made from the 30 inch RCP to the 24 inch flexible pipe."

Mr. Bivins answered, "The 24 inch pipe will carry the quantity of water that is required and it will have a two (2) foot cover on it. There is no traffic over that, it is just an expense item."

Mrs. Cox said, "Mr. Jeffers also mentioned something about running off into a detention basin. Is this what significantly affects the amount that would run off into that detention basin?"

Mr. Bivins replied, "I think the revision plans really reduced the amount, so we are not putting that much water into it."

Mrs. Cox asked, "Do you need that detention basin now?"

Mr. Bivins answered, "For a 25 year storm, it is on the borderline, so we have put some protection in there."

Mrs. Cox questioned, "if the pipe will carry all of the water that is going to be running off back up in the upper part area? I know that a lot of the homeowners when the first section was developed were very concerned about the erosion and the drainage problems in this area and I got several telephone calls from homeowners around in that area concerning the development in this area because of the amount of water that runs off of the hills up above there and down."

Mr. Bivins said, "Let me ask Mr. Jeffers a question." "Is your problem with the 24 inch size or the concrete versus the plastic pipe?"

Mr. Jeffers replied, "I will have to say honestly that I am not familiar with the capabilities of the corrugated plastic pipe, both to withstand a load or not. Number 1, to withstand any load, I have no idea what the capabilities are. Number 2, I don't know what the capability of any construction crew and I am not pinpointing the one working on this project, but any construction crew, to lay a straight run of flexible pipe, and Number 3, I am not convinced of the conscientiousness with which various utilities will install their trenched installations across the top of that pipe. Whether it is with one foot of cover, two foot of cover or whatever, whether a trencher could possibly injure that pipe by cutting it in comparison with concrete pipe. And for

those three reasons, I will just state that I am somewhat hesitant about both my knowledge of durability of the pipe and the quality of its' installation."

Mr. Bivins stated, "the plans call for there to be 2 feet of cover over this pipe and there is more rigidity to the pipe versus say the 6 inch pipe and it is easier to lay straight."

Mr. Fuquay asked to make a comment - "That pipe is in and if there is any questions as to how straight it is or whether or not the utility companies might cut it, whatever, you can go out there and inspect it---look at it."

Mrs. Cox responded, "The problem here, Mr. Fuquay, is not what is in and what isn't. It is reviewing the drainage plan that was submitted to us and approving a conceptual drainage plan that showed a 30 inch RCP pipe in an area and now you have changed that and you have put in a 24 inch flexible plastic pipe. This is our job to approve a plan and we approve one and then somebody goes out and does things all kind of different ways. Anyway that they want, so what's the use of us approving a plan in the first place? That is our point and these are just being pointed out as differences in the conceptual plan and then we want to know why the changes were made and to get a plan on file in the office that will reflect what you have out in your subdivision."

Mr. Fuquay said, "The only comment I would like to make is that there is a swale above this 24 inch pipe with inlets at the upstream point that will allow any overflow, if there would be any, like if you had one of these what I call 'stop floater', 'toad strangler' rains, 2 inches in an hour or so, if it won't take it, it will flow into the overflow and will be taken by a larger pipe downstream."

President Borries said, "But the problem is, as I think she has pointed out, you say one thing on the plan and we don't know if this will work or not and we don't have any varification, we are at a standstill here until we can find out if this is going to work out or not. It is now what you said you were going to do on the plan and what the Surveyor's office has said here is that they are not familiar with it to make a recommendation. I call for these comments now so that we can move this meeting along so that we can get these streets approved, and I don't think that we can do this at this point." "Do these streets, by the way, have rolled curbs and gutters on them?"

Mr. Fuquay replied affirmatively.

President Borries then stated, "If we can't reach a decision on it, we will just have to wait until the Drainage Board and I guess accept, or debate further, the drainage plan and consider the streets then at some future time, because I can't verify that. I am not an engineer, and I don't know if that will work or not. These are the things that we have to work through in order to get some kind of approval and that's why we have these other people here, to give us these recommendations."

Mr. Willner replied, "It appears to me Sir, is that the problem Mr. Jeffers has is that after going over the calculations, is the type of pipe. Whether the pipe is laid straight, whether it can hold anything that is going over it. He is not saying that it is not designed properly. There is a difference."

President Borries said, "He is not saying either that it is going to hold up and I don't know either. I cannot verify that."

Mr. Easley said, "Mr. President, on the corrugated plastic pipe, it has been on the market for several years and it is apparently performing well, sales are increasing. I understand that coal companies like it very much because it will not corrode. Stecker, our gradall operator has told me that where people want to pipe a ditch on a county road, he thinks it is a better choice than a metallic pipe. He said if it is installed with reasonable care, it will take the loads. They use it extensively for underdrains in agriculture. Mr. Stecker is a farmer, and he has reinforced my confidence in the pipe, although, I still tell people that they should not put it where, I wouldn't want to put it in front of a new house and have a readymix concrete truck run over the top of it to pour my foundation. I'm still a little skeptical, but if it is in an area where it is not going to have any excessive wheel load, and Mr. Fuquay wanted to pipe the swale behind these houses in the first unit that Sam Biggerstaff did the engineering on, I told him hydraulically if it hydraulically would carry the water with the 24 inch and the swale above it, since we don't maintain the facilities in easement anyway, I didn't see anything too wrong with the plastic pipe, since there would be no wheel loads back there other than a lawn mower, and I asked him to clear the hydraulics with Bill Jeffers and I really haven't had any more conversation with him about it up until now."

President Borries asked, "Are you saying that this, in terms of wheel loads here, are you saying that there is going to be motorized traffic going over here?"

Mr. Easley responded, "No, there will not be."

President Borries asked, "So, at this point then does it involve anything that has to do with the acceptance of the street plan?"

Mr. Easley explained, "We ordinarily would not accept that line for maintenance anyway. It is in an easement."

Mrs. Cox asked, "What do we do about his maintenance money that he paid?"

Mr. Easley asked, "He did pay his maintenance money? I am saying that ordinarily it is one of those lines that we do not accept when we accept the lines within the street right-of-ways."

Mrs. Cox said, "If I recall right, and I do not have those plans here, I thought they were rolled up with this, but this pipe, and I think the reason that we have to be very careful on the drainage out in this area, is going back to the point where several of the homeowners that live out in the area have called. They have called me, our office, the Area Plan, with concerns about the drainage and the erosion that was taking place out there and the water run off, and if I remember right, this pipe that we are talking about, really the drainage system for that subdivision. It runs back up at the top of it and then comes down and across and around and then goes into a detention pump, so, if we don't know what this pipe is going to do, and I do know that it is much harder to lay a flexible kind of piece of material to get the proper grade for proper drainage than it is to lay something that is more solid in nature, then if we don't get this drainage thing in correctly, and right, then we are going to have failures and complaints because the water is not going to be able to run through the pipe into the basin and it is going to be running over the yards, streets, all over the subdivision and I think that this is the concern that we really need to work out."

Mr. Easley explained, "That Sam had designed a swale, we are talking about the swale on the south side of the original lot, and I think that Mr. Fuquay and Sam were not aware that there is a lake that is spring fed that was continuously overflowing that was putting water into the swale, that let's say, the people who were buying the houses were not happy with it, and I believe with working with Mr. Jeffers, if there is an adequate capacity to handle the water coming down the valley, there is adequate capacity to the swale."

Mr. Jeffers stated, "He piped the swale, but he still kept some swale and I think that the calculations submitted by Mr. Bivins most recently are based on the 24 inch corrugated plastic pipe on the grade at which it is designed to be installed carrying approximately 10 cubic feet per second and a swale on top of that carrying an additional 38 cubic feet per second, if I recall correctly, and the swale on top of it was designed by Mr. Bivins on his plans as being 1 1/2 feet deep, 2 feet wide at the bottom, with 2 to 1 side slopes and if the plan is altered to reflect the Drainage Ordinance, which calls for 3 to 1 side slopes, the capacity of that ditch itself will be increased to the point that almost to even talk about the corrugated pipe is ~~mute~~ because all it will do, if I understand Mr. Easley correctly, may be to satisfy the request of the various property owners and the developer to simply pick up the seepage that continually runs down that valley and put it underground. Now, I think that during a storm, if the swale on top of the pipe is sized correctly, it will carry all of the run-off by itself, but it still remains to be seen whether the underground pipe will adequately and efficiently carry this other water that is continually seeping out of the lake. I still have questions about the ability of that plastic pipe."

Mr. Easley said, "Based on what Steckler has told me, I don't think we need to be apprehensive about the pipe."

Mr. Willner questioned, "Are we going to have a Homeowner's Association here or are we going to pay for the pipe and ask the county to maintain it?"

Mr. Fuquay responded that he had already sent a check in for the maintenance.

Mrs. Cox stated, "He sure did. That was the question when we accepted that. It was pointed out that we had not seen the final drainage plan for that area."

Mr. Willner said, "I have no problem with the others, but it is certainly harder to maintain."

President Borries asked "If we should move on into the streets? What we need to do here is to move into the Drainage Board as quickly as we can."

Mr. Borries further questioned if there would be a Homeowner's Association here.

Mr. Fuquay stated that there was not, but if it is required, he will have to get one formed.

President Borries questioned if he (Mr. Fuquay) had planned on a Homeowner's Association.

Mr. Fuquay stated that he had not planned on it.

Mr. Willner said, "I really don't think that this Board should take plastic pipe as a maintenance; however, I do think that the plastic pipe would work very well, as long as it is not torn up by someone or something, but I don't think that we should take that responsibility."

Mr. Easley explained that again "this pipe is underneath a swale and there is no traffic on it. We do have to put a cover on it."

Mrs. Cox said, "The big question that I have here is WHY didn't you do what you said you were going to in your drainage conceptual plan? Why didn't you go ahead and put the 30 inch RCP pipe in there and who told you to make the change and told you that it was okay without coming to our Board? I think that is what we need to know here and that has been going on, as far as I am concerned, too many times. Now, agreed, you can't draw a plan and have everything work perfectly. I know there has to be changes and there has to be alterations, but to have a plat come in and have on the bottom of it saying that curbs and gutters will be waived by the Commissioners before we even see it to act on it, I think it is taking a lot for granted and I want to know why the change was made in the first place, Mr. Bivins?"

Mr. Bivins responded, "well, the change was made because it wasn't necessary to have that volume, to carry that volume and expense, as Mr. Fuquay mentioned."

Mr. Fuquay said, "When I looked at the plan, I asked the question, why did it have to be 30 inches and why did it have to be concrete or steel because there was no traffic over this area and when I asked the question, I called and asked the County Engineer. I talked with Bill Jeffers, and there was some discussion and decided that 24 inch plastic pipe with a swale, buried two feet underground, would be adequate. So it was an expense item that I asked to be changed."

President Borries asked if they had the street plans with them.

After street plans were presented, Mr. Borries asked where the pipe is located.

After looking at the plans, he questioned, "It is not on the street, as such, so you are asking for acceptance that these all have rolled curbs and gutters?"

It was explained that it was just for these three specific lots.

President Borries stated that "We can deal with this at the Drainage Board. I just cannot verify the durability of this pipe and if at this point we may want to mandate that you have a Homeowner's Association that would have to deal with the replacement of that at their cost because I would not be able to do that, if we approve this."

President Borries questioned if we should approve the streets at this point and deal with the other at the Drainage Board?

Mr. Fuquay questioned if his maintenance money would be refunded?

Response was, "Yes, absolutely."

Mrs. Cox asked, "Will these street plans have a reflection of drainage around here and I don't know if it is correct now or not. If we accept these street plans, we are going to accept them with the 24" PEC pipe along this area and so I would much rather adjourn this meeting and have the Drainage Board and reconvene Commissioner's meeting and accept this after we approve the final drainage plans or get input on the final drainage plans, it that is possible to do it that way."

Mr. Borries stated that we could reconvene this subject to Drainage Board approval. He then asked Andy if he had anything else at this point, so that we can go into the Drainage meeting.

Mr. Easley replied, "no."

RE: SCHEDULED MEETINGS

County Council Job Study Meeting - Wed., June 24, 1987 at 1:00 p.m.  
Personnel Committee Meeting - Wed., June 24, 1987 at 2:00 p.m.  
County Council Finance Meeting - Wed., June 24, 1987 at 2:30 p.m.

RE: STREET BLOCK REQUEST - FOR 4th of JULY PARTY

President Borries read a letter of request from Lee Kohlmeier to block street or reduce traffic from early afternoon until evening on the 4th of July. The area covers 7708 Greenbriar to 7830 Greenbriar Drive for 4th of July party.

President Borries asked for comments from Commissioners.

After some discussion on this, the main concern was that if emergency vehicles needed to be summoned, could they get through? It was decided that about the best thing that could be done would be to have a traffic reduction.

A decision was made to have Bill Bethel check the surrounding streets and etc. to decide the possibilities of emergency vehicles being able to get through, and a final decision be made next week after Mr. Bethel has checked the streets.

Mr. Borries stated that he would write on the letter his concerns about emergency vehicles before any action is taken. He further suggested a week delay until Bill Bethel could check and make sure we would not tie up the access.

RE: LETTER OF RESIGNATION - KIM BITZ, MANAGER VANDERBURGH AUDITORIUM

President Borries read a letter, to be entered into the record that this letter was received today, June 22, 1987 and acknowledge letter received:

This letter will serve as official notice of resignation from my position as manager of Vanderburgh Auditorium Convention Center. My last day will be July 17, 1987. I have two weeks vacation due me which therefore should appear on my last check. I appreciate the opportunities this position has afforded me and wish you much success in the future in the operation of the Auditorium.

Sincerely,

Mr. Kim Bitz

Manager, Vanderburgh Auditorium

Mr. Borries acknowledged letter and "wishes him well."

RE: CLAIMS

Comstock Engineering: Claim in the amount of \$140.00 for refund of lease payment for rental of shelter house 6-20-87 which was cancelled.

Motion to approve the claim for payment was made by Commissioner Willner with a second from Commissioner Cox. So ordered.

Frank Bayer Plumbing: Claim in the amount of \$221.00. This is a duplicate permit signed by Roger Lehman.

Motion to approve the claim for payment was made by Commissioner Willner with second from Commissioner Cox. So ordered.

Clements Construction Corp: Claim in the amount of \$20.00, refund on a permit fee. Signed by Roger Lehman.

Motion to approve the claim for payment made by Commissioner Willner, with a second by Commissioner Cox. so ordered.

RE: EMPLOYMENT CHANGES

None at this time.

RE: BROWNING ROAD ESTATES, SECTION D

Mr. William Wittekindt, Jr. announced that he had brought Mr. John Stoll from Evansville Urban Transportation Study for questions concerning Browning Road Estates, Section D, on street acceleration.

Mr. Borries explained to Mr. Stoll that there was some questions regarding the acceleration lane along this portion that Mr. Wittekindt is developing and the

question that was brought out is that there are other areas where there are subdivisions, where there are not deep acceleration lanes and so, we wanted some comments from EUTS for more information re that ruling.

Mr. Stoll stated "there is a 45 MPH speed limit out there and where the curve is in relation to the entrance to that subdivision for added safety at that entrance, we have requested this. Usually if the traffic on the adjacent street next to the subdivision, plus additional traffic generated by a subdivision meets a certain total, then we request an acceleration lane."

President Borries asked, "Are you saying that if there would be future development along some of the other subdivisions along Boonville-New Harmony Road, are you going to request other developers or other subdivisions to do the same?"

Mr. Stoll replied, "If they meet our requirements, yes."

Mr. Willner stated, "There are four others now, that is the point. From Old State Road on Boonville-New Harmony to Browning Road, there are four dangerous driveways and three of them being much more dangerous than this one, so the question is, if we are going to treat them all alike, then we need to have all of them done, not just one. That's the problem."

Mr. Stoll answered, "I think that basically the only way that we can do something is like there if there is addition to this one, that was the only way that we can request it, because then the additional traffic generated by the additional lots, made it meet the requirements."

Mr. Borries then asked Bill Wittekindt for his thoughts at this point.

Mr. Wittekindt said, "I will do what I have to do. I don't think personally, I am not arguing with the Evansville Transportation Study, I don't think we need it, but I will do what I am required to do."

Mrs. Cox said, "Please understand what our position is, when we have a Technical Board that recommends to us that we do thus and so, then if an accident does occur in the area and we haven't done thus and so, it leaves our Board very vulnerable."

Mr. Borries commented, "Obviously we would want consistency from EUTS that if there is other developments that are going to go into that area, or if there is a need, perhaps we need to have some kind of study done along Boonville-New Harmony Road, to address Commissioner Willner's concern."

Mr. Wittekindt said, "There is a subdivision west of me that did not have it and to my knowledge are not going to put one in."

Mr. Borries questioned if it was a new subdivision.

Mr. Wittekindt responded, "it is Iris Subdivision."

Mr. Borries asked if they are continuing to develop property in there now.

Mr. Wittekindt stated that to his knowledge, he didn't know where they were at, but they do have lots for sale.

President Borries said, "We need to review it. Could we have a report, maybe within a week addressing some of these concerns so that we have a little clearer picture of what we are doing in relation to Mr. Wittekindt's concerns and also these other subdivisions along that Boonville-New Harmony Road?"

Mr. Wittekindt asked, "Could you go ahead, you said before that the other section is okay."

Mr. Borries stated that this part is already approved and will wait to get further information regarding the whole traffic pattern along that portion of the Boonville-New Harmony Road, and hopefully we will have that within a week.

President Borries declared the Commissioner's meeting recessed at 4:30 p.m. with Drainage Board Meeting to follow immediately.

President Borries did add, "at this time we would like to extend sympathy to the family of Mr. Capp Hudson who was the examiner for the State Board of Accounts for many years before retiring and he passed away last thursday. We certainly want to remember him."

The Vanderburgh County Board of Commissioners reconvened at 5:30 p.m., in the Commissioners' Hearing Room with President Rick Borries presiding.

RE: ACCEPTANCE OF STREET PLANS ON OAKVIEW PLACE II, SECTION A.

President Borries asked Andy if he inspected the street when it was put down.


Mr. Easley stated that the street hasn't been built yet, but the storm sewers have been put in and they are all concrete.....not plastic.

Mr. Willner moved that Oak View Place II, Section A road plans be approved, with a second from Mrs. Cox. Roll call vote was called with all Commissioners voting "yes". So ordered.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 5:40 p.m.

PRESENT:	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	David V. Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>BLDG. COMMISSIONER</u>
	Bill Bethel	Andy Easley	Roger Lehman
	<u>COUNTY SURVEYOR</u>		<u>OTHER</u>
	Bill Jeffers, Chief Deputy		John Stoll, EUTS Bill Wittekindt, Jr. Bill Bivins Mrs. Wolf Mr. Fuquay News Media

SECRETARY: Bettye J. Miles  
(for Joanne A. Matthews)

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley J. Cox, Member



MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 29, 1987

The Vanderburgh County Board of Commissioners met in session at 2:45 p.m. on Monday June 29, 1987, in the Commissioners' Hearing Room with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently extended a welcome to those present. Continuing, President Borries stated that we have an agenda printed, but if we need to add any as we proceed through it, we will recognize any people who wish to speak.

RE: APPROVAL OF MINUTES

President Borries said the Commissioners now have the minutes of the previous meeting of June 15, 1987---We still are shy one from the 22nd. President Borries then entertained a motion to approve the minutes of June 15, 1987.

Commissioner Cox called attention to the cover page, simply for clarification, where it refers to the bids for resurfacing of Old State Road, Fourth paragraph, last sentence, "resurfacing of Old State Road to Camp Ground Road to Baseline Road" that it should be "Old State Road from Evergreen Road to Baseline Road." The mileage is correct.

Commissioner Cox also called attention to page 2, "Mr. Charlie Brown," should be "Mr. Charlie Braun." On page 5, about halfway down the page, the spelling of Mr. Thompson's name should be 'Lyle', not Lionel.

Commissioner Willner, with those corrections, made a motion that the minutes of the meeting held on June 15, 1987, be approved as engrossed by the County Auditor and the reading of same be waived, with a second by Commissioner Cox. So ordered.

RE: REPORT FROM STATE BOARD OF ACCOUNTS FOR 1986

While waiting for County Attorney, President Borries stated for the record, we have received an excellent report for the year of 1986 from the State Board of Accounts, who have audited all County Offices, and we are pleased to say, that upon receiving that information, the County has a clean bill of health. There are no major problems, and so "no news is good news." This audit is done every year, not only at the request, but there is a state law that mandates it and it makes it easier, as the State Board Officials say to do this and they have again audited all major offices and found no shortages, no problems for 1986. They have met with our County Attorney and asked him for a letter concerning legal matters and suits.

RE: AUTHORIZATION TO OPEN BIDS FOR RESURFACING OF VARIOUS COUNTY ROADS

President Borries entertained a motion authorizing County Attorney David Miller to open the bids received on resurfacing of various county roads.

Motion was made by Commissioner Willner, with a second by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY, DAVID MILLER

Attorney Miller explained, after passing out papers to Commissioners, "What I have handed to you is a copy of the recent Supreme Court of the United States opinion on the powers of local governments with respect to the restrictions that may be placed on the use of real estate. Essentially, the Supreme Court of the United States has told local governments, through this decision, that if a local government authority, usually in the form of a Plan Commission, but not necessarily, unreasonably limits the use of real estate by its owner, that that limitation is binding, but it can amount to a 'taking' under the Fifth Amendment. It can have the same affect as a condemnation of real estate and therefore entitle the owner to "just compensation" under the Fifth Amendment to the Constitution. He explained that the key word is 'unreasonable limitation,' the decision is narrow in some respects, it is limited to those facts, but it has been coming for a long time. He further explained that the Supreme Court has had seven or eight opportunities to rule on this in the past and dodged the bullet, but at this time, could not dodge and so we need always to keep in mind, when making decisions that affect the use of private real estate; such as zoning decisions and ordinances that lay out specific non-use restrictions on areas of ground and those kind of things, that you may run yourself right into a reverse condemnation action and you are always entitled, under this Supreme Court decision to change back the zoning to the previous classification or repeal the ordinance that offends the private property owners' rights, but even in that instance, you must compensate them for their loss of use during the period of time that the ordinance regulation was in effect.....So, there are no free lunches anymore in

unreasonable restrictions on the use of property."

Attorney Miller said, "You need to review this and if you have any questions, I will try to answer them. If I can't answer them, (with a laugh) I will give you the address of Justice Renquist."

President Borries asked Attorney Miller what the vote was on this decision.

Attorney Miller answered that it was 7 to 2. It was not close.

President Borries then asked Attorney Miller if he had anything else to bring up.

Attorney Miller answered that there was another lawsuit brought to his attention this week.

Commissioner Cox stated that she had received this also and asked "Why are we involved in this as the property in question all lies within the City of Evansville."

Attorney Miller responded with the fact that he had not reviewed the suit yet. It was filed on June 8th and he needs permission to enter an appearance and defend for this. Vanderburgh County was sued along with the Area Planning Commission and the City of Evansville." He further stated that if the property in question does all lie within the city of Evansville, we will be out of it relatively quickly.

Commissioner Willner questioned David on the Supreme Court Ruling, "Does that give them the right to sue individuals? They always had that right though, didn't they?"

Attorney Miller said, "To sue individual County Officers? I think not, unless the individual county officer has somehow unilaterally exceeded his or her statutory authority; but, in any case in Indiana, there is a specific statute that protects all governmental officers from personal liability while acting within the scope of their duties and the Supreme Court really doesn't have any power to invalidate that kind of statute so long as the state of Indiana stands behind the officeholder and pays whatever judgment would be rendered. The unconstitutionality of a statute like that would result in that it would deny the person any remedy at all and so long as the state stands behind its' public officer, and I don't think that any individual officeholder or individual public employee is exposed to personal liability."

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of June 22 thru June 26, 1987. Report received and filed.

The gradall worked in the Northern and Western sections of the county.

The paver worked on River Rd., Meadowview, Heather Ct., and started on Evergreen.

The Patch Crew worked in the Northern and Western sections of the county.

The Tree Crew worked in the western and northern parts of the county.

The Mower Crews worked in all sections of Vanderburgh County.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew..report received and filed.

- Cut weeds on Mesker Park Drive and Harmony Way
- Cleaned bridge and culvert on #6 School Road
- Repaired storm drain at Charlotte and Lexington. Took down guardrails at Burdette Park - installed grate over drop box.
- Cut weeds on S. Weinbach
- Cleaned out rip-rap from pipe on Duesner Rd.
- Cut weeds on Baseline Road
- Fixed washout on Hornby Rd.
- Cut weeds on Old Henderson Rd., Petersburg Rd. and Baseline Rd.
- Built retainer wall on Baseline

- Unstopped pipe on Volkman Road

The chair entertained questions of Mr. Bethel.

Commissioner Cox referred to the June 15th Commission minutes, page 10, it refers to a storm sewer that we had installed is caving in along Allen Lane. "Do you remember the Gentleman that was here for that rezoning, Mr. Benedict of 1716 Allen Lane?"

Mr. Bethel responded that he thought they had repaired that...He would check.

Commissioner Borries mentioned the report on the guardrail on Pollack Avenue, east of Calf Lane. There must have been an accident and the guardrail is into the deep ditch.

Mr. Bethel stated that it had been repaired this morning.

With no further questions, President Borries thanked Bill for his report.

RE: COUNTY ENGINEER - ANDY EASLEY

The Chair asked Andy Easley, County Engineer, for his report.

Notice to Proceed: Mr. Easley said the only thing he had was a copy of the notice to proceed that he gave Rogers from last weeks resurfacing bids.

The Chair entertained questions of Mr. Easley.

Commissioner Borries told Andy that Commissioner Cox had raised a question on record where the mileage was correct, but in regard to the one paving contract that had Camp Ground Road and it should have been Evergreen to Baseline (in the June 15th minutes, repaving of Old State Road)

Mr. Easley affirmed that this was correct, the ad was not corrected, but they caught it in time when the specifications were picked up. The mileage was adjusted and was approximately 5.8. That was the way it was advertised and that's the way it was bid....from Evergreen.

With no further questions of Andy, he was thanked for his report.

RE: ROGER LEHMAN, BUILDING COMMISSIONER

Re: Kay's Health Club

Mr. Lehman stated that on June 9th or thereabout, at the Commissioner's Meeting, they ordered some things done to the old Kay's Health Club on Highway 57 north, 16930 Highway 57 north, and the twenty (20) days given them is up, actually yesterday and he would like to see what the Commissioners wish to do.

In the letter to the owners of the property, they were to seal the standing building, completely raze the building that had been partially razed, fill the well pit and to remove all trash, debris and junk from the site.

Mr. Lehman then presented pictures of the site in question, as it is now.

He further explained that basically what they have done is: they did raze the building that was partially torn down and remove debris from that and removed trash and debris from sight. They did not seal the standing building and they did not fill the well pit (which shows in pictures.) The letter states that if any of the above conditions are not met within the twenty (20) day time period, the Board of County Commissioners have authorized Mr. Lehman to award a contract to Floyd I. Staub, Inc., in the amount of \$1,495.00 to completely raze all structures, remove all debris, with a cost replacement lien on tax records.

"So, today we need to see what we are going to do, or if we want to get some bids to seal the existing building and it wouldn't take that much to fill the well, it's not that deep. It is about 4 or 5 feet deep and about 3 feet square; or whether to issue a citation or whatever the Commissioners deem necessary."

Christina Donner of 6900 Old Petersburg Road took the floor to give comments on the situation at Kay's Health Club. She explained that she lives right across the street from Kay's Health Club in a brand new log home that was just built.

"Mr. Hedges was at the site for two days at the most and he did tear down the garage and loaded all of the trash from that and he did burn a lot of trash. He did leave the fire going and left and it was midnight and we could still see the fire going and it was dry out there. We stayed up and watched the fire because I was afraid that it was going to get out of control, but at least he did do that. He did tell our neighbor, our neighbor and him, I believe, our neighbor, Thurman Atherton, I think his address is 17000 Old Petersburg Road, he lives to the left of us in a white house right on 57. (He is not the older man that was with us last time.) At any rate, I think he is pretty good friends with Hedges. At any rate, he did tell our neighbor that he was not going to fill the underground tank, but he was going to cover it with a heavy board of some sort, because he said that he had future plans in his mind, of reopening his business there. Like he said, he did not even block it up or anything, didn't put anything in front of it. It doesn't look like he even touched the other building. He did tear down the garage only. He didn't mow at all. He took some trash away, but he did not mow; but we at least are not looking at that "green face" that was on the garage, but the other building that is there, would take, I don't know how much money it would take to do anything, but I really consider it useless. It has been burnt two or three times, the inside is just a shell and it is hazardous to people who stop there and go to the bathroom, you know, we went through all of that. It is also hazardous, we have people walking up and down that highway all of the time, plus it is just an eyesore. It is just an old burnt out building that this man said that he has future plans of opening up a health club again. What we would like to see done, and what we came to the last meeting about and what we thought was understood, was that Staub's would tear it down if this man did not meet everything that was ordered for him to do, so, I don't want to see it changed now.

We did say at the last meeting that I came to on June 8th, that we were going to go ahead and let them tear that building down completely and they need to fill that well in of course. The only question I did have about Staub....Staub is going to do something, right? Regardless, whether you get away with having someone block the building up or whatever, but I am hoping of course, that it does get torn down because I don't see any use for it. I am wondering if there will be a delay now of any sort, because this Hedges did tear down that garage. I am wondering in the estimates, moneywise, it is not going to cost as much to Staub now, but I am wondering how much of a delay, or if there will be any, or if you can just work with Staub and come to an agreement as far as the money is concerned. They shouldn't be as high now because they won't have as much work to do."

Mrs. Donner continued,

"I will just go through what I have, and that is it."

"He did dig a big ditch right across from our driveway. There is a drive across from our driveway, but on the left side of it he dug a great big ditch out there with a backhoe that he had over there. It is like 4 feet deep and he dug about maybe 6 feet long that ditch and it is completely filled with water right now, as much as it has rained. It is as bad as having that well, just about. I really don't want to back my car into it. I am careful when I back out, I always watched for the ditch, but now there is a great big trench back there and I that that it is on County property. A ditch that runs along the side of the road, wouldn't that be County property? And the only other thing I really have is how long it is all going to take. A rough guess, I know that you cannot say exactly and also, when they do tear the building down completely and fill the well, which is what I am going to keep in my mind because that is what we came to an agreement on, who is going to be in charge of maintaining it and if it is not maintained properly, as far as weeds, the trash and all, then what?

President Borries thanked Mrs. Donner for coming and said they would try to answer some of these questions.

President Borries read the letter that was sent to Hedges, dated June 9, 1987 from Roger Lehman, Building Commissioner.

At the hearing on June 5th, of which you were notified, the Board of County Commissioners took the following action. If the following conditions are met within twenty (20) days, further action by Commissioners will be postponed:

1. The building which is still in tact shall be sealed to our specifications, minimum of 1/2 inch plywood cut to fit tightly in all openings,
2. The partially razed builidng shall be completely removed.
3. The well pit shall be filled
4. All trash, debris and junk shall be removed from the site.

If any of the above conditions are not met within the twenty (20) day period, the Board of County Commissioners have authorized me to award a contract to Floyd I. Staub, Inc. for the amount of \$1,495.00, to completely raze all structures on the lot and remove all debris. The cost of this work will be placed as a lien on the tax record of Vanderburgh County.

If you have any questions, feel free to contact me.

Sincerely,  
Roger Lehman  
Building Commissioner

President Borries asked Roger if he was contacted at all in regard to this letter.

Mr. Lehman said that he was not contacted.

President Borries said that Roger has penciled in on the letter that he has not complied with #1, about the building; he did do #2, razing the partially razed building and he has not done #3, which was well pit filled in and #4, trash, debris and etc. removed from the site has been done.

Commissioner Cox questioned Roger as to the purpose of the ditch along here (pointing to picture that Roger had presented earlier.)

Mr. Lehman explained that the only logical conclusion, in a normal circumstance, would be if there had been a problem with the culvert or something and they were digging up the culvert to replace it, which in this case, "I am sure it wasn't because I was in that driveway 20 days ago and there wasn't anything wrong with the culvert. So, other than to be used to keep people out of there or something. The bottom of the ditch they dug is substantially below the culvert tile."

President Borries asked if the building, the structure that is still up, has a roof on it?

Mr. Lehman said "it does have a roof on it that has holes in it. If the building were sealed, the roof would not fall onto anyone's head. Eventually it's going to get bad enough, if not repaired, that it will do irreversible damage to the structure of the roof. There have been fires in there. He did have pictures of the inside of the building at the last meeting, but did not bring them this time."

Commissioner Cox questioned Mr. Lehman if Mr. Hedges had called him at all, offering an explanation that he was having trouble complying with all of these things by the specified time.

Mr. Lehman stated that he had heard nothing.

Commissioner Willner moved that we instruct the Building Commissioner to follow through and clean the property up, with a second by Commissioner Cox, with the statement that she was sure Mr. Staub would adjust the price to do the razing. So ordered.

Mr. Lehman would get with Staub's and see when they can do the work and also negotiate on price.

President Borries explained that the way it works is that all residents of the County are expected to maintain their own property. If they do not and a complaint is given to the Building Commissioner, then he has the authority to issue a citation and ask that the property be cleaned, so we cannot on a day to day basis maintain someone else's property. So, if he will act as a responsible county property owner, he should maintain his property and if he does not and a citation is issued, the Building Commissioner will follow through and a complaint and penalty can be issued at that time.

President Borries then instructed Mr. Lehman, if he can negotiate with Mr. Staub, to go ahead and proceed with these items.

RE: AWARDING OF CONTRACT ON RESURFACING VARIOUS COUNTY ROADS

Bids were read by Attorney Miller for resurfacing of various county roads, Project #VC 5-03-87, covering Old Boonville Hwy., from Green River Rd. to Burkhardt Rd.; Green River Rd., from Highway 57 to Petersburg Rd.; Mt. Pleasant Rd., from Old State Rd. to Baumgart Rd.; and Clover Dr., from Ridgewood to Oak Hill Road.

Rogers Group.....\$ 104,820.00

J. H. Rudolph ....\$ 99,497.00

The County Engineer verified that the extensions on both are correct. Both bids are in order and properly signed.

Commissioner Willner moved that we approve the bid of J. H. Rudolph in the amount of \$99,497.00, with a second by Commissioner Cox. So ordered.

President Borries stated that this bid is below estimate, so we are within our budget on this resurfacing project.

RE: ACCEPTANCE OF CHECK FROM HILLCREST PETTY CASH FUND

Jim Lindenschmidt added to the agenda:

Enclosed you will find a check from John Browning Assoc., Director Southwestern Indiana Mental Health Center, Check #1071 in the amount of \$135.27. This represents petty cash that was on hand when the foundation assumed operation on June 1, 1987 and if you have any questions, please do not hesitate to call.

They are returning this money to the County at this time.

President Borries entertained a motion to approve that we deposit this money in the County General Fund.

Motion by Commissioner Willner with a second by Commissioner Cox. So ordered.

Adding a bit of humor to the meeting, President Borries, stated that Jim Lindenschmidt had received a check from the Valvoline Oil Company. The check was a refund in the amount of \$3.00 made payable to "Jim M. Vanderburgh" (spelled correctly), Civic Center Complex, Evansville, Indiana.

President Borries added, "Not knowing any Jim M. Vanderburgh and since it wasn't him, there's \$3.00 so what shall we do with it?"

Mr. Lindenschmidt said they had checked with all entities in the building and there was no employee in this building with this name and none listed in the phone book.

The check will be returned to Valvoline Oil Company.

RE: OLD BUSINESS

President Borries asked for approval from Commissioners that we send a resolution congratulating the Central Bear Baseball Team for their performance for the 1987 baseball season, where they went to the State Finals and would be ranked second in the state, losing in the Championship Game.

Also, pointed out that there is now a growing emphasis on the Academic part and Central Fine Arts Academic Olympics Team did win the state championship earlier this year.

Motion was made and seconded to send resolution to Central Baseball Team. So ordered.

RE: Green River Road, South, Project

President Borries requested that Commissioners review the proposals, so a decision could be made within the next few weeks on the Green River Road South Project. A decision needs to be made to award preliminary engineering on project since it will tie into the I-164 project, which is well underway now.

RE: SCHEDULED MEETINGS

Auditor's Meeting - Tuesday, June 30, 1987 at 8:30 a.m. Room 307  
to discuss Transient Merchants License

President Borries called on Sam Humphrey, Co. Auditor to fill in on what was to be discussed at abovementioned meeting:

Mr. Humphrey explained that we have signs up at all entrances to the county for all peddlers to register at the Auditor's Office.

"I believe we have twenty-two, since the law went into force three years ago, and people call into the office and take up a lot of time, but they are not coming in and doing it. We would like to have some enforcement on it and so, we have called a meeting with the Chief of Police, Sheriff, Prosecutor, County Attorney and myself to give us some direction as to what we should do. We have to know whether we are going to get on it or get off it."

Approximately 62 vendors of fireworks are in the county, none of them have Transient Merchants License.

President Borries questioned if these firms stay in business after the 4th of July.

Mr. Humphrey responded that they are just transients. "They come in and go out. They do call occasionally, but that's it. We need some enforcement on this and the fees will probably pay for the cost that we would incur."

County Council will meet on Wednesday, July 1 at 2:30 p.m. in Room 301  
That will be monthly meeting for Computer Services & Legal Fees

President Borries entertained any other Old Business or any Other Meetings.

RE: Appropriation  
Corporation for Precinct Changes

Commissioner Willner reminded that we need to go on Council Call for ~~a corporation~~ <sup>Appropriation</sup> for precinct changes if we are going to do anything on that.

After discussion as to whether these must be in by January 1, 1988 or January 1, 1989, President Borries asked if we had to request in budget for precinct changes after November 19, 1987.

Commissioner Cox said that we needed to check as to specified time for these changes. We need to review Senate Enroll Act 293.

Commissioner Cox further read that 1989 all precincts must have only 800 (page 66, Sec. 573)

President Borries said that would give us an extra year; however, we would either have to go for special appropriation, if it takes place in 1988 or put it in our regular budget request for 1988 if it doesn't have to be done until 1989.

Commissioner Willner said we should do it now and implement it after November election. It should be in place for the 1988 election.

Commissioner Willner said we also have another one that says we have to be accessible to paraplegics and wheelchairs. We should do this at the same time.

President Borries said that we should go on Council Call and get something from the Clerk's office that gives a rough estimate of what the cost would be.

Commissioner Cox said that the last time Commission had changes to do, they did the major changes, it took an attorney, because of legal description and an engineer.

President Borries asked how often it will have to be done in the future if the figure remains at 800. If this is a shall, it will have to be done every two years.

Commissioner Cox stated that an ideal time to do this would be when the new census comes out.

President Borries asked Jim Lindenschmidt how many precincts were currently over 800.

Mr. Lindenschmidt's response was - 30.

Mrs. Cox stated "that when the State law was passed several years ago that tells your

precinct boundaries, cannot go over the legislative district.

"Remember when we had A and B? You have to respect those boundaries. Sometimes they are right across the street and it looks like you could switch them, but you can't!"

President Borries stated that it was going to be a major undertaking and would take some time and asked for Council Call at this time.

Motion by Commissioner Willner, with second from Commissioner Cox. So ordered.

RE: CLAIMS

None at this time

RE: EMPLOYMENT CHANGES

Center Township Assessor (Appointments)

Deborah Lee Toon	PTD	\$35.00/Day	EFF: 6/30/87
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Hillcrest Washington Home (Releases)

Edwin Zenthoefer	CUST.	\$5.30/HR	EFF: 6/30/87
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Pigeon Township Trustee (Releases)

Billie S. Goff	SUPER.	\$19,454.00/YR	EFF: 7/3/87
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Cooperative Extension Service---123 (Appointments)

Shellee Fuquay	PT	\$24.00/DAY	EFF: 6/8/87
Shavon Hardin	PT	\$24.00/DAY	EFF: 6/8/87

Treasurers Office (Releases)

Julie Reis	PT	\$35.00/DAY	EFF: 6/23/87
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Clerk of Circuit & Superior Courts (Appointments)

Kendra Martin	DEP/CLK.	\$511.03	EFF: 6/22/87
Janice Dudley	DEP/CLK.	\$6.00/HR	EFF: 6/22/87

Clerk of Circuit & Superior Courts (Releases)

Cathy Holbrook (LOA)	DEP/CLK	\$511.03	EFF: 6/22/87
Kendra Martin	DEP/CLK	\$6.00/HR	EFF: 6/22/87

Circuit Court (Appointments)

Norman Gregory Hoskinson	PT/SG	\$5.00/HR	EFF: 6/18/87
Oscar R. Kirkpatrick	PT/SG	\$5.00/HR	EFF: 6/18/87
John Bushrod	PT/SG	\$5.00/HR	EFF: 6/18/87
Bryan Mayhew	PT/SG	\$5.00/HR	EFF: 6/18/87

Circuit Court (Releases)

John Bushrod	PT/SG	\$5.00/HR	EFF: 6/7/87
Bryan Mayhew	PT/SG	\$5.00/HR	EFF: 6/7/87
Larry Vowels	PT/SG	\$5.00/HR	EFF: 6/7/87
Paul N. Aarstad	PT/SG	\$5.00/HR	EFF: 6/7/87

Burdette Park (Appointments)

Robert John	PT/GC	\$3.50/HR	EFF: 6/18/87
Chad Toone	PT/GC	\$3.50/HR	EFF: 6/18/87
Amy Burkdoll	PT/GC	\$3.50/HR	EFF: 6/18/87



Vanderburgh Co. Highway (Appointments)

Jefferey G. Mitchell	LAB.	\$8.10/HR.	EFF: 6/19/87
Jarrold T. Pfaffman	PT	\$3.35/HR	EFF: 6/15/87
Gregory V. Meriweather	PT	\$3.35/HR	EFF: 6/17/87

Cumulative Bridge (Appointments)

David Jon Austin	EQ. OP.	\$8.85/HR	EFF: 6/19/87
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Cumulative Bridge (Releases)

Jeffery G. Mitchell	EQ. OP	\$8.85/HR	EFF: 6/19/87
David Jon Austin	LAB.	\$8.17/HR	EFF: 6/19/87

Circuit Court (Appointments)

Mel MacGregor	PT/BAL.	\$5.00/HR.	EFF: 6/15/87
Susan Terrell	PT/INT	\$3.35/HR	EFF: 6/12/87
Oscar Kirkpatrick	SG	\$7,353.00/YR	EFF: 7/1/87
Raymond Knoll	SG	\$7,353.00/YR	EFF: 7/1/87

Circuit Court (releases)

James B. Nicol	PT/BAL	\$4.00/HR	EFF: 6/5/87
Roy Weightman	MAIN. SUP.	\$768.00/BI-AN*	EFF: 6/30/87

Circuit Court (Appointments)

Michael Mattingly	PRO/COUN.	\$123.00/BI-AN*	EFF: 7/1/87
William Martin	CSO	\$123.00/BI-AN*	EFF: 7/1/87
Edward Montpetit	CSO	\$123.00/BI-AN*	EFF: 7/1/87
Dennis Heathcott	ASST/DIR CS	\$4,029.00/AN	EFF: 7/1/87

Circuit Court (Releases)

Michael Mattingly	PRO/COUN	\$1,091.00/BI-AN*	EFF: 6/30/87
William Martin	CSO	\$1,091.00/BI-AN*	EFF: 6/30/87
Edward Montpetit	CSO	\$1,091.00/BI-AN*	EFF: 6/30/87
Dennis Heathcott	ASST/DIR CS	\$2,630.00/AN	EFF: 6/30/87

Circuit Court (Appointments)

Larry Vowels	PT/SG	\$5.00/HR	EFF: 6/7/87
Paul N. Aarstad	PT/SG	\$5.00/HR	EFF: 6/7/87
Roy Weightman	M/S	\$885.00/BI-AN*	EFF: 7/1/87
Paul Miller	COOK	\$8,092.00/BI-AN*	EFF: 7/1/87

Circuit Court (Releases)

Paul Miller	cook	\$6,747.00/BI-AN*	EFF: 6/30/87
Paul Wollenmann	SG	\$7,966.00/BI-AN*	EFF: 6/30/87

Circuit Court (Appointments)

Paul Wollenmann	SG	\$7,966.00/BI-AN*	EFF: 7/1/87
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\*President Borries raised a question on the "Bi-Annual Salaries" in the Circuit Court appointments and asked secretary to enter in record, but check with Auditor's office for clarification."

A check with the Auditor's Office revealed that the Bi-Annual Salaries, are for people who have full-time positions, but are part-time on these particular slots and because they are only working for approximately six (6) months in these slots, the salaries are for bi-annual amounts. They only work 1/2 year in these positions. (The money for these comes from the State.)

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 3:50 p.m.

PRESENT: COMMISSIONERS

R. J. Borries  
R. L. Willner  
S. J. Cox

COUNTY HIGHWAY

Bill Bethel

COUNTY AUDITOR

Sam Humphrey

COUNTY ENGINEER

Andy Easley

COUNTY ATTORNEY

David Miller

COUNTY BLDG. COMM.

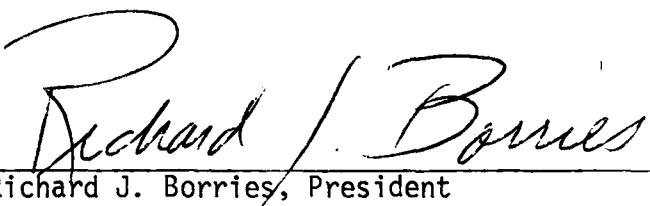
Roger Lehman

OTHERS:

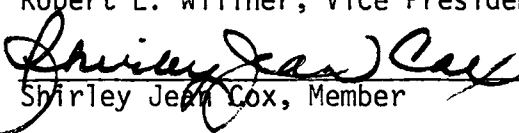
Christina Donner  
Representative from J. H. Rudolph Co.  
" from Rogers Group  
News Media

SECRETARY:

Bettye J. Miles  
(for Joann Matthews)

  
Richard J. Borries, President

Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

7/13/87

MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 6, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, July 6, 1987, in the Commissioner's Hearing Room with President Borries presiding.

The meeting was opened by Deputy Sheriff Tom Brandsasse, this being the first meeting of the month. He declared the County Commissioners in session pursuant to adjournment.

Commissioner Borries stated that there are minutes of the Commissioners meeting of June 22nd. before us today for approval and he asked if there are any comments or corrections to be made on them.

Commissioner Cox said there are a few corrections, in that there are words that sound alike but are spelled differently, namely, on Page 4 in next to the last paragraph, third sentence, the word road should read rolled and the last sentence should be corrected to read, Mr. Bivins, rather than Mr. Wittekindt, also it should read, that any slope over 2% will be sodded, not sized. She said that also on Page 9, the fifth line should read, Street Improvement Plans - Heston's Subdivision in Green River Estates and Fuquay's Subdivision in Oakridge, rather than Heleman Subdivision and Cooper Subdivision, also on Page 10, fifth paragraph where it reads, drop basis, it should read, drop basin, and lastly, on Page 12, eighth paragraph, it should read moot rather than Mute. She noted that she and Bettye Miles, who transcribed these minutes, did work together on these changes.

Commissioner Cox then moved that the County Commissioners minutes of June 22nd. be approved, with these corrections, as engrossed by the County Auditor and the reading of them dispensed with. Commissioner Willner seconded the motion. So ordered.

RE: AUTHORIZATION TO OPEN BIDS FOR RESURFACING OF UPPER MT. VERNON ROAD

President Borries entertained a motion authorizing County Attorney Curt John to open the bids received on resurfacing of Upper Mt. Vernon Road.

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

Commissioner Borries stated that the next item on the agenda is a Poor Relief Case from Knight Township and this case has been continued until July 13, which will be our next meeting.

RE: HEARING ON PETITION TO VACATE A PART OF CARANZA DRIVE

Commissioner Borries said that Mr. Phil Siegel is here regarding this matter.

Mr. Siegel said he represents the petitioner, Lyle V. Thompson as well as Greenbriar Development Corporation and that Mr. & Mrs. Thompson are present, and also Mr. Harry Hemp from Greenbriar Development Corporation. He said at this time he would like to file with the Board, an affidavit, which he has signed, with respect to mailing by certified mail, the notice of the hearing along with a copy of the petition, to those adjoining landowners with the return receipts attached as well as a proof of publication that notice has been printed in the Evansville Courier, a copy of the notice and also, a copy of his cover letter to the adjoining property owners, so at this time he would like to file same with the Board.

He said he directs the Commissioners attention to the petition which he filed on June 12, 1987, specifically Exhibit A which shows that part of Caranza Drive that they wish to vacate and the Commissioners will note that it is only 50 feet by 130 feet, that it has never been used as a street and serves no public purpose, that it isn't paved and will not be connected to Greenbriar Hills, Section III and therefore, the petition has been filed to vacate that part of Caranza Drive as shown on Exhibit A and described in the petition.

He said that Mr. Morley was present at the initial hearing on this matter and to the best of his knowledge, there are no objections.

Commissioner Borries asked if there are any questions of Mr. Siegel at this time.

Commissioner Cox asked if Richard and Debbie Collins are present.

Mr. Siegel said not to his knowledge, but he does have a returned receipt that they received notice by certified mail.

Commissioner Cox said she wondered because they will get 25 feet of this, and asked if this isn't correct.

Mr. Siegel said that is correct, also that notice was served on Mr. & Mrs. Cleveland who lives across the street, as well as Mr. Wright. He said that Greenbriar Development Corporation owns all of the real estate lying immediately east of that part of Caranza Drive that they wish to vacate.

Commissioner Cox said she would like to note that she did receive a copy of the correspondence from the Southern Indiana Gas & Electric Company indicating that they have investigated the above portion of Caranza Drive to be vacated and found that we have no gas or electric facilities involved, therefore they have no objection to the County Commissioners granting said vacation.

Mr. Siegel explained that the hash marks on Exhibit A indicate easements and said they will not be vacated, that it is just the street they are attempting to vacate. He said that immediately east of the street is the vacant land owned by Greenbriar Hills, Section III and that street will not be necessary for ingress/egress to that particular subdivision, that in the beginning, they thought the street would be used as ingress/egress to Greenbriar Hills, Section III but it is no longer necessary and this is why they are here to vacate the street.

Commissioner Cox asked if there is no cable TV or anything in this easement, no water line, no sewer line or anything like that.

Mr. Siegel said to the best of his knowledge there aren't but he doesn't know about Cable TV, but they aren't vacating the easements, as located by the hash marks, therefore if a utility needed to run underground wires, there is a utility easement across the ends of the street. He said should the Board grant this petition, if the Board wishes, he will be glad to record the ordinance, unless the Board wishes to record it's own ordinance.

There being no further questions and no one in the audience wishing to speak to this petition, Commissioner Willner moved that the petition to vacate a part of Caranza be approved. Commissioner Cox seconded the motion. So ordered.

After signing, the County Commissioners agreed that Mr. Siegel have the ordinance recorded and return it to the Auditors office.

RE: LEASE AGREEMENT WITH THE STATE FOR THE WELFARE DEPARTMENT

Commissioner Borries noted that there are four copies of the lease agreement between Vanderburgh County Board of Commissioners and the State of Indiana, also four copies of the Non-Collusion Affidavit, all of which need to be signed and the Non-Collusion Affidavits must be notarized, after which they are to be returned to Mr. Robert D. Ferrell, Accounts and Audit Division at the State Department of Public Welfare in the State Office Building.

He explained that this is a matter that is the result of the change in authority or change of control by the State of Indiana with the Department of Welfare as of 1987, that many changes are taking place and the Welfare Department had informed us that in order for them to continue to be in this building, at this time, that we would have to act as the administrators of the County, to sign this lease with the State of Indiana to allow that agreement to continue, that it is virtually no change from the Welfare Department's standpoint at this time.

Commissioner Willner asked if it is still a six months lease.

Commissioner Borries said the term of this lease is for a period of one year beginning on January 1, 1987, and ending on December 31, 1987, and there is an option to renew wherein the sub-lessor grants the sub-lessee an option to renew this lease for an additional term of one year.

Commissioner Cox said she thought the Welfare Department was going to move from the building.

Commissioner Borries said he thinks there has been some discussion to that affect but he doesn't think they are until they decide on what option they need.

There was a question as to the amount of footage the Welfare Department has in the building.

County Auditor, Sam Humphrey, said they occupy about 10,000 square feet.

Commissioner Borries said we have that, but we need to know how much in dollars and cents.

He then read Section 4 of the lease which reads as follows:

(a) Sub-Lessee will pay Sub-Lessor Eleven Thousand, Five Hundred Three Dollars and Ninety-Three Cents (\$11,503.93) in rent per month. This is a rate of Thirteen Dollars and Forty-Six Cents (\$13.46) per square foot. The total rent for the entire term will be One Hundred Thirty-Eighty Thousand, Forty-Seven Dollars and Eleven Cents (\$138,047.11). Rent will be paid monthly, in arrears, in accordance with the fiscal policies of the State of Indiana.

County Attorney John said this amount of \$138,047.11 sounds about right.

Commissioner Willner moved, subject to the approval by the County Auditor and the Building Authority, that the Lease Agreement between the Vanderburgh County Board of Commissioners and the State of Indiana, for the Welfare Department, be approved, subject to the approval of the dollar amount and the footage amount. Commissioner Cox seconded the motion. So ordered.

RE: CONTRACT FOR BOVINE BRUCELLOSIS AND TUBERCULOSIS ERADICATION PROGRAMS

Commissioner Borries said this contract between the Indiana State Board of Animal Health and the County Commissioners is in the amount of \$1,000 which includes the Brucellosis and Tuberculosis programs.

Commissioner Willner moved that this contract be approved. Commissioner Cox seconded the motion. So ordered.

RE: COUNTY ATTORNEY: BIDS FOR RESURFACING UPPER MT. VERNON ROAD

County Attorney John said there are two bids for the Resurfacing of Upper Mt. Vernon Road and they both meet all requirements. They are as follows:

1. J.H. Rudolph & Company, Inc. - \$134,958.00
2. Rogers Group, Inc. - \$158,313.20

Commissioner Cox asked Attorney John to please give her the total mileage that this covers.

Attorney John said it covers 4.75 miles.

Commissioner Willner moved that the bids be referred to the Engineer and the County Highway Department for their determination and recommendation yet today.

Commissioner Cox asked where this begins.

Commissioner Borries said this is from the City limits to County Line Road.

Commissioner Cox then seconded the motion. So ordered.

RE: COUNTY HIGHWAY SUPERINTENDENT - BILL BETHEL

Work performed from June 29, 1987 thru July 3, 1987

GRADALL: Hobart Avenue

PAVED: Evergreen Road

PATCH Oak Hill Road, Heckle, Boonville-New Harmony, Green River East,  
CREW: Baumgart Road, Larch Lane

MOWER: Mt. Pleasant Road, Darmstadt, Broadway, Felstead,  
Selver, Frey, Schutte, Wimberg, Kasson, Red Bank

GRADER: Motz Road, Motz Lane, River Road, Schissler, Cypress-Dale  
Trapp Road, Old Henderson, Montgomery, Baehl, Golden Rule

TRASH Garage and Yard South Weinbach, River Road, Lynn Road  
CREW: Old State, Baseline, Volkman, Seven Hills

Work performed from June 29 thru July 3rd., 1987, Vanderburgh County Bridge Crew:

Replaced guard rail on Pollack & Cheyenne Drive

Replaced culvert on Bender Road

Cleaned out pipe on Booker Road and raised guard rail on Pollack Avenue

Cut weeds on Red Bank Road and rip-rapped on Seven Hills and Hornby Road

President Borries asked for questions, there being none, he thanked Mr. Bethel for his report.

RE: AWARDING OF CONTRACT FOR RESURFACING UPPER MT. VERNON ROAD

Mr. Easley said he judged that the extensions on the two bids received to be correct and he recommended that the low bidder, J.H. Rudolph, be awarded the contract.

Commissioner Willner then moved that J.H. Rudolph & Company, Inc. be awarded the contract in the amount of \$134,958.00. Commissioner Cox seconded the motion. So ordered.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Mr. Easley submitted a copy of the Notice to Proceed that was sent out this past week on Division 3 which is Green River Road, Mt. Pleasant Road and Clover Drive. He said he received word this morning, that J.H. Rudolph has started paving on Mt. Pleasant between Baumgart and Old State Road.

LETTER FROM THE INDIANA DEPARTMENT OF HIGHWAYS ON BOONVILLE-NEW HARMONY ROAD

Mr. Easley said he received correspondence from the Indiana Department of Highways, addressed to the Commissioners, which reads as follows:

We are forwarding to your consultants the marked up final location design study report for the Boonville-New Harmony Road as reviewed by the Division of Design. Please address your comments as indicated on the mark up and submit four copies of the revised document for further review. He said that he and Rose Zigenfus of Evansville Urban Transportation will take care of these comments. He said he hasn't seen the comments on the mark up as yet.

RE: LETTER ON RIGHT OF ENTRY AGREEMENT FOR REMOVAL OF LOG JAM FROM PIGEON CREEK

Mr. Easley said he has given the Commissioners a copy of a letter that he wrote to Mrs. Mike Ryan concerning Right of Entry, which reads as follows:

Dear Mrs. Ryan:

This letter is to advise you that the Board of Commissioners Contractor has completed the removal of the Log Jam from Pigeon Creek and the debris from the Log Jam has been removed from your real estate.

The Board of Commissioners is in the process of installing a chain barricade across the crushed stone access road that was constructed to the site of the Log Jam. The chain will be padlocked and the keys will be given to the man who operates the Horse Training Facility that is located on your property.

The Board of Commissioners appreciate your cooperation in the removal of the Log Jam. If you have any questions, Please contact the undersigned at 426-5211.

Very Sincerely,

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

Mr. Easley said he would like to go on record that everything has been removed that he said would be removed.

Commissioner Cox asked if this is the same Mrs. Ryan that has the Hardwood Forest, if so, has he heard anything from her.

Mr. Easley said he talked to her and she said she would have her son contact him and indicated that they would get together to discuss it. He said if he doesn't hear from her son, he will follow up on it again, that he is anxious to get something in writing.

Commissioner Cox said we aren't just anxious, that it is a must, that the state wants it and when we last heard from the state, they asked that we send them confirmation and their whole approval of the environmental was based on that.

Mr. Easley said if we can't reach an agreement with Mrs. Ryan, he thinks we are obligated to come up with seven acres on the banks of Pigeon Creek so if he can't reach a satisfactory agreement with her he will move on to another seven acres and he knows there are seven acres of the type of land they want in that vicinity.

Commissioner Cox asked if Mr. Stahl has carried everything away now.

Mr. Easley said what wasn't cut up by Work Release, they disposed of.

Commissioner Cox asked if we have gotten a bill from him, since she hasn't seen any for quite some time.

Mr. Easley said he thinks all of his bills have been paid. He said he thinks it was something like \$3,800 for the last work he did.

#### CLAIM FROM JOHN MANS, INC.

Mr. Easley said he has one other item, that he received a bill from John Mans, Inc. for the Clover Drive Culvert Installation which has been finished for probably eight weeks.

Commissioner Borries said this is a claim from John Mans, Inc. regarding the Clover Drive Culvert Installation and road work in the amount of \$15,542.78.

Commissioner Willner asked if this is the total project or is it just for the Culvert and what portion goes to the legal drain and what goes to the bridge fund.

Mr. Easley said this goes to the bridge fund, that there is another invoice that Mr. Jeffers has. He said the work on the drain fund was bid at \$7,450 and Mr. Jeffers will be presenting it to the Drainage Board, that this work was bid at \$13,858 and there was about \$1,700 additional work done, that he and Mr. Bethel concurred in the need for it.

Commissioner Willner said they really did a nice job and it helped the drainage. He then moved that the claim in the amount of \$15,542.78 be approved. Commissioner Cox seconded the motion. So ordered.

#### REQUEST TO HIRE SOMEONE THROUGH MANPOWER

Mr. Easley said he has one other problem that needs to be addressed, that they have some specifications they are preparing to paint two major bridges in the County. He said the basic specifications are on a word processor software for that IBM-PC that he shares with the Surveyor and he has no one to operate it and he has about two days work that needs to be done on it, that he has asked around the Civic Center including conversations with the Purchasing Department and they said they might be able to spare someone two hours per day, that he would like to get it out this week, working with an operator and he would like to have permission to hire someone through Manpower for 16 hours to come over and run that IBM-PC and revise the specifications, that we can charge it to the appropriation for the bridges that is being painted. He asked if he can have the Commissioners permission

to do this, that it will probably cost about \$8.16 per hour, but he doesn't have a secretary that is really available to come down to his office for 16 hours, that the Commissioners secretary, people in the Plan Commission and E.U.T.S. have been helping with his correspondence but they don't normally leave their work station.

Commissioner Cox said she was under the impression that the Purchasing Department was to prepare the bids and specifications with technical advice from our people, that we were paying for that service from the Purchasing Department.

Commissioner Borries said he would be happy to send a letter and see if we can't get that worked out because he would think they should be able to cooperate with us since that is part of their job description.

Mr. Easley said he thinks this is more in performing engineering preparation of specifications and not really purchasing and they do not have an IBM-PC in their office and neither he nor Gwen are skilled key board people, that he has written some short memo's and he can type a letter on it but he isn't going to set the world on fire if he has to sit there and do it himself, that he thinks it would go a lot faster and we do need to get these specifications out.

Commissioner Cox said she doesn't know why the Purchasing Department can't do it and if all they do is take what we do and send it to the newspaper for advertising, she could do this herself.

Mr. Easley said, but these are construction specifications, that it isn't really like buying a truck or something, that he thinks it is a little different.

Commissioner Cox said she thinks they should prepare the specifications, given the information that Mr. Easley has and let them work with it, that this is their job and as she sees it, this is what we are paying a portion of the operation of that department for.

Mr. Easley said he is talking about \$130.00 worth of outside help.

Commissioner Cox said, but this is more money out of our bridge fund and we have been taking a lot out of there for projects which to her are questionable enough in nature and she cannot see, when we have a Purchasing Department, that this is suppose to provide this service with technical advice and if they don't know how to do it, then they can ask him for technical advice, but she cannot see spending any more money when we are already paying the Purchasing Department to prepare the specifications.

Commissioner Borries said that with Commissioner Cox's approval, he will call Tom Dorsey tomorrow and see if we can get that help for Andy, that it is a problem and he thinks as much as Andy's office is involved with all this, we ought to be able to work through it and hopefully we can.

This met with Commissioner Cox's approval.

Commissioner Borries said he will call Tom Dorsey tomorrow.

Mr. Easley thanked the Commissioners.

#### RE: COMMENTS BY COMMISSIONER BORRIES ON CONCERN OF MONIES ON VARIOUS PROJECTS

Commissioner Borries said he thinks, in talking to the bureaucracy of the state, you need to talk to the right person and apparently the right person he needs to talk to this week at the Indiana Department of Highway would be Stan Yoder and he did read in the media this past week that some concern has been expressed concerning the money in the Road and Street Account, that we are appropriating money in this account but we need to have a meeting, in his opinion, to get everybody on the same set of figures, that he has had some concern, as he is sure we all have had, with some of the bills we have gotten in regards to St. Joe Road that came in this past week and we don't know if there is another one outstanding on Lynch Road that they may get hit with, so he would like to get Andy, Sam Humphrey and any members of the County Council, if they would like to attend, and Rose Zigenfus of E.U.T.S., to all go to Indianapolis, to make an appointment with Mr. Yoder and perhaps contact the State Auditor's office and see what their records would be in regards to state disbursements and come back with the same figures so that we can get everybody on line, that he will try to arrange it for the middle of next week before he goes on vacation and after Rose gets back, and if the other Commissioners want to go, fine, so we will try to arrange that.



RE: CONFIRMATION ON FIGURES REGARDING LEASE AGREEMENT WITH STATE FOR WELFARE DEPT.

Commissioner Borries said he did get a report back from Sam Humphrey, the County Auditor, who has concurred that the figures are correct in regard to the Lease Agreement with the County and the Welfare Department.

Commissioner Cox said this agreement was approved subject to the approval of the dollar amount and the footage amount.

RE: OLD BUSINESS

Commissioner Borries asked if anyone has any items to come under Old Business at this point.

OLD BOONVILLE HIGHWAY & OLMSTEAD ROAD

Commissioner Cox asked if we ever got any other correspondence concerning Old Boonville Highway and the Olmstead situation.

Commissioner Borries said he hasn't received anything on it except that he has talked to one resident today, a Mrs. Hale out on Old Boonville Highway and she - apparently talked directly with one of the project engineers, but the indication he gets is that they are going to open it up before September which will allow school buses to run in that area, that this is the understanding he gets.

Mr. Easley said it was his understanding that their contract period was technically up shortly after July 15 and they had expected to abide by their contract and have it open as far as finishing the work that is going on overhead and they are ready to pour the concrete deck and they have put the dirt across the road because the earth movers are running over it, but since the state contractor had the right to close it to protect the public from the hazards of construction, the earth mover was taking advantage of that in trying to get the dirt moved, but he knows that shortly after July 15th he would have to put flag men out there and the road has to be re-opened.

Commissioner Borries said he wasn't aware that it would happen that quickly, that this is good to hear.

Mr. Bethel said he was told by Ron Smith that it would probably be September before it was open.

Mr. Easley said he will find out, that they gave him the July date and now September has come up again. He said that the residents that live east of I-164 do not have to go very far to get to the Old Boonville Highway, that he had expressed to them the Commissioners concern and they pointed out to him that the state contract authorized them to close the road because it is a hazard for people driving back and forth while they are trying to build a bridge, but he will check on the September date because this isn't what they told him.

B STREET UNDERPASS

Commissioner Cox then asked if we ever got a letter from the Works Board on the B Street Underpass, that she has one in her file from the Gas Company but nothing from the Works Board.

Mr. Easley said he had a meeting with the Works Board and their wishes were discussed and there were some minutes taken, that Commissioner Borries has a copy, that they states some preferences if that site is used, that the Gas Company has given us their comments, so as soon as we get confirmation on the availability or non-availability of financing of any federal monies, we can sit down and digest all of these comments and then make a decision as to whether we should proceed or not.

CLAREMONT CROSSING

Commissioner Cox asked if anything has been received from the Railroad regarding the Claremont Crossing.

Mr. Easley said a letter will be forthcoming from CSX with their comments on the

preliminary plans, that they were sent to Jacksonville.

Commissioner Cox said we have gotten a letter from them and that is when they wanted us to pay them for reading the plans.

Mr. Easley said that was one letter, that he guessed they just wanted to advise us that they wanted to be reimbursed for their review time.

#### KANSAS ROAD BRIDGE

Commissioner Cox then asked if we are making any progress on the Kansas Road Bridge.

Mr. Easley said he relayed the state's request to delete the cul-de-sac east of Kansas Road Bridge from their construction plans and he hasn't received any word from the farmer on the bridge, that he hasn't been paid for his property acquisition and he doesn't want to say anything until he gets paid, so that is in limbo for awhile, so we can either assume that the bridge is going to be permanently closed and not re-opened or that it is going to be taken over by the farmer, but he has to express a willingness to accept it, but he hasn't heard any more on it.

#### WOODS ROAD BRIDGE

Commissioner Cox asked Andy if he has received an update on the Woods Road Bridge.

Mr. Easley said there are no plans being drawn for that bridge, that one has been sized as far as the opening but he needs to sit down and discuss it with the County Commissioners, as to priorities and where the bridge money is going to be expended next year.

Commissioner Cox said she thought Woods Road was to be done this year.

Mr. Easley said it wasn't in this years budget.

#### ROLLETS LANE BRIDGE

Commissioner asked how about Rollets Lane.

Mr. Easley said the bridge members have been ordered and he is still in the process of getting proposals from contractors to install them.

#### PROBLEM OF PLASTIC PIPE

Commissioner Cox said, in reading the Drainage Board minutes and hearing some comments after the last meeting of this Board, and with reference to Oakview too, and the plastic pipe, she thinks we need to take another look at that and make sure there is no plastic pipe in the right-of-way, that she understands there is some in the right-of-way, and when the homeowners agreement comes in, they are going to have to take care of all that plastic pipe or else it will have to be replaced, that it is in our right-of-way. The other Commissioners agreed.

#### POLLACK AVENUE PROJECT

Commissioner Borries asked if there is any input on the Pollack Avenue South Project, since this is a project we need to consider at some point, that it will tie in and be one interchange on I-164, the southern leg between where they re-located Covert Avenue and Green River Road, that the plans are to widen this and it would be widened from where I-164 crossed the levee to Pollack Avenue and he thinks it is about .475 in regards to mileage, right at  $\frac{1}{2}$  mile, that he would like some consideration at the next meeting, that we will ask Rose in from EUTS and see if there is further information on what we need to do on this project.

#### RE: APPOINTMENT TO THE LAND COMMISSION

Commissioner Borries said we are going to have one opening on the Land Commission that has been established through state legislation to work, not only in regards to the re-assessment, but they work in conjunction with the County Assessor on a frequent basis as a review agency and we have one vacancy and he would like to suggest an appointment to the Board of Mr. Robert Miller who would represent the Industrial appointment on the Land Commission, that he works for Atlas Van Lines and his address is 416 Marlene Drive.

Commissioner Willner so moved that Mr. Robert Miller be appointed to the Land Commission. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox said she thinks the Commissioners need to offer thanks to Mr. Barney Hubbard for serving on this Commission, that she understands the reason for Mr. Hubbard's resignation is because of his health and the health of his wife, so we should also extend wishes to them both for improved health.

The other Commissioners agreed and Commissioner Borries said he will see that a letter is sent to Mr. Hubbard.

RE: VETERANS SERVICE OFFICER RECOGNIZED

Commissioner Borries said he hasn't seen the Newsweek article as yet but he understands that the Vanderburgh County Veterans Service Officer, Carl Wallace, has been recognized in Newsweek, a national publication, for his work with the Wish Upon A Star Foundation which is to aid terminally ill children and for his work he has been mentioned in the Newsweek magazine, which is quite an honor. We could also write a letter of congratulations to Carl for his work with that very worthwhile group and recognize him.

Commissioner Willner moved that a letter of congratulations be sent to Mr. Wallace. Commissioner Cox seconded the motion. So ordered.

Commissioner Borries asked if there is anyone in the audience who wishes to speak to this Commission. There was no response.

RE: OLD BUSINESS CONTINUED

County Attorney John said the Commissioners need to sign the non-collision affidavit for the Welfare Department Lease Agreement, so the County Commissioners signed the necessary papers at this time.

RE: DISCUSSION ON PROPERTY FORMERLY KNOWN AS KAY'S HEALTH CLUB

Mr. John said that John Wissner is here and apparently last week there was an order from this Board that certain properties be razed which Mr. Wissner owns and he is here to address the Commissioners.

Commissioner Borries asked Mr. Wissner to come forward and give his name and address for our record.

Mr. Wissner stated his name and said that he is an attorney in Boonville and practices at 226 S. Third in Boonville, In. He said he received a letter back in early June from Mr. Roger Lehman and had a couple of conversations with him on the phone, and he was advised of the Commissioners hearing to be held on June 8 and he didn't get this letter until the Friday before the meeting on Monday at which time he had other matters in his law practice scheduled for that day, so at the suggestion of Mr. Lehman, he contacted Attorney David Miller and explained to him about the problem and of what Mr. Lehman had explained as to what needed to be done out there and he assured Mr. Miller that he would take certain steps and he asked if he could be given 30 days to do that, by the Board, and Mr. Miller suggested he have until the end of the month and he said that would be fine. He said he then received a letter from Mr. Lehman on June 10 giving him 20 days to take certain action, that prior to the Commissioners last meeting, the one building was removed and he had the well pit covered but someone had removed the cover and they did remove the debris, but the large building had a door that still had to be sealed and they had to put another cover on the pit. He said he wasn't advised that this matter would be taken up at the Commissioners meeting of June 29, since he thought he had until the end of the month and it wasn't until that morning when a reporter called him and asked about it, that he needed to fill the pit up so he immediately sent his worker back out there and he returned at lunch time on June 30 with photographs and told him what he had done to take care of these last two problems that Mr. Lehman wanted him to take care of. He then explained to the Commissioners what all he had done to correct the problems that Mr. Lehman had told him about. He said they are trying to sell this property, that he did have one potential buyer who was interested in keeping the one old building and remodeling it, so this is one reason he hasn't had that building demolished, but if a buyer wouldn't want that building he will see that it is demolished later also.

Commissioner Borries asked if there are any questions by the Commissioners.

Commissioner Cox said this certainly isn't a new problem, that it has been going on for quite a few months. She asked Mr. Wissner when he will know if this buyer that wants the land and the building is going to make an offer or not.

Mr. Wissner said they had previously been interested but later became disinterested so he doesn't have any idea, and he has yet to contact those that may still be interested. He said he doesn't know if part of the problem they have had is due to the locations history or not but he has complained and asked for help from the Sheriff's office, that they have had fires out there and as fast as they boarded it up, there has been more vandalism and someone breaks in it again, and he knows that the deputies can't patrol it 24 hours per day but they have the same problems over and over again and if he doesn't get someone to help keep vandals away from there, that people use it for a dump.

Commissioner Borries thanked Mr. Wissner and he asked Mr. Lehman if he has any comments to make at this time.

Mr. Lehman said the only comment he has is that he hasn't been back out to the site since the work has been done but he has no doubt that the situation is now like it was in the pictures and he supposes the main reason he held up in the first place, in addition to the things Mr. Wissner talked about today, was that the building would be in another matter, which to him, presented a legal problem and he didn't know how to handle it, so he referred him to County Attorney Miller. He said he agrees with Mr. Wissner in that he thinks the property will continue to be a problem until something is done and it gets occupied, also in his estimation, this building doesn't have a lot of value and it would probably be as expensive to repair this building as it would be to build a new one of similar size.

Commissioner Borries asked Mr. Wissner if this matter that he referred to earlier is a legal matter in regard to a court case.

Mr. Wissner said yes it is, that there is a law suit pending against an Insurance Company in Circuit Court concerning the original buyer, that it hasn't come to trial yet and he was concerned that if the building was demolished, then the Insurance Company may make an issue of it, knowing full well that they have no evidence and the cost of repair versus the market value is an issue and whether this building is capable of being repaired or less than the market value can make a difference in the Insurance. He said the building is now sealed, that he doesn't think it is a danger to anyone and he doesn't think it to be a public health hazard, that he doesn't think it is the most beautiful piece of property in the world either, but if anyone gets on the property they are trespassing.

Commissioner Cox said she doesn't have as much of a problem with the building being sealed as she does with the well, the pit and the open ditch where water accumulates, where rodents accumulate and where people can fall in, that children who live around there could stray, fall in and drown.

Mr. Wissner said the well is not a well in the sense of an open well, that it isn't a hazard such as an open well.

Commissioner Cox asked Mr. Wissner why he doesn't fill in that four foot pit.

Mr. Wissner said that is the only water on the property and someone may want to use it to put in a water pump, that it is basically a pump house.

Commissioner Cox asked him if he couldn't put some kind of concrete slab over it.

Mr. Wissner said he supposed they could. He said that before, they had put two by fours over it and nailed them into a frame and then covered that with plywood to keep the rain out and then nailed additional two by fours over that, so he doesn't think there is danger of anyone falling in it.

Commissioner Borries said one of his more memorable experiences is visiting one persons premises in this county that has such a wide variety of things on it that it almost defies description and he wants to assure Mr. Wissner that the Commissioners would not want to harm his property in any way or do anything that would be malicious to him but the Commissioners' concerns and frustrations of what some of the nearby

residents have said, constituted a health hazard and because of the condition of the property at that time was the reason we made that decision. He said a neighbor made all kind of comments about graffiti and things such as that, but what the issue here is, and he is sure that Mr. Wissner is acting in good faith, but if it is going to be a hazard, then the Commissioners made these decisions, so we are going to have to get a current assessment, that we have had rain again today and we might be able to go out there and get some idea as to where there is standing water and perhaps we could walk through there and make a resolution on it.

After further discussion, Commissioner Cox asked Mr. Wissner if he could keep the grass cut since this invites all kinds of trash, litter and dumping, so by making an effort on his part in keeping the property cleaned up and keeping it mowed and get the trash away from there, that would help a lot.

Commissioner Borries asked Mr. Wissner if he would arrange a meeting out there, that the Commissioners will wait until he reports back.

Commissioner Willner said he will be willing to go out there, but lets talk a little about the pump house. He said that Mr. Wissner could put a four-foot extension on the well and cover that pit and this would end the problem, and if he would do this, he would be willing to go along with it.

Commissioner Borries said he hasn't been out there today so he can't determine the current condition of it.

Mr. Wissner said he will do whatever he can to satisfy Mr. Lehman.

The Commissioners agreed that Mr. Wissner do whatever Mr. Lehman recommends to make it safe out there.

Mr. Wissner thanked the Commissioners .

RE: REQUEST TO USE VANDERBURGH AUDITORIUM FOR PLUMBING TESTS

Mr. Lehman said he has one more thing, that he thinks he handled this before, that he received a call from Jerry at the Auditorium, saying that they need the approval of the Commissioners for the use of the Vanderburgh Auditorium for plumbing tests to be held on July 8, 1987.

Commissioner Cox moved that the request from the Building Commission to use the Vanderburgh County Auditorium for the testing in the licensing of plumbers be approved. Commissioner Willner seconded the motion. So ordered.

RE: CLAIMS

A claim was submitted by Bayers Plumbing Company for a refund in the amount of \$15.00 since the address isn't in Vanderburgh County.

Commissioner Cox moved that the claim be approved. Commissioner Willner seconded the motion. So ordered.

A claim was submitted by the Cynthiana State Bank for a refund on a shelter house at Burdette Park on August 16th in the amount of \$50.00.

Commissioner Cox moved that this claim be approved. Commissioner Willner seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES

Commissioner Borries stated that we have no employment changes to come before the Board today.

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

PRESENT:

COMMISSIONERS

Richard J. Borries  
Robert L. Willner  
Shirley Jean Cox

COUNTY AUDITOR

Sam Humphrey

COUNTY ATTORNEY

Curt John

COUNTY HIGHWAY

Bill Bethel

COUNTY HIGHWAY ENGINEER

Andy Easley

BUILDING COMMISSION


Roger Lehman


OTHERS

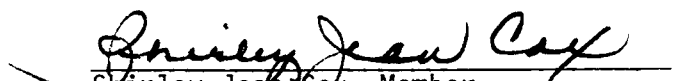
Phil Siegel  
John Wissner

SECRETARY:

Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 13, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, July 13, 1987, in the Commissioners Hearing Room with President Rick Borries presiding.

The meeting was called to order by President Borries, who said that today is a historic day. Two hundred years ago today the Northwest Ordinance was officially signed and that created the State of Indiana and surrounding states and, therefore, counties -- which are creatures of the State of Indiana.

Commissioner Willner is out of town today. He is attending the National Association of Counties meeting in Indianapolis. He believes the President is supposed to speak there today. Nonetheless, Commissioners Borries and Cox constitute a quorum and they are here today to conduct business. The only item on the printed agenda to be changed to his knowledge is Item #6 (Request for approval of plans on Rosemont in University Heights No. 5 and No. 6). This item will be omitted from today's agenda.

President Borries said the Commissioners have had a lot of legal records. Some of the secretaries are taking a well-deserved vacation at this time, and we're not to the point of approving minutes from last week's meeting (July 6th). However, he would submit the minutes from meeting held on June 29th. If Commissioner Cox has any corrections, he would entertain those at this time.

Commissioner Cox said she would like to ask for an explanation and a possible correction on Page 7 where it says "Corporation for Precinct Changes". She believes this should read "Appropriation for Precinct Changes".

For purposes of clarification, on Page 9 (second paragraph from the bottom) where Commissioner Borries questioned the "Bi-Annual Salaries", it says that a check with the Auditor's Office revealed that the bi-annual salaries are for people who have full time positions but are part-time in these particular slots. Because they are only working for approximately six months in these slots, the salaries are for bi-annual amounts. They only work one half year in these positions and the money for these comes from the State. Can the Deputy Auditor explain this?

Deputy Auditor Cindy Mayo said she knows that Circuit Court currently has some positions for which they get the money in bi-annually (via a grant).

Commissioner Cox asked if these employees are on the County payroll?

Mrs. Mayo said that they are.

Mrs. Cox asked, "They are on the County payroll and the County pays a portion of this same job and the State pays? Or, are they trying to hold two different jobs? To me, this reads as though they are holding two different jobs and I am not sure that is the situation."

Mrs. Mayo said, "No, on these particular jobs, the county pays a portion of their salary and the other portion of their salary is paid through a grant. But their fiscal year is from July to July. We use the money we have from July until December. Connie Gard from Circuit Court is trying to get this put in the budget, where they will be on the same fiscal year we are -- from January to January. But it is not two different positions; the money is coming from two separate accounts -- but for the same position."

Mrs. Cox said she believes this should be clarified in the minutes. With the foregoing corrections, she would move that the minutes of June 29th be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Borries. So ordered.

RE: AUTHORIZATION TO OPEN BIDS

The meeting resumed with President Borries noting that Items #3 and #4 on the agenda concern bid openings. If Commissioner Cox agrees, perhaps authorization can be given for County Attorney Curt John to open the bids for resurfacing of various county roads and bids to perform title search.

Motion that Attorney John be authorized to open subject bids was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: POOR RELIEF APPEAL - KNIGHT TOWNSHIP

Pamela A. Smith: President Borries said poor relief applicant is Pamela A. Smith. He asked if Ms. Smith is in the audience? There was no response. He then asked that Jim Lindenschmidt check the hallway to determine whether Ms. Smith is waiting outside the meeting room. Mr. Lindenschmidt reported that the hallway is completely clear.

It was subsequently noted that if the applicant shows within a reasonable length of time, the Commissioners will hear the appeal. Otherwise, no action will be taken.

In response to query from Commissioner Cox as to the nature of the request, Commissioner Borries said the application states "any assistance". There is a denial reason at this time which he is sure the Trustee will be willing to list should Ms. Smith arrive.

Knight Township Trustee Ron Saulman stated that this appeal was going to be heard last Monday. Apparently the lady decided it wasn't important enough to confront the County Commissioners. It was rescheduled for this week; by the same token, he wanted to note that the appeal was scheduled to be heard last week.

Commissioner Cox said the applicant did call last week and say that she had another appointment, but would be here today.

RE: REQUEST FOR TEMPORARY RELEASE OF RIGHT-OF-WAY

President Borries read the following letter from County Attorney David Miller:

July 8, 1987  
Mr. Richard J. Borries, President  
Vanderburgh County Commissioners  
City-County Building  
Evansville, Indiana 47708



Dear Rick:

Enclosed is a form of Release of Temporary Right-of-Way which was prepared by Bob Becker of Bamberger, Foreman, Oswald & Hahn. Mr. Becker requests that the Commissioners execute this Release. Please note that the temporary right-of-way involved was dated December 12, 1966. My investigation shows that this temporary right-of-way in favor of the County was granted in connection with the construction of the bridge over Pigeon Creek on Oak Hill Road just north of Morgan Avenue. I do not believe that the temporary right-of-way serves any purpose at this time since it was in connection with a bridge project that was completed some twenty-one years ago. If you are satisfied that there is no need for this easement as I am, please cause the document to be executed by all of the members of the Commission and mailed directly to Mr. Becker for recording.

If you have any questions, please feel free to call.

Very truly yours,

BOWERS, HARRISON, KENT & MILLER  
David V. Miller  
Attorney-at-Law

Commissioner Cox said her only question concerns "all of the members of the Commission". Is that a technicality?

Commissioner Borries said, "I would think it is. I guess Mr. Willner could do one of two things. Since we constitute a quorum, if he does not wish to sign, I do not think it would have any direct effect if you and I choose to grant it."

Motion that the Release of temporary Right-of-Way be signed was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: VANDEBURGH AUDITORIUM

The following report was submitted by Kim Bitz, Manager.

1987 SIXTH MONTH REPORT

UTILITIES: Utilities continue to show a decrease in usage. The figures below represent approximate cost of gas and electric only during the first six months billings.

<u>1987</u>	<u>1986</u>	<u>1985</u>
\$36,600	\$44,982	\$46,080

BOOKINGS: Bookings continue to grow upward.

	<u>1987</u>	<u>1986</u>	<u>1985</u>	<u>1984</u>
Total Rentals	117	102	111	95
Total Events	94	88	85	81
Calendar Days	87	91	89	78

INCOME: Income also increased again.

<u>1987</u>	<u>1986</u>	<u>1985</u>	<u>1984</u>
\$104,414.65	\$98,880.15	\$92,091.79	\$82,027.97

Mr. Bitz said he discussed the budget with the Advisory Board and it has been submitted. Along with the budget, they have requested that we submit Phase I of the Master Plan to the Council for their perusal and determination as to whether there is a means for funding Phase I, which includes a new lighting system as well as handicapped restrooms on the main floor.

Commissioner Borries said, "Kim, I do want to personally thank you for the work you have done. This Friday will be your last day. Hopefully, you will be available should we not have selected a person to take your place. But, in my opinion, I certainly believe that you've seen some difficult times with some energy problems and going through a lot of decisions in regard to renovations, etc. and that you've done a very fine job and I certainly appreciate your service there. In government there are always frustrations with a lot of players and their opinions, this, that, and the other. I suppose Ollie North has felt that same thing from time to time. I know it is a slow process -- we've just signed a document here today that dates back to 1900. But I appreciate your hanging in there and doing a good job at the Auditorium. I think the Auditorium is better off as a result of your work there.

For the record, I have conducted some interviews with several people throughout this past week and will be doing so yet at the end of this week. If we can decide on an individual, hopefully you would be available by the end of this week to perhaps meet with that person to help insure a smooth transition and I would certainly ask your cooperation."

Mr. Bitz said he will be around until mid-August and will help out as much as he can.

President Borries said, "You will be moving to Chicago some time in August. We wish you well and every success there. Thank you again."

Commissioner Cox said, "I will echo those remarks."

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for the employees at the County Garage for period July 6 thru July 10, 1987.....report received and filed.

Gradall: Bender Road and 5800 Booker Rd., Kissel Rd., Kramer Rd., Evergreen and Old State Rd.

Patch Crew: Bender Rd. over culverts

Paved: Ashwood and Ridgewood.  
(Contracted out: Mt. Pleasant, Old Green River Rd., Clover Drive, and working on Upper Mt. Vernon Rd.)

Tree Crew: Denzer Rd., Old Henderson Rd., Pollack Avenue, Indian Mounds Blvd., East Walnut, Park Plaza, Hill Top, Evergreen, Schlensker and Tanglewood.

Brush: Evergreen and Old State Rd.

Mowed: Old Henderson Rd., Graff Rd., Millersburg Rd., Heinlein, Baseline, Petersburg, Evergreen, Lynch Rd. and Darmstadt Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew as follows.....report received and filed.

- Cut weeds on Old Henderson Rd.
- Replaced culvert on West Franklin Street
- Cut road on Old State and Evergreen to install culvert.
- Cut weeds on Ohio Street Bridge.
- Painted guard rail ends on Old Henderson Rd. at bridge and cut weeds.
- Rip-rapped Boonville-New Harmony Rd.
- Cut weeds on Stringtown Rd. and Pfeiffer Rd., and repaired guard rail on Pollack Avenue.
- Replaced culvert on Evergreen and Old State Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for the Bridge Crew and employees at the County Garage.....reports received and filed.

Request for Leave of Absence/Billy Downing: Mr. Bethel said that effective today, he is requesting approval of a six months' leave of absence for Billy Downing. He will undergo surgery at a Veterans Hospital in New Mexico as a result of a military service related injury.

Motion to approve the request was made by Commissioner Cox, with the County paying their proportionate share of insurance and the employee paying his proportionate share, with a second from Commissioner Borries. So ordered.

RE: READING OF BIDS

The Chair recognized County Attorney Curt John, who had indicated he is ready to report on the bids received.

Resurfacing of Various County Roads: Two (2) Bids were received; The Rogers Group and J. H. Rudolph & Co., respectively. Both bids are in order. The Rogers Group bid \$162,130.00. The bid from J. H. Rudolph & Co. was in the amount of \$151,151.00.

The bids were referred to Messrs. Easley and Bethel for their perusal.

Title Search for Tax Sale: Three (3) bids were received and all appear to have met the bidding requirements. All three bidders bid by estimating the number of parcels and estimating a unit price per parcel and then having a total for the units times the parcel price. Bidders were as follows:

Indiana Paralegal Services, Inc.: Projected 50 parcels at \$220.00 per parcel or total of \$11,000.00.

Vanderburgh Abstract Corporation: Estimated 150 parcels at \$200.00 per parcel or total of \$30,000.00.

Hoosier Abstract: Estimated 60 parcels at \$350.00 per parcel or total of \$21,000.00.

Attorney John said he believes the specs requested additional information. Therefore, he requests that the bids be referred to County Attorney David Miller (who drafted the bidding specifications) or the County Auditor's Office for their review and recommendations.

Commissioner Cox asked if the bid from Indiana Paralegal Services, Inc. means that the 50 parcels or under would be at the price they quoted? Or, does that mean that they have to do 50 parcels?

Attorney John said there are different stipulations in each bid. For example, .....

Mrs. Cox interjected, "Or, the next one -- 150 parcels -- if there are only 100 parcels?"

Attorney John said, "There are some attachments. This is why I recommended they be referred for a full review to determine what all is included in that bid. For example, when payment would be expected if a parcel does not sell at tax sale time. There were different requests in there. What he has given the Board basically is the bid amount rather than the other contingents or parts of their bid."

Commissioner Borries said he would like more information concerning the variation on the bids in terms of the number of parcels to be estimated.

Attorney John said he has heard anywhere from 100 parcels to 300 parcels, but he doesn't know how many parcels. One of the bidders request that if they are awarded the bid, would the Recorder's office be available after hours for them to have access to the records.

Commissioner Borries asked, "Curt, wouldn't we almost have to look at a bid per parcel rather than an estimate of the number of parcels?"

Attorney John responded, "Yes, that is why I would like more time to review the stipulations in the various bids. It would appear that they are bidding on a per parcel basis and I think that is what the bid specs requested."

Motion was made by Commissioner Cox that the bids received for Title Search Services be referred to the County Attorney and the Auditor's Office for a one week period, with the recommendations to be made to the Board at next week's meeting. A second to the motion was provided by Commissioner Borries. So ordered.

RE: FINAL SETTLEMENT - FRED HATON/HILLCREST-WASHINGTON  
CHILDRENS' HOME

Attorney John said he has received from David Miller (who has been handling this matter) the Final Settlement Agreement and Mutual Release regarding the matter of Fred Haton vs. Vanderburgh County Board of Commissioners. Attorney Miller has requested the Commissioners' signatures and he believes all members of the Commission are familiar with the agreement.

Motion was made by Commissioner Cox that the Settlement Agreement re Fred Haton be approved and signed, with a second from Commissioner Borries. So ordered.

RE: POOR RELIEF APPEAL - KNIGHT TOWNSHIP

Commissioner Cox noted that it has been fifteen (15) minutes since the poor relief appeal was mentioned. At this time she would move that the poor relief hearing concerning Pamela Smith not be heard, with a second from Commissioner Borries. So ordered.

RE: BUILDING COMMISSION - ROGER LEHMAN

16930 Highway 57 North: Mr. Lehman said he met with Attorney Wisner (the owner) last Wednesday. He will submit photos which he took last Wednesday which show that the doors had been secured but have again been forceably opened. He will also submit six (6) photos which he took this morning. They show that the building is secured and the grounds have been cleaned up and the ditch has been repaired to some degree. (He passed the photos to the Commissioners for their perusal.)

Commissioner Cox asked if the building in the photo she has is the building where the door can be opened by pushing it in?

Mr. Lehman said he suggested that Mr. Wisner might want to cover those with plywood like he did the one door.

The Chair recognized Mr. Carl Hedges, who stated he lives on Stevenson Station Rd. in Chandler, Indiana. He said he did the work for Mr. Wisner. The doors are nailed shut with six-penny ring nails, which if they kick them in again they will have to tear them down. They would literally have to be kicked down and come apart. The least secure door there is the one with the plywood over it. That is the main entrance toward the highway. Because it is the main entrance is probably the reason they don't pick on that door. The back door swings in -- it has a 2 x 4 nailed across it with a light meter beside it. The door swings in and is braced in from the back side of it with a 2 x 12 running the length of the door off the wall, which is about 5 ft. 6 in. behind it -- that is an old utility room. To get out of that room into the rest of the building you have to crawl through a small hole. The other front door which swings out (which is the farthest from Highway 57) the 2 x 4's which run up and down are nailed into the face of the door and the door itself. He did additional work on the pump hole which is only 3 ft. deep. He laid 2 x 6's and 2 x 4's solid across the pumphouse and treated them with oil so they would last a little longer. He laid a quarter inch piece of plywood across that -- forming a "z" across the top of that and then he laid metal, which is merely so a person can't get to the nails (which are shank nails) to pull them out. It is a little more uncomfortable to walk on -- but just a little weather protection.

With regard to the ditch, he did the best he could with it due to the wet weather, etc. Evidently a car had come down in there and started the problem and stopped up the culvert. He put an extension on the culvert of 5 ft. He didn't look at it after the rain today, but he imagines it looks a little thinner after today's rain. He had a sump hole dug at the entrance end of the driveway but it got filled last night. He doesn't know whether people like that property out there or they just go out there for old memories. It is a hard piece of property to keep and he really tries to do his best. He does realize that it was bad. The garage was torn up by vandals. Someone yanked a beam out of it. He took care of the graffiti; he painted over that. This time instead of mowing it, he used what they call a "gill bar" (cutting bar) on it. He probably yanked half the grass out, which will make it a lot easier to mow. There is no trash on the lot whatsoever -- maybe just a few limbs (small ones) -- but there are no bottles or cans and the limbs are down to arm size.

Commissioner Cox said she has some questions. "Mr. Hedges, are you contracted by Mr. Wisner to maintain this property -- by cutting it at least once a month to keep it clean? Or, what are the arrangements? What do you plan to do now that you have the grounds looking fairly clean? When do you plan to check it again and cut it?"

Mr. Hedges said, "I really have no plans to cut it again. I guess it would be up to Mr. Wisner as to when it is cut. The lot next to it hasn't been cut in about ten years."

Continuing, Mrs. Cox said, "The building looks like it is fairly secure at this time. However, it also looked fairly secure before this was broken into. What is going to happen if these doors are broken in again?"

Mr. Hedges said "We will repair them. The reason he wants to keep the building is because it is a concrete block building. It cost 50 cents per block and 50 cents to lay it and the building is approximately 21 ft. wide and 56 ft. long -- so it would be quite an expense to replace the building. There are several

reasons why he doesn't want the building torn down. It has water running through it; it has a drain, etc. If he can talk John Wisner into it, the next time the doors are torn in, he will gut the building to where there is nothing in it. He thinks the only reason people bother it now is because of the debris in the building."

Commissioner Borries said to follow up on that question -- and maybe more for Roger (Lehman), isn't there a way in which -- it's not just a matter of mowing in the field. Again, he wants to assure Mr. Hedges that the Board is not trying to put him on the spot, except that abandoned buildings are different in a field that hasn't been mowed, in his opinion, because this is a health hazard; if someone would go onto the property, obviously, they would be in violation of Mr. Wisner's rights or Mr. Hedges' rights -- whoever owns the property. But unless the property can be maintained almost on a weekly basis during the summertime, he still sees it as a health hazard. Sometimes that cuts down on vandalism. If the Board could be certain that this is going to be an ongoing thing, then he believes Mr. Hedges would find that it is not going to be such a health hazard -- as it is right now. But when Mr. Hedges isn't there -- with all these openings and things that have been in the state of neglect, someone could fall in there or a fire could develop which could threaten the neighborhood. There could be all kinds of potential hazards. The Commissioners are trying to see if they can work through an agreement with Mr. Hedges. They don't want to condemn the property either, unless it constitutes a health hazard to the whole neighborhood. This is why they have asked Mr. Lehman to go out there several times and give them his opinion as to what needs to be done out there.

Mr. Hedges responded, "With regard to the building, it is not mine and I can't just say I am going to do this. I will talk to Mr. Wisner. We did talk about concrete blocking the entrances. There are just three doors in the building; they have already concreted the windows up. As far as a health hazard, other than a fire, he really doesn't know quite what the health hazard would be. It is not nearly as bad as the apple tree."

Commissioner Borries said, "We've had an open well."

Mr. Hedges said, "That well is 3 ft. deep, Sir."

Mr. Borries said that if it is dark, someone could fall and break a leg.

Mr. Hedges said, "You can fall off a curb and break your leg. The well is securely covered and unless they use some sort of machinery, there is no way to get the well top off. He used pole barn nails. To pull it, you've got to be lucky and he used a 4 ft. crowbar. If they tear off the well top, he guesses if John will go with it that they will fill it with sand or concrete it over and block up the doors."

Commissioner Borries asked, "That is the thing -- you've finally hit. You're saying that in your opinion the reason he is going to this expense -- why they wouldn't just go ahead and tear down this structure because it might constitute a health hazard. Wouldn't it be more attractive to have more saleable property perhaps the developer might have more options to do whatever they want to do on it rather than having that building? I don't understand why the building is so important. Is it that valuable?"

Mr. Hedges repeated, "Fifty cents per block and fifty cents to lay it." If you're going to build one back in the same place,, yes -- the building is an asset to the property. There are several buildings on the line. If a guy buys property and then comes up here and asks if he can build a building on the property line, the Board is going to tell him to get a variance. It is rough getting a variance on a property line. The building is

built one ft. from the property line; it has a concrete floor and the sewers are hooked up to the septic and water lines are run in it. The expense of replacing what is in the shell would probably be \$6,000.00 to \$7,000.00. As he says, the only thing he knows they can do is to concrete block it up. Even yet, he guesses, if the Commissioners wish, he can go out there and build a wall in front of the doors rather than nailing the doors shut. But he can't imagine anybody wanting in the building as long as it has stood open and they could have possibly gotten in and looked around. For a long time they were packing material out, that is how the garage got torn down. Someone came in there, hooked a chain on the beam and ripped it down one night. People packed off blocks little by little and Jericho came tumbling down. As far as the building goes, he went all through it yesterday and looked at it. His thoughts at that time were to just take everything out of it. But then he got to thinking it would be just as bad to allow people to come into an empty building. John did say that he had a buyer who was going to buy the building and open a flea market there -- but he doesn't know. Right now the entrances are very secure and the doors would have to literally be torn up and laying in pieces. He has had people out there butt boards against their car bumpers. He really has tried -- but the right word is that it is really a "bummer". You can work your can off up there and go up there the next day and see a truckload of trash.

Commissioner Forries asked if there are entrances to the property that could be blocked off?

Mr. Hedges said he blocked off the back entrance at one time. To him, he sees no reason why they couldn't be totally blocked off other than the fact that the State uses them a lot to park machinery or and they mix a lot of paint there, etc.

Commissioner Cox asked whether the State has a contract with permission to use this property? Do they pay a rental fee?

Mr. Hedges said they never have with him, but they might have with John Wisner. He would see no reason to charge the State Department to park a tractor on a piece of property; taxes are high enough. It is not like that tractor is going to eat anything sitting there.

Commissioner Cox said that if they are parking in that area, they certainly are taking a risk of experiencing vandalism and stolen vehicles.

Mr. Hedges asked, "That is not a safe area?"

Mrs. Cox replied, "Well, I think it is an area that tends to attract some undesirable-natured individuals. You admitted they hauled off and/or took things out of the garage, right? They dump litter in this area. Sir, we're talking about this piece of property and we've been talking about it up here for a year. The fire was at least two years ago and still nothing has been settled. Now talk is nice but I, personally, am having a problem and just thankful that no one has gotten seriously injured on this property. We can compare it to anything else that you want to, but our job is to look at this piece of property and try to make a decision. We made one two weeks ago or three weeks ago and then we came back on that decision. Now you're here today and you've done some other things -- but is this going to last? This is our problem. It is an ongoing thing, Mr. Hedges."

Mr. Hedges asked, "Do you have any suggestions?"

Commissioner Cox responded, "I would like to hear Mr. Lehman. You say the building is safe. I, as a Commissioner, have to depend on technical people who either through their job or their position have an authority to make a statement as to whether or not the building is safe. So, I don't have any suggestions at this time.

The Chair recognized Tina Donner, who stated she lives behind the massage parlor at 16090 Old Petersburg Rd. She made some Polaroid photos, which she will give to the Commissioners for their perusal. There is a brief explanation on the back of each. If the Commissioners have questions, please ask them.

Commissioner Cox said that while the Commissioners are reviewing the photos provided by Mrs. Donner, would Mrs. Donner please look at the photos taken this morning by Mr. Lehman.

Mrs. Donner said Mr. Hedges was at the subject property at 6:30 this morning (as she was leaving to go to work) -- that is when he covered the well. He was there yesterday from mid-afternoon to about 6:00 - 7:00 p.m. He left for a couple of hours and then came back. The metal cover was just put on the well this morning.

Mrs. Donner said this matter is really getting to be old. On June 8th at the Commissioners meeting, they said they would have 20 days to do a certain number of things to this land. They said that they were going to send this man a letter stating what was to be done. They said the building should be sealed with a minimum 1/2 inch plywood. That has not been done except for one door. They said the partially razed building should be removed. That has been done. They said the well pit should be filled. That has not been done. There is only plywood and some metal over the top. All trash and debris and junk was to be removed from the site. He does that when he comes out. He had until June 28th to get this done. It wasn't real clear to John Wisner that he had until the 28th and they squeaked by and it was June 29th or June 30th when they were out there working. They had twenty (20) days and they weren't out there before the 29th and 30th doing some things. But they did not do near all that the Commissioners stated should be done.

Continuing,, Mrs. Donner said we came back to the next meeting on the 28th or 29th and it was noted that Staub Construction was going to go to the subject property and tear the building down if they did not meet what they were ordered to do. That was fine, all they needed to know and they left the meeting. Then she found out via the newspaper that Mr. Wisner showed up at a meeting saying something about some kind of a lawsuit pending from 1984 and that they could not tear the building down because of the lawsuit. Where was this man on June 8th or any other time to say anything about this lawsuit that is supposed to be pending from three years ago? The man who legally owns the property has never been to any of these meetings. So that is what she wondered -- where he was, why he has not said anything to us in these meetings about this lawsuit until after it was already a week after his deadline was up to do anything about this stuff? Then he brings this stuff up. She doesn't know whether anyone found any proof concerning the lawsuit, but if there is any proof of any lawsuit, she'd like to see it. But the property still does not meet what was stated in the letter sent to him. She had a yard sale Saturday and a young lady came to her house. She bought something and took it back to her small red car and then came back up to Mrs. Donner. She asked if Mrs. Donner sees anyone over at the subject property. Mrs. Donner told her that people were over there all the time. Especially in the summertime there are people walking all over the place. The lady asked that anytime Mrs. Donner sees people over there (she said she was the wife to the man who owned the property) to run them off. Mrs. Donner said she told the lady that for one thing, it is not her place to be running people off that property to begin with. She will call the police (which she has done twice during the past week). The lady got into a pretty heated discussion with Mrs. Donner and told her that the letter that was sent to Wisner did not state any of this stuff. Mrs. Donner said she has not seen a copy of the letter. The lady said it was not stated in the letter that the pit should be filled. She told the lady that she wasn't going to argue about it at the time, but that if



she wanted to come to the Commissioners Meeting today, they could argue about it then. She said she wasn't going to stand there and talk to someone about this while she was trying to conduct a yard sale -- she didn't think that was the right way to do it anyway.

Wisner was in here last Monday and nothing was done this entire week. Sunday afternoon (yesterday) is when Mr. Hedges came and they had a tractor, etc. They did fill in the ditch and fixed it up like it should have been. He bushhogged all the weeds down on the corner lot out by the highway -- to where it looked half way decent. Her neighbor, Mr. Atherton, has lived there for a long time. The couple of days that Mr. Hedges and some other people have been out there they had parts they were using over there. But Mr. Atherton told her that he did see the lady who was talking to her and that it was Mr. Hedges' girl friend. She told him she didn't know and she didn't care. Mr. Atherton also told her that the person who yanked the beam out of the concrete building was Mr. Hedges -- because he wanted to use it for something else and yanked it out of there. She doesn't know. She is going by what Mr. Atherton said. As can be seen from the photos she handed the Commissioners, when they were over there yesterday she doesn't know what they were doing -- whether they were just whining and moaning and groaning to be making noises or what -- but he was also drinking and throwing the beer cans down. She took a picture of one of them by the telephone pole. She took that photo right after they left. She went over there and noticed they had a lot of work yet to be done. She was hoping he would get it all done. But he was also littering on that property. There were two other people with her -- so it is not just her word. If the place were broken into after they boarded it up, and if they did it once they could probably do it again -- unless they would block it up. She also wants to mention the condition of the roof (the place has burned once or twice). They had to put holes in the roof to put out the fire. You have firewood laying on the roof to cover the holes. If the building is there and someone wants to get it in, they are going to be able to get into it. She does have photos of some sort of meter that is right in front of the building. The first time they bushhogged here two or three weeks ago (when they were ordered to do so) they didn't do a very good job at all. They left quite a few of the weeds and didn't bushhog it all around that area. The Donners saw the meter and opened it. It is about 2 to 3 ft. deep and 12 inches around. There is a meter in there of some sort that does read 30%. She is just assuming that since that used to be a gas station that there is some sort of an L.P. tank maybe. Regardless, that is another health hazard with this meter and that is something that has not been discussed. Mr. Atherton did go over to the property with Mrs. Donner and he wanted to see if he could figure out what that meter was. He said he didn't know; but he would try to get in touch with the man who used to have the gas station to see if he could tell them what it was. He said they'd leave the lid open so if someone comes out there maybe they can see it - because it was hidden. Mr. Hedges cut the weeds and they are now laying on top of the meter -- so you can't see the meter for the weeds. Mrs. Donner said she might be nitpicking at many tiny things, but she is simply trying to say the building is a health hazard. The only time she ever sees anyone doing any sort of work out there is when they have been court ordered to do that and then it will be right on the last day. The Commissioners met on June 8th and it was stated in the minutes that they had twenty (20) days from June 8th, which would have made it June 28th, to have gotten all of these things done. When Mr. Lehman sent a letter to the attorney, it was dated June 9th. He said all he stated was 20 days from the date of the letter. Of course, being an attorney or being sly (the way they are anyway -- and she apologized to Attorney John) -- they waited right until the last day to get out there and do anything and they did the same this time. He was here last Monday and he waited until yesterday and this morning to do anything. She is not sure they'd have done anything at all had the lady not come to her house Saturday and the two of them got into the heated

discussion. It will probably take 20 or 30 meetings to resolve this, but she will be here every Monday if necessary.

Mr. Lehman said that when he inspected the building today, as reflected in the pictures, the doors were secure. If the in-swing door is as secure as Mr. Hedges says it is, it probably is as secure as it would be with plywood on it -- if he has a 2 x 12. Both of the doors had been nailed with ring shank nails when he was out there Wednesday. From a practical standpoint, in his opinion the building is secure, other than the roof and things which are another story. The well pit has been covered -- first with a layer of 2 x 4's or 2 x 6's horizontally, then plywood and then metal on top of that. Again, from an objective standpoint it would take an extreme amount of effort to get it opened up; they'd have to have a crowbar or chainsaw or something like that. Again, from an objective standpoint, he believes the well is not in and of itself a health hazard. The ditch has also been repaired; at least it will flow. The only other thing he would suggest, depending upon the Commissioners' pleasure, is that serious consideration be given to cabling off the entrances that are on Highway 57. The entrance to Petersburg isn't passable. Perhaps that would eliminate some of the traffic through the property. The narrowest part of the drive is several feet off the road. If someone had to stop for an emergency, they could still pull completely off the road without blocking traffic. Yet, they couldn't pull into the lot. He will send the information on the underground gas tank to the local State Fire Marshall's representative, as that is in their jurisdiction. He will see what rules the State has on abandoned underground tanks. Mr. Lehman then entertained questions.

Commissioner Cox queried Mr. Lehman regarding the roof.

Mr. Lehman said that, as stated by Mrs. Donner, the roof was chopped open when the fire took place and, to his knowledge, has not been patched. He has some photos of the interior of the roof, but they've never had a ladder to obtain exterior photos. He does have photos of the roof from the interior that one of his inspectors took about a month ago.

Mrs. Cox asked, "How do your inspectors feel about the roof?"

Mr. Lehman said the building is structurally damaged. The idea was to keep people out of the building, however, and he believes the next step would be to block up the openings.

Commissioner Borries said he knows that Attorney John has checked to see if there is a court case pending on this property in Warrick County. He then asked Mr. John for a report.

Attorney John said a case is pending in Warrick Circuit Court (Cause No. C-85-263). The Complainants are Mr. Hedges and Vernita G. Miller and the Defendants are American Inter Insurance Exchange and Mike Krantz Insurance Agency. The suit was filed in 1985. Currently there is a motion for Summary Judgment pending that has not been ruled upon that was filed in October 1986. This is basically all he knows.

Commissioner Borries said the other two questions he had to follow up on this are: Today, he would share Mrs. Donner's frustration. However, rather than deal in personalities, he thinks it is important for this Commission to deal in the facts. He and Commissioner Cox have had at least one experience in Court together over a property and regarding whether or not their opinions as to the condition of this property differ from the owner and it has been a very long process. While he shares Mrs. Donner's frustration, it is the job of the Commissioners to insure the safety of people. This is why he has to ask Mr. Lehman today whether, in his opinion, based on what has been done, does this constitute a health hazard today?

Mr. Lehman said that as long as the building is unoccupied by anyone, then he would say that, in his opinion, based on the facts it is not a health hazard today.

Commissioner Borries said his next question is, "Insofar as what you have been able to observe today then, the property has been improved?"

Mr. Lehman said were the property in the condition today at the end of the twenty (20) days, he would recommend the Commissioners accept it.

President Borries said, "Again, we have to act upon the legal advice of our attorney. What can government (in this case, this Board) ask this property owner to do in order to maintain his property with regularity? Can we ask him to cable off, as you have pointed out, the entrances to insure that since this is vacant property that no one else unauthorized by them would go on the property? Can we ask that maintenance be done regularly and that weeds, etc. be cut in a timely fashion even though this property is vacant?"

Attorney John said, "I think this body has the right to request that certain things be done. They have a right to demand that other things be done. The ones that they can demand regard public health and safety. Roger's recommendation is that a chain be put up and it would be within the Commission's authority to determine whether or not that is vital to public safety. I can't give you the answer to that. Anything that is considered vital to public safety can be awarded by this Board and if it is not complied with then the Commission can use other remedies such as razing."

Mr. Lehman said that with regard to the weeds, there is a current ordinance dealing with weeds in the county. The Commission could order them to comply with the ordinance, which they would have to do anyway, which is 18 inches.

Commissioner Cox asked, "How long does a person have after there has been structural damage to a building -- and it being an abandoned building per se -- in order to make the repairs to bring it back up to being structurally sound? Is there a time limit? Or does this Board set a time limit?"

Mr. Lehman said there is not a time limit stated anywhere in the city. They have an ordinance which covers this type of building and the Hearing Officer has the authority to order a certain time limit be imposed upon it. He doesn't believe the County has adopted an unsafe building ordinance, so we're operating under our current building code in the county which basically says that determination has to be made as to whether the building is a nuisance by reason of public health, safety or that type of thing. The other part of that is whether it is occupied. If it is occupied, then there is a different set of standards. If it is unoccupied, then there is really no clear-cut set of standards on how it has to be as long as it is not a public hazard. So we don't have quite as much freedom in the county to deal with these types of things. At some point in time he would like to see the County adopt the unsafe building ordinance.

Commissioner Cox said her concern -- not only for today, but for tomorrow and the next day and the next week -- is that if the pattern of behavior continues that has continued is exhibited in that area by people coming onto the premises, I don't know, maybe there is some kind of aura about that which attracts people. It is kind of desolate and maybe they know what was once there and they just want to look the place over and see if they can find some momentos, but the problem is that people who are not supposed to be there have continued to go onto those premises and they have created a hardship for the former owner (Mr. Hedges) and for the current owner, Mr. Wisner. But the Commissioners also have to look down the road. Personally, she does not feel

that putting cables across the driveway is going to keep those people out of there. There was one picture of a pick-up truck going onto the premises. This is her concern. Mr. Wisner said he thought he had a buyer; but for two years this has been going on and there has been no buyer. If there is a buyer today and Mr. Hedges can say they are going to buy the property and they are going to repair and keep this building up to code and structurally safe for inhabitants or build, then she would have no problem. But she has a big problem with the way it is now. She sees the roof as a safety problem. With the debris that is already in there, we've had rains -- but we've also had a lot of hot temperatures. All it takes is for somebody to pitch a match and the whole place could go up, which the surrounding neighbors' property then would also be involved. These are the things that concern her about the property as it is and will be tomorrow and the next day. She is not even convinced that if the behavior pattern continues that those pictures Mr. Lehman showed the Commission which he took at noon today -- that the building is still secure, because there has been a problem there. She asked that Mr. Hedges please understand the Commissioners' concerns and their responsibility.

Mr. Hedges offered brief comment, but it was inaudible.

Commissioner Cox said, "It looks like some of the rafters and the beams -- from the pictures we were shown -- do have fire damage and we're talking about over a two year period and water and weather elements could have an effect. I certainly wouldn't recommend people going up and crawling around on the roof. Those are my comments. And it seems like everytime we look at the property we come up with something additional that wasn't noted before, just like this underground gas tank that is there. By State law any property that is abandoned that has that -- it has to be removed. So I don't know what the State will say about that, but I would imagine they would say to get it out."

Commissioner Borries said, "I think that in order to end this discussion -- and perhaps I might ask if Commissioner Cox would be in agreement -- that in the interest of public safety (which is what we have to be concerned about today) my questions had to do with the current conditions of the property, which is why I asked Roger Lehman today what it looked like. But there is a concern re public safety -- it is going to be there tomorrow and in the future -- and based upon what Attorney John has said, if Commissioner Cox would agree, in order to assure public safety that this property (although it is privately owned, it is not going to be inhabited or lived in regularly by people) that this Board would be in its rights in the interest of public safety to consider that the entrances to this property be cabled off and that the Building Commissioner (Roger Lehman) and his office be asked to make certain that the county ordinance regarding 18 inch weeds is being followed and that this property be maintained in that fashion. Do you agree at this point?"

Commissioner Cox responded, "I don't really feel that that would solve the problem. To me, as long as that building is sitting there in the condition it is in it has to be an attraction for people to come onto the property. That is my feeling. To me, that is what constitutes -- it opens the door -- for the whole element of not so much the health perhaps, but the safety aspect. I would like to see our Board give the owners a 14 day period to dismantle that building and get it off the property. You don't know how much and I don't now how much Mr. Hedges has been paid for doing what he has done out there, but they are going to continually have to do this. It has been a pattern and you are going to continually be back up here before this Board until that property is either sold or that building is totally repaired and made livable. So, I would say that within a two week period that the building be dismantled and removed or that there be a written agreement from the parties that this building will be brought up to living code within a 90 day period. I think the building is the problem insofar as the safety of everyone concerned. He

needs to do those other things anyway -- he needs to cut those weeds. That is another thing that bothers me. You have no regular time to do it -- just whenever Mr. Wisner tells you to go and cut the weeds and I understand that." Turning to Commissioner Borries she said, "I guess if I feel one way and you feel another, then we're at a kind of impasse here, Rick."

Commissioner Borries said, "Regardless of the 14 day period, I guess my initial thoughts are that he would certainly want -- and be agreeable -- to having Mr. Wisner understand and have him enter an agreement or tell us that this property is going to be put into -- the problem though is that if it is uninhabited property, the code is different, isn't it?"

Mr. Lehman stated, "If it is uninhabited, it is secure. And it is different than if it is occupied. But most of the repair things preface the code by saying, "...The premises shall not be occupied or let for occupancy unless....."

Commissioner Borries suggested he be given one week to go out and gaze upon the property and the Commission will see what happens this week. He shares Commissioner Cox's concerns. The only thing that he is also sensitive to from the standpoint of the property owner's standpoint is that he would not want to unfairly restrict this property based on the comments that the County Attorney and the Building Commissioner have made today. Thus, he'd like to have one week to view the property and discuss the matter again next week.

Green River Rd. Property/Box 237: Mr. Lehman continued by saying he has some photos of subject property. They have been inspecting this property for about one year. They have had a continuing problem with regard to the weeds and the condition of the house, junk cars, etc. This property is located at Highway 57 and Green River Rd. intersection, where there is a used car lot. The house is directly behind the small building on the car lot. Mrs. Ruth Lewis, the owner of the property, is present today.

Mrs. Lewis and Mr. Lehman conversed for several minutes.

Mr. Lehman subsequently said the matter has been brought to his attention and that is why he is bringing it to the attention of the Commission.

The Chair recognized Mrs. Lewis, who stated she resides at 312 North Fine Street in Haubstadt, IN, 47639. Mrs. Lewis said she is aware of the condition of the property. She has a problem with getting people in the area to mow. She does have an elderly gentleman who mows most of the property. But, by mutual agreement, if a limb blows down, he mows around it. The same person who made the complaint about the condition of the property also complained because she burned the limbs, etc. There are many very old big tall trees, and she thinks this is primarily the source of the debris. Mr. Lehman has probably noticed the trees which are on the roof of the building and that the roof needs repair. But in order to obtain an estimate for roof repair, she has to get the tree limbs off the roof. One reason the property has been neglected for the past year is because she has interests in Kentucky and her brother died, necessitating her spending much time there. Mr. Lehman has also probably noted that she has had some vandalism on her property -- doors broken in, etc. She does have an estimate for cleaning the entire lot and trimming the trees. She believes this would solve the problem. If she didn't have all the limbs falling every time the wind blows the elderly gentleman would mow everything. Mrs. Lewis offered further comments to Mr. Lehman, but they were inaudible for the most part, because she was a very soft-spoken individual.

Continuing, Mrs. Lewis said she had new storm windows installed on the house, but one of those has already been broken.

Commissioner Cox asked, "Was this a family property? Did someone in your family have this? Or, did you buy the property?"

Mrs. Lewis said, "My ex-husband and I owned it. It was rental property at one time."

Mrs. Cox asked, "How long has it been empty?"

Mrs. Lewis said it has been empty about four (4) years. She had problems with the renters tearing up more than she could repair. At one point she spent \$1,200 one year to repair the interior of the house. People lived there less than one year and then moved out, she spent another \$1,500."

Mrs. Cox asked if she has any plans for this property?

Mrs. Lewis said she hopes to use the property at some time.

Mrs. Cox asked if it is zoned agricultural?

Mrs. Lewis said it is zoned as some kind of commercial -- light commercial, she believes. Mr. Lehman said he will check this out. Mrs. Lewis said she knows the car lot property is zoned light commercial, but she is not sure about the house.

Mr. Lehman said he knows the Building Commission sent out letters last year and this year concerning the property. He would suggest that the Commissioners give Mrs. Lewis thirty (30) days to clean up the yard and then they can perhaps meet with her and a contractor to look at the house and see what happens. The property is an eyesore that needs to be taken care of as soon as possible, because it has been quite a while.

Motion was made by Commissioner Cox that the property owner at Route #3, Box 237 N. Green River Rd (Highway 57 and Green River Rd. intersection) be given thirty (30) days to clean up the premises, and this means removal of the limbs and debris on the grounds and mowing the premises. A second to the motion was provided by Commissioner Borries. So ordered.

Mr. Lehman said he will make a report to the Commission at the end of the thirty (30) days.

401 S. Boehne Camp Rd.: Mr. Lehman said the house at this address (actually there were two houses -- one burned two to four years ago) was in fairly good condition and was occupied. It is no longer occupied. He did not get by the location today, but he is fairly certain the condition has not changed. The house is located on the southwest corner of Boehne Camp Rd. and the highway. There are so many trees around it that you can't see it currently. Before he left the city back in 1984, he had sent a letter to the owners at that time requesting that they take care of the burned out house and clean up the property. He left fairly soon after that and nothing has happened between then and now. He did send a letter to Mrs. Bruce Storey in Jonesboro IN notifying her of this meeting and of the condition of the property. He received a letter today from Mrs. Storey from Gas City, IN, so he assumes the letter he sent had to be forwarded. Mrs. Storey's letter reads, as follows:

"This is in response to your letter of June 24th concerning property on Boehne Camp Rd. The property is for sale and, hopefully, will be sold soon. The trash has been removed from the property. I am trying to comply with your request to clean up the property. My husband of 53 years (Mr. Mark Storey) died April 7th of this year. I have had many changes and adjustments to cope with. I am asking for the court injunction to be delayed so I may have some time for this matter to be corrected. Thank you for your consideration of my request."

Mr. Lehman said that, along with this, he did ask for some bids so we can get an idea of demolition costs. Now that Attorney John

has returned to the meeting, if the Commissioners would like to instruct him to open the bids, they can be read into the minutes while the matter is being discussed.

Motion to authorize Attorney John to open bids re razing of the house and sealing of the other building was made by Commissioner Cox, with a second from Commissioner Borries. So ordered. Mr. Lehman said the other building is a brick home which, again, is in pretty good condition other than the windows and doors being broken out and thus occupied by vagrants, etc. Thus, he felt that sealing of this building was almost as important as having the other building demolished.

Continuing, Mr. Lehman said a neighbor is present who would like to comment on the subject property.

Mr. Gerald Orman was recognized by the Chair. He stated that he lives right next door to the Storey property. He can certainly sympathize with Mrs. Storey in the loss of her husband. However, for several years he tried to get her husband to do something about some of the things on the property and he wouldn't do anything about it. He finally gave up, because Mr. Storey was an elderly man. He has two sons. He now understands that the two sons live there. Further, Mr. Storey had a manager for several years. The thing he is most concerned about is that his property (on which he has spent about \$25,000 making improvements since 1971 when he moved there) has two ravines in it. It looks similar to Mesker Park north of Evansville, only the ravines are deeper. North of this property you come to where their property meets and it goes up and causes the water to rush down into his ravine. There's a telephone pole holding back a large water heater, a large white refrigerator, several lawnmowers, guttering, tires, space heaters, etc., blocking up the flow of water. That isn't the important thing to him. The problem is that someday that is all going to come down on his property. Because of the deep ravines, he can't get to it. Several years ago he called and talked to The Reverend Mark Storey and gave him some time (since he was elderly). He called him back again and he had forgotten that Mr. Orman called him. Everytime he called The Reverend Storey he had forgotten that Mr. Orman called him. He had a man who was managing the property at the time and he still has a man (Phil Roach, a nephew) who is living in the house that is fairly decent. He indicated to him that it was the responsibility of the people who were running the property who put all the junk there at the line and encroaching on Mr. Orman's property. Then in 1982, the building which had been converted into private apartments by The Reverend Storey burned one night. Mr. Orman said when he looked out, "Thank God, it's burning". The Fire Department came and put out the fire. He said, "Don't put it out, I've been waiting for this thing to burn for a year. It's been sitting there for at least ten years." The Reverend Storey said he would come and talk to Mr. Orman when he came to Evansville. He did talk with his son, who kept things looking pretty good. But seven years he got multiple sclerosis -- and you know how that does -- and he wasn't able to take care of it. When he took care of it, the lawn was all mowed. Now it is nothing but weeds. The burned out house has set there lo these many years. He talked to the West Side Improvement Association (Mrs. James) and he understands that two houses on her road that were partly burned down were removed -- but nothing was ever done about the one next to him. Maybe she wasn't in charge of that area. The house that is up there now -- he was up there yesterday -- the windows are metal frame and there are either four panes or sixteen panes. He counted 143 panes of glass broken in that house. You can reach through the living room wall into the bathroom, because a hole has been broken in there. Some of the doors have no panels on them anymore. It wasn't just a matter of vandals. The Sheriff told him that individuals wanted for crimes were staying up there. Another man from the Sheriff's Department came into Mr. Orman's yard one day and asked him if he would watch the cars pulling up in there. He told him not to go up there personally, because the



individuals were armed and dangerous -- there were two young men and two young women up there and they had harmed a police officer in Kentucky. That has nothing to do with the way the property is and the burned down house and the trash that is against his property line. This is what he would like to have something done about. He called the Building Commission a year or so ago and talked with Jesse Crooks and he said he would do something about it. He gave Mr. Crooks some time. In fact, he gave him a year and when he called him back, Mr. Crooks had retired. So Mr. Orman is appearing before the Commissioners for the first time. Mr. Orman said that maybe at one time when there were apartments they had the washers and dryers -- there was a whole bunch sitting there. Mr. Geyer hired a man and cleaned all the junk around the house. He could get the guy to go down there and get the stuff that the telephone pole is holding back, too. He told Mr. Orman that if he knew somebody, he could get them to do it. Mr. Orman said it would cost between \$50.00 and \$100.00, but the Storeys are not poor people -- and he'd have to go onto their property which might make him liable or something. Further, he can't get to it from his property because of the ravines. He can't get through them with a tractor or a truck but they are beautiful. Mr. Geyer told him he didn't think they could get to it. But he thinks he knows very well the people who put it there. Mr. Orman said the ravines on his property are narrow, but on their side --

Mr. Lehman interrupted, "They roll easier down hill."

Commissioner Cox asked, "Is the property for sale now? Is there a 'For Sale' sign?"

Mr. Orman said the property is for sale. There is not a sign on the premises, but on the highway between the fence and Highway 62. He has been trying to get these people to do something about this property for several years. Mrs. Cox should see the burned out house.

Mrs. Cox said she has seen it; but she didn't go up in there because she doesn't have the same powers that the Building Commissioner has about going onto private property. All she could was to drive by and look, but she is familiar with the area. She is from the west side and resides on Red Bank Rd. and she knows Mr. Orman does have a problem. She didn't notice that the property had a "For Sale" sign. What are they planning on doing with this property?

Mr. Lehman said he talked with the realtor and the property is listed at \$90,000 for four (4) acres. They had it tested to see how much of the dirt could be taken off and utilized somewhere else, thinking some excavating company might buy it to use on a highway or whatever. The figures didn't sound all that great and the bedrock is fairly high there. There probably isn't enough dirt for anyone to use it -- he guesses that is the bottom line. They told her they didn't want to lose the property, so they were willing to negotiate, etc., but that didn't interest him -- it might somebody.

Mrs. Cox said, "In other words, while they are asking \$90,000 for the property, they would be willing to negotiate for a lesser price because they wanted to get rid of the lot. Are you interested in buying it, Mr. Orman?"

Mr. Orman responded, "Not at \$50,000."

Mrs. Cox said, "I thought it was \$90,000."

Mr. Orman said, "Not only is the house being destroyed by vandals and criminals -- but anybody....."

Commissioner Forries said this livens up a long, long meeting.

Mr. Orman said the house is pulling away from the breezeway.



Commissioner Cox queried Mr. Lehman concerning his recommendation.

Mr. Lehman said there is no question that the burned out house needs to come down as soon as possible. He would suggest that Attorney John read the bids into the record at this time and maybe that would have some influence on the next question.

Attorney John asked if Mr. Lehman asked for a breakdown on the bids?

Mr. Lehman said he asked for a bid on razing the house and also a bid for sealing the windows on the "good" house.

Attorney John said bids were received, as follows:

Dave Young/1700 Old Boonville Highway: To raze house, build basement with dirt, clear and level lot, seal all openings on brick house - Total \$1,772.00.

McCullough Excavating, Inc./1731 Apple Ridge Drive/Evansville: Wreck burnt structure, \$2,120; close up existing brick home - \$536.00; basement to be filled with existing dirt generated from yard around the house (if additional fill dirt required, it can be provided at \$25.00 for single axle load.

Floyd Staub, Inc./800 A Street, Evansville: Demolition and Removal of burned farmhouse from site - \$3,250.00. Board up brick house with plywood - \$585.00 - Total bid - \$3,835.00.

Mr. Lehman said what he would suggest doing is letting him contact the owner again with these prices. He thinks that if they are not in financial straits they will probably jump on this and give them a limited amount of time to respond and take care of the problem themselves. He'd say that in two weeks he'll come back and let the Board know at that time what the owner says. He would suggest the Commissioners order the burned house razed and consider it a public nuisance. In two weeks they can determine whether the bids should be let and lien filed against the property for recovery of costs. In conjunction with the razing of the house, perhaps the Commissioners will give him a little leeway to negotiate with the low bidder for removal of other debris. He suspects this would be \$150.00 at the most.

Motion was made by Commissioner Cox that the suggestions of Mr. Lehman be implemented by the Commission, with a second from Commissioner Borries. So ordered.

Monthly Report: In conclusion, Mr. Lehman submitted the Monthly Report for the Building Commission for period of June 1987. He pointed out that the building values of the county are up \$10 million over last year, which is substantial considering the type of year we had last year.

Mrs. Cox said that with all the rain we've been having, the Commission is going to be seeing more of Mr. Lehman. Grass is particularly bad and she is certain there are going to be more complaints.

The Commissioners expressed appreciation to Mr. Orman for coming to today's meeting.

Commissioner Cox asked if Mr. Orman understands that the Board did grant permission to the Building Commission to go back to the bidders and get an estimate on removal of other materials also?

Mr. Orman acknowledged that he did understand this.

RE: AWARDING OF BIDS FOR RESURFACING WEST SIDE STREETS

Motion was made by Commissioner Cox that, upon recommendation of the County Engineer, that the bid for resurfacing of various county roads, namely, Agathon Drive, Diefenbach Rd., Mels Drive, Boehne Camp Rd., Five Dollar Rd., Schissler Rd., Williams Rd., and Goebel Rd. (Project Vcc 5-05-87) be awarded to the low bidder, J. H. Rudolph & Co. in the amount of \$151,151.00, with a second from Commissioner Borries. So ordered.

RE: ORDINANCE RE ARTICLES OF INCORPORATION FOR CREATION OF EUTS, ETC.

Commissioner Borries said that since the disbanding of the Council of Governments (C.O.G.) due to changes in the Federal Government structure, each local agency now enters into an agreement with the planning agency (Evansville Urban Transportation Study). These articles of agreement are then between the City of Evansville, Town of Newburgh, Warrick County, Vanderburgh County and the State of Indiana and the City of Henderson and Henderson County and the Commonwealth of Kentucky. The Articles are essentially the Articles of Incorporation for the planning agency of EUTS. He would need a motion to authorize continuing in this agreement and, he believes by virtue of being President, he could execute the document.

Motion was made by Commissioner Cox that the Ordinance of Agreement recognizing the creation of EUTS be approved for continuance, with a second from Commissioner Borries. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Notice to Proceed/J. H. Rudolph: Mr. Easley submitted copies of Notice to Proceed to J. H. Rudolph & Co. re Project VC-5-04-87 (resurfacing of Upper Mt. Vernon Rd. from City Limits to County Line for a total of 4.75 miles).

Claim/Bernardin, Lochmueller & Associates: Claim presented in the amount of \$14,391.13 for work on Boonville-New Harmony Extension. Mr. Easley said a letter is attached which explains they have been advised by the consultants that because of additional work being requested by the Indiana Department of Highways Soil Engineer (who has to approve everything) that there will be an over-run on the soil investigation. The second paragraph says they think it will be approximately \$3,000. They can document these additional borings. We really have no choice but to let them go ahead and do it. Everything else is in accordance with the engineering agreement and he recommends approval of the claim. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Claim/Bernardin Lochmueller & Associates: Claim presented in the amount of \$15,564.71 for work done on the Lynch Rd. Extension during the month of June. Mr. Easley said the claim is in accordance with the engineering agreement and he recommends approval. Motion to approve the claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Claim/Hayes, Seay, Mattern & Mattern: Claim presented in the amount of \$5,936.70 for work accomplished during the month of May on the "B" Street Underpass Project. This is Progress Payment No. 5.

Commissioner Cox said she is still disturbed that they are using a Warrick County Engineer as a sub-contractor. This is upsetting. Does Mr. Easley know what all this travel, reproduction, telephone, and miscellaneous is for? Would that have been for the public hearing?

Mr. Easley responded that it would have been for the public hearing. We received eight (8) sets of the preliminary plans.

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

Olmstead Rd.: Mr. Easley said he believes the Commissioners received copies of his letter re Olmstead Rd.

Commissioner Borries verified that this is correct. For the record, he said that Mr. Easley talked to Traylor Bros. They are the bridge project engineers. They have indicated that Olmstead can be cleaned and repaved and opened to traffic by July 31 1987. This is encouraging. The residents and so been advised.

RE: TRAVEL REQUEST

County Assessor: President Borries submitted the following letter from County Assessor James Angermeier:

July 8, 1987

TO: COUNTY COMMISSIONERS

We are asking for permission for mileage, per diem and the hotel reservatios for myself and two of my deputies. See the enclosed. I am also asking permission for an additional deputy to attend these sessions with the above considerations.

Sincerely,

James L. Angermeier  
Vanderburgh County Assessor

President Borries noted the attached letter from the State indicates the elected Assessor and a maximum of two deputies only -- so he thinks that is what the Board would be able to allow, subject to available funds.

Motion to approve the request for the County Assessor and two deputies only was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: CLAIMS

Armstrong Township Assessor: President Borries said he has a claim for travel for a similar meeting held June 22, 23 and 24 for elected Township Assessors from Wilbur Kron, Armstrong Township Assessor. His expenses were in the amount of \$253.32. The claim has been signed as to verification of account number, etc.

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

Frederick Catt: Claim in the amount of \$55.00 for refund of cottage deposit (Burdette Park).

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

RE: OLD BUSINESS

Meeting with IDOH: President Borries said he talked with the Indiana Department of Highways last week (Mr. Stan Yoder) and tried to set up a time when persons from Evansville could meet. He indicated that this coming Thursday, July 16th, at 1:00 p.m. they could meet at his office. Commissioner Cox and/or County Council members are also welcome to attend. He has asked County Engineer Andy Easley and Sam Humphrey, County Auditor, and Rose Zigenfus to attend to update us on projects and also to meet with the State Auditors at 3:00 p.m. to look through our numbers in

regard to our current projects and State allocations and see how those numbers verify. We will also try to ascertain other formula figures from the Bureau of Motor Vehicles regarding the Wheel Tax Surtax Charge and that would be this coming Thursday. Messrs. Borries, Easley and Humphrey (or another person from the Auditor's office) and Mrs. Rose Zigenfus..

Motion to approve travel request for meeting with IDOH in Indianapolis on Thursday July 16th for Messrs. Borries, Easley, Humphrey and Zigenfus was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: SCHEDULED MEETINGS

Mon.	7/13/87	5:30 p.m.	Groundbreaking in Darmstadt for Storm Sewer System
Wed.	7/12/87	2:30 p.m.	Finance Meeting re Assessors
Thurs.	7/16/87	1:00 p.m.	Meeting with IDOH in Indianapolis
Mon.	7/20/87	7:30 p.m.	Public Hearing re Caranza Drive Sewer Installation

President Borries advised that, as previously stated, he hopes by the end of this week an announcement can be made concerning the prospective candidates for Auditorium Manager. Some excellent and impressive individuals have applied for the position. The Commissioners hope to reach a decision before Kim Bitz' time is up at the facility.

At the Wednesday meeting of County Council, he believes they are considering appropriations for the Township Assessors as the Reassessment Program begins to move along. He has received some verification from County Attorney David Miller where he has sent information to Council re all the pending cases and Commissioner Borries said he will certainly be glad to answer questions concerning fees or litigation fees, which did not change.

RE: BRIDGE NO. 1 - WOODS RD

Commissioner Borries said he has talked with Dan Hartman, and he has given some preliminary drawings concerning Bridge No. 1 (Woods Rd.). It is a bridge in which the Big Creek Drainage Association had expressed interest. Mr. Hartman feels he can do much of his work within the next week and perhaps soon we can seek bids. He does not feel that it will be a difficult bridge.

RE: SMOKING REGULATIONS

President Borries welcomed Jim Lindenschmidt (the Commissioners' right and left arm) back from his Florida vacation, saying he had suffered a mishap. He is not certain what the mishap was, but he is welcomed back.

Mr. Lindenschmidt said that earlier this year the Commissioners received a communication from the Building authority re a Committee on Smoking Regulations due to the new State law. He has attended two meetings and another meeting is scheduled this week. They are trying to establish where they are going to having smoking areas in the building and he will be attending this week's meeting.

Commissioner Cox asked when the law goes into effect?

Mr. Lindenschmidt said it goes into effect September 1, 1987 and it says that there will be no smoking in all public portions of the building which includes halls, meeting rooms (he was checking to see how many people were smoking here today, as they will not be allowed to smoke in meeting rooms as of September 1st -- there

were none.). As he goes through the offices he's getting objections from both the smokers and the non-smokers, so it is a "no win" situation.

RE: HIGHWAY 57 PROPERTY

President Borries said he will get out to look at the Highway 57 property (formerly Kay's Health Club) this week (probably on Friday)..

RE: ELPERS SUBDIVISION/HENZE RD.

Commissioner Cox said she received a call from an individual who lives off West Mill Rd. in the Elpers Subdivision. If Commissioner Borries will recall, the neighborhood group was here over a year ago concerning a large drainage ditch and erosion of their property. (Commissioner Borries was talking to someone and Mrs. Meeks referred the call to her.) It was very disturbing for her to learn from the individual who called that nothing has been done by the owner, other than to put a few pieces of rip-rap down the area which has not solved the problem; it is worsening. The group will be appearing at the Commissioners' evening meeting on July 20th concerning the matter. She has asked Jim Lindenschmidt to pull all the notes from the meeting when the matter was last discussed and contact the Area Plan Commission, the County Engineer and Mr. Elpers. She drove out to West Mill Rd. because she had received a lot of complaints on that road surface and that it was being torn up by large trucks hauling dirt. She turned onto the road that goes back to the subdivision and there is a lot of water that comes down off the hills in that area and a lot of erosion in the area. Someone is just not following the ordinance. Jim Lindenschmidt has agreed to notify Mr. Elpers, Area Plan and Mr. Easley.

RE: EMPLOYEE CHANGES

Auditorium (Releases)

Aaron Cabell	Part Time	\$4.88/Hr.	Eff: 7/10/87
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County Assessor (Appointments)

James L. Ritter	P.T.R.E.	\$35.00/Day	Eff: 7/10/87
Charles W. Gullledge	P.T.R.E.	\$35.00/Day	Eff: 7/10/87

Prosecutor IV-D (Releases)

Bernice Roth	Secretary	\$13,329/Yr.	Eff: 7/6/87
Donna Busan	Investigator	\$5.00/Hr.	Eff: 7/6/87
Sheryl Wise	Secretary	\$12,642/Yr.	Eff: 7/6/87

Prosecutor IV-D (Appointments)

Bernice Roth	Secretary	\$15,000/Yr.	Eff: 7/6/87
Sheryl Weiss	Invest./Secy.	\$13,440/Yr.	Eff: 7/6/87
Rita Jo Ford	Investigator	\$12,642/Yr.	Eff: 7/20/87

Prosecutor (Releases)

Earl E. Chandler	Dep. Pros.	\$14,020/Yr.	Eff: 7/6/87
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Prosecutor (Appointments)

James Ethridge	Dep. Pros.	\$20,000/Yr.	Eff: 7/13/87
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Pigeon Township Assessor (Releases)

Kraig M. Nance	Extra Help	\$35.00/Day	Eff: 7/6/87
David L Fox	R.E. Deputy	\$743.44/Pay	Eff: 7/3/87

Pigeon Township Assessor (Appointments)

Kraig M. Nance                      R.E. Deputy                      \$743.44/Pay Eff: 7/6/87

Circuit Court (Releases)

Larry Vowles	PT Safe	\$5.00/Hr.	Eff: 6/20/87
Oscar R. Kirkpatrick	PT Safe	\$5.00/Hr.	Eff: 6/20/87
John Bushrod	PT Safe	\$5.00/Hr.	Eff: 6/20/87
Paul N. Aarstad	PT Safe	\$5.00/Hr.	Eff: 6/20/87
Darren J. Newman	P.T.B.B.	\$5.00/Hr.	Eff: 6/14/87
John Bushrod	Supv. Trainee	\$250 BI/ANN	Eff: 6/30/87
Dallas Sprinkles	W. R. Officer	\$375 BI/ANN	Eff: 6/30/87
John W. Voight	W. R. Officer	\$375 BI/ANN	Eff: 6/30/87
Darrin F. Brumbaugh	P.T. Intern	\$3.35/Hr.	Eff: 6/5/87

Circuit Court (Appointments)

Larry E. Vowells	PT Safe	\$5.00/Hr.	Eff: 6/21/87
Oscar R. Kirkpatrick	PT Safe	\$5.00/Hr.	Eff: 6/21/87
John Bushrod	PT Safe	\$5.00/Hr.	Eff: 6/21/87
Paul N. Aarstad	PT Safe	\$5.00/Hr.	Eff: 6/21/87
Scott M. Sullivan	P.T.B.B.	\$5.00/Hr.	Eff: 6/24/87
Bryan Mayhew	PT Safe	\$5.00/Hr.	Eff: 6/21/87

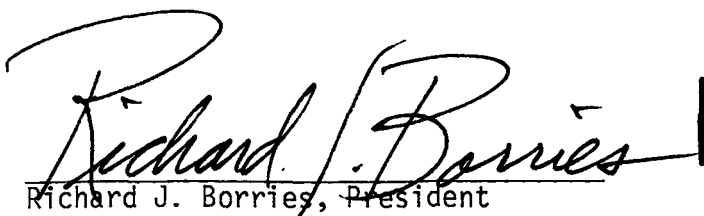
German Township Assessor (Releases)

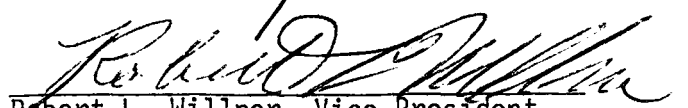
Robert Dezember, Jr.	Field Man	\$35.00/Day	Eff: 7/10/87
Mark Helsloot	Field Man	\$35.00/Day	Eff: 7/10/87

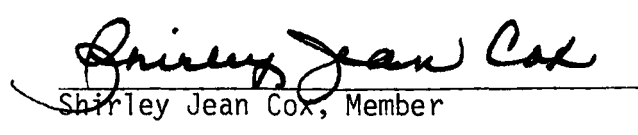
There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 5:00 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	Curt John
	S. J. Cox	Cindy Mayo	
	R. L. Willner (Absent)		
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>BLDG. COMMISSION</u>
	Andy Easley	Bill Bethel	Roger Lehman
	<u>AUDITORIUM</u>	<u>EUTS</u>	<u>OTHER</u>
	Kim Bitz	Rose Zigenfus	Ron Saulman
			Carl Hedges
			Tina Donner
			Ruth Lewis
			Gerald Orman
			News Media

SECRETARY:      Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 20, 1987

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, July 20, 1987, in the Commissioners' Hearing Room, with President Rick Borries presiding.

President Borries extended a welcome to the attendees (the room was overflowing) and said he assumes many individuals are present for the Public Hearing re the Barrett Law Assessment as it affects the Caranza-Kembell Drive area. He then announced that said Public Hearing is to be held during the Commissioners' evening session, in accordance with an advertisement published on June 20, 1987. The reason for holding the Public Hearing this evening was to allow more persons in the affected area to attend. The third Monday of the month is usually devoted to rezonings and the Board felt holding the hearing during the evening session would allow more citizens to attend.

RE: APPROVAL OF MINUTES

A motion was entertained by President Borries concerning approval of the minutes of the meetings held on July 6th and July ~~20th~~<sup>13th</sup>.

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

RE: AUTHORIZATION TO OPEN BIDS

Commissioner Willner moved that County Attorney David Miller be authorized to open the bids received on the resurfacing of various county roads. A second was provided by Commissioner Cox. So ordered.

President Borries said this is about the fifth contractual letting we've had for the resurfacing of various county roads according to our Road Plan. We've continued through this plan this year. These particular bids concern Marx Rd., Denzer Rd. and Baehl Rd.

RE: PUBLIC HEARING - CARANZA DRIVE

Proceeding, Commissioner Borries said that in order to give some explanations of what is being considered, he would like to call upon several persons to give information. From the health standpoint, he would ask the Vanderburgh County Director of Public Health, Mr. Sam Elder, to give his comments regarding the matter. Then, he would ask Andy Easley, the County Engineer (who has prepared some statistics and information for the residents) to give an explanation of the handouts distributed to the attendees this evening. Thirdly, if County Attorney David Miller wants to present comments regarding any legal procedures, then we'll do that. After these presentations, the Board certainly wants to hear from the residents if they have comments.

The Chair recognized Mr. Sam Elder, Director of Public Health for Vanderburgh County.

Mr. Elder said he doesn't think there is hardly anyone present who does not realize the dire necessity of this area being sewered. He thinks that in any given year well in excess of half the residents have problems with their septic systems in the area. A large number of them are in violation. A lot of them do not have adequate lot size or terrain to accommodate a septic

tank system as would be required if they were going to replace the one they currently have. A lot of them -- or some of them -- don't have any field bed. A lot of them are not functioning. Some of them are served by the sand trap installations. Not taking into consideration the fact that a lot of times they are in bad repair, they are not in compliance with the requirements anymore. It is like we always say that the first person who built a lean-to or pitched a tent here back 150 years ago, what he put in for sewage disposal was not in compliance with today's standards. We didn't have any ordinance until 1956, and it has been real difficult to correct all the mistakes of yesterday in a short period of time. But I do think they have the opportunity now to correct it. It is surrounded by sewered areas. The sewage from it runs down through areas that are sewered and it is unfair to people outside the immediate area for this to take place.

Continuing, Mr. Elder said he would also like to remind everyone that the Cluex mosquito that carries St. Louis encephalitis in our area breeds real prolifically in sewage water and water that is contaminated with sewage. Last year was supposed to be the year (it runs on a ten year average or has in the last three decades) for an outbreak of St. Louis encephalitis and we do have large build-ups of these mosquitoes in the unsewered areas where the sewage does collect and he'd like to urge everyone do everything they could -- all the residents who are here as well as the Commissioners and the others here -- to really take every step they can to promote the extension of this sewer. There is no other solution to it. As we've said a lot of times, there are only two kinds of people who live in that type of soil who are not served by the sewer and that is the people who are having trouble with their septic systems and those who are going to have it, because there is no "free lunch" on it. To put in a septic tank installation now in compliance with current requirements it costs \$3,500. Those who have to put them in that do have the space, would be out about the same amount of money as they would if they extended the sewer. If the sewer doesn't become a reality, something has to be done with the violators and, of course, this would not be up to the Health Department -- they can just recommend. But something is going to have to be done because it is continuously more of a problem. As far as he is concerned, this is one of the nicest residential areas in our county. It is picturesque and just a nice place to live and it is a shame that some of them have to live -- you know, they say this will be known as the age that men stood knee-deep in sewage and fired rockets at the moon -- and sometimes, he thinks that is so. After the meeting, he would be glad to answer any questions.

President Borries said he appreciates Mr. Elder's comments and, as stated by Mr. Elder, he will be available for any comments or questions after the presentations planned this evening.

The Chair then recognized Andy Easley, County Engineer. President Borries said Mr. Easley has a map of the area and a cost analysis and he would ask that Mr. Easley make his presentation at this time.

Mr. Easley said, "For your information, this map shows the property owners notified of his Public Hearing. There may be some who are outside the area that will benefit, but it appears that those adjacent to where the sewer line needs to go are the ones who would have to receive a legal notice. The cemetery has a notice, but they may be excluded under the State Law. There is a list of all property owners and parcel number if anyone wants to come up and identify the owner. The map (copies of which were distributed to the attendees) is a preliminary layout for lines that would serve the parcels in the area. He has also handed out two estimates - one for the Barrett Law. If the Barrett Law is adopted, this may have to be amended to show some legal fees and some right-of-way acquisition costs which have not been included. For the most part, the estimate deals with construction and engineering. On the back of the sheet, he



compared it to a private contract. After talking to a couple of sewer contractors, they indicated that it could be structured that way and this is what they would want to construct the sewer. But they would want some assurance that they would be paid as soon as the line was in, which is rather difficult to do in many cases. If such a private contract type sewer were to be entered into, the Commissioners could be the sponsoring agent and could solicit the contract and, he supposes, help acquire the necessary right-of-way for it. But there would have to be some discussion before that commitment could be made. The Sewer Department said that if the private route were selected they would cooperate in that when the tap-in fee was paid to the city (\$420.00) they would request that the property owner also show a receipt that he had paid his private contract construction charge. He endeavored to give the property owners a comparison and analysis of what their costs might be going both the Barrett Law and private contract and he is not pushing either one. One of the contractors he talked to said he would offer a discount if all the money could be collected and put into escrow and he would get paid when the job was completed. As can be seen, it is a nice discount. Maybe Attorney Miller wants to say something about the Barrett Law. It calls for a 15 year payment plan.

Attorney Miller stated: "If it is funded by a Barrett Law bond, the bond would be an indebtedness of the county and it would be either processed through the County Commission or the Utility Commission and that would really make no difference to any of the residents here. It is just an administrative matter. But if a Barrett Law bond were approved, the funding would have to be repaid by virtue of contributions from the affected property owners over a period of a minimum of 15 years and a maximum of 30 years. The determination of exactly how many years the repayment would be made over would depend upon the interest rate and the terms that could be obtained from an institution that would agree to purchase the Barrett bonds. A bond is nothing more than promissory note issued by a governmental entity and the promissory note of the governmental entity has to be funded by some bank or combination of banks -- it would have to be purchased. Then the governmental entity uses those funds to provide your sewer system and then the note has to be repaid. The way it is repaid is in connection with your semi-annual tax payments. There is a Barrett Law assessment that is attached to and is made at the same time that your tax payment is made. I would suppose that if you all are like me, you have a mortgage and a lot of you pay your taxes to your mortgage holder and then they pay the taxes. If you do that, then you would pay that Barrett Law portion into your mortgage holder every month and they would take care of making the payment to the County Treasurer at the appropriate time. If not, you would receive a tax bill and a Barrett Law bill roughly at the same time and you would then pay them at the same time. That is how it would work.

If the Commissioners choose to go the private contract route, then that would require a substantially larger immediate payment from all the individuals involved, but over the long haul it would save quite a few dollars. The difference, of course, is the interest; that's all -- it's just paying for the use of the money just like any other loan -- and that is how the Barrett Law works and that is how private contracting works."

Commissioner Borries said, "Well, we have tried to make this presentation as brief as we could, now I think it is time we hear from you. If any of you have questions from either Sam Elder, Andy Easley or David Miller -- or wish to make some comments -- please give us your name and address for the record -- then we'd like to hear from you at this time."

Mr. Ed Commens of 6701 Kembell Drive was recognized by the Chair. He queried the Board concerning different size of lots. He said some people own three to five acres and others have only one lot. The sewer is going to open up some subdividing. "Are we all going to pay the same?"

Commissioner Borries asked Mr. Easley for this comments.

Mr. Easley cited the following portion of the Barrett Law:

Basis of Assessment: ...."Lots, parcels and tracts of land bordering on an improvement shall be assessed on the basis set forth in this chapter without regard to the depth of the lots, parcels or tracts back from the front line of the improvement. However, after final hearing before the Works Board as to the actual benefits to abutting adjacent property the Board may assess other property behind the first lot if..."

Mr. Easley said it sounds like depth of lot times frontage. If that is the case, then it is on an "area" basis.

Attorney Miller interjected, "I think you will find that the statute essentially contemplates a front foot....."

Mr. Commens interrupted, "What I don't want to do is finance someone's subdivision project. You understand? There are five acre tracts on one side and there is two acres, three and a half acres -- and they are all sitting right there. As soon as the sewer is in they can develop those lots."

Attorney Miller said, "I understand; but the statute essentially contemplates a front foot assessment, but when the Commissioners or the Utility Board (the one who is ultimately in charge of determining the assessment) reviews it, they have some wide amount of discretion in attempting to do it in what they think is the fairest way -- and I am sure that that is what they will do. But I don't think anybody can answer your question."

Mr. Commens said, "If somebody has got some acreage and they put a sewer in, they are going to recover their cost plus. But the rest of the people with just one lot are going to be sitting there paying \$3,500 -- at least, that is my opinion."

Attorney Miller said, "There will be a hearing before either this Commission or the Utility Board (depending again upon who supervises and administers the issuance of the bonds) and at that hearing everyone will be entitled to be heard on their views as to how the assessment ought to be determined and who all will benefit from it."

Mr. Commens said, "That's Barrett Law.."

Attorney Miller said, "I'm talking Barrett Law -- I thought that is what you were asking."

Mr. Commens said, "Well that is one. But we were talking about private deal -- and a private deal -- I think there are some 50 homes here -- as I said, some people have more land than others and they can subdivide it after the sewer is installed."

Mr. Miller said, "I think Andy's calculation was based on the assumption that everybody would pay the same thing. But that is not necessarily how it is going to come out."

Mr. Commens said, "I'm talking vacant land now."

Attorney Miller said, "I understand."

Mr. Commens said there is some thirty to forty acres back in there that is going to be sewerred. Those people can subdivide that or a subdivider can come in and not have to put a sewer in. Will they have to reimburse us on this?

Attorney Miller said, "No they won't; but they can put in a sewer and connect to that perhaps."

Mr. Commens said, "He will have to put his own sewer in, but that is not like it is right now."

Commissioner Cox said "I think what the gentleman is saying is that everyone has to pay the same tap-in fee, but running along the frontage of the lot it is various distances. So if a person with a five acre lot of frontage is going to pay the same amount as the person with a one or two acre frontage is going to pay, I think it is based on linear foot, so these figures are not all that...."

Attorney Miller said, "It is based on front footage, but the Commission administering the issuance can vary that based upon additional benefits to additional parcels."

Mrs. Cox asked, "Well, could we get the question answered then on the proposed cost we have here? What linear foot is this amount based upon -- to give these people some idea perhaps of what it is going to cost them? Do you have that, Andy?"

Mr. Easley said, "We could take total cost and divide by the number of feet of 8 inch sewer and most of those lines are double frontage lines -- if we divided that by two again -- I could do that. But I don't know whether that is going to be much help."

Attorney Miller said, "I think there are simply some exposures in constructing a sewer system like this that are totally unavoidable. If someone is within 150 feet of this improvement and they are going to be benefitted by it, since the statute takes that into account, this Board or the Utility Board would have the capacity to come in and make an assessment against that property. If not, that is just the way it goes. I hate to tell you -- but that is the way it goes."

Mr. Commens commented, "It would be all right if everybody just had one lot."

Attorney Miller said, "Mrs. Cox is right; it is a lineal foot concept -- a front footage concept -- in the beginning; that is how you start."

Mr. Commens asked, "You mean you're going to assess according to lineal feet?"

Attorney Miller said, "Right - of benefitted property. We're not going to do it, the statute is going to do it."

Mr. Commens said, "Fred Sievers is my neighbor (and I understand he is the main instigator) and he has two and a half acres and this property fronts on Caranza and Kembell Drive. As I understand it now, the sewer line is going to run down right across the back of his property, up Caranza Drive and almost to Kembell. He tells me he is not contemplating a subdivision. But somebody in the future could and his property will be assessed a lot more than mine will -- I have one lot. He can make a subdivision whereas I can't. See what I'm driving at? He's going to come out way ahead. There's other property back there (about 30 acres) and they can subdivide, too, with a sewer whereas right now they can't."

Attorney Miller said, "I understand your problem. All I can tell you is what I've already told you."

Mr. Kurt Schuster of 6501 Kembell Drive was recognized by the Chair. He said, "I looked at the map and the way the sewer line runs, it would be right adjacent to a lot I have that is land-locked. The frontage of our particular property is far less than the back of the property. My land that is land-locked, there is no way I can ever gain any commercial advantage from that lot. Am I going to be assessed the same amount of money for a land-locked lot that another person will have in a salable type of situation? A salable lot?"

Mr. Easley said he really hasn't had anything to do with a Barrett Law sewer since 1970 and he can't answer that question. We'll have to wade through this and try to make it as equitable under the law as possible. These men are very honest and fair and they will try to make the assessment as equitable as possible.

Mr. Schuster asked, , "We, as property owners, will have an opportunity at another hearing to accept or reject the findings?"

Attorney Miller commented, "Not to accept or reject; you will have an opportunity personally to say your piece and to have your views considered by those who will be making that decision. You don't get to vote."

Mr. Clarence Clark was recognized by the Chair. He said he doesn't own any property in this area, but he is Treasurer of the Cemetery. The Cemetery may be exempt, but they have one house there and if it is tapped onto the sewer, then he thinks they should pay for that house. But he wouldn't want to pay for the frontage of the Cemetery -- that wouldn't be very reasonable. "One of the things I clearly wanted to bring to this group which I thought me useful, I used to live on Rosewood Drive (which is off Stringtown down Buena Vista and then Weaver). I was Treasurer of a group there when we put in a sewer and we had the choice of going Barrett Law or private. We decided to go private because it was much cheaper. What we did, we just said that everyone shares the main pipes that carry it away -- let's all divide it evenly -- and everyone who taps in pays the same fee. That went into a fund, for which I was the treasurer and handled it. If someone had a large lot and out more houses on and tapped-in four more times, we charged them the same amount and it went into this same fund for maintenance or upkeep of the sewer. (But in this case, I believe the City is going to handle the maintenance and upkeep, aren't they?) What we did then, if there was money left over and above what we felt was necessary for maintenance, it was divided among all the people who tapped-in. In the end, it came out that the early people who paid for it got by a little cheaper than someone who tapped-in at the very last -- if you can understand that. The last man who tapped-in paid the regular fee, but that was divided among the earlier ones. They knew that was going to happen and people who owned lots and anticipated building four houses -- they paid four tap-in fees right away so they would get the lower rate -- and that lowered the price for everybody. If they waited until the end, they would pay the full fee and they would get no refunds from it. Anybody tapping-in later, that money was divided among the originals. It sounds like a good system to me; if there are any questions about that approach....."

Commissioner Willner interjected, "We have absolutely nothing to do with the private system. If these people get together and decide that they want to go private, we will have nothing to do with it. You can do it whatever way you want to. But if you go with the Barrett Law, then we follow the statute."

Mr. Clark asked, "If they go private, are they obligated for the maintenance? Or, is it turned over to the City?"

Commissioner Willner said, "I think it is turned over to the City after one year. Or, is it two?"

Mr. Easley said, "It can be constructed according to City standards and inspected by them and they will accept it upon its completion if it is done properly."

Mr. Clark said, "It seems to me we should ask what the feel is here so we don't spend a lot of time on the Barrett Law if everyone is wanting to go the private method."

Commissioner Willner said, "I don't think you are represented by one hundred percent of the people here tonight, are you to ask that question?"

Mr. Clark said, "No, but if we're represented by ninety percent and they all want to go one way, I guess that would be the way the majority would want to go, wouldn't it?"

Commissioner Willner said, "I don't think so."

Commissioner Borries said, "I don't know on that one. I know that under Barrett Law it is -- we're talking in terms of percentages aren't we, David? Isn't it 60% or something like that? The cheaper way on this private contract, I'd again have to refer to our County Attorney. Don't we have to have it unanimous there? There wouldn't be any choice on that one, would there?"

Attorney Miller said, "You would have to have everyone who is going to be affected by the sewer sign a written agreement in order to have the private ...."

Mr. Clark said, "That seems logical, because it is going to save them a lot of money. I, representing the Cemetery, feel that I should vote for whichever would be the most economical."

Attorney Miller said, "The trouble is, some may not have the lump sum."

Mr. Clark said, "But, compared to the price of these lots, that is a pretty small amount. Isn't it worth asking? Or, may I ask that?"

Commissioner Borries said, "Yes."

Mr. Clark asked, "Could we show a show of hands from those who want to go the Barrett Law way? Three?"

Could we have a show of hands from those would would like to go private contractor way?

Commissioner Willner asked, "How about not at all? (This was echoed by others)"

Mr. Clark said, "The private contractor way I was suggesting -- everybody would pay the same amount....."

Commissioner Borries interjected, "Thank you, Clarence. I appreciate your comments on that. We need to work through that. But for our record so we have comments and everything, I appreciate your comments. Perhaps there might be others who wish to speak."

Commissioner Cox asked, "Commissioner Borries, could I just interject this? I think we have to be totally objective in this and the statement was made that if you all would do this privately (build your own sanitary sewage system) that it would be accepted by the City. It may be accepted by the City. I want to caution you, because we have had some instances where private facilities have been built by the developers and by the individuals and they have not been accepted. So you just have to make real sure, because sometimes in the process of getting it done, building codes change and sewage requirements change and you get caught in the middle. You need to be aware that this could possibly happen. This is just being plain honest."

Mr. Ron Baker of 7010 Pinehurst Drive was recognized by the Chair. He said he has a lot on Old State Rd. If all the people involved or affected in this (and he thinks Andy Easley has done an exceptional job bringing this amount of money to our attention and what it would be at a reasonable cost) were to agree upon a private contractor, would we then, in turn, have the option to contract our own contract? Get different bids?

Commissioner Borries stated "Yes; yes."

Mr. Baker asked, "We don't have any choice then as far as the sewer is concerned? Is this right? It is going to go in one way or another?"

Attorney Miller said, "Not exactly. The statute says that within ten (10) days of this hearing a majority of the owners may issue a written remonstrance. If that occurs, it still is up to this Commission to determine whether or not this sewer is going to go in and whether or not there is going to be a Barrett Law assessment. And, if two-thirds of this Commission determines that it is in the public interest to have a Barrett Law assessment, then there will be one. If two-thirds do not vote in favor of that, then there will not be one and it will be back in the laps of the property owners. But this Commission will make that determination. As I said, because of the way this statute is structured, we are not exactly in a democratic (with a small "d") voting system here. You have representatives whom the people have elected up here who have a decision to make -- and they will listen to you. Then they will have to make a determination, based upon their knowledge of the history and problems in this area as to whether or not they must vote one way or the other. But within ten (10) days of this hearing you all have the right to put together a remonstrance which advises the Commission that a majority prefers not to have a Barrett Law assessment."

Mr. Baker asked, "If we were to have our own private contractor install said sewer (of course, I know what Mrs. Cox is talking about re the non-approval) does not the county have a periodic inspection as this is being installed to see that it is..."

Attorney Miller said, "It would work through this Board or the Utility Commission or perhaps a cooperative effort. And I'm sure they would make an effort to have an inspector on site and approve various steps, yes."

Mr. Baker said, "I am a builder and have built various new homes and during the time I put in sewers or had them put in by private contractors, there was ample inspection around to see that it was done according to Hoyle."

Attorney Miller said, "I am sure that is going to be true whether you have it done privately or...."

Mr. Baker interrupted, "If you have someone reputable with a reputable name construct the sewer and periodic inspections are as they should be, then we shouldn't have any problem with a private sewer installation."

Attorney Miller said, "You should know that neither the County nor the City nor a combination will likely build this sewer system. It will be done by a private contractor. If there is a Barrett Law assessment, then the private contractor will be engaged by the governmental entity. The inspections aren't going to be any different whether it is done via the Barrett Law or a private process."

Mr. Clarence Dewitt of 10 Caranza Drive was recognized by the Chair. He said, "I would like to know what triggered this notice that we received. In other words, what triggered this meeting this evening? And I would like for you to ask for a show of hands of those people who feel that they are being offended due to the lack of this sewer? I think that would benefit all of us."

Commissioner Borries responded by saying, "Well, I would want to give you some background. But just from my perspective, as we would with any public body, we have persons who came before us asking for assistance with the sewage problem?"

Mr. Dewitt asked, "One person?"

Commissioner Borries responded, "No, I can't say that it was one individual at this time. And because the county works with the City Utility Department to extend this -- and after talking with Health Department officials -- it was determined that there had been problems in that area and in the interest of serving the public -- that is the purpose of the meeting this evening."

Mr. Dewitt asked? "How many households?"

Commissioner Borries replied, "I can't tell you..."

Mr. Dewitt persisted, "One, five, ten, twenty-five? I think that is the thing we need to clear up here. Just how big a problem do we have and how many people are offended?"

Commissioner Borries replied, "Mr. Dewitt, I'm not here to argue with you. I'm telling you that when the Director of the Health Department says that there are two kinds of people living in the area (those who have problems and those who are going to have problems because of the growth)....."

Mr. Dewitt interrupted, "We don't believe that statement."

Commissioner Borries continued, "Well, you have your rights, Sir -- but that is my comment to that."

Mr. Harmon Wells of 617 Kembell Drive was recognized by the Chair. He said he is one of the individuals who has five (5) acres (he and his son, together). That five acres is, he believes, 169 ft. wide and 1,380 ft. deep. If that sewer comes 250 ft. up Kembell Drive, it will be up on the hill and all of his property back behind is a lot lower than that sewer will be. If he ever puts a lot back there, he'd have to get a road and he wants somebody to tell him how that is going to benefit his property in the back. There are four plots beside him just like that -- they are all the same width and depth. If the sewer comes (he hopes it doesn't) it would be coming right across all of us in our way and I don't think any of us who have five acres want to put that sewer through there.

Mr. Dewitt asked, "To answer my question, can we get a show of hands by the people who feel like they are being offended?"

President Borries responded, "Mr. Dewitt, I will be happy to try to accommodate you in any way I can, but in the interest of those people who have given some time this evening to speak about this matter, I would at this time prefer to let them have that opportunity."

Mr. Dewitt asked, "Before this meeting is over?"

Commissioner Borries replied, "Certainly - absolutely."

Mr. Edward Daetwyler of 6400 Kembell Drive was recognized by the Chair. He said "I am one of those who would very much be in favor of the sewer. I have four children and we walk through that area all the time. In the back areas, there is always sewage water lying around. With regard to the people I neighbor on, I know that none of us meet City code right now. All of my neighbors that I touch on -- at some time or another have standing water in their yards with sewage. I personally, have one of those sand traps. It works -- but it smells terrible. My neighbors have put in a beautiful pool right beside it. It is a horrendous mess. With regard to the prices we're quoting here, I've looked into fixing my own myself. I can't buy enough land to meet code. But we're talking a quarter of what I am going to have to invest my sewage and it still won't meet code. Thus, I'd like to say that I am very much in favor of it and there are people who are offended with the current problem -- and I am one of them."



Commissioner Borries said, "Thank you, Sir."

Mr. D. E. Smith of the vicinity of Caranza Drive and he's been there fourteen years. "For the last four years we have been contacting the Health Department. We finally wrote a letter to the County Commissioners a year ago. I am perfectly in agreement with anybody on any subject to get rid of the smell that we have. I think the sewer is the only answer. We're fighting mosquitoes. A person can't come out the door without feeling they have to upchuck because of the odor and the sewer is the only way to solve the problem. My system works perfectly. Mr. Dewitt's works perfectly. There are others that work perfectly. Like Mr. Elder said, I do not have a problem now -- but if I don't have it now I will have it. Secondly, in figuring up the 15 year payment under the Barrett Law on the taxes the attorney talked about, we're talking about less than \$260.00 per year. We're eliminating the mosquitoes all around us and in plain simple language, it is going to value the property more than what it is now. The way it stands now, there is no solution -- so there is no other way to go."

Commissioner Borries thanked Mr. Smith for his comments.

Mr. Kurt Schuster of 6501 Kembell Drive was again recognized by the Chair. He said, "I am one of those on the plus side. Mine was one of the first homes built on Kembell Drive. Part of my lower acreage is swamped. I spent many, many dollars clearing it up and laying tile so I could get rid of all that water. Sometimes when I mow my tractor treads water and I mow only to keep the mosquitoes down. So I am well aware....I was the first one to the Health Department on an inspection to find out where all this contamination was coming from. With the gentleman who spoke before me, I agree sincerely. All of us need this desperately for sanitary purposes."

I have one more question: Is an 8 inch line big enough?"

Mr. Fred Sievers of 3 West Caranza was recognized by the Chair. He said, "I have the almost 2-1/2 acre lot to which my neighbor referred. I have a sand filter and my system works fine. But I am in favor of a sanitary sewer, because I know that up until now I have had to have the sand taken out periodically and the septic tank pumped out. So, I am not having any problems - except a sand filter is not a good system. I did install the sand filter because at that time that was what the Health Department decided that is what I should have. But I do have a drainage ditch that runs through my property and I do not drain into it and there is sewage that drains into the natural ditch that runs through my property. I would be glad to contribute any easement (which would be, I guess, 350 ft. through the front) at no cost. I am in favor of the sewer."

Mr. Vincent Brenner of 6608 Old Petersburg Rd. was recognized by the Chair. He said, "I have a question of Andy Easley. According to the map we have showing the line going down the back side of the property, if this does happen, according to the terrain this is also used for run-off of rain -- will that still be in that area?"

Commissioner Cox said, "I don't believe this is for rain water."

Mr. Brenner asked, "If the sewer is installed, would the ditch still be used for run-off?"

Mr. Easley said the sewer would not be constructed in a manner that would interfere with the storm water run-off and it might be more feasible to construct the sewer in that swale or valley that is further west of the property line. The ideal place for a gravity sewer is to follow the low ground. But this is just a little schematic showing approximately where it could be put -- and it might end up being 10 ft. to 15 ft. deep in places there.



He is not sure the Cemetery wants the sewer cut across their property; but we would have to select a route and get the easements and the cooperation from all the property owners out there to grant the easements.

Mr. Brenner said, "I am just going by what you have shown on the top of the map as to where it would go down the back side of the property lines."

Mr. Easley said it is possible to put it there -- it might be cheaper. But if we move it further west and the laterals connecting the houses (the scale of this map is 1 inch equals 200 ft.) and in some cases we'd have to run 200 ft. of 4 inch pipe to get from the house to the sewer. You can afford to dig the sewer deeper to avoid laying additional pipe.

Mr. William Eissler was recognized by the Chair. He said, "I am on the Board of the Cemetery out there. One of the questions I've got -- I've heard some mention about possible exemption of the Cemetery and I was just wondering when we could find out whether the Cemetery is exempt."

Commissioner Borries said, "I am sure it is."

Mr. Eissler commented, "Because of the house then, that would be just the one tap-in fee."

Commissioner Cox said, "Mr. Eissler, is the Cemetery tax exempt at this time?"

Mr. Eissler relied, "Yes. It's strictly a non-profit organization."

Mr. Price Phillips of 117 W. Campground Rd. was recognized by the Chair. He said, "I enjoy the Cemetery. Those people over there never bother me. I have one modification that I want to suggest on the map that you have regarding the dog leg at the bottom. I have a double size picture right here and I talked to the Engineer's office. The line they have shown goes through my trees. I have trees that are 18 inches, 24 inches 30 inches and 60 ft. tall that I have sprayed and controlled and anytime you dig through them you will cut the roots and kill them. There are other alternatives and if the engineer will just ignore the (designated) line, I would appreciate it very much. I just wanted to make a point of getting that corrected so they will not get the impression that I want the dog leg. I want the sewer. We have to have the sewer. Our system works within limits and there is about 2,000 gallons of water per month. According to the charts, I think a septic tank system will evaporate 75 gallons per day. You multiply that through and you will find that around 3,000 gallons is the limit. So when you use more than 3,000 gallons of water, where does it go? And that is the problem. The sooner we get the sewer in, the better. My next question is how soon can it go?"

Mr. Ed Commens of 6701 Kembell Drive was again recognized by the Chair. He said, "I'd like to ask Mr. Elder about this septic system down at Mt. Vernon which is supposed to be so good. Is it feasible? I'm sure he knows about it. I would think he would since he's the Health Department."

Commissioner Borries asked, "Sam, do you have any comment?"

Mr. Elder said my only comment is that that system is not in compliance with the State Law. They put it in in Posey County, but the State Law is real specific and says they can't discharge off the lot. That is why all the sand traps are not in compliance, because they discharge off the lots.

(There were further comments by Mr. Elder. However, since he was speaking from his seat and not at the microphone -- and because of other conversation and the noise from children in the audience, they were inaudible.)

Ms. Lynn Crick of 2 Caranza Drive was recognized by the Chair. She said, "I have a question concerning the way the sewer is going to run. It looks like it is going to come down beside my property and cross the back of my property. How will that affect me insofar as cost? How soon will I be able to know? I also have two lots and from the way the map looks, my lot is deeper where the sewer is going to cross my property. If it goes through my property, am I to be compensated for that?"

Attorney Miller said, "Let me respond to this question re assessment or the question of compensation. If there are no easements in place for this sewer to pass through, there very well may be a question of compensation to certain land owners whose property is required to be subjected to the installation. On the other hand, the very people who are going to be compensated for the use of their property as an easement, are the people who are going to be paying the Barrett Law assessment and the amount of the compensation is going to be figured into the cost of the Barrett Law assessment. So, you essentially will be trading dollars in that regard. For instance, in this woman's case, if, in fact, there are two portions of the sewer on her property, she may very well receive a little more compensation for the easement; but it is going to be a trade of dollars essentially for virtually all of you in that regard. On top of that, you will have to pay the interest. So it may be to everyone's best interest to donate those easements."

Mrs. Carolyn Brenner was recognized by the Chair. She said, "I have a septic tank and I am one of the offenders. We have been wanting to put in a new septic tank for several, several years. I know many of our neighbors on Old State Rd. and Kembell Drive have wanted to. But we have been told that if we put in a new septic tank that it would be condemned by the City -- so we would be out \$3,500 for a new septic system and then have to go ahead and tap-in to a sewer. I think if we're going to do it, we might as well invest the lowest price we can get in a new sewer system -- because it (the odor) is offensive."

Mr. Don Baggett of 11 W. Campground Rd. was recognized by the Chair. He said, "Mr. Phillips just made a statement in regards to his property and taking the dog leg off, etc. I would like to ask what his recommendation was?"

Mr. Easley said, "We will probably try to accommodate him. We don't want to put a sewer through a bunch of trees."

Mr. Baggett said, "I agree to that. But if you're going to do that and he doesn't want you going into his trees...if the convenience of three pieces of property would eliminate a few trees on his part, where does it end? Why should you extend another 300 ft. for the convenience of his property and give us the finger for the three other pieces of property?"

Mr. Easley said, "When this is designed, I will be working on the project and I will make every effort to see that it is as intelligently designed as is possible to give everybody the same access."

Mr. Baggett said, "This is what I'm saying. If you cut the finger off, all you're basically doing is...."

Mr. Easley said, "I think he was also proposing we run a line in (designated area on map) -- you didn't see that."

Mr. Baggett, "No; but he is also saying eliminate a (designated) line on the map."

There was further exchange of comments between Messrs. Easley and Baggett as they discussed the lines on the map. Mr. Baggett subsequently commented, "It is as broad as it is long -- you still have to go through property."

Mr. Easley said, "That is correct -- and at this time I don't know which is the best route."

Mr. Baggett commented, "If I am willing to give up land, he should be willing to give up his trees or land."

Commissioner Borries said, "If there is anyone who would wish to make any summary comments -- again, I don't want to cut anyone short here, but it is in our interest. You've been very patient. For you, the meeting has lasted an hour and ten minutes. The procedure is this -- folks, we are here because we want to help. This situation has been pointed out. I don't think it is unanimous agreement. But it is a service we're trying to decide here how best to provide -- and I would just say that for my own purposes, could I see those persons in the audience (we're not talking about the cost here yet or anything else) -- but based on my records here, could you please stand if you are favor of the sewer? (About 25-30 individuals stood.)

Mr. Kurt Schuster asked, "Approximately how many property owners are involved?"

Commissioner Borries responded, "Fifty (50)."

Turning to County Attorney David Miller, Commissioner Borries asked, "David, under the Barrett Law then, what is the percentage of persons should this Commission decide to proceed that way? In order to get the sewer project moving, how many persons in this affected area would have to vote for the sewer?"

Attorney Miller said, "There is a provision for remonstrance that provides that if over fifty (50) percent of the landowners remonstrate within the next ten (10) days by written remonstrance, then it would require a two-thirds vote. But the fact is, because of the Constitution (not the written Constitution), there are only three members on this Board of County Commissioners, any action requires a two-thirds vote, you see. So a remonstrance can be filed, but there will be another hearing if a remonstrance is filed."

Mr. William Jeffers of 6608 Kembell Drive was recognized by the Chair. He said, "I think we all appreciated what Mr. Elder had to say because we are all familiar with what he is talking about and there is no use hiding that. I am real lucky to live out here. I am kind of a 'Johnny-Come-Lately' -- but I've enjoyed it for six years. Every one of my neighbors is here in the audience. Several of them have gotten up and made comments. But I noticed when you took that vote. First of all, I didn't vote for it and I am not going to vote against it -- because I work for the County and I am just going to see what goes down -- maybe I will tap-in if the line runs across the back of my lot. To make it more palatable for those people who voted 'no' by not voting 'yes', if this goes through I noticed one fellow is worried about land being subdivided. Mr. Sievers does indeed have room for two nice lots there. All my neighbors are really fine people and live in nice homes; nothing pretentious; just really nice neighbors living in really nice homes. I am sure that if that does happen (two more houses are added onto that piece of property) that they, too, will be nice houses and will have nice people living in them, because that is the way the neighborhood is. But I don't believe that is Mr. Sievers' primary reason for voting 'yes'. It's like if you have a dead animal out in your backyard; the first thing you want to do is get rid of it and then you start thinking about how much money you can make at a rendering plant. But I know he wants to get rid of the stench first and then maybe some day look at something else.

I'd like to point out that some of the people making comments about subdivision have, themselves, been involved in home building and subdivisions in this neighborhood. There are three

people in this audience who have subdivided within this neighborhood or who have built several homes in this neighborhood. So, let's be fair to everybody.

Another comment by Mr. Schuster concerned a land-locked piece of property which, I think, is where the 230 ft. lateral diagonally crosses. I would suggest you line that lateral up so that possibly he could not be deprived of the use of that lot should he acquire an easement into that lot for future development. The lateral wouldn't run underneath the house that could be built there if (it may be too low to build, but it could be buildable).

I would like to ask Clarence Clark and Bill Eissler who, by the way had a great-great granddaddy who was the first man to live out here, I believe, .....

Mr. Eissler interrupted, "He wasn't my great-great granddaddy, he was some kind of an uncle...."

Mr. Jeffers continued, "Anyway, he goes way back to 1836. I'd also like to suggest that this line that runs up the back of all the homes along Kembell Drive -- would the Cemetery object to that line being moved another 100 or so feet into the Cemetery so it ran along lower ground, because the objective of my immediate neighbor (Mr. Wells) is that this line laid out here runs along high ground - so if he should decide (and his other three neighbors who have the same type of parcels) later to develop that that they not be deprived the full use of their land -- because you can't get this stuff to flow up hill. In the next few days we can talk to the Cemetery Board about allowing us to design that lateral over to the west a little. Mr. Wells' comments were addressed to several pieces of low ground that lie 420 ft. below sea level and the line's lowest point is about 425 ft. above sea level -- but it goes across the back of his hill and I think that is what he was referring to.

Mr. Jeffers said, "I'd just like to say that it seems as though the majority here are in favor of the sewer. To those not presently in favor of it, I would like them to think in terms of --there are two houses that sold in our neighborhood last month. One of them sold in about ten days for asking price, which I think was in excess of \$95,000.00. The other one, the sign was put up last Saturday night and it sold by Monday morning. We enjoy living in a neighborhood that has that type of resalability. I'd like for those not currently in favor of the sewer to think in terms of the future. The possibility is that because of the nature of the soils in Vanderburgh County and the problems incurred by septic fields, that houses will not sell in ten days or twenty-four hours and may not ever sell without being hooked onto a sanitary sewer, because banks simply will not make the loan. I believe FHA has already started that; whatever FHA does, it sees like the banks follow suit -- just like the termite inspections that just recently have affected home sales."

Commissioner Borries expressed appreciation to Mr. Jeffers for his comments.

President Borries said, "With those comments, unless the Commissioners want to make any comments, then we would need to make some decision at this time regarding this matter."

Commissioner Willner said, "I guess I am prepared to do that. As an officeholder, I know there are going to be some people against progress or non-progress and there are going to be some for it. What really bothers me is that some people come to me and say, 'I have a problem and need your help; what can I do about it?' I don't have an answer other than the sewer. I know this is going to make some people mad at me, because they are going to have to spend some money. But there is no alternative for me. If there was someone who said, 'Yes, I have another plan', I'd certainly

be glad to listen to it. But there is no other plan. There is none that has come forth. So, I've got to move that we adopt the following resolution:

'BE IT RESOLVED that the Barrett Law assessment be implemented pursuant to I.C. 36-9-18 for the construction of the sanitary sewer system to serve the following area:

The area bounded on the east by Old State Rd.; bounded on the west by a line 250 ft. west of Kembell Drive;; bounded on the north by 150 ft. south of Sunrise Drive; and bounded on the south by a line that is 250 ft. south of Campground Rd."

A gentleman from the audience interjected, "That would be on the north side of Campground Rd."

Commissioner Willner responded, "You're correct."

Attorney Miller interjected, "This hearing is for the purpose of determining whether or not there will be a Barrett Law assessment. This is a preliminary resolution to make that determination."

Commissioner Willner said, "I cannot say to you people that you have to do the private system. You can do that, I cannot. So I am saying that I make a motion that we proceed with the Barrett Law. If you can all get together with a private system, that is certainly all right with me."

Commissioner Cox said, "I will second Commissioner Willner's motion with these comments. I live on the west side and I can appreciate the smell, because we have the West Side Improvement Plant that is quite offensive -- and it is a hazard to people's health -- both emotional and physical (that is yet to be determined) -- I think it is probably both. We've heard here tonight that people's septic systems which are working very efficiently now are being inconvenienced by septic systems that are not working adequately at this time. We've also heard that people's septic systems which are working at this time may have problems in the future. So I firmly believe that the Barrett Law is the way to proceed, because of the fact of the past experiences with the private development that is going in and whether it would meet the City codes. And I also want to say that I also firmly believe that we, as a Board, will look at each individual's property, the amount of property that will be involved here, and be fair in the amounts assessed and we will be willing to work with the individuals so that you are inconvenienced as little as possible. I doubt seriously that the City Sewer Department would ultimately have to accept this. We, as a County, cannot accept it because we are not a utility. But I doubt seriously that they will want to accept a sewer that is 50 ft. below the surface. I think there will have to be some adjustments made. But we would hope - and I feel very certain -- this will give each and every one of you a much happier and better life."

Mr. Jeffers asked, "Are you saying 250 ft. west of Kembell Drive? That is the reason I asked whether the Cemetery would be willing to participate in this. That would put it inside Hendricks Subdivision."

Commissioner Willner said, "The County Attorney says I need to amend my Resolution. The south line should be Campground Rd. period. And I agree with that."

Attorney Miller said, "In other words, the line on the north side is Campground Rd. It is not either north or south Campground Rd. Those persons were sent notices."

Commissioner Borries said, "Bill Jeffers had made a comment regarding the west boundary and, Mr. Clark, would you have any comment at this time regarding that?"

Mr. Clark offered comments, but he was speaking from his seat and the surrounding side conversations made his comments inaudible.

Attorney Miller interjected, "Let me point out that this motion for the adoption of a Preliminary Resolution provides that the sanitary sewer system will service the area that Mr. Willner described. That does not require that the sewer line absolutely be confined within those bounds."

Mr. Jeffers said, "I will revise my comment just to say that the residents on the Cemetery property will not be served by that line."

Attorney Miller stated, "That is not necessarily so either, because they bound that property. I see what you're saying. You're saying that none of the Cemetery property is included within the property that Mr. Willner described?"

Mr. Jeffers said, "That is correct."

Mr. Willner pointed to (designated) portion and stated that that portion is included.

Attorney Miller turned to Mr. Easley and asked, "The question is, is this house included within this 350 ft.?"

Mr. Easley said it is not. That doesn't mean that it couldn't connect.

Attorney Miller said, "If we're going to make it responsible for a Barrett Law assessment, then we need to include that portion of the property."

President Borries called the meeting to order and said there is going to be an amendment.

Commissioner Willner said, "It has been called to our attention that the Resolution should be as follows:

"BE IT RESOLVED that the Barrett Law assessment be implemented pursuant to I.C. 36-9-18 for the construction of the sanitary sewer system to serve the following area:

The area bounded on the east by Old State Rd., bounded on the west by a line 500 ft. west of Kembell Drive; bounded on the north by a line 150 ft. south of Sunrise Drive; and bounded on the south by Campground Rd.

So there are two changes; Campground Rd. on the south and 500 ft. west of Kembell Drive.

A gentleman from the audience asked, "Why would it be on the south of Campground Rd.? It should be on the north side of Campground Rd."

Commissioner Willner responded, "But that is bounded on the south of the service area, Sir."

The gentleman acknowledged that this is correct.

Commissioner Cox asked, "Do you have to withdraw the other motion or is this an amendment?"

Attorney Miller addressed Commissioner Willner and asked, "Are you offering that in the form of an amendment to the motion?"

Commissioner Willner acknowledged that this is correct.

Commissioner Borries said, "The amended motion has been moved and seconded. Again, very briefly, I wish to thank you for coming. At this time,, as the Chair, I will ask for a roll call vote on

the amended motion." Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. Commissioner Borries declared the preliminary Resolution approved. He said that as Attorney Miller has outlined, those present who are affected do have ten (10) days to offer a remonstrance to the motion and we will proceed from there. He said, I want to assure you that we will work with you. This whole aspect here is to help you and improve the quality of life in your neighborhood. Based upon the testimony that you've given tonight, it is a good one. We hope because of future growth in that area that it is going to be better. We will work with you to work through these lines. With a system like this it is sometimes impossible to please everyone, but we will make the effort and try to work with you as we are moving through this. Thank you for attending this evening."

Mr. Daetwyler asked, "What is the timetable for this? Does anyone have any idea?"

Mr. Easley said, "There will be an awful lot of work that will have to be done on obtaining right-of-way and easements and it could stretch into a six months project. But if everyone will cooperate, then it is possible that it could be done reasonably quickly. It could move along as fast as perhaps four months -- but it would have to move extremely fast -- and I would be surprised."

Attorney Miller said, "Andy, I need to remind you that we need to find a buyer for these bonds. We have to develop the bonds,, find a buyer and put all that through."

Mr. Easley said, "Going back to my experience in 1970, the contractors were paid with the bonds. That was the payment -- and they took them to a bank or some private purchaser and sold the discounted bonds to them. So, technically, I don't think we have to market the bonds unless that has all changed."

Attorney Miller said, "We do have to have a buyer though."

Mr. Easley said, "That is correct. Sometimes in a very poor neighborhood, people have their doubts about the ability of people to make the Barrett Law bond payments and you wouldn't get any bidders on the project. If you don't get a bidder....but I don't think that is going to be the case in this case. I had a conversation with Old National Bank -- just inquiring -- and this woman said she hadn't seen a Barrett Law bond in ten (10) years and yet she knew what it was. She referred him to another gentleman. He said he thought that in this type of neighborhood that there would be a market for the bonds and that should not prevent proceeding with the project."

In response to query from the audience as to percentage on these bonds, Mr. Easley said it was estimated that they would be about 7% to 7.3% interest and they are tax free municipal bonds. Some of you may want to purchase them.

Commissioner Borries again thanked all parties in attendance and declared a five minute recess. He said Messrs. Easley and Elder will be out in the lobby to answer any questions.

RE: REZONING PETITIONS

The meeting resumed at 9:30 p.m., with President Borries announcing that Rezoning Petitions would be next on the agenda.

VC-15-87/Petitioner, Old National Bank as Trustee (First Reading): Location of subject property is 5701 Oak Grove Rd. Petitioner seeks change in zoning from Agricultural to C-4. Present existing land use is agricultural and proposed land use is retail, warehousing and offices.

Commissioner Willner asked, "Are we going to ask for an easement for Vogel Road?"

Commissioner Borries responded, "Yes, Mr. Willner, I would think that is exactly what we'd be asking for."

Ms. Virginia Worthwine, who was representing the Area Plan Commission, commented they have already submitted a Section 4 of the Ordinance and they will dedicate the right-of-way for Vogel and they will construct it at their cost. So it is all ready to be accepted.

Commissioner Cox said, "I question why they are asking for a change to C-4, when everything surrounding them is M zoning."

Commissioner Borries said this is an area between Burkhardt and Green River Rd. -- and an area in which we've looked at a possible grid pattern and have asked developers who have a desire to rezone the property to participate, as Commissioner Willner has pointed out, with easements and dedications with regard to road construction in Vogel Rd. going east toward Burkhardt Rd. I also think there will be a portion in here that will eventually be called Royal Avenue. Is that right?"

Ms. Worthwine said she is unsure.

President Borries asked whether there is anyone present who wishes to speak concerning this petition? There was no response and a motion was entertained.

Motion was made by Commissioner Willner that VC-15-87 be approved on First Reading and forwarded to the Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-13-87/Petitioner, Reedco, Inc. (3rd Reading): This matter is continued until August 17th.

VC-14-87/Petitioner, James R. & Mary I Straub (3rd Reading): The Chair recognized Attorney Alan Kissinger, who stated he represents Jim and Mary Straub. They have been before the APC and the APC staff recommended that rather than rezoning the entire lot on which the residence and the commercial buildings are planned that we rezone only that portion that is going to be used for commercial purposes and there is an amended plot plan. In response to query from Attorney Kissinger, the Commissioners acknowledged that the amended plot plan and amended legal description have been included in the petition file.

Commissioner Borries queried Attorney Kissinger regarding the proposed use of the property.

Mr. Kissinger said this is for Straub's Motor Service. This was a situation wherein Mr. Straub had started this business in his backyard many years ago and then moved it to the Industrial Park on St. Joe Avenue. He was in the process of moving this away from this area and then he lost his lease at the Industrial Park and had to move everything back. He subsequently decided to increase the size of the facility on Big Cynthiana Rd. and he is seeking to rezone the property for that purpose.

Commissioner Borries asked "And the Area Plan Commission voted on this amended site plan, is that correct?"

Attorney Kissinger responded in the affirmative, saying it was approved by the APC.

The Chair entertained questions. There were none.

The Chair asked if there is anyone present who wishes to speak or remonstrate against this rezoning petition? There was no response and a motion was entertained.

Motion was made by Commissioner Willner that VC-14-87 be approved on 3rd Reading, with a second from Commissioner Cox.



The Chair then asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. The Chair declared the motion approved.

RE: REQUEST FOR APPROVAL OF STREET PLANS FOR ROSEMONT DRIVE IN UNIVERSITY HEIGHTS NO'S. 5 & 6

The Chair recognized Mr. William Bivins. He said he represents the developer in this matter. County Engineer Andy Easley has reviewed the final street plans and has requested one change. He requests that they provide Trevira (a geo-textile fabric that prevents erosion) under the rip-rap.

The Chair entertained comments or questions of Mr. Bivins.

Commissioner Willner asked if the curbs and gutters have been waived?

Mr. Bivins responded that they have.

Commissioner Borries asked, "How wide are the shoulders on this?"

Mr. Bivins said there are 6 ft. shoulders on either side.

The Chair entertained further questions. There being none a motion was entertained.

Motion was made by Commissioner Willner that the street plans be approved, with a second from Commissioner Borries. He said he would however, make the following comment (as he did on June 22nd). "Mr. Bivins, we have encountered a great deal of difficulty with some developers. Not all are following our ordinances. I think the word is getting out -- it must. I had voted for the acceptance earlier because of the short street and because of the wide shoulders. But I would be insisting that our ordinance be followed with regard to curbs and gutters in all future subdivisions -- and I certainly want that word to be expressed.

The Chair then entertained a roll call vote: Commissioner Cox, no; Commissioner Willner, yes; Commissioner Borries, yes. The Chair declared the motion approved.

Mr. Bivins said, "I would comment that Warrick County has done away with waiving curbs and gutters and sidewalks in subdivisions smaller than half acre lots -- and I think you would save a lot of headaches if you'd just correct that ordinance..."

Commissioner Borries said, "Don't get me wrong; with regard to sidewalks, if it is large and outside a one mile radius of the city limits -- certainly, in my opinion, there could be some latitude. But because of drainage and our concerns there, we have to adhere to our other ordinance."

RE: READING OF BIDS ON RESURFACING OF VARIOUS COUNTY ROADS

The Chair asked County Attorney David Miller to report on bids received re resurfacing of various county roads. Attorney Miller reported that two (2) bids received, both of which were in order in all respects.

The Rogers Group (Bloomington, IN): Bid covered paving 2.4 mi. of Marx Rd. between Old Highway 460 to Posey County Line; 1.2 mi. stretch of Denzer Rd. from Old Highway 460 to Posey County Line; and 1.4 mi. Baehl Rd. from Highway 65 to Nisbet Station Rd. Total of 5 miles. Bid is in amount of \$170,608.85.

J. H. Rudolph & Co. (Evansville, IN): Bid for same projects with identical mileage in the amount of \$190,381.00.

Attorney Miller said the County Engineer has also reviewed the bids received and has advised that, from his standpoint, the bids are also in order.

Commissioner Willner said he does have one question. Has Rogers started their previous paving project?

The representative from The Rogers Group (Mark Rechter) advised that they have not.

Commissioner Willner asked, "What is your timetable?"

Mr. Rechter said one of the hold-ups was that they were waiting for a new paver and that came in last Thursday.

Commissioner Willner said, "I think we need to see some action. I don't know that there is a deadline on it. Do you know how many miles you have contracted to do?"

Mr. Bethel said they have 90 calendar days to complete the first project awarded to them a month ago. He would suggest that if they don't get started, that the Board consider someone else -- we need to get going.

Commissioner Willner said,, "I do, too; but if the bid said 90 days, we have to give them 90 days. I just wanted to make sure that we are going to get started pretty soon. I know they have a performance bond, but I'd rather have the road down. What people are saying to me is, 'If you're going to spend the money this year, why not go ahead and do it so we'll be traveling on a good road?' -- and I understand that."

Commissioner Cox asked, "You say your paver is here at this time?"

Mr. Rechter said, "The paver came in last Thursday and we were really waiting to receive it before starting the projects. With the new paver we can do a better job."

The Chair entertained a motion concerning bids received.

Motion was made by Commissioner Willner that the bid on resurfacing of Marx, Denzer and Baehl Roads be awarded to The Rogers Group, Inc. in the amount of \$170,608.85, with a second from Commissioner Cox. So ordered.

President Borries asked that Mr. Rechter keep the Commissioners informed.

RE: COUNTY ATTORNEY - DAVID MILLER

Bids from Abstractors/Tax Sale Properties: Attorney Miller said, "As you are all aware, we have some new guidelines that are the product of a Supreme Court decision that require that all parties with a substantial interest in real estate to be subjected to a tax sale must be notified prior to the sale that the sale is about to occur. The only record that the county regularly maintains with respect to substantial interests in property is the ownership record. As a result of that, the tax sales that now occur must be preceded by a title search that will allow the county to identify all of those people or institutions which have substantial ownership or equitable interest in a parcel of property that is about to be sold. That necessitates a 10 year judgment search, because judgments have to be executed upon within ten years or else the statute of limitations renders them unenforceable and it further necessitates a mortgage search. In consultation with the abstractors and title attorneys, we have determined that we must search the records for 30 years last passed to find any possible mortgage holders, because standard mortgages run in many cases as far back as 30 years. It would do us no good to hold a tax sale on a piece of property that had a 15 year old mortgage on it. For instance, if we only searched the records 10 years back, that mortgage would never show up; so

we have to go back far enough to identify those. Based on that, we asked for bids from anybody qualified to do these title searches so the County Attorneys could then render opinions to the County Treasurer and the County Auditor as to whom to notify. We received three (3) bids.

Indiana ParaLegal Services, which is a somewhat new abstracting company here in the city (but nevertheless qualified) proposed to do fifty (50) searches for us at a unit price of \$220.00 per search. And Indiana ParaLegal Services fulfilled all the other requirements of the specifications, except that they could not provide us with a form by which their report would be made (which is one of the things we asked them to do).

Vanderburgh Abstract Company gave us a unit price of \$200.00 per title search for not less than one hundred fifty (150) searches. In other words, they are guaranteeing us they will do 150 searches and they gave us a good form satisfactory in all respects.

Hoosier Abstracts gave us a unit price of \$350.00 per search and agreed in its bid to do only sixty (60) searches.

If you add those up, you will see that even if we were to accept all of those bids, we have only covered 260 searches. As of this date, we have 839 properties which are subject to sale. Because we sent out what is called a courtesy letter some 15 or 18 days ago, we expect that by July 31st or so we will have that number down somewhere around 500 to 600 -- but it still is going to be a big number. I have had discussions with the Chief Executive Officer of the low bidder (Vanderburgh Abstract) and they will commit absolutely its total resources beginning the search period on August 3rd -- its total resources -- to the needs of the county. They are able to do that because they have a sister company to which other private abstracting business will be transferred during that period. Nevertheless, its bid stands as it is. However, I am advised that Vanderburgh Abstract will work nights and weekends if we can provide availability of the necessary public records -- and I believe that we can do that. And I believe that will allow Vanderburgh Abstract to perform as many as 250 to 350 of these searches, maybe more. I also believe that you should -- I recommend -- that you authorize me to enter into negotiations with Indiana ParaLegal Services, Hoosier Abstract, and any other qualified abstractor to pick up any slack at the rate of \$200.00 per search. I don't believe that any property owner should be subjected to a greater search fee than another. It may be that we just won't be able to make all of these searches this year. It may be that we won't be able to sell all of the properties that are threatened with tax sale because we can't comply with the legal requirements to do all of that. But I think if you will give me the authority in the next week or so to search out these people and give them the terms upon which we will agree to allow them to service the county in this way, and those terms will be identical to the Vanderburgh Abstract bid, that we may be able to get this job done. I hope that you can see your way clear to do that. I know that it places a certain amount of trust in my judgment -- which I hope you have -- but this is a very large job and this is the first time we will be doing it and there is going to be a little bit of 'feeling your way' in this first effort. That is what I would like to propose to you. Mr. Humphrey, do you have any comments?

Mr. Humphrey said, "We have to have two costs that we put in the letters. One is the cost for the abstract, which is \$200.00. The cost for the legal opinion also has to be included."

Attorney Miller said, "I have given those to Martha Calkin, based upon the bids as being \$200.00 and \$60.00."

Mr. Humphrey said, "I have committed the office to remaining open at night to service the abstractors, but I didn't address anything on weekends and we will have a problem with it -- but I think it can be done -- if the Council will commit it and see the necessity of it."

Attorney Miller said, "I would hope the Commissioners would encourage the Building Authority to permit the building to be made available to these folks nights and weekends."

Mr. Humphrey said, "It wouldn't be a problem with the Building Authority; it would be a problem with the personnel in the offices. We can't let them in our office, for example, unattended. I have talked with the County Recorder. Because the abstractors have office space in the Recorder's Office, they will be open to them. The clerk has told me (and I have only discussed evenings) we can have the books needed at 4:00 p.m. and take them back the following morning at 8:00 a.m. I don't know about weekends. Maybe they can provide space for us to work in their office without needing the books -- I don't know. You will have to address that."

Attorney Miller said, "It seems like we can do that within the next two weeks. But we're just going to have to pull out the stops here."

Commissioner Cox said, "I have a question. With the increased amount of weekends, evenings, and all the other extras -- on that addition of parcels, will that \$200.00 per parcel hold firm?"

Attorney Miller said, "That will pay the search fee. That is the abstracting cost."

Commissioner Cox said, "Vanderburgh Abstractors made a bid and they were going to do 150 parcels at \$200.00 per parcel during regular working hours."

Attorney Miller said, "That holds for nights and weekends according to the Chief Executive of Vanderburgh Abstractors."

Motion was made by Commissioner Willner that the contract be awarded to Vanderburgh Abstractors in accordance with their bid of \$200.00 per search and, if agreeable to them, to farm out to Indiana ParaLegal and Hoosier Abstractors...."

Attorney Miller said, "Well, Mr. Willner, o.k. If you understand, they were not comfortable with a sub-contractor relationship. But if that is your motion....."

Commissioner Willner said, "Then they have to do more than 150 searches."

Commissioner Cox said, "I understood that they had agreed to more than 150."

Attorney Miller said, "No, they have not agreed to more than 150, because they do not know what they are going to be getting into. But they believe they will be able to do substantially more than 150 because...."

Mrs. Cox asked, "Then why did I write down 250 to 300?:

Attorney Miller said, "Because that is after my conversation with Jack Schroeder; that is my ball park guess of how many I think they can get done if they work nights and weekends. This bid was just based on doing them during regular business hours. I would be willing to see if the others would agree to the \$200.00 per search. The only difference between your motion and my recommendation -- and you certainly have the right to do that -- is that your motion would require Vanderburgh Abstractors to contract it out and they don't want to take responsibility for..."

Commissioner Willner interjected, "Or be willing to let the others have it -- either way."

Attorney Miller said, "O.K., I understand."

Commissioner Willner said, "If they change their mind and take them all, then there is no problem."

Attorney Miller explained, "But they did not want to be responsible for Indiana ParaLegal Services' work."

Commissioner Willner said, "They have to be responsible to say yes or no, because they have the bid. It is their prerogative."

Attorney Miller said, "Sure, understood."

Commissioner Cox asked if Commissioner Willner could repeat his motion?

Mr. Willner replied, "No."

Mrs. Cox said, "I didn't think you could...."

Commissioner Willner said, "I move that Vanderburgh Abstract Corporation Inc. be approved to conduct 150 title searches at \$200.00 each and that any and over that be given to Indiana ParaLegal and Hoosier Abstracts, with Vanderburgh Abstracts' approval."

Commissioner Cox asked, "That means that if there are over 150, Vanderburgh Abstractors can do them first if they want to. Is that what your motion is?"

Commissioner Willner said, "Yes."

Mrs. Cox provided a second to the motion.

President Borries asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. Motion approved by unanimous roll call vote.

Claim: Attorney Miller said he has a claim to present in the amount of \$315.00, which is the county's share of the expense of professional services rendered in connection with the Elizabeth May vs. Vanderburgh County lawsuit of a jail design consultant retained in connection with that litigation.

Commissioner Cox asked, "Do we have the money?"

Commissioner Borries asked, "Would it come through Judgments & Refunds? David, if it is all right, we will refer this to our Auditor. We need to examine our accounts. As you know, we have had a rather substantial cut this year in our legal services budget and we're asking Council for help there."

Attorney Miller said, "I sure do know. Do you want to know how much I know?"

Mrs. Cox asked, "About \$17,000 worth isn't it?"

Commissioner Borries said, "I think that budget was cut from \$50,000 to \$20,000, so we do have a little problem in that account Sam, will you check this?"

Attorney Miller said he believes he has covered everything he needs to bring up. He thinks there is an item on the agenda in which he will have to be involved (the assessment computer).

Commissioner Borries, "With the agreement of those in the audience, I believe we can go ahead and move to that for the sake of continuity. Item No. 12 on the agenda concerns the specifications to be approved for the assessment computer."

David, would you want to address any comments at this time?"

Attorney Miller said, "I think it probably would be more appropriate if the Board doesn't mind to allow those who are here to speak on the matter and then I will offer whatever counsel seems appropriate."

The Chair recognized Tom Dorsey of City-County Purchasing Department.

Mr. Dorsey said "I think this afternoon you received a copy of a draft for specifications for bids for a data processing system for the County and Township Assessors in Vanderburgh County, Indiana. I believe the specifications are patterned after some in Ft. Wayne, IN. I met with representatives of the Township Assessors and the County Assessor; representatives of the facilities management people for the City and County (Pulse Systems, Inc.) and have given them copies of the specs to review, as well as Mark Owen, member of County Council -- and I think everybody has had an opportunity to go through those and make some comments on the specifications. They are relatively generic and I think they will meet the needs for the County. I'm fairly certain they include everything that the Assessors will need for that system and it is my understanding that they are wanting to try to get the bids out so they will have ample opportunity to evaluate any bids received and get the system operational for the reassessment."

The Chair entertained questions from the Board. There were none.

The Chair then entertained questions or comments from the audience.

Mr. Harry Tornatta, Perry Township Assessor, was recognized by the Chair. He said, "My only comment would be that we get things rolling just as soon as we can and accept these bids so we can get an assessment going, because we need the computers before we can really get into the reassessment correctly. My only comment would be that we not have any kind of delays."

Commissioner Borries said, "Harry, I would take it by your comments that you've had ample input to review these specs and that the Township Assessors are in agreement that this system ..."

Mr. Tornatta interrupted, "Two of us have gone through the specs and they are agreeable to us."

The Chair then asked County Assessor Jim Angermeier whether he has any comments at this time? Mr. Angermeier indicated he did not.

The Chair then called on the County Attorney.

Attorney Miller said, "I have not seen the specifications until just now and as I read through them quickly (using Mr. Willner's copy) we are all aware of the expense and trouble that the County went to with the understanding, advice and consent of the County Council in the form of a Declaratory Judgment action involving Mr. Angermeier on the one hand and the County's Township Assessors on the other. My only remark is that in considering the bid instructions, it is my hope that the preparer in some way took into account the effort that Judge Songer put into his ruling with respect to the computer system and the thoughts that he set forth in his order. I am not a computer expert and cannot say whether that was or was not done. But I believe that while Judge Songer recognized that he had absolutely no power to order the County Council to use a central computer system in this reassessment or authorize its use, he did say that if there was to be such a tool available that there would be separate terminals located in each of the Township Assessors' offices and that there would be a single central computer system to which

those would be attached and to which they would feed and from which they would obtain information and that each Township Assessor would have access to them and that the central computer system was to be operated under the direction and supervision of the County Assessor. All of that language comes straight from Judge Songer's order and, having gone to all the trouble to obtain the order, we need to be aware of that when considering the results of this request for bids. That's all I have to say."

Commissioner Willner said, "I tried to digest this when I received it this afternoon and I only see six terminals -- or is that incorrect?"

Mr. Dorsey said, "No; there are thirteen. There may be two different copies of the specs out, because the numbers were revised. The most recent of the bid specs -- as they exist now -- calls for thirteen terminals, six (6) 200 character per second graphics printers and one (1) 800 line per minute high speed printer. The effects of the ruling were taken into account. For those of you who are familiar with the City-County's computer operations at this point, there is one central CPU. The various offices that have terminals have access to information that they are supposed to have access to. There are various security levels set up within that kind of system. The system we're talking about here is basically the same. There will be one central CPU. The individual offices, through the remote terminals, will have access to the information in that CPU. The level of access will depend upon what the County wishes to do when the system is being installed. Whether they want each office to have access only to their own files or to all of the data would need to be determined; but that is a password situation when it is installed and really would not have an effect on this kind of system.

Attorney Miller asked, "You mean it wouldn't have an effect on the cost?"

Mr. Dorsey replied, "No; it is a matter of defining the level of security and that level of security can be changed in the operational mode at any time by the person who is actually administering or operating the system. So, in this case, my understanding of the Court Judgment is that the County Assessor is to be responsible for coordinating the operation of that central system. In that case, it may be the County Assessor who is determining the level of access."

Attorney Miller said, "The only provision I recall Judge Songer making in that regard is that the Township Assessors were to have county-wide accessed information, but their input data was to be restricted to their own township, alone. And I understand what you are saying -- that that can be controlled with a password system."

Mr. Dorsey said, "The system is set up so all of them will have that kind of access. The bid document itself takes an approach where it is basically asking questions about the system proposed and it leaves the opportunity to the County to determine the exact configuration of the system during the evaluation process. We've done all the safeguards about awarding line item-by-line item -- awarding only individual portions. It calls for different types of financing, so you can choose a straight purchase, lease, lease-purchase -- and it allows you to pick and choose the configuration. Since everything is bid on an item basis, if you were to choose to add more work stations or more printers, you could also do that at the time of the bid award. So it will be the evaluation process that will determine the actual configuration of the system. I think the bid specifications take all of that into account."

Commissioner Cox asked, "Tom, I notice on Page 7, Item 5 -- where it says 'desirable that the system fit within an 8' by 10' area'. Now, do all offices have adequate space to house this equipment?"

Or, are we going to be ....8' x 10' is a room. Are we going to be hit with requests for additional space? Or do they all have space that they can accommodate this system?"

Mr. Dorsey responded, "They won't all need the space if they can accommodate this system. Again, we're talking about one central processor."

Mrs. Cox asked, "Where is that to be located?"

Mr. Dorsey said, "I assume that will be left up to the County when they choose; either with the County Assessor's office (he may choose to have it installed with the current computer operations). Now, there will have to be some questions answered as to who is going to be responsible for the day-to-day operation, for making the back-ups of the data -- for handling those kinds of things -- but that is really an issue separate from the actual system itself. All of the offices will basically have a terminal and a printer."

Mrs. Cox asked, "And we have adequate space in our present computer room to house this?"

Mr. Dorsey said,, "It is my understanding that there is adequate space there. I don't anticipate this kind of system being anywhere near an 8' x 10' size."

The Chair entertained further questions.

Mr. Willner said, "Thirteen work stations -- one for each Township plus five for the County?"

Mr. Dorsey said, "I was just given the number 13 to plug in; I don't know how those are going to be allocated."

Mr. Willner said, "After the reassessment is put to bed so to speak, how many of those do we need?"

Mrs. Cox said, "All of them."

Mr. Dorsey said, "I would think each of the individual offices would need direct access simply for their daily routines, because they constantly would be accessing the data base for any of the information they would currently maintain on property record cards or other information in their files."

Commissioner Cox noted they would also have new buildings and expansions of current buildings to enter into the system on an ongoing basis during the year.

Mr. Dorsey said, "The initial entry would be time consuming,, but we're not getting any extra terminals just for that. The terminals we're getting would be proposed as being a complete part of the system for as long as the system is in operation."

The Chair entertained further questions.

Attorney Miller said, "He answered the questions thoroughly and well."

County Auditor Sam Humphrey asked, "On Page 8, under equipment it says, 'Work stations must support the following major program languages' -- and then it lists four languages. You don't mean all of them?"

Mr. Dorsey said, "My understanding of these specifications are that we want the work stations to support those languages because of the different types of programs available. You may not necessarily want all of those languages. For instance, you can purchase COBOL, FORTRAN, BASIC or PASCAL separately, but you do want a system that will support any of those because you may find that one program you want is in FORTRAN and another may be COBOL and another may be BASIC."



Commissioner Cox commented, "Right -- right."

The Chair entertained further questions. There being none, a motion was entertained.

Commissioner Willner moved that the specifications be approved and advertised, with bids to be opened on August 10, 1987.

Commissioner Cox seconded the motion. So ordered.

Notice re Lawsuit: Attorney Miller said he has two other matters for the Commissioners' attention. We have been served with our first legal action involving the legal theory set forth in First English (the recent Supreme Court Case). The County is being sued by Alfred Wagner, Lewis Wagner and Thomas Duncan as a result of denying a rezoning request and they are requesting the damages for what they call an unconstitutional taking of the use of their property. He needs authorization to appear to defend that. He just needs the authorization. He is advised (although he does not yet have a copy) that the County has been sued by a former inmate of the County Jail who alleges she was bitten by some kind of a bug one year three hundred fifty-nine days ago -- and she wants some compensation for that. He is advised that the theory is one of negligent failure to keep the place clean enough or something like that. He believes this one will be covered by the insurance carrier (Caroon & Black). In any event, he does need authorization to proceed with these two items.

The Chair entertained a motion.

Motion was made by Commissioner Cox that Attorney Miller be authorized to represent the County in these two matters, with a second from Commissioner Willner. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period July 13 thru July 17 1987.....report received and filed.

Gradall: Boonville-New Harmony, Fisher Rd.

Paved: River Rd., Cherry Lane, Maple Lane, Whetstone Rd., Moffett Lane and Erskine Lane

Patch Crew: Bender, Frontage, Old Princeton, Henze, #6 School Rd., Neu Rd. and Twickingham

Mower: Creamery, Lindar Lane, Old Henderson, Broadway, St. Joseph, Orchard, Schenk, Boonville-New Harmony, Lynn Rd., Pollack Avenue, Spry, Fuquay, Outer Lincoln, Skyline, Speaker, Marigold, Raintree, Miller, Westlake, Crestwood, Koressel, Upper Mt. Vernon, Baseline, Old State Rd., Schroeder, Boyle Lane, Eissler, Campbell and Hillsdale.

Grader: Buente Rd., Emge Rd., Motz Lane, Motz Rd., Goebel, Lyle Lane, Burdette, Moffett Lane, Orchard Rd., Baehl Rd., and Schmitt Lane

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Cleaned drain at 2517 Winchester
- Prepared road to install culvert at Evergreen and Old State Rd.
- Cleaned and cut trees from Oak Hill Rd. Bridge and

rip-rapped under bridge

- Replaced guard rail on Marx Rd.
- Built wall on Fisher Rd. and rip-rapped Fisher Rd.
- Cut weeds on Slate Rd. and cut weeds on #6 School Rd.
- Rip-rapped 4711 Buente Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

The Chair entertained questions; there were none.

RE: COUNTY ENGINEER - ANDY EASLEY

Street Plans for University Heights No's. 5 & 6: Mr. Easley said he was in the hallway when Mr. Bivins had the street plans for University Heights No's. 5 & 6 approved. The Commissioners now need to sign the milar of said plans for the County Engineer's permanent files.

Boonville-New Harmony Rd. (Project RS 7682): Commissioner Borries said he has given Mr. Easley a resolution concerning the Bonville-New Harmony Rd. project. For the record, he and Mr. Easley did go to a meeting with the Indiana Department of Highways staff, specifically Mr. Stan Yoder (who heads the Local Services Division). Steve Dilk and his staff were also present. During the course of said meeting, they requested that the Board of Commissioners of Vanderburgh County forward to them a Letter of Assurances to speed up the action on the Boonville-New Harmony Rd. project, because it is moving along quickly. The letter reads as follows:

July 14, 1987

Chief, Division of Land Acquisition  
Indiana Department of Highways  
State Office Building  
Indianapolis, IN 46294-2249

SUBJECT: Assurances  
PROJECT: RS Project 7682 - Boonville-New Harmony Road  
LOCATION: Vanderburgh County, Indiana

Gentlemen:

In compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and 49 CFR Part 25, Final Rule dated February 27, 1986 the following assurance is made.

Where Federal Funds are involved in any project or program which result in real property acquisition or displacement, the County of Vanderburgh, Indiana will comply with said Act and Regulations effective July 1985.

Sincerely,

The Board of Commissioners of  
the County of Vanderburgh

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

Mr. Easley said he thought this also came out of the meeting we had on right-of-way acquisition on the Boonville-New Harmony Rd. (Mr. Borries agreed.) Mr. Easley said we're acquiring the right-of-way for the Boonville-New Harmony Rd. with our own local

funds, but there is Federal construction and they want assurances that we follow their right-of-way acquisition policies. He recommends the letter be signed and forwarded.

President Borries said that, again, this assures us that we are in compliance with any kind of State regulations required and would not hold up the Boonville-New Harmony Rd. project access.

Motion to sign and forward the letter was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

President Borries submitted the monthly report from the Clerk of the Circuit Court for month ending June 30, 1987....report received and filed.

RE: INSURANCE BINDER - WATERSLIDE AT BURDETTE PARK

An insurance binder on the waterslide at Burdette Park from Helfrich Insurance Co. was presented, received and filed. Mr. Borries said this is our liability insurance on the waterslide and he is pleased to note that in dealing with the Helfrich agency that we have had a substantial reduction in the insurance on the waterslide. He thinks our safety liaison, Mr. Schenk, and others have noted that it is because of the very safety-conscious Burdette Park staff. This reduction certainly saves the county money.

RE: ACCEPTANCE OF CHECKS

State Welfare Department: Check submitted in the amount of \$11,503.92 for rent for month of June, 1987. Motion to accept check and endorse same for deposit into the County General Fund was made by Commissioner Cox, with a second from Commissioner Willner. (The footage and amount has been verified.) So ordered.

Wells Cable T-V: Check submitted in the amount of \$91.19 for 2nd Quarter 1987 franchise fee. Motion to accept check and endorse same for deposit into the County General Fund was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Community Cablevision: President Borries said he would like to mention that he had a call from a resident who is concerned about a third cable T-V service we have (a very small service) -- Community Cablevision.

Commissioner Cox said she is still carrying their franchise papers around.

President Borries continued, "Well, this person (and I have their name on my desk) is not at all satisfied with the service."

Mrs. Cox asked, "You mean they are operating?"

Mr. Borries replied, "Yes; and this person signed up for it and is not at all satisfied. We tried to obtain more information about this service, but at this point we can't even get a number to answer on that. The party who complained is going to provide me with the name and number of a repair man -- and the service is only in a small western portion of the county, but they are not all all satisfied with the service. We need to get more information on this.

RE: OLD BUSINESS

Appointment of New Manager at Vanderburgh Auditorium: President Borries requested that Commissioner Willner could put the name of the individual in nomination for the position of Manager, Vanderburgh Auditorium.

Commissioner Willner said he nominates Gyneth J. Rhodes of 1127 Lincoln Avenue for said position. Mrs. Cox provided a second. So ordered. President Borries said that having met with Ms. Rhodes and conducted a series of interviews (we had some fine candidates) he believes the Commission will be very pleased with her performance. She has a strong background in community work in this community, as well as in sales and facilities management and has all the right things to continue on at the Auditorium.

Mr. Bitz has vacation time, so that salary slot would not be vacant until July 31st. Ms. Rhodes will assume the position after that date.

Highway 57 Property (formerly Kay's Health Club): President Borries said there are persons in the audience who have come here to hear a report from the Commissioners. He, personally, went out to the subject property today to observe the condition. He read through the Commissioners' minutes of last week to assess what had been done and, of course, wanted to report back to the Donners. Have any of the other Commissioners had an opportunity to visit the subject property and would they have anything to report at this time?

Commissioner Cox said, "I think it looks excellent insofar as being mowed and the debris and everything around there. I do question whether it will be maintained in that manner. And I still think there is an aura about it; it has an affinity to draw curiosity seekers."

Mr. Borries said he and Jim Lindenschmidt visited the property this afternoon and one thought that occurred to him that he would want to convey by letter to the owners is that because of the ditch work and earth work on the front of one driveway entrance on Petersburg Road, it really prevents any normal vehicles trespassing on that side. The only two entrances he saw open today were those on Highway 57. He has talked with Roger Lehman and, again, read his recommendations and would feel that he would want to write a letter saying that the other entrances should be blocked off by an earth berm or earth moving to prevent entrance into that or, a cable could be constructed along there to prevent that. They examined all the coverings and doors and found that they were tightly sealed at this point.

The Chair recognized Mr. David Donner.

Mr. Donner stated he lives at 16900 Petersburg Rd. "In last month's minutes they said that the building is still in court action."

Mr. Borries remarked, "That is correct."

Mr. Donner said, "Then in the next phrase they said they are going to sell the land. How can they sell the land if it is still in court action?"

President Borries said, "Well, they could sell the land if they wished. The court action might be involved with a dispute over ownership or previous things that have happened to that situation. But that would not affect the condition of the property."

Mr. Donner continued, "There is an underground L.P. tank buried out there."

Commissioner Borries said, "We have not had a report back from Roger Lehman on that; but if we find that is the determination, we will ask the owner to remove same -- particularly if it constitutes a hazard."

The Chair then recognized Christina Donner. Mrs. Donner said "I live at 16900 Old Petersburg Rd. I do have a few more pictures for you. Two of them are of the well cover. They say it is

adequate. It was, of course, supposed to have been filled in. You can see how that sheet metal hangs over the side. I mean I wouldn't want anyone to run into that at night or any other time, because that would cut your leg. He also stated in last week's minutes that he put that metal over there so no one could pull the nails out of the plywood. Well, you can see the nail sticking out about an inch; most of the nails in that sheet metal are sticking out an inch or so. As I said, the sheet metal itself does hang over so that you've got a razor sharp edge all the way around. If you went out there you've seen that.

We did make mention also of the roof that that no one has ever gone up and looked at because they said they didn't have a ladder. We had a ladder and we went up and looked at it. There is a hole in the roof and it is definitely big enough for a man to get in. Last week Mr. Hedges stated that there might be a hole big enough for a quarter. He said you could definitely walk on the roof. Mrs. Donner presented photo saying, "That is an area that says -- whether or not you can see it -- and it has a hole (designated). Where my husband put the ladder up is at designated door (where someone has tried to break in -- but haven't been able to). They had the police out there Saturday night because they heard some banging noises over there. Every time they hear anything the police are going to come out there. That is going to cost the taxpayers money. When the police arrived and they went over there, they did not find anyone. They did find where they tried to break into designated door and there was a pizza box with a couple of pieces of pizza (which she fed to her Labrador) and there were a couple of beer cans. Designated point in photo is where her husband placed the ladder. As can be seen, there is a pipe with an electric box. She could climb onto the roof herself, just putting her foot up onto that. The work done does look excellent -- but it has only been a week. Compared to what it looked like a month ago, the property looks great. But like they said, he did it at the last minute; he did that because he was under pressure to get it done. They haven't seen or heard anything at all from him since. Presenting another photo, Mrs. Donner said this is the front door that is beat in (this was not done before). The main problem is the roof. It is not in the shape Mr. Hedges said it was in. There is no way a human could walk on that roof -- you'd fall through it. It does have holes in it. Anyone who wanted to climb up on the roof and get in could do so. The only way you're going to keep someone from getting into that building is to just get rid of the building and then you wouldn't have any problem. As she said, anytime they do hear noises over there from now on -- they are going to be calling the Sheriff. The man who came out was very nice. He said he lived right by the Hornet's Nest (which is not too far away from them) and he said that is his neighborhood and he would like to see it torn down and he will definitely keep a very close eye on the place when he is at work. The only real question she has with just putting cables up across the drive is -- First, they didn't see any cars over there Saturday night. They heard noises and then they saw the pizza and the beer. They heard big loud noises and evidently it was someone beating on those doors. They didn't see them -- but they heard them -- and they heard their dog barking before they actually heard the noises. What she is wanting to find out is whether putting the cables across the drive is going to really solve anything. It will solve the problem of anyone actually driving onto the property. They are still going to be able to get off of Highway 57 -- but she has no complaints on that whatsoever. But a cable across the drive is not going to keep someone who is walking up and down the highway from going over there and getting on the land and trying to get into the building. She knows of one attempt within the week and she doesn't know how long it will be before someone eventually breaks into the building, but if she had one hundred dollars she would bet that someone will eventually. Someone could climb onto the roof now and get into the building with no problem. He was ordered to fill in that pit. He put a piece of plywood and a piece of tin over the top of it. He got away with that. They said, "O.K., fine -- it's done". He was also told to put at

least 1/2 inch or 1/4 inch plywood to tightly fit each door. He did that to one door. It looks very nice and is very secure -- but he did not do that to the other door and there is a back door. So he did get away with both of these things. He did not securely fasten two of the doors and he did not fill the well pit in the way he was ordered to do. What she is wanting to know is that if he is ordered to put cables across the drive, what is going to stop him from using a real large rope across the drive and then being told that that is fine. The only thing Hedges has to do with it is that he had the massage parlor -- that is the only thing he has to do with this property. He does happen to be a friend of Wisner. He did state that some sort of machinery would have to be used to pull the cover off the well or to open those doors. In the next breath, he stated that somebody had to use some sort of machinery to pull that beam out from underneath that garage. If somebody uses some sort of machinery to pull a concrete beam out from underneath a garage, what is going to keep someone from going over there and using some sort of tools or machinery if they want in that place bad enough? I don't see where cables are the answer. I don't think he would use cables. Even if he did, I wonder how long it would be before they are either cut down or torn down? I really, really have doubts as to whether or not he would actually put up steel cables -- because he has gotten away with other things. That is the frustration. It is 10:30 p.m.; I am tired and so are you. I've been to a lot of these meetings. Of the four meetings I've attended, the only person who has been here at all is this Hedges man -- who came in last week. Attorney Wisner who owns the land -- when you talk to him on the phone he will act like he doesn't know anything about it. He does not care about it one way or the other. Hedges stated in last week's meeting when he was asked when he would again mow the property or what routine he will be on -- he said that as far as he is concerned he won't. If Wisner wants it mowed it is up to him. It is his place and the upkeep is up to him. Attorney Wisner just got the deed from Hedges because he owed him some money. It would help to have the building torn down to keep vandals off the property. The way the building is right now people can still get into it. My husband (I've got a bigger mouth than him) has stated that he would love to bargain with this attorney. If they would clean the building off there he would be more than happy to keep the place mowed."

Mrs. Cox said, "How nice."

Mrs. Donner continued, "It is not his place to do that -- but we've lived in the area for five years, It is not like we just moved into the place six months ago. So we've seen the place for five years. Last Monday morning Hedges came and very quickly cleaned that place up. He painted over the graffiti last Monday morning, which had been on there since the place closed down in 1983 or 1984. (Mrs. Donner continued by explaining the specifics of the graffiti.) She said she is just saying, "Let's quit playing around; I don't think the cables are going to do any good. The man might even get away with not putting up the cables because he has gotten away with other things. We need to just quit playing around; get the building torn down and the lot looking half way decent and maybe they would be able to sell it. I don't know and I don't care."

Mr. Donner interrupted, "We're here for the whole community -- not just ourselves. We could start a petition; everybody around there has said they would sign one."

President Borries said, "I understand; it is late and I am not ready to argue with you. We have tried to move forward and have seen some progress. I am not debating dates, personalities, or anything else. We are all trying to do what is right here and it is not the job of government to go on anybody's property when they begin to make attempts to do it. Quite frankly, I don't know what your right was to go on that property today. I would not have taken some of the chances that you would."

Mrs. Donner said, "Roger Lehman gave me the authority..."

Attorney Miller said, "Roger Lehman doesn't have that authority."

Mr. Borries interjected, "Roger Lehman doesn't have the authority to do that, Ma'm. Now I just...."

Mrs. Donner said, "I was told by you that if Roger Lehman gave me the authority then I was able to go onto that land...."

Commissioner Cox said, "Well, I said that as a Commissioner, I could not go on the land. As an inspector for the Building Commission Roger Lehman has the authority to go onto private property to inspect. And you said that Roger Lehman had asked you to take photographs and to help him in his investigation and I said Roger Lehman has deputies who work under him and they have the authority to go onto property and he requested that you do this -- then I would see nothing -- maybe I gave her the wrong advice, but..."

Mrs. Donner said, "I was under the impression -- Roger Lehman said I could go on there and make pictures because I am there every day. He is busy and so are you guys -- and I know that."

President Borries said, "I want to assure you that we are doing the best we possibly can to protect your rights as well as theirs and avoid a private personal matter here. We feel strides have been made. You have taken these pictures; I will forward them to the appropriate agency. We will monitor this. If there are violations we will do that. But I will assure you that I am not getting into any kind of a personal vendetta against you or anyone else."

Mrs. Donner said, "This is nothing personal...."

Mr. Borries said, "I understand that. I'm telling you I appreciate your coming up. We've seen some progress in regards to them maintaining this property and we're going to insist that they follow the law. We're going to forward these photos to the appropriate agency and make sure that good steps are taken to protect you and to also protect their property."

Mrs. Donner asked, "Then insofar as the roof, they will be ordered to put a new roof on this building?"

Mr. Borries said, "I will forward the photos to the appropriate agency and I would hope they would take the proper steps -- the Building Commissioner."

Attorney Miller said, "Hey, you can't do that...."

Mrs. Cox said, "It is an unsafe building; it is not livable, David."

Attorney Miller said, "These people, Mrs. Cox, have a private complaint against the adjacent property owner. I do not think that this Board has either the authority or the function to totally police the condition of every piece of property in this County. Now, I understand this lady's concern because she has, I understand, small kids who might go over there. But she has the responsibility to take care of her kids and she has the responsibility to stay off other people's property, too. And this Commission has done about everything it can do and if the Building Commissioner finds further fault with the building, he certainly can come to us. But it is the Building Commissioner we should be listening to and if the Building Commissioner has approved what has been done so far, that is who we have to rely upon. We can't be sitting here every month, every week -- if we had to do this for every piece of property in the County we'd have 25 speakers up here every week."

Commissioner Cox said, "I guess, Attorney Miller, my question is we order other houses -- and we have one coming up on Boehne Camp Road -- and I can't see -- this is in worse condition than the one on Boehne Camp Road. So I don't know what the problem is in saying that it is an unsafe building, you know -- and it either be made livable and in a 30 day time period either be repaired or torn down. That is the way the other ones are handled. So I can't understand why this is different than some of the other ones we have had."

Attorney Miller said "All I can say is that if that is what the Building Commissioner recommends to you, then that is what you should do."

Commissioner Borries said "I will forward these to him and we will communicate concerning his comments."

Mrs. Donner asked, "So what is going to be done right now?"

President Borries said, "These are going to be forwarded to the Building Commissioner and we will also be providing a list of our concerns to make sure that property is as secure and safe as it possibly can be."

Mrs. Cox said, "And, Mrs. Donner, the statement made by Attorney Miller -- you had best get clarification or report back to Roger Lehman how the County Attorney has expressed his feeling about your going onto private property -- just to protect yourself."

Commissioner Borries said, "Yes; that is correct -- particularly if you are on there and fall through or something."

Mrs. Donner said, "I've been doing it for the last three weeks and this is the first time anyone has said anything to me."

Commissioner Borries said "I would strongly suggest you seek legal advice before you get on that property -- I would strongly suggest that. Thank you."

Mrs. Cox asked, "What is the problem? This has been going on for two years, David. They are emotionally embroiled in this. They have been putting up with stuff out there and they are fed up. It is right under their noses, David, and it is bad -- and I am in sympathy with them. I would like to see -- it is cleaned up; it looks like picnic grounds out there now. It really does look nice."

Commissioner Borries stated, "All of the doors were secure; and I might say for the record, as a government official doing what I indicated last week I would do, I was on that property. I did not crawl on the roof nor did we make any kicks or make any guesses as to who did or the condition of the property. We have and, again for the record, I think some earth berms could be used to close off the other entrances to secure that property and we are going to insist that all ordinances be maintained on that property and if the Building Commissioner says loud and clear that this thing goes -- then this Board has a decision to make."

In conclusion, Mr. Borries asked that Mr. Lindenschmidt forward the photos submitted by Mrs. Donner to Roger Lehman tomorrow, with notation that Mrs. Donner took the photos -- not the Commissioners.

RE: MEETING WITH IDOH

President Borries said he would again note that last Thursday he, Mr. Easley and Mrs. Zigenfus went to Indianapolis to meet with representatives of the Indiana Department of Highways. They were asking for some clarification concerning outstanding bills and were, of course, referred to another office at that point. During their meeting with Mr. Yoder they, of course, knew that with the many projects we have (Lynch Rd., Green River Rd. North,



Green River Road South, etc.) that we are in competition with some nine cities/counties called the "second class population classifications" and the vehicle allocation funds in that particular area amount to about \$3.1 million for the entire state. What they were telling us in not an optimistic view of what we at the local level are going to want to hear in terms of these projects moving forward. But he did try to stress to Mr. Yoder that we are going to go as far as we can with the projects we see are vital for the development of this community and we are going to try to get them as far as we can. We're going to have our projects ready to go, because things do change. Perhaps at some point there might be gasoline taxes increased or some increased Federal Aid. It doesn't look hopeful -- but we are going to do this. They also went to the State Auditor's Office to get conformation figures on the MVH accounts and Rose has those and is going to share them with Sam. They talked with Sam in terms of budgeting and forecasting to look ahead to see what our needs are to make sure we have as clear an idea as possible concerning our roads and streets and they tried to stress that we are going to communicate with the State Highway as often as we can to make sure that in this era of tight funding that we are on the right track with everything -- and that is one of the reasons we requested this clarification on the Boonville-New Harmony Rd. -- so we can move along on that one. That one is in a classification where it is moving along more quickly than the Lynch Rd. east of I-164 project is moving."

RE: SCHEDULED MEETINGS

Wed.	July 22	Room 307	Personnel Job Study Mtg.
Wed.	July 22	Room 303	Council Personnel Committee
Wed.	July 22	Room 303	Council Finance Committee

RE: CLAIM

Alexander Ambulance Service, Inc.: Claim presented in the amount of \$59,832.41 for 2nd quarter County subsidy. Motion to approve the claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Attached to the claim was the Statement of Revenue & Expenses for June 1987 period.....report received and filed.

RE: EMPLOYMENT CHANGES

Burdette Park (Appointments)

Shauntrece Crider	Reg. Guard	\$3.60/Hr.	Eff: 6/24/87
John Bippus	Reg. Guard	\$3.60/Hr.	Eff: 6/24/87

Burdette Park (Releases)

Shauntrece Crider	Extra Guard	\$3.35/Hr.	Eff: 6/24/87
John Bippus	Extra Guard	\$3.35/Hr.	Eff: 6/24/87

Knight Township Assessor (Appointments)

Jeffrey Devine	Deputy	\$35.00/Day	Eff: 7/20/87
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RE: CANCELLATION OF COMMISSIONERS MEETING

It was announced by Commissioner Borries that this group will have a rare blessing on Monday, August 3rd. There will be no Commission Meeting on that date. Both he and Commissioner Willner will also be out of town on that date. Therefore, a quorum will not exist and no meeting will be held.

There being no further business to come before the Board, President Borries expressed appreciation to everyone for their attendance and their comments and declared the meeting adjourned at 10:55 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	David V. Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Bethel	Andy Easley	V. Worthwine
	<u>PERSONNEL</u>	<u>HEALTH DEPARTMENT</u>	
	Tom Dorsey	Sam Elder	

OTHER

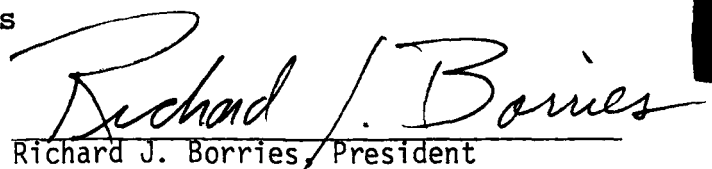
Alan Kissinger, Atty.  
William Bivins  
Mark Rechtor (The Rogers Group, Inc.)  
Dan Peters (J. H. Rudolph & Co.)  
Harry Tornatta (Perry Township Assessor)  
Robert Dorsey (Pigeon Township Assessor)  
Mr. & Mrs. David Donner  
News Media

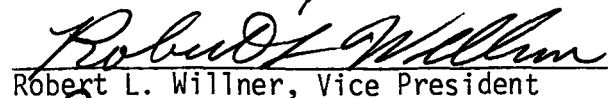
Residents of Caranza-Kembell Drive area:

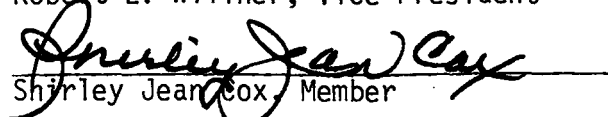
*Ed Commens	*Vincent Brenner
*Kurt Schuster	*William Eissler
*Clarence Clark	*Price Phillips
*Ron Baker	*Lynn Crick
*Clarence Dewitt	*Carolyn Brenner
*Harmon Wells	*Don Baggett
*Edward Daetwyler	*William Jeffers
*D. E. Smith	
*Fred Sievers	
William J. Nellis	Louis Hever
Kathy Smith	Alma Hever
Edwin W. Johnson, Atty.	Albert S. Duncan
Sally Daetwyler	Jane Phillips
Dan Wells	Doyle G. Jones
Jane McCurdy	Robert Mills
Earl McCurdy	Halbert A. Maidlow
Cindy Combs	Lillian Maidlow
Barbara Commens	Jerry Whitsell
Earl Angel	Mark Powers
Audrey Keil	John Fisher
Other residents of the area (who arrived too late to sign in.)	

\* = These individuals spoke during the  
Public Hearing re the Caranza-Kembell Drive  
sewer project.

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 27, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, July 27, 1987, in the Commissioners Hearing Room, with Vice President Robert Willner presiding.

Commissioner Willner said approval of the minutes of July 20th will be deferred until August 10th (since Commissioners will not be meeting on August 3rd). The secretary has just submitted the first 27 pages. The minutes from that evening session are quite lengthy, so the Commissioners can begin reading.

RE: VETERANS MONUMENTS AT PARK LAWN CEMETERY

With regard to Item #3 on the agenda, Carl Wallace and Charles Scherer were scheduled to be on hand concerning the Veterans monuments at Park Lawn Cemetery. He has a copy of the bill which he wants to give to each of the Commissioners. It is fairly simple. It is due to an article in the newspaper. The Federal Law which he has says that, "Should the Federal Government provide a marker for the grave of any such person or veteran, the Board of Commissioners shall make a further allowance of \$30.00 for the setting of such marker." Thus, when the Federal Government provides the marker, then it becomes the County Commissioners' job to see that the \$30.00 is paid for the setting of that marker. Some of the cemeteries thought that the \$30.00 was for handling the marker, but the law clearly states "setting" it. So we will need to follow through and tell the cemeteries that they will have to set the marker before they apply for the \$30.00 from the County. This has not been done in the past.

RE: GREENBRIAR HILLS SUBDIVISION (SECTION 2)

Commissioner Willner said Keith Sproat is present today concerning Greenbriar Hills Subdivision, Section 2. Commissioner Willner also asked Area Plan Commission to be here. They have a map which will provide better insight concerning the matter. The Chair then recognized Mr. Sproat.

Mr. Sproat said "Thank you so much for the opportunity to share our feelings with you today. Those of us on Pleasant View Drive (himself, Joe and Melanie Atwood -- who are also present today, as well as the signatures of others submitted to the Board at this time) were informed as of this past Saturday that this morning we would have constructed on our front lawns a 4 ft. sidewalk and a 30 inch space between that, making them come up 6-1/2 ft. into our lawns and that it would be only on our side of the street (which is the north side) and which would only run up in front of about six (6) houses. Today we are asking that you take a look at that and listen to us. We would like to have that waived, because every one of us think that is discriminatory that it be only on one side of the street. We feel it will cause our properties to devalue by having these nice a homes with that kind of a sidewalk in front of them. We feel it would become a community playground by having sidewalks only on one side of the street. We just feel it is inappropriate that they be there. We have come to voice our feelings today to you -- that we really are opposed to having the sidewalk constructed on our properties."

Commissioner Willner asked whether anyone else would like to be heard before the Board gets into an explanation concerning the matter.

Mr. Atwood made a few comments, but they were completely inaudible.

Commissioner Willner asked that the record so state that he has the signatures of six (6) persons on a petition concerning Pleasant View Drive and that the Board admits that these six individuals say they live there, but this has not been verified.

Continuing, Commissioner said what the Board of Commissioners is trying to do, since the Ordinance does read that the Commissioners will waive sidewalks within one (1) mile of the City, we're trying to put sidewalks on one side of through streets where you may go as a matter of getting from one place to another -- not necessarily within your subdivision. So, one can travel from Old State Rd. to Bob Court and come through (designated area) and all the way down to get to Mt. Pleasant Rd. There we're asking for sidewalks for two reasons:

- 1) We think that is the way that people will be traveling at a high rate of speed
- 2) We can't do anything about Shady Hills, because that has been done a long time.

Commissioner Willner said you can come down three ways: Down Pinehurst to Pleasant View and out; down Briar Court and out; and down Green Hill and come through. Thus, the Commissioners think that is the place to get people and kids off the street and into the sidewalks. He doesn't see anything wrong with that. A portion will be double sidewalk, because there are commercial establishments in there. But that is our criteria and that is the reason why we have sidewalks on one side.

Mr. Sproat said, "The problem you have there is that you have approximately seven (7) houses going up that street. You're only putting sidewalk in front of six (6) of them. When they get to (designated area) they are going to have to get out in the street to go on up there anyway. That is defeating your own purpose. Plus -- any kids on the other side of the street will have to cross to get to the sidewalk to play -- and they will."

Mr. Willner asked Mr. Sproat to explain designated area as they looked at the plans and he complied. He further said that the folks who live on the opposite side of the street - their children will also cross the street to play on the sidewalk. That means they are going to have to cross a busy street to play. Some of the signatures, by the way, are people across the street and they really object because they don't want their children crossing the street. If that is done, it is not in the best interest of everybody. As property owners, they feel like they have no choosing in having it on one side of the street right in their front yards. The other place they have going along there, much of it is along the side of people's yards; it does not cut into their yards and that is important. It's a main thoroughfare and it is also coming right off the curb.

Commissioner Willner said "These sidewalks were decided a long time ago -- before the lot sizes or anything was there. It has nothing to do with the property owners' lot sizes."

Mrs. Atwood said, "That is not the argument, the argument being that we live on the side where the sidewalk is going to be. Our little girl -- when she gets on a tricycle -- will be going -- it's one thing to say 'stay out of the street' and it's another thing to say, 'No, stay on the sidewalk from this drive to that drive', because when they start riding they won't look. You can't expect a kid to look in every driveway. They will think, 'I'm on the sidewalk, Mamma, why can't I go on?' -- It almost defeats the purpose -- one way they know they are in the wrong and the other way, they say, 'well, I was just on the sidewalk'. So that is my objection."

Commissioner Willner said, "In the street they will have a couple of thousand cars to contend with and on the sidewalk...."

Mrs. Atwood commented, "There they will be disciplined. How can you say you'll only be on the sidewalk this far -- but you can't go from here to here?"

Commissioner Cox asked, "Did you all not know when you...."

Mr. Sproat said, "Absolutely not. When we purchased our properties we had no idea -- plus the fact we don't think it is fair to have a sidewalk the way that one is designed -- and you can come out and see it. In our subdivision where we're going to be receiving all the play kids from up and down the street in front of our houses."

Mrs. Atwood echoed Mr. Sproat's feelings saying, "Put them on both sides of the street -- that's one thing...."

Mr. Sproaet interjected, "We don't want them and the people on the other side of the street don't want them either."

Mrs. Atwood said, "Because it will entice the kids back and forth -- and there are a lot of kids on skateboards and such. Unfortunately, that is the fad right now -- and they are going to come screaming around the corner on the sidewalk and run over some poor kid playing hop skotch or something."

Mr. Sproat said, "The point is that you put \$115,000 or \$125,000 into the home and you find out that in a couple of days you're going to have 6-1/2 ft. less property. We'd have to move shrubs. We've already put in decorative borders around our mail boxes, etc. and all of that is going to have to be moved."

Commissioner Willner said, "The sidewalks are on the developer's property -- not on yours."

Mr. Sproat said, "That is fine, Sir, until you go to put that house on the market and that is your property that people are looking at. You can explain that it is the developer's property -- but it's your property values that you're contending with. I know what you're saying is correct in theory; but in practicality that is not the way people see it."

Commissioner Cox said, "Well, he is right; there is a right-of-way there, but the individual property owners take care of it and it enhances it -- but there is a right-of-way that belongs..."

Mrs. Atwood said, "It's just that we didn't know about it until Saturday and we already had the shrubs and things placed. But in looking at it and talking to people on both sides of the street -- the street isn't that long. If you're going to put them there, put them on both sides. If not, everyone would prefer that they weren't there at all -- because we feel it would entice the kids."

Mrs. Cunningham interjected, "Sidewalks are required on all streets unless waived and that is what we are talking about."

Mr. Shroat said, "We want them waived. We see that as you look at our subdivision out there -- as you look at the plat there, the cul-de-sacs (I understand) exist -- but I'm not sure why, because there is no through traffic."

Commissioner Cox interjected, "Cul-de-sacs really are not exempt according to the ordinance. How about school bus activity? Where do the children go to catch the bus?"

Mr. Sproat said he asked today and was told the bus picks them up right in front of their houses. They do not have to walk anywhere to get to a bus. Besides that, one of the property owners told him this morning that even if their kids had to walk to the end, he's on the side of the street where they'd have to cross the street to get to the sidewalk -- and they don't want their kids walking across the street. They think that is more dangerous than having them walk down the edge of the street -- there's a pretty wide street there. The traffic just has not been a problem and they have lived there long enough to know that it just has not posed a problem.

Mrs. Cox said, "The best thing to do henceforth is to just follow the ordinance and don't give any waivers. It is hard to perhaps see at this time without the full development there -- but the impact that some of these nice residential out-in-the-country subdivisions have enjoyed in past years are no longer enjoying, because surrounding property is being developed and streets are being hooked on into other subdivisions and I think Mrs. Cunningham and Mr. Willner are both right -- people find a way of least resistance to traffic flow, especially at busy times -- and they cut through residential areas. I know I, personally, have had about fifteen calls from people who live in subdivisions asking for stop signs to be put at intersections within a subdivision to try to slow down some of this traffic -- and it is the people who don't live in the subdivision who are using it as a cut-through route and they would probably not have the respect that you all have -- or the knowledge you have -- of children at play and activities that go on in there.

Commissioner Willner commented, "True, true...."

Mrs. Cox continued, "I see Sheriff Shepard here and he knows I've called down there several times about checking in these subdivisions."

Mrs. Atwood said, "It will offset it a lot when Greenbriar III opens, because a lot of traffic will be going back through there."

Commissioner Willner said, "There is also one other thing to consider and that is, at a later date if sidewalks are to be installed it will be at your expense to install them."

Mrs. Atwood said, "That is understood -- but I think everyone was in agreement that for their children's sake and their sake they would prefer that no sidewalks be there. That way they could tell their children -- and they would know certain rules to follow -- rather than saying they could cross the road at certain times, etc. That would be more difficult."

Mrs. Cunningham asked, "May I just say something about the streets? I must say that streets are meant to move traffic through Vanderburgh County -- not to be dead-end; and there are too many cul-de-sac streets and it is very difficult. We need to have a good traffic grid. You need to have access to other areas and you don't want to cut that off."

The Atwoods agreed.

Mr. Sproat said, "We have nice wooded lots in that area that really are choice lots and we really do appreciate the lots where we live. I guess we're saying we don't like the disturbance of that."

Commissioner Willner asked, "What do you want to do? Open it up or leave it as it is or require sidewalks on both sides or not at all?"

Commissioner Cox said, "I feel very badly that the Commissioners did something in what we felt was good conscience and what I feel was a good plan -- and I'm sorry that when you purchased your lot you did not know that sidewalks were going to be put in there."

Mrs. Atwood said, "It would have made a difference; we'd have moved to the other side of the street. I, personally, don't want the liability of somebody sending their child across the street to play on our sidewalk that is basically in the middle of the yard -- they fall and hurt themselves...."

Commissioner Willner asked, "Why don't we ask the Sheriff to go out and see how fast the speeds are through there?"

Mrs. Cunningham asked, "When were the sidewalks waived on one side?"

Commissioner Willner said, "February of 1986."

Mrs. Cox said, "If we're going to do this -- we've done a lot of subdivisions this very same way -- the entry streets that go in where we think the traffic will be heavier and I don't know how this will affect our liability. The county would have the liability. I'd really like to see a traffic study done out there and some projections, because maybe we were off base in doing that. But it looked like it would help to I guess, put in some safety areas -- rather than everyone walking down the sides of the lawns -- whether they did have to cross -- they would have a sidewalk in that very busy entrance to the area and what will be an exit from the area when the rest of those streets open up."

Mr. Sproat said, "We're not really the ....."

Mrs. Cox said, "Your street will be a through street and we required sidewalks on both sides in (designated areas)."

Mr. Shroat said two of the individuals on the other side of the street who signed the petition are school teachers and they are very concerned about their two little daughters, because they know exactly what will happen and they don't want them running across the street. That creates a greater hazard than someone who is taking a walk facing the traffic who can see the cars coming.

Mrs. Cox said, "Well, if sidewalks were ordered to go in on this side though, it would be at the owners' expense -- am I not correct? Because those lots are basically sold."

Commissioner Willner said, "Then you'd have to use the Barrett Law to get them to do that."

Mrs. Cox said, "Right; exactly what we had to do out on Plaza Drive in that big subdivision."

Commissioner Willner said, "What we're saying is that the traffic will be much greater in (designated) areas than it will be in two other (designated) areas. Why don't we just let the Sheriff go out and check the area and get back to us with a report? Then we'll know what we're talking about."

Mr. Sproat said, "I don't have any objection to that, Sir except that since this has not opened up yet that as soon as this opens up the traffic will be cut in half -- so whatever traffic is checked on today is not going to be...."

Mr. Willner asked, "You're saying that the traffic coming from Old State can come (designated) way?"

Mr. Sproat said "Right; but my point is that if you take a check of cars today -- it will be a lot different than it will be as soon as that opens up."

Commissioner Willner asked, "When will that part be done?"

It was noted that three cul-de-sacs have been opened to date. He'd say it would depend upon sales.

Commissioner Willner asked that Sheriff Shepard put a traffic counter in the area for a couple of days. He'd also like to know how fast the cars are traveling.

Mr. Jeffers said it looked like there was a counter across the road today.

Sheriff Shepard asked if there is a peak period -- early morning? late afternoon?

Commissioner Willner said "Probably." He advised Mr. Sproat and the Atwoods that the Commission would have an answer two weeks from today (August 10th) and said he appreciates their coming down.

Mrs. Cunningham subsequently advised that EUTS put a counter out there.

RE: COUNTY ATTORNEY - CURT JOHN

Attorney Curt John advised that last week he met on a number of occasions with Sam Humphrey, Rose Zigenfus, and Cliff Ong regarding an updating of the financial position of EUTS. He thinks we have a pretty good handle on that at this time. He also attempted to contact Jeff Hayes (who is currently on vacation) regarding the possible usage of certain monies for roads and streets projects. Until he gets back, he won't have an answer for that.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period July 20 thru July 24, 1987.....report received and filed.

Gradall: Fisher and Bujay Drive

Paved: Moffett, Erskine and now paving Orchard Rd.

Patch

Crew: Kuebler Rd., New Harmony, West Franklin and County Line East

Mowed: Mohr Rd., St. Wendell, Boonville-New Harmony, Red Bank, Upper Mt. Vernon, Outer Lincoln, Spry, Fuquay Rd., Mill Rd., Oak Hill, Millersburg, Heckel, Bergdolt, St. George, Kansas, Hedden, St. Joe Avenue, Owensville Rd., Braun Rd., Vienna Rd., #3 School Rd. and St. Joe Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Replaced culvert on Fisher Rd.
- Replaced guard rail on #3 School Rd.
- Prepared Kuebler Rd. to install culvert.
- Prepared Volkman Rd. to install culvert.
- Rip-rapped Kuebler Rd.
- Replaced culvert on Volkman Rd.
- Widened Boeke Rd.
- Installed guard rail on Upper Mt. Vernon & Red Bank Roads

Weekly Absentee Reports: Also submitted for the same period were the Weekly Work Reports for Employees at the County Garage and the Bridge Crew.....reports received and filed.



Railroad Crossing/Hitch-Peters Rd.: Mr. Bethel said that in response to query last week concerning repair to railroad crossing on Hitch-Peters Rd., he has the following report from Lee Stuckey:

In reply to my inquiry regarding the repair of railroad tracks on Hitch-Peters Rd., Mr. Craig (representing CONRAIL) called from Indianapolis at 9:00 a.m. this morning (Monday, July 27, 1987) and gave the following report. He called Supervisor of Pittsburgh CONRAIL operation and he advised that they will blacktop and repair the tracks within the next two weeks.

The Chair entertained questions of Mr. Bethel; there were none.

RE: LETTER FROM IDOH RE WORK ON ST. JOE AVENUE

Commissioner Willner said he has a letter from Mr. Carr of the Indiana Department of Highways to be signed concerning work on St. Joe Avenue. He said, "As you know, the State Highway Department rerouted the traffic from St. Joe Avenue to Highway 66 while the Lloyd Expressway was being built. For that amount of time, they awarded \$50,000. The County has about a block of that street, so we made a deal with the City to give them the complete \$50,000 and they have spent that on St. Joe Avenue now. We need to sign a letter asking the State Highway Department to release that \$50,000 to the City in its entirety."

Commissioner Cox said "I would wish that they would correct the intersection at Buchanan Rd. and St. Joe Avenue before we give them any money. It is a mess; it has a dip in it; the water is standing in there now. The City just repaved Buchanan Rd. and it comes right up there on St. Joe. Bill (Bethel), you know where it is; I called you on it a lot of times and it was the City's responsibility and I don't think they should get the money until they do that intersection right."

Mr. Willner requested that Mr. Lindenschmidt contact Mr. Vezzoso concerning this matter. Mrs. Cox said, "He knows, I've reported that intersection so many times."

RE: HOLIDAY CLOSINGS FOR 1988

Commissioner Willner submitted the following Holiday Closing Schedule for 1988, explaining that we always need to do this early for the Courts -- so they can schedule their their cases. The schedule is as follows:

HOLIDAYS FOR 1988

New Year's Day.....Friday, January 1  
Martin Luther King, Jr. Birthday.....Monday, January 18  
President's Day.....Monday, February 15  
Good Friday.....Friday, April 1  
Primary Election Day.....Tuesday, May 3  
Memorial Day.....Monday, May 30  
Independence Day.....Monday, July 4  
Labor Day.....Monday, September 5  
General Election Day.....Tuesday, November 8  
Thanksgiving Day.....Thursday, November 24  
(In lieu of Columbus Day)... ..Friday, November 25

Christmas Eve.....Friday, December 23  
(In lieu of Lincoln's Birthday)

Christmas Day.....Monday, December 26

New Year's Eve.....Friday, December 30  
(In lieu of Veteran's Day)

NOTE: New Year's Day will be observed on Monday,  
January 2, 1989, and will be included in the  
Holidays for 1989.

The Board of Commissioners  
of the County of Vanderburgh

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

Motion to approve the foregoing Holiday Schedule for 1988 was  
made by Commissioner Cox, with a second from Commissioner  
Willner. So ordered.

RE: ACCEPTANCE OF CHECK

Community Cablevision: Presented for acceptance was a check from  
Community Cablevision in the amount of \$775.92 for franchise fee  
for period 12/31/86 thru 6/30/87..

Mrs. Cox said, "Wait a minute; that is the one on which we  
received complaints. I thought they just had a few homes."  
But the check covers an entire 12 month period, so that isn't  
very much."

Mr. Willner said that cable service via Community Cablevision was  
not available in Vanderburgh County until August of 1986,  
according to their letter.

In response to comment from Commissioner Willner, Mrs. Cox said  
she believes Community Cablevision has service right on the  
outskirts of Vanderburgh County as well as the west side of  
Vanderburgh County -- she doesn't know whether they've done work  
in Warrick, Posey and Gibson counties, as well.

The Chair entertained a motion.

Motion was made by Commissioner Cox to endorse the check for  
deposit into the County General Fund, with a second from  
Commissioner Willner. So ordered. (Quietus #8061)

RE: COUNTY TREASURER - MONTHLY REPORT

Commissioner Willner presented the Monthly Report from the County  
Treasurer for period ending June 30, 1987.....report  
received and filed.

RE: FINANCIAL REPORT - BURDETTE PARK

Also presented was the Financial Report for Burdette Park for  
period ending June 30, 1987, as follows:

1987 STARTING BUDGET

1987 Budgeted.....	\$ 456,318.00
1986 Encumbered by P.O. ....	\$.....-0-
1986 Encumbered by Contract .....	\$..66,368.84
1988 Additional Appropriation .....	\$.604,273.48

EXPENDITURES & BALANCE 1/1/87 TO 6/30/87

Total Expenditures.....	\$ 401,751.01
Total Balance.....	\$ 202,522.47

INCOME 1/1/87 TO 6/30/87

Pool .....	\$ 70,258.53
Rink .....	16,887.68
Rentals .....	40,805.06
Misc. ....	<u>3,597.95</u>

Total \$ 131,459.22

6/30/87

Total Expenditures .....	\$ 401,751.01
Total Income .....	- 131,459.22
Sub-Total Deficit .....	\$ 270,291.79
Less Capital Improvements .....	<u>- 94,784.04</u>

Total Deficit \$ 175,567.75

Commissioner Willner said he understands the attendance and income at Burdette Park are slightly up again this year. Mr. Tuley hopes the hot weather holds.

Commissioner Cox said, "I think I'd rather have a Bingo to help them out -- this 96 degree temperature is really bad. The weather is terrible."

RE: SICK LEAVE REQUEST - KATHY EWERS

A sick leave request for Kathy Ewers (Auditor's Office) for period beginning August 17 1987 thru September 18, 1987 was submitted.

Attached to the request is a note on a prescription pad sheet from Dr. James Daniel. It indicates Mrs. Ewers is to have surgery on August 17th and will need 3-4 weeks off work. A motion was entertained.

Motion was made by Commissioner Cox that the request be approved with a second from Commissioner Willner. So ordered.

RE: OLD BUSINESS

The Chair entertained matters of Old Business to come before the Board.

Mrs. Cox said she had a note concerning a report which was due on Monday, July 27th, concerning a house at 401 S. Boehne Camp Rd. She might have noted the wrong date, because Roger Lehman is pretty good about update reports.

Commissioner Willner asked that Mr. Lindenschmidt contact Roger Lehman to see if there is an update concerning the matter, and perhaps the Commissioners can obtain a report prior to adjournment of today's session.

RE: SCHEDULED MEETINGS

Monday	August 3	2:30 p.m.	No Commissioners Meeting will be held.
Wednesday	August 5	2:30 p.m.	County Council Meeting
Monday	August 10	2:30 p.m.	Commissioners Meeting

RE: CLAIMS

Alan Kissinger: Claim in the amount of \$2,394.00 for professional legal services rendered during the months of May, June and July, 1987, in connection with litigation re James L. Angermeier vs. Wilbur Kron et al (re Reassessment) at rate of \$60.00 per hour for a total of 39.9 hours. Commissioner Willner said he knew this one was coming.

Commissioner Cox asked if County Council authorized Mr. Kissinger to do this?

Commissioner Willner said, "I don't think they have the authority to contract to him for this. Only the Commissioners have that authority -- and that was never done."

Attorney Curt John said, "Someone retained him."

Commissioner Cox said, "Well, it can come out of the Reassessment Funds; we don't have any money in the Legal Services Fund."

Commissioner Willner asked if Mr. Lindenschmidt checked with anyone on Mr. Kissinger's claim?

Mr. Lindenschmidt said he did not -- it is on the Reassessment.

Commissioner Willner said, "We don't have a budget for Reassessment."

Mrs. Cox said, "No, but you can pay fees out of Reassessment Fund that pertain to Reassessment -- and this certainly did."

Commissioner Willner said "But the County has not budgeted any money to the Commissioners for the Reassessment budget at this time. Right?"

Mrs. Cox said, "I am saying that he shouldn't present this to us."

Commissioner Willner said, "I agree; not without some kind of prior arrangements anyway."

Mrs. Cox said, "I don't think we should pay it out of our legal fees."

Attorney John queried Mr. Willner concerning the Account Number shown on the claim.

Mr. Willner said, "Account #249-248-361; I am not sure what account that is." He asked that Mr. Lindenschmidt check the budget book re this account number."

Attorney John said it doesn't sound like one of the Commissioners' accounts.

Mr. Willner said, "Well, they're asking us to pay it."

Attorney John said, "In essence, they have to pay every single bill that goes through -- but it doesn't sound like it is one of your account numbers."

It was subsequently determined that Mr. Lindenschmidt will give the claim to County Council for approval.

RE: EMPLOYMENT CHANGES

County Highway (Appointments)

Michael W. Josey	Part-Time	\$3.35/Hr.	Eff: 7/20/87
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County Highway (Releases)

Jarrold T. Pfaffman	Part-Time	\$3.35/Hr.	Eff: 7/17/87
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Treasurer (Appointments)

*Marlene Brannon	Cashier	\$14,005/Yr.	Eff: 1/1/87
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Treasurer (Releases)

*Marlene Brannon	Cashier	\$13,440/Yr.	Eff: 1/1/87
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\*See Page 11 for discussion

Voters Registration (Appointments)

Wayne F. Kirk	Extra Help	\$35.00/Day	Eff: 7/20/87
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Travis M. MacGregor	Extra Help	\$35.00/Day	Eff: 7/20/87
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Circuit Court (Appointments)

Norman G Hoskinson	PT Safe	\$5.00/Hr.	Eff: 7/6/87
William R. Wallace	PDA	\$5.00/Hr.	Eff: 7/20/87

Circuit Court (Releases)

Oscar Kirkpatrick	PT Safe	\$5.00/Hr.	Eff: 6/29/87
Norman G. Hoskinson	PT Safe	\$5.00/Hr.	Eff: 7/5/87
William R. Wallace	Law Clerk	\$5.00/Hr.	Eff: 7/17/87

Burdette Park (Appointments)

Todd Halbbrook	Disc. Jockey	\$4.25/Hr.	Eff: 7/18/87
Sheri Mosberger	Extra Guard	\$3.35/Hr.	Eff: 7/18/87

Burdette Park (Releases)

Todd Halbbrook	Disc Jockey	\$4.00/Hr.	Eff: 7/18/87
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\*Commissioner Willner asked if Mr. Tuley is giving Ms. Brannon a raise retroactive to January 1?

Mrs. Cox said, "Yes, according to this he is."

Mr. Willner said, "Maybe that is supposed to read July 1." He asked that Mr. Lindenschmidt check with Mr. Tuley.

Mr. Lindenschmidt returned to report that Mr. Tuley advised that this was a raise retroactive to January 1, 1987. Council approved same and he didn't know how else to make the adjustment Council approved a salary adjustment for her position and it is retroactive to January 1, 1987.

Commissioner Willner said, "I didn't think they could change the Salary Ordinance in the middle of the year; they always told me they couldn't."

Commissioner Cox said, "It looks like they can do almost anything they want to, Bob. Did they just now o.k. this?"

Mr. Willner said, "It was typed July 27th (today)."

Mr. Lindenschmidt said Council probably took the action at their last meeting.

Mrs. Cox said, "She basically got a \$560 increase in salary retroactive to January 1, 1987." Had it been effective July 1st, the employee would only have basically gotten \$250. I don't know that this is correct -- but I understand what was done there.

Commissioner Willner said, "I do, too -- I just don't know why."

Mrs. Cox said, "The Council Personnel Policy Committee are the ones who say whether people get more or they don't get more."

Commissioner Willner asked whether Mrs. Cox wants to approve this with a question mark or wait? Was there some mistake made in her salary?

Mrs. Cox replied, "I'd say to just go ahead -- it's an office holder and Council....I can't see..."

RE: PROPERTY AT 401 S. BOEHNE CAMP RD.

RE: Commissioner Willner asked Mr. Lindenschmidt what he learned from Roger Lehman concerning property at S. 401 Boehne Camp Rd.?

Mr. Lindenschmidt said Mr. Lehman hasn't heard from the widowed lady yet and he wants to give her another week. Since there will be no Commissioners Meeting August 3rd, he will be at the meeting on August 10th to report on this matter.

LETTER TO IDOH RE ST. JOE AVENUE

With regard to letter for the Indiana Department of Highways concerning St. Joe Avenue, Commissioner Willner said he guesses we'll have to wait until we hear from John Vezzoso before executing said letter.

There being no further business to come before the Board, Commissioner Willner declared the meeting adjourned at 3:25 p.m. with the announcement that the Drainage Board Meeting will be held immediately.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries (Absent) R. L. Willner S. J. Cox	Sam Humphrey	Curt John
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Bethel	Andy Easley	B. Cunningham B. Behme
	<u>SHERIFF</u>	<u>OTHERS</u>	
	C. Shepard	K. Sproat Joe & Melanie Atwood News Media	

SECRETARY: Joanne A. Matthews

*Robert L. Willner*  
*Shirley Jean Cox*

MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 10, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, August 10, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by Commissioner Borries, who said that perhaps some individuals present today had a pleasant experience by realizing the Commission did not have a meeting last week. We're honored to have the President of the Indiana Sheriff's Association (Sheriff Clarence Shepard) with us to officially open today's meeting.

Sheriff Shepard declared the Commission in session pursuant to adjournment.

President Borries noted that Sheriff Shepard is going to be hosting the Indiana Sheriff's Association Convention on August 22-25 at the Executive Inn. There is a letter in the Commissioners' mail, asking that they attend the Sunday evening function.

Commissioner Borries apologized for not having seen the letter as of the moment. There's a saying that sometimes a clean desk is a sign of a sick mind. His desk has not been cleaned off and he doesn't know yet where he is -- but it is good to be back following vacation.

RE: AUTHORIZATION TO OPEN BIDS ON DATA PROCESSING SYSTEM  
FOR THE REASSESSMENT

The Chair entertained a motion to authorize County Attorney David Miller to open the bids received on Data Processing System for the Reassessment.

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

RE: REQUEST FOR REPEAL OF COUNTY ORDINANCE ON VEHICLE TITLE  
CHECK CHARGE

Sheriff Shepard said that in 1984 a County Ordinance was passed, enabling the County to charge a fee of \$5.00 for checking out-of-state vehicles (Title checks). This year in the State Legislature, House Act 1567 amended Indiana Code 9-1-2-1, which in part states, "NO charge may be imposed for an inspection conducted under this section, as was possible under the Home Rule Concept in the past (becomes effective 9-1-87)." Therefore, we will have to repeal the Ordinance passed in 1986 allowing the County Police Department to charge \$5.00 for a Title check. In 1986, the Sheriff's Department brought into the General Fund \$9,445.00 in Title checks. To date in 1987, as of the first of the month we have accrued \$4,640.00. We will be able to charge through the end of this month. At that time, according to State Law, we will have to stop charging.

The Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Willner that the Home Rule Concept for allowing County Police to charge \$5.00 for vehicle inspection be repealed, with a second from Commissioner Cox.

The Chair asked for a roll call vote: Commissioner Cox yes; Commissioner Willner yes; Commissioner Borries, yes. So ordered.

(Subsequent to the meeting, Attorney Miller advised that the Ordinance will have to be repealed by County Council -- since they also passed the initial ordinance -- and advertised.)

RE: APPROVAL OF MINUTES

The Chair entertained a motion concerning approval of minutes of Commissioners Meetings for July 20 and 27.

Commissioner Cox said that with regard to July 20 minutes, on Page 1, Paragraph 3, dates should read minutes of July 6 and 13 (rather than July 6 and 20). On Page 29, the year should read June 30, 1987. With those two corrections noted, she moves that the Commission approve the minutes of July 20 as engrossed by the County Auditor and reading of same be waived with a second from Commissioner Willner. So ordered.

With regard to minutes for July 27, 1987, she saw no corrections; therefore, she moves they be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

RE: COLONIAL LIFE INSURANCE CO.

Mr. Durham of Colonial Life Insurance Co. (Indianapolis) asked to be placed on today's agenda concerning yearly check on Payroll Deduction Plan. Commissioner Borries called Mr. Durham's name three times, but there was no response.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN McCUTCHAN ESTATES, SUB SECTION 1 - JAMES MORLEY

Mr. James F. Morley of Morley & Associates represents the developer and following request letter was submitted:

August 4, 1987

Board of County Commissioners  
Room 305 - Civic Center Complex  
Evansville IN 47708

Re: McCutchan Estates Subdivision Section 1

As the developer of McCutchan Estates Subdivision Section 1 located at 8820 Petersburg Road, .9 mile north of Highway 57, we are hereby requesting that construction of sidewalks within this development be waived.

The reason for this request of waiver is based upon the low density of the proposed development and the surrounding area. The average number of dwellings in this development is 1.82 per acre. The development is located 872 ft. from Petersburg Road. and 1.312 ft. from Heinlein Road. There will be no thru traffic.

No development in this general area has been required to have sidewalks. Examples include Plantation Estates, Bentwood Estates, Tall Timbers, Malibu, Green River Estates and Blue Grass Estates.

Your cooperation in this matter is appreciated.

Respectfully submitted,

Gary W. Williams  
Developer

cc: Morley and Associates, Inc.  
Mr. R. Andrew Easley, Vanderburgh County Engineer



There being no map attached to the request letter, the Commissioners postponed any action on this matter until a map could be retrieved for their perusal.

RE: REQUEST FOR APPROVAL OF STREET PLANS - OGLESBY ESTATES  
& OAK RIDGE SUBDIVISION

Oglesby Estates: Mr. William Bivins was recognized by the Chair. He said he represents Frances Wolf of Oglesby Estates. They are requesting approval of the street plans for this subdivision. County Engineer Andy Easley has reviewed said plans and has the map.

Oak Ridge Subdivision: Mr. Bivins said Mr. Easley has reviewed the street plans and also has the map concerning Oak Ridge Subdivision.

It was the consensus of the Board that any action regarding this matter will be deferred until such time as Mr. Easley arrives.

RE: REQUEST FOR APPROVAL OF LOAN - WELFARE DEPARTMENT

The Chair recognized Mr. John Schroeder, Assistant Director of the Vanderburgh County Department of Public Welfare, who had submitted the following request letter:

August 6 1987

To: The Vanderburgh County Board of Commissioners

The Vanderburgh County Department of Public Welfare requests the Vanderburgh County Board of Commissioners approve a loan to the Welfare Department no less than \$330,000 as established under Section 4 of IC 2-1-11-5 as amended by Public Law 154-1983.

A resolution approving this appeal was passed at a meeting of the State Board of Public Welfare held July 28, 1987. A copy of that resolution is attached.

John M. Schroeder  
Assistant Director  
Vanderburgh County Department  
of Public Welfare

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The attached resolution read:

R. Dale Work Director, Vanderburgh County Department of Public Welfare, submitted for the Board's consideration a request for a short-term loan to cover expenses for the remainder of the current fiscal year. The amount of the loan needed to fund the anticipated deficit is \$360,000.00.

On motion made by Mr. Lushin, seconded by Ms. Blau, the following resolution was unanimously adopted:

"RESOLVED, That the State Welfare Board approve the Vanderburgh County Department of Public Welfare's request for a loan in the amount of \$360,000.00."

(Note: Amount should have been changed to  
\$330,000.00, as this is the limited amount.)

Mr. Schroeder explained the loan is being requested to pay 1986 HCI (Hospital Care for the Indigent) indebtedness by the Department. As the Board knows, the Commission was approached in 1984 and 1985 for similar loan. The law changed at the beginning of 1987. That fund is now a State program and the County raises funds and sends that to Indianapolis to be paid. What we're speaking of here are 1986 bills, which there was not enough money to pay. They did ask for a loan in 1986, but it was denied at that time. They must now find the necessary funds to pay these

bills. He presented three (3) alternatives to the County Council and this alternative was the one they selected. We had enough funds for \$175,000 additional appropriation and Council then asked that they seek short-term loans this year (maximum of \$330,000) and next year \$315,000. Should we not have other funds available for additional appropriations, they would have to come back. The other alternatives had to do with appropriations from the County General Fund and Bonds and they didn't feel the money was available without repayment from the County General Fund and also they felt that the short-term loans were less expensive than all of the necessary action for a bond issue. Therefore, Welfare Department is requesting that the County make the \$330,000 available to them via the short-term loan.

Commissioner Cox asked, "John, what revenue source will be used to repay this loan?"

Mr. Schroeder said "As in the past, that is a tax levy that is placed in addition to our regular levy limit. It was advertised this year by the Auditor's office. It has to be advertised prior to hearings by the State Board. What it is is an additional levy limit for welfare indebtedness over and above our standard levy."

Mrs. Cox asked, "And you anticipate needing the funds next year also?"

Mr. Schroeder said "Next year also; you see, we actually could use the funds now to pay off last year's bills, but the State Law only allows us ten percent (10%) of our current levy limit, which is \$3 million plus, which translates to at 10% to \$330,000."

Mrs. Cox asked, "What do you really owe?"

Mr. Schroeder said, "\$820,000, of which we are able to pay approximately \$175,000 from our own funds. We've already received that additional appropriation from the County Commissioners. So this year if we get a short-term loan of \$330,000, and if there are no additional funds available in our budget next year, then we would probably have to ask for \$315,000 next year. I believe that adds up."

Commissioner Willner asked, "You're asking for a loan from the Vanderburgh County General Fund, at no interest?"

Mr. Schroeder responded, "That is correct."

Commissioner Willner said, "As in the past, that is the only way to go." Motion to approve the request for loan of \$330,000 was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Commissioner Cox said "These poor creditors. Just think how someone is being put off another year for \$330,000 of old bills -- they don't have the money to pay it."

Commissioner Willner said "There is nothing new about it though; this is about the fourth or fifth year."

Commissioner Borries asked "Wasn't one of the reasons the State took over the Department of Welfare to freeze the local county's cost?"

Mrs. Cox said, "But the thing of it is that these bills have been owed -- the State now is paying those for 1987. What they are doing now is playing catch-up for 1985 and 1986."

RE: REQUEST FOR WAIVER OF SIDEWALKS IN McCUTCHAN ESTATES

Mr. Morley said the Area Plan Commission approved 100 lots for this subdivision and the first stage has 40 lots. He said they basically do not have what is called a major collector street -- it hooks around, etc.

Commissioner Willner asked, "Do I not have a letter stating there will be no thru traffic? Will there not be thru traffic at (designated) points? One could drive from Old Petersburg Rd. to Heinlein Rd. through this subdivision?"

Mr. Morley said, "They could; but it would not be a good way to get there." He then discussed the design while pointing to the map." It is physically possible to get there, but it is not what you would call a thru route. Primarily, people within the subdivision would exit one of two routes (pointing to the map) depending upon their destination. As pointed out, it is a low density subdivision."

Commissioner Willner asked, "Have we designated sidewalks in here before?"

Mrs. Cox said "No; and we have all these other subdivisions in this area."

In responses to query from Commissioner Willner, Mr. Morley said the only waiver request is for sidewalks; they have rolled curbs and gutters.

Commissioner Borries queried Mr. Morley concerning the location of the waiver?

Mr. Morley said "I'd like you to consider the whole subdivision. But (designated) area is what is being built right now. I did bring the other map along so you (the Commissioners) could see what the overall plan looks like. But Sub Section 1 is the only thing that is done."

Following further brief discussion between Mr. Morley and the Commissioners (including possible school bus route), a motion was entertained.

Commissioner Borries asked, "Do we want to get some confirmation from the School Corporation then as to what their intentions would be?"

Mr. Morley said, "Rose (Zigenfus) could probably give you her thoughts on traffic movement, too, which might help."

Ms. Zigenfus entered the meeting. Mr. Morley said "Rose there was a question concerning possible school bus route." Mr. Morley proceeded to point to map, outlining the same possible route he had designated to the Commissioners. He said he doesn't really see them going up that private road. He and Mrs. Zigenfus spent several seconds perusing the map. He said "Like the U.S. Postal Service, they do not travel a private road. So they will be limited as to what they do."

Commissioner Borries asked, "In Petersburg Estates, we put sidewalks on one side didn't we?"

Mr. Morley responded, "Yes; they are on one side of Greendale from Old Petersburg Rd. down to Bob Court -- a straight shot all the way through. It is a well defined collector street and it works well."

Mrs. Cox noted, "That is also right across the street from the City Limits and there is more traffic there."

Mr. Morley stated, "There are twice as many houses per acre there as there is here."

Mr. Borries asked, "Is this more than one (1) mile outside the City Limits?"

Mr. Morley said it might not be -- the City Limits go out and run around the Airport. If you count the Airport, you're probably only three quarters of a mile. As far as developed part of the City it is more than a mile; but if you count the Airport - then you're about three quarters of a mile.

Commissioner Cox said, "Then explain why they were waived on Tall Timbers and all these others then. That is what we're faced with here, gentlemen."

Commissioner Willner said "I don't have any problem with waiving the sidewalks as long as they have rolled curbs and gutters."

Mrs. Cox said "I don't have any problem with the sidewalks being waived. They have rolled curbs and gutters on these streets."

The Chair entertained a motion with regard to Phase 1 of McCutchan Estates.

Motion was made by Commissioner Cox that the request for waiver of sidewalks in McCutchan Estates, Section 1, be approved, with a second from Commissioner Willner. So ordered.

RE: READING OF BIDS ON DATA PROCESSING SYSTEM

Attorney Miller said he has opened the bids regarding the Computer and Software that will be required for the reassessment. There are two (2) bids, both of which are in order. Before interested parties sharpen their pencils and start to write down numbers, he does want to say that the bids are too complicated for him to be able to just recite a number -- and it will require some analysis. Bids are from Manitron, Inc. and IBM. Manitron, Inc.'s bid has a lump sum figure and an annual fee, but he is not sure that is all there is to it -- because it is quite long and involved. IBM recites certain numbers; he is not sure that if he gave those numbers we would be comparing apples and apples. The numbers are different, but he thinks they are different because they relate to different time frames and different types of arrangements. Therefore, he has to say that he recommends that the appropriate county officers and agencies review these bids and report on comparative dollar costs at a later date. Both are in order from a legal standpoint.

Following brief discussion among the Commissioners, it was the consensus of opinion that the bids should be reviewed by County Assessor James Angermeier, the Purchasing Department and Harry Tornatta (the latter representing the Township Assessors). In response to query from Commissioner Borries, Mr. Tornatta said he would be willing to review the bids (as spokesman for the Township Assessors) along with the County Assessor and Mr. Tom Dorsey of Purchasing.

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

Attorney Miller said the Manitron people have submitted three copies of the bid. The IBM proposal is in three copies, but there is a set of supporting data with the IBM bid that he thinks might be necessary for all of the parties to refer to prior to making their recommendation. In response to query from Commissioner Willner concerning time frame, Attorney Miller said he thinks the Board should receive the recommendation next week, as the time frame of the reassessment was beginning July 1st. There wasn't anything that required it to begin then but that was statutorially when it could begin.

Commissioner Borries asked, "Tom, what is your feeling about that?"

Mr. Dorsey replied "Since reviewing the bids is going to be a complicated process, a recommendation within a one (1) week period is possible if we can pull everybody together; and I would imagine that we would need minimum oral presentations from both of the companies, as well as a physical demonstration of the equipment and the software. A week is pushing it -- but if everybody can be scheduled, it is possible."

President Borries asked, "Harry, would you make contact with Tom? Maybe Tom can coordinate that and get the County Assessor -- so that as quickly as you folks can meet the quicker we can act on your recommendations."

RE: LEASE BETWEEN RIVERSIDE OIL, INC. & VANDERBURGH COUNTY  
SUPERIOR COURT DRUG & ALCOHOL DEFERRAL SERVICES

Attorney Miller said he has a proposed lease between Riverside Oil, Inc. and Vanderburgh County Superior Court Drug & Alcohol Deferral Services, which he quickly reviewed. It appears to be a standard commercial space type lease that provides for a one year term. It looks like September 1, 1987 through August, 1988, with rental \$8,478.00 for the year (\$706.00 per month). He is not familiar with this property. He would say that we would need to take a week to give someone at the Superior Court the opportunity to review this to make sure it reflects the agreement between the Court and Riverside Oil -- from the Court's standpoint -- then, if they don't see any discrepancies, it could be signed next week -- since it doesn't commence until September 1. It is his recommendation that this lease be referred to the Administrator of the Vanderburgh Superior Court for review as to the terms.

Commissioner Willner asked, "Is it possible they might already have reviewed it? They were probably instrumental in obtaining the proposed lease and getting it here."

Attorney Miller said "It is possible -- but there is no note."

Commissioner Willner requested that Mr. Lindenschmidt make a phone call.

President Willner subsequently stated that Mr. Lindenschmidt reported that the lease is the same one they have had for five (5) years. It contains no changes and is at the same price that has been in effect for the last five (5) years. The County Attorney has indicated that it is in correct and proper form. Thus, a motion is entertained.

Motion was made by Commissioner Willner that the lease be approved and signed, with a second from Commissioner Cox. So ordered.

RE: SYNOPSIS OF COUNTY'S CURRENT INSURANCE COVERAGE

Attorney Miller said late last week he sent the Commissioners a Synopsis of the County's Current Insurance Coverage. Hopefully they received same. We are attempting to make a review of that coverage to determine whether holes exist at this time that we think it is possible and financially feasible to fill. He sent this to the Commissioners as a matter of information, so they would see the different companies that we're having to deal with as a result of the increase in insurance coverage.

RE: INSURANCE COVERAGE - LAW ENFORCEMENT PERSONNEL

It was reported by Attorney Miller that he received a letter from Attorney Charles Berger. Mr. Berger is, of course, a well known and respected attorney in Evansville and he does a good deal of work for various law enforcement agency employees. The letter he received from Mr. Berger dated August 5, 1987, requests some clarification regarding whether or not Sheriff's Deputies who are called in to duty from their homes in emergency situations would be covered by all of the various county insurance and other

benefits. He says, "We are writing to you so that this situation -- if it were to occur in the future -- would not pose any question in the minds of County officials as to what benefits the Deputy would be entitled since he would be acting within the full scope and course of his duty as a Deputy Sheriff -- and he should be covered by all Federal, State and Local benefits, both by insurance and by statute."

Attorney Miller said he doesn't think that there is much question that if a Deputy Sheriff is called to duty from his home that from the minute that he puts down the telephone and steps out the door he is acting on behalf of the County if he has indeed been called by a superior officer and told to report. What he has concern about -- and what he suggests that we take some care in responding to -- is what the County's responsibility would be with respect to insuring the motor vehicle that the Deputy jumps into to go to the scene of whatever emergency he has been called to act upon. If he jumps into his private vehicle, no question that he is on county business; but, by the same token, he doesn't think at this point County insurance policies would cover that vehicle in the event of an accident on the way to or home from -- and he doesn't know that the County could afford that kind of coverage. Thus, Mr. Berger asks that the Commissioners give this some thought and then authorize a response. Attorney Miller said he thinks the response (after having looked into the matter last week) should be somewhat along those lines. If the Commissioners want to think about this further and direct him further, he will wait to answer Attorney Berger. But this is something he thinks could easily set the Deputies' minds at ease with respect to their own coverage for benefits. We do need to check with our insurance coverers first -- before we make that representation, however.

The Chair entertained questions.

Commissioner Cox asked, "This not only involves the Sheriff's Department but also the Police Department? But we're concerned about the Sheriff's Department."

Attorney Miller said "Well, his inquiry...."

Mrs. Cox asked, "He is writing in behalf of the Vanderburgh County Sheriff's Deputies and the F.O.P. (Fraternal Order of Police), isn't he? That is what the letter says."

Attorney Miller responded "Well, I take it that the Vanderburgh County Sheriff's Deputies who are involved here are members of the F.O.P. We have no agreement or contractual obligation to the F.O.P. that I'm aware of. Our only contractual obligations are to the Officers who are employed by the County."

Mrs. Cox asked, "What policy does the City follow for their Officers? Are they called out of their home on duty?"

Attorney Miller said "I have not inquired of the City; I don't know exactly whether or how often that happens. I have to believe that the City from time to time may have such emergencies. But what I would suggest to you is whether it has ever happened before really isn't important. All he is asking is what if it happens -- and if it happens in the County, then he is asking for the assurance that the Officers who are employees of the County are covered by all of their employment benefits. There may be some question raised by someone, including insurance companies, about the validity of the telephone call (whether or not someone actually did make a call). But if, in fact, Sheriff Shepard or his authorized Deputy calls a Patrolman and says 'We need you right now at such and such place' -- and if that Deputy hops into his car and goes to the place where he is told to go, I think he is on duty. I think the cases are very clear about that part of the question."

Commissioner Cox said "And what you are saying now is that we evidently do not have coverage."

Attorney Miller said, "I am saying that:

- a) If we don't have coverage, we have to make sure that our insurance does cover them
- b) But, with respect to the automobile that they are in, I think that is a much more difficult question.

I just don't know the answers. I just wanted you to know the inquiry has been made and I wanted you to give some thought to how we might go about responding. Before I give any kind of response, I will put a draft in front of all of you for your approval."

RE: COUNTY HIGHWAY

Weekly Work Report/County Garage: Mr. Bethel submitted the Weekly Work Report for employees at the County Garage for period July 27 thru July 31, 1987.....report received and filed.

Gradall: Evergreen Rd., Old Princeton Rd.

Paved: Orchard Rd. (Not finished)

Patch Crew: Mill Rd., Bujay, Happe Rd., Vienna, St. Joseph Ave., Crowley, Westbrook, Baseline and Mill Rd.

Mower: Schillinger, Outer Darmstadt, Baseline, St. Joseph Ave., Nisbet, Pruitt, Woods, Scott, Newman, Fisher, Kleitz, S. Mill, Kremer Rd., Buente, Edgewater, Weiss, and Baehl

Tree Crew: Cemetery Rd. and Skyline Drive

Rocked: County Line East and Old Green River Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Replaced culvert at 6908 Mill Rd.
- Cut weeds on Boonville-New Harmony Rd.
- Rip-rapped 6030 Wedeking
- Cut weeds on Red Bank Rd.
- Spread 53's on culvert installed on Old Princeton & Darmstadt Rd.
- Same work performed on Vienna Rd.
- Cut weeds on Green River Rd.
- Cut weeds and trees from culvert and guard rails 4/10 mile west of White Pine Lane on Mill Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

The Chair entertained questions of Mr. Bethel.

Commissioner Cox asked, "Bill, do you have an update on the repair of those four roads that were damaged (three by SIGECO and one by an individual farmer? I think you reported you had gone and viewed the areas with representatives of J. H Rudolph."

Mr. Bethel responded, "The update I have on that is -- J. H. Rudolph & Co. sent me a letter containing cost estimates for repairing these roads. He has sent this letter to the Attorney. He has also turned the matter concerning Streuh-Hendricks Rd. over to the Attorney for his insurance company to repay that."

Commissioner Borries said, "I've been out of town and I can tell you that the high temperature in San Francisco about a week ago was about 70 degrees. When I called back at the office on that day it was over 100 degrees. I know you've fellows had a hot..."

Mr. Bethel said "Last week I changed their work hours an hour a day and then we went back to that this week."

Commissioner Borries said, "I missed all of you -- but I sure didn't miss those 100 degree temperatures." But I'm sure your crew has hung right in there. Please express our appreciation for their efforts, particularly during all that hot weather."

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley asked the Commissioners if everyone had a good time on vacation?

Commissioner Borries said Mr. Easley has spent some time in California and he appreciated some of his suggestions and classmates. The weather was tremendous. He was overwhelmed by the Los Angeles freeways. There are so many people out there that he was glad to leave certain spots of California; others were tremendous.

Mr. Easley asked, "You didn't lose your courage at the end of the acceleration lanes or anything?"

Mr. Borries responded, "Just about; they talk about our City as "stop light city" -- but when you have a dead stop on a 10-lane freeway and there are no stop lights -- they have an excellent highway system; the problem is that they can't build them fast enough -- there are just too many people out there. I kept looking for a red light, but there wasn't a red light -- you just came to a dead stop."

Claim/Bridge Reinspection/Preliminary Draft Copy: Mr. Easley advised that we have received a preliminary draft copy of the Bridge Reinspection from Floyd E. Burroughs, which has been reviewed and seems to be complete.

A claim to Floyd E. Burroughs in the amount of \$3,384.00 was presented for approval. Mr. Easley explained that they say their work is 47% complete insofar as their fee. The recoordination is 100% complete; the field data 60% complete; and the SI&A sheets are 60% complete. The claim is in accordance with the agreement and it is his recommendation that it be paid.

Motion to approve the claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Commissioner Willner asked whether they are putting the traffic counts on the bridges in the report?

Mr. Easley said he believes they are on the SI&A sheets.

Commissioner Willner said the last time he believes the No. 1 bridge to be repaired was on a road that has two (2) vehicles per day. He asked if they would take into consideration the traffic volume and they said they would do so. He is just asking whether they did.

Mr. Easley said he has a feeling that when they made that recommendation they did not study the traffic.

Commissioner Willner said "I am sure that is true, but on the second one they should have."



Commissioner Cox said, "On the bridge report we got from them it had the ADT (Average Daily Traffic).

Commissioner Willner said "I'm talking about their replacement criteria."

Mrs. Cox said they have ADT traffic for Pigeon Creek is 9,306 vehicles per day and for Bridge No. 6 on Mann Rd., the ADT is 10 vehicles per day. They have it in the reinspection report.

Commissioner Willner said, "Yes -- but they didn't figure it in their replacement schedule."

Mr. Easley said, "In their recommendations, I don't believe they really took it into consideration -- they must have been looking at other things besides the traffic."

Mrs. Cox said, "If a bridge is going to fall in, it is only going to take one car -- that's all the weight -- for it to fall in. I'd like to have a copy of the reinspection report if we get extras."

Mr. Easley said he will get one for her.

Claim/Hayes, Seay, Mattern and Mattern: A claim was presented in the amount of \$1,038.16 for professional services rendered in connection with the "B" Street Underpass for the month of June (\$1,038.16). The invoice included an invoice dated June 30, 1987 which had not been paid (\$5,936.70)...making a total of \$6,974.86. But this specific claim is in the amount of \$1,038.16.

The Chair entertained a motion.

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

Commissioner Cox asked, "Andy, have we received any answer from the railroad company on the Claremont Crossing yet?"

Mr. Easley replied, "No -- we've received no answer or correspondence and I am having one minor problem. As the Commissioners may have read in the paper, CSX is moving their local division engineers to a city up near Chicago. I would like to meet with them before they leave town and hope to do that within the next week or so."

Claim/Veach, Nicholson, Griggs & Associates/Old Orchard Rd.: Claim presented for work on Old Orchard Rd. project in the amount of \$3,384.00. They consider they have earned 16% of their design fee, which was \$23,500.00 in accordance with the agreement.

Commissioner Willner asked, "Is there a budget for Orchard Rd.?"

Mr. Easley responded, "Yes."

Motion to approve the claim was made by Commissioner Willner.

Commissioner Cox asked, "Does it say what the claim is for?"

Commissioner Borries said, "Yes; 16% of the bridge design fee on Orchard Rd. -- Progress Payment #1."

Commissioner Cox asked, "You haven't seen any plans as of now,, have you?"

Mr. Easley said, "I haven't seen any preliminary plans, no."

Mrs. Cox asked, "So you don't know whether they are 16% complete or not?"

Mr. Easley said "I have not been to their office to look at them, no. I have been in touch with them and they gave us some distances to use when we resurface Orchard Rd. to stay away from the structure -- I believe it was about 350 ft. each way."

The Chair entertained a motion.

Commissioner Cox said "Andy, I don't see how you can recommend to us -- and this has nothing to do with Messrs. Veach or Nicholson or Griggs -- but how can you recommend to us that this bill should be paid when you haven't checked to see....."

Mr. Easley replied, "I'll go to their office; but between engineers I think if they are doing design work -- on Lynch Rd. I've been in the position to review preliminary plans and I don't doubt their word at all. I don't doubt their word."

Mrs. Cox said, "I don't doubt their word either. But I doubt your words saying you recommend this be approved and you haven't checked it. How many other things have you recommended that we approve that you haven't checked? This is just another instance."

Mr. Easley commented, "O.K., Mrs. Cox."

RE: TEMPORARY CONSTRUCTION EASEMENT

Mr. Easley presented a Temporary Construction Easement (which he said replaces one that expired at the end of 1986) from Betty Charlier on the Heerdink Lane project. We had 20 ft. construction easement off the west half of the southeast quarter of Section 36, 1/2 mile long. They did not get the grading work done because of delays in paper work and the State has now started the grading work. The farmer did not plant the crop last year and he is asking to be paid for another crop, which apparently has been planted.

There is a claim in the amount of \$364.00 which goes with this temporary construction easement. He recommends acceptance of the easement and payment of the claim, because we do need the easement.

Motion to accept and sign the easement and approve the claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Claim/Victor Funke: A claim in the amount of \$700.00 for appraisal services was presented. Mr. Easley explained that this is in connection with the Lynch Rd. Extension project. Properties involved were owned by Guthrie May & Co. and Carl S. Allinger in the amounts of \$400.00 and \$300.00, respectively. He believes the appraisals are in the Commission office (they were submitted approximately two weeks ago).

Commissioner Borries asked "What is the other one we need -- a Review Appraiser?"

Mr. Easley said this is correct. He then asked Rose Zigenfus, "The appraisal is in; do we automatically send that or do we send it with notations or comments to the Review Appraiser? What is the procedure?"

Mrs. Zigenfus said she will check the manual before providing guidance on this.

Commissioner Willner asked if we can hold this up? He disagrees with the appraisal. Did Mr. Easley talk with Mr. Funke?

Mr. Easley said he chatted with Mr. Funke and he seemed to think the amount was in accordance with fair market value determination. He has to share Mr. Willner's feelings -- he thought the figures were certainly higher than he had anticipated and he doesn't know what else to say.

Commissioner Willner said he would move that the blue claim be approved.

Mr. Easley said he thinks it would be in order to have a discussion with Mr. Funke for purposes of asking questions and to review the matter with him.

Commissioner Cox asked, "Are the property owners aware of the appraisals?"

Mr. Easley said he doubts it. He certainly hasn't provided anyone with any copies. He sent Mr. Allinger a print of the aerial photograph that we have available. (He wanted to see how close the proposed right-of-way would be to his house. He is going to lose his house; that is the first house there just across from the Library at Lynch & Oak Hill -- the log house.)

Commissioner Cox said she will second Mr. Willner's motion; she feels the claim should be paid. So ordered.

Acceptance of Streets (Green River Estates, Section C-1): Mr. Easley said that he and Mr. Bethel have been inspecting subdivision streets and he has a stack of letters to write to the Commissioners concerning acceptance of streets in subdivisions. He has one ready which concerns Phil Heston's project (Green River Estates, Section C-1).

President Borries requested that acceptance of subject streets be deferred for one (1) week, until the Commissioners have had an opportunity to view same.

The Chair entertained further questions of Mr. Easley. There were none.

RE: APPROVAL OF STREET PLANS FOR OGLESBY ESTATES

Mr. William Bivins was recognized by the Chair. He said Oglesby Estates Subdivision was approved on March 7, 1986. They are requesting approval of street plans. The streets have rolled curbs and gutters.

In response as to whether drainage plans for this subdivision have been approved, Mr. Bivins said they have.

Mrs. Cox asked, "Has this been reviewed by the Surveyor's Office to see whether the drainage plan approved has been incorporated with the street plan? Has it been signed that it has been done?"

Mr. Jeffers briefly looked at the plans. He asked if these are the pipe sizes designated on the drainage plans?

Mr. Oglesby said that they are.

Motion to approve street plans, as submitted, was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: REQUEST FOR APPROVAL OF STREET PLANS FOR OAK RIDGE SUBDIVISION, SECTION B

Mr. Bivins then submitted street plans for Oak Ridge Sub., Section B.

Mr. Jeffers asked if these are the pipe sizes designated on the drainage plan (the 48" under Big Creek and the other one)?

Mr. Bivins said they are.

Commissioner Borries asked if these streets have rolled curbs and gutters?

Mr. Bivins responded in the affirmative.

Commissioner Borries asked if there is a request for sidewalk waiver at this point

Mr. Bivins said that there is not.

The Chair entertained questions.

Mrs. Cox asked if the drainage plan has been approved?

Mr. Bivins said he isn't sure; he just got into this and was asked to submit the street plans for approval..

Mr. Jeffers said he is sorry he didn't have time to look at this last week, but the only difference he noticed on what Al Bauer has done compared to the original plan for Oak Ridge Subdivision is that he opted to put underground drainage conduit in some of the easements between houses. He also improved the channel leaving (designated) property going through Olivet Presbyterian Church property -- he improved that above and beyond what we originally asked for.

Commissioner Willner said, "We can approve street plans without approving drainage plans."

Commissioner Cox asked, "You can?"

Mr. Willner said, "Yes."

Mr. Jeffers asked Mr. Bivins, "The drainage plan was already finished for the entire project wasn't it, up to his north lines? I believe the Area Plan Commission has a drainage plan on file that shows that the drainage plan for the entire subdivision was approved all at one blow up to the north line of Oak Ridge, which is the south line of Oak View. The only other change you may see up there is that he has planters in his cul-de-sacs. But from casual observation, everything they have out there is very well installed."

The Chair entertained a motion.

Motion was made by Commissioner Willner that the street plans be approved.

Commissioner Cox said "As long as the drainage has been approved and these road plans reflect the drainage plan, then I have no problem with it either. But we need assurance that they do -- because this is where we've gotten into problems before in subdivisions -- that the two have not jelled -- and this has been proven. And, Bob, you yourself said the most important part of the roads is drainage, drainage, drainage. And....."

Mr. Willner said, "That is true; but whether it runs up the hill or runs along the side -- it really doesn't matter -- you've got to drain the roads."

Mrs. Cox said "I have no problems as long as it is properly reviewed and it reflects it and ...."

Mr. Jeffers said "Well, it would take me a few days to look at every little minute detail."

Commissioner Borries asked "But your feeling at this time is that they have done above and beyond what you felt....?"

Mr. Jeffers responded, "This is Section B; in Section A they improved it beyond what the original plan was -- I'm just saying that as a character testimony. But if the Board wants me to go through this detail by detail, it will take a few days -- because we're still working on our job descriptions that were supposed to be in on the 4th of August, which were postponed a week so I could do the drainage study."

Mrs. Cox said "Based on the Chief Deputy Surveyor's recommendation then, I move that the street plans be approved."

Mr. Willner provided a second to the motion. So ordered.

RE: BUILDING COMMISSION - ROGER LEHMAN

The Chair recognized Roger Lehman, Building Commissioner.

Mr. Lehman submitted the monthly report from the Building Commission for period ending July 31 1987.....report received and filed. He noted that the total valuation is approximately \$7 million ahead of last year and the fees are some \$15,000.00 less. But last year was a record-setting year for the County valuation wise -- so it was interesting to note that we are ahead of last year. Single families are down in number but the total valuation is up.

Storey Property/Boehne Camp Rd.: Mr. Lehman said he received a letter from Mrs. Storey dated July 22nd and it states:

Mr. Lehman:

I received your letter of July 15th informing me of your action and bids received in reference to stated property. This is to inform you that I will be responsible for the clean-up of stated property. It should be completed no later than mid-October of 1987."

Mr. Lehman said the letter he sent to the property owner stated that if she did not proceed with getting the house razed in 30 days, that the Board of Commissioners would entertain the idea of doing it themselves using the bids we have on file. He guesses the situation is if we want to wait until mid-October to see whether something happens or if we want to go ahead and get the thing cleaned up. He suspects in October we will be tearing down the other house then, too, because some of the windows in it have already been literally torn out. Actually, some of the windows have been broken for quite some time; but now they are breaking the frames out from the brick walls. He suggests that if we wait much longer that we will have two houses to tear down, rather than one to tear down and one to seal. He knows Mrs. Storey had a death in her family, but we have been working on this for at least three years -- if not longer. His recommendation is that if we have funds, we award the low bid to Young Excavating in the amount of \$1,772.00 to raze the burned-out house, fill the basement with dirt and clear and level the lot and seal all the openings on the brick house.

President Borries asked for comments from the Commissioners.

Commissioner Cox asked if Mr. Lehman has a copy of the letter he sent to Mrs. Storey with him?

Mr. Lehman said he doesn't have a copy of the last letter. He does have a copy of the first letter he sent concerning the hearing, etc. This was sent certified; so she received certified notice of the hearing held on Monday July 13th. At that meeting we opened the bids and the Commissioners determined that she should be given thirty (30) days after that to determine what action she would take. Her thirty days will be up Thursday.

Mrs. Cox asked, "What was her reason for wanting an extension? A death in the family? When did that occur?"

Mr. Lehman said, "In April. Her response to the letter notifying her of the hearing read:

"In response to your letter of June 24th concerning the property on Boehne Camp. The property is for sale and, hopefully, will be sold soon. Trash has been removed from the property. (He doesn't believe that part has been taken care of.) I am trying to comply with the request to clean up the property. My husband of 53 years, Reverend Mark Storey, died April 7, 1987. I've had many changes and adjustments to cope with and am asking that Court action be delayed so that I may have some time to get the matter corrected." (This letter was dated July 10, 1987 -- three days before the meeting we had on the original order.)

Mrs. Cox said "She probably wouldn't get any better bid than that which you have."

Mr. Lehman agreed, saying he sent her a copy of the bids received.

Mrs. Cox asked, "You haven't had a response from her concerning the amount of money that....?"

Mr. Lehman said "No; it just said that she had received the notice I sent telling her that the Board had given her the thirty (30) days which would expire this week and that she received the bids and that she will be responsible for cleaning it up by no later than mid-October. It has been there for several years and I don't think that time period would be out of line if we were just dealing with a burned-out house. But the other house is being destroyed week by week."

Mrs. Cox asked, "She is elderly herself and she has no one to help her with this property maintenance or looking after all of this? She needs someone to help her."

Mr. Lehman said "I agree with you. She had a gentleman (who he thinks owns the Rose Cleaners here) who he talked to before the last time he brought this before the Commissioners. He said he had no legal responsibilities or abilities in the situation and that he was just kind of standing by. But occasionally he would go up there and mow the grass or something like that. Her two sons, I believe, live up around this Gas City or wherever she is from now."

Commissioner Cox said "Well, it is going to be awfully hard for her to do business long distance, I would think."

The Chair asked the Commissioners for further comments.

Commissioner Willner moved that the contract be awarded to Young Excavating in the amount of \$1,772.00, in accordance with their bid.

Mr. Lehman said that a part of the motion (if Commissioner Willner wouldn't mind) should include receipts from a licensed landfill for the debris from the contractor (which is normal procedure).

Commissioner Willner amended his motion, as requested. A second was provided by Commissioner Cox. So ordered.

Property in Daylight, IN (R.R.#3, Box 237): Mr. Lehman said he has a report on the property in Daylight, IN which was briefly discussed approximately a month ago. This was the house with the high weeds, downed tree limbs, etc. He went by there today and that has been cleaned up. The tree limbs have been removed and the yard mowed and it is in relatively good shape. She has already said she would take some action on the house after she got the yard cleaned up.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN GREENBRIAR HILLS

The Chair recognized Joe and Melanie Atwood, who appeared before the Commissioners two weeks ago (together with Mr. Sproat) requesting a waiver of sidewalks in Greenbriar Hills Subdivision. They subsequently sent corresponding letters to the Commissioners expressing their viewpoints.

Commissioner Cox said the Commissioners requested that the Sheriff's Department conduct a traffic count, etc. It was noted that EUTS was conducting a traffic study.

Mrs. Zigenfus said "We conducted a traffic study, but not with regard to your particular concerns. Our study was done with regard to a stop sign being installed. However we do have some data concerning the traffic flow on Greenbriar and Pleasant View. In looking at the traffic flow for that purpose, there was not enough to warrant a stop sign. They were looking for a two-way stop control measure there. Our recommendation was that it not be installed. We were looking at approximately 1,000 cars per day in that particular area. Mrs. Zigenfus spend several minutes perusing the map with the Commissioners, as they exchanged comments. Mrs. Zigenfus said the average vehicle speed on Pleasant View was 23 miles per hour, but 85% of the vehicles travel 30 miles per hour. There have been no accident problems in the area. Insofar as peak periods of traffic, they found no excessively high peak periods. It was EUTS' recommendation that Pleasant View be continued as a thru street with no stop measures.

Mrs. Cox asked if the request for the stop light came from the residents of the area?

Mrs. Zigenfus said it did.

Commissioner Cox asked where they wanted the stop.

Mrs. Zigenfus pointed to designated area on the map.

Mrs. Cox asked if the caller said what prompted their call? What their concerns were?

Mrs. Zigenfus said, "Just the traffic going through and children playing in the street and riding bicycles, etc."

Mrs. Cox said, "If there is not enough traffic to warrant a stop sign at the intersection, it may not be feasible....." I've heard that complaint before from people who live on Bob Court."

She asked if Lindenschmidt if he could contact Sheriff Shepard.

Mr. Lindenschmidt said that is being done at the moment.

In response to comment from Commissioner Cox, Mrs. Zigenfus said EUTS conducted a speed check simultaneously with the traffic count. Our county equipment gives us speed studies as well as traffic counts. We have the 85 percentile doing 30 miles per hour with an average speed of 23 miles per hour. She can provide a copy of the report to Mrs. Cox, if she likes.

Mr. Lindenschmidt reported that Sheriff Shepard is enroute to the meeting.

RE: SEWER SYSTEM IN OLD STATE RD.-CARANZA DRIVE AREA

Attorney Miller said that in July a Public Hearing was held at the evening meeting on the question of a Preliminary Resolution regarding a sewer system out in the Old State Rd./Caranza Drive area. Following the approval of that preliminary resolution, there was a ten (10) day period during which the residents out there had the right to remonstrate. If forty percent (40%) of

them remonstrated within the required time and in writing, then certain steps had to occur. We have received three (3) written remonstrances only and it is now time to go forward with the next step in that process. He believes that the next step in the process is to have the engineer draw up the specifications for the system and to cause those specifications to be set for hearing, along with a preliminary judgment on the benefits to be realized by the various properties as compared with the cost and for a "final" resolution as to this project to be heard. There will have to be another public hearing and notice to all the property owners. Then, the final resolution will contain the method of financing that you select and we will go forward with assessment, if that is what you choose. Or, Barrett Law Bonds, if that is what you choose. But we need to move along with the next step and I wanted to advise you that we have not received an adequate number of Barrett Law remonstrances with respect to this project to cause us to have to look to the Courts for a resolution to the remonstrances. The remonstrances fail for lack of number and it is necessary for us to proceed with the project, to the final resolution stage at any rate. You need to direct the Engineer to prepare plans and specifications for bidding and to give us his estimates, so that we can compare and have a public discussing concerning the benefits to the property as compared with the cost to be incurred. At that point, if you find the benefits outweigh the cost you then pass a final resolution which directs that the project will proceed and specifies the method of financing. At that point if you direct Barrett Law Bonds, then we have to get to work on the bonds. At the same time, we get contractors bids.

Commissioner Borries summoned County Engineer Andy Easley back to the meeting, saying he is needed because Attorney Miller has told the Commissioners what the next step is with regard to the Caranza Drive sewer project.

Attorney Miller said, What I was saying, Andy, is that inasmuch as the remonstrances are not sufficient to stop the process at this point and require any action in the Courts, the next step necessary for the County to finalize the plans and specifications (as I understood it, you did not have final plans and specifications on those) and we need to have the Engineer's estimate of costs available to the residents so that in a final hearing we can have open to public discussion the costs and the relative assessments -- we need a preliminary assessment roll so that each property owner will know what their ultimate share would be given the Engineer's estimate. If the Engineer's estimate is right, then there is a final assessment roll after the job is done. But there have to be plans, specifications, and an Engineer's estimate and then the Commissioners have to determine at that hearing whether the project goes forward based upon the cost as compared to the benefits and how it will be financed. So that is the next step. When you have those ready, we need to send out the notice."

Mr. Easley said "One of those gentlemen (but I don't have his name on the tip of my tongue) asked for a list of all the property owners in the area. He was trying to put together a privately designed, privately financed contract. I wonder if we ought to verify how much of a movement there is out there to do that."

Attorney Miller said "I suspect we'll hear at the public hearing."

Mr. Easley asked, "But we still need this for the public hearing?"

Attorney Miller said, "Yes; at this point we have no notice of any private effort and all that we have is a preliminary resolution that was passed and we have allowed the time to pass for remonstrances and now it is time to take the next step. If



they come up here on the night of the public hearing and say, 'Wait a minute, we've got a deal worked out' that may cause the Commissioners to hold up the project."

Mr. Easley said "O.K. Is it suggested that we get a consultant to do a preliminary design? Or, is this something you want the County....?"

Attorney Miller replied, "I don't know what your procedures are in this regard. If a preliminary design by an outside engineering firm is appropriate, then that would have to be part of the cost that would become part of the Barrett Law Assessment. But I would think we would want to avoid any cost like that. We're just talking about some specifications I think that will tell us how much the Engineer estimates the cost will be."

Mr. Easley said "That is quite a bit of work -- to come up with the preliminary design and then do the assessment roll. We have to decide whether we're going on a front footage basis or an acreage basis."

Attorney Miller said, "I think the law tells us that. I think it tells you that in the case of sewers that you don't use the depth of the lot, you use the front footage -- I believe. But in any event, if it is the kind of work that you are not staffed to do in the Engineering Office, then...."

Mr. Easley said, "I can't keep up with the things I'm supposed to be keeping up with, and I'm really trying to wind up some things because I am behind them -- and I would request that the Commissioners and I select a consultant to do a preliminary design and then do a -- maybe we can assist with an assessment roll -- but then you don't really have any funds to pay for this, do you?"

Attorney Miller said, "Not at this point. Today I just wanted to advise the Commissioners of the status. Let's you and I within the next week look at the procedures set forth by the statute and make a recommendation to the Commissioners next week as to how to proceed to get those plans. But the statute does require that we come up with some plans before the final resolution is passed -- as I read it. And I think they don't have to be absolutely set in."

Mr. Easley said "I'm technically quite qualified to design sewers. But I just think this may start a trend and I think we ought to...."

Attorney Miller said, "I've given you a set of those steps and if you'll take time to look through those and give me a call, then we can make a recommendation next week."

Commissioner Willner interjected, "Do not forget easements; we have to obtain the easements and that is a cost. Some are going to give easements; others are not."

RE: REQUEST FOR WAIVER OF SIDEWALKS IN GREENBRIAR HILLS  
SECTION 2

Sheriff Shepard reported that a couple of weeks ago his department was asked to do a traffic study in the area on Petersburg Rd. He talked to Barbara Cunningham. She was going to tape it as to the amount of traffic flow. At that time she said they had a tape they could judge the speed with, also.. She said she was going to handle it so the Sheriff wouldn't have to. What he did the next was to instruct his officers to go out there and run radar. He doesn't know whether any of the residents present today have seen radar cars out there. He hopes they are there!) One of the residents said he saw them. He told his officers to go out and issue citations -- not give warnings, but give citations to those violating the law in the area with regard to speeding.

Mrs. Cox asked, "Did they give any?"

Sheriff Shepard responded, "I haven't checked yet, but I'm sure they have."

Commissioner Willner said, "I doubt it -- because the average speed was 23 miles per hour -- so you're in trouble."

Sheriff Shepard said, "That's not bad -- we can give one for going too slow! Anyway, Barbara Cunningham was going to run a speed tape -- so I guess those figures came from that."

Commissioner Cox said, "I think that, based on the information we've received, plus the fact that it stops before it connects down to the other area, that granting request for waiver would be the logical thing to do."

Commissioner Borries entertained a motion.

Motion was made by Commissioner Cox that the previous County Commission action requiring sidewalks along the north side of Pleasant View Drive on Lots 7, 8, 9, 10, 11 and 12 be rescinded and a waiver of sidewalks on Lots 7, 8, 9, 10, 11 and 12 in Greenbriar Hills, Section 2, be granted. A second to the motion was provided by Commissioner Willner. So ordered.

RE: LETTER TO HUD RE WINDSONG SUBDIVISION

Mr. James Morley was recognized by the Chair. He said Mr. Jagoe is here and he has a letter (he doesn't know whether or not this requires Commission action). He does FHA mortgages on his homes in Windsong Subdivision and HUD requires an acknowledgment from the County that these are going to become public streets. He read the following letter drafted by Mr. Jagoe:

Department of Housing  
Urban Development  
P. O. Box 1044  
Louisville, Kentucky 40202

Re: Windsong Unit 1  
Evansville, Indiana

Gentlemen:

This is to certify that the Evansville-Vanderburgh Area Plan Commission has approved Unit 1 of Windsong Subdivision in Evansville. The streets and storm sewers will have continuous service and maintenance once they have been accepted by the County. Police and fire protection will be provided.

All improvements have been completed with the exception of streets, public sidewalks, seeding and lot staking, which is backed by a performance bond which is held by the Area Plan Commission.

All construction will be required to conform with local codes and regulations of Vanderburgh County.

Sincerely,

Richard J. Borries, President  
President  
Vanderburgh County Board of Commissioners

Mr. Morley said both Andy Easley and Barbara Cunningham have seen the letter. If HUD receives this letter they can go ahead and proceed with FHA loan approval.

The Chair entertained comments.

Mrs. Cox queried Mr. Morley concerning the name of the subdivision.

Mr. Morley said it is Windsong Subdivision out in Indian Woods. The Commission is not accepting the streets. All they are doing is telling HUD that Mr. Jagoe is doing it as a public street.

Commissioner Borries asked, "So they will be required to conform with local rules and regulations of Vanderburgh County?"

Mr. Morley said that is correct.

Commissioner Willner said "I don't think the letter is necessary, but go ahead. We rescinded all of our conflicting ordinances so that they would be."

Commissioner Borries said, "This is for HUD approval only."

Mr. Morley said, "You're right. It's only what HUD is asking."

Commissioner Cox asked Mr. Willner, "Is that your motion then?"

Commissioner Willner responded, "I don't really think it needs a motion."

Mr. Jagoe said he doesn't think it has required a motion in any other town they have worked in.

Mrs. Cox said, "I will move that the letter to the Department of Housing & Urban Development be approved and signed. Motion was seconded by Commissioner Borries. So ordered. It was subsequently noted, however, that it was the consensus of the Board that the letter should be retyped on the Commissioners Letterhead, then signed by President Borries and forwarded.

At 4:25 p.m., Commissioner Borries said he would turn the balance of the meeting over to Vice President Willner. (He has to leave the meeting for a brief period of time.)

RE: ACCEPTANCE OF CHECK

Commissioner Willner submitted a check from UACC Midwest, Inc. (Evansville Cable T-V) in the amount of \$23,046.79 for franchise fee for 2nd Quarter of 1987. A motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the check was accepted and endorsed for deposit into the County General Fund (Quietus #8208).

Vice President Willner requested that the secretary send an acknowledgment letter.

RE: PUBLIC OFFICIAL BOND - COUNTY HIGHWAY SUPERINTENDENT

Also submitted was a Public Official Bond for County Highway Superintendent, Bill Bethel, in the amount of \$5,000.00.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the bond was accepted and signed, and given to the secretary for transmittal to the County Recorder's Office. So ordered.

County Attorney Miller asked to be excused, as he has a meeting in Court. Permission was granted.

RE: COUNTY TREASURER - FINANCIAL REPORT

Commissioner Willner presented the Interest Report from the County Treasurer thru July 31, 1987.....report received and filed. (Copy of report attached hereto).

RE: CERTIFICATE OF INSURANCE

Southwestern Indiana Mental Health Center, Inc.: Submitted was insurance certificate from Citizen's Realty & Insurance...received and filed.

RE: SCHEDULED MEETINGS

Monday	Aug. 10	2:30 p.m.	County Council Budget Hearings (Room 301)
Monday	Aug. 17	9:30 a.m.	Job Study Meeting (Room 303)

RE: EMPLOYMENT CHANGES

Pigeon Township Trustee (Appointments)

Allen Purdie	Supervisor	\$19,454/Yr.	Eff: 8/3/87
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Knight Township Assessor (Appointments)

Leon Collins	Deputy	\$35.00/Day	Eff: 6/19/87
Jackie S. Hammer	Deputy	\$35.00/Day	Eff: 8/4/87

Cumulative Bridge Fund (Appointments)

John Culver	Laborer	\$8.17/Hr.	Eff: 7/24/87
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Clerk of Circuit & Superior Courts (Appointments)

Lynda Naylor	User Fee Clk.	\$14,000/Yr.	Eff: 8/3/87
Joyce Fields	Dep. Clerk	\$13,440/Yr.	Eff: 8/3/87

Clerk of Circuit & Superior Courts (Releases)

Rita Jo Ford	Dep. Clerk	\$13,440/Yr.	Eff: 8/3/87
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Sheriff (Releases)

Larry W. Barchet	Corporal	\$21,534/Yr.	Eff: 9/18/87
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County Highway (Releases)

Billy W. Downing	Laborer	\$8.10/Hr.	Eff: 7/31/87
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Superior Court (Releases)

James O. Dunaway	Misd.. Intern...	\$5.75/Hr.	Eff: 8/14/87
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Burdette Park (Appointments)

Holly Wade	Ext. Guard	\$3.35/Hr.	Eff: 7/27/87
James B. Gerard	Ext. Guard	\$3.35/Hr.	Eff: 7/27/87
Benjamin McCarthy	Ext. Slide	\$3.35/Hr.	Eff: 7/27/87

County Auditor (Releases)

Tabreccia Millinder	Posting Clk.	\$12,400/Yr.	Eff: 8/4/87
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County Auditor (Appointments)

Tabreccia Millinder	Posting Clk.	\$12,900/Yr.	Eff: 7/31/87
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Sheriff/Commissioners Jail (Releases)

Scott M. Hurt	Civ. Jailer	\$15,065/Yr.	Eff: 8/11/87
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Sheriff/Commissioners Jail (Appointments)

<del>Scott M. Hurt</del>	<del>Civ. Jailer</del>	\$15,065/Yr.	Eff: 8/11/87
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*Deanna Marie Gass*

MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 24, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, August 24, 1987, in the Commissioners' Hearing Room, with Vice President Robert Willner presiding until President Richard Borries arrives.

Commissioner Cox moved that the minutes of the meeting held on August 17, 1987, be approved as engrossed by the County Auditor with a correction on page 9 concerning the vehicle count on Woods Road which should read 60 ADT rather than 860 ADT. and dispense with the reading. Commissioner Willner seconded the motion. So ordered.

RE: BILL MOORS - REQUESTS WAITING PERIOD BE RESCINDED ON REZONING PETITION

Commissioner Willner said that Mr. Moors is here to request that the waiting period be rescinded on Rezoning Petition VC-3-87.

Mr. Moors thanked the Commissioners for hearing him today.

Commissioner Cox said she would like to make one observation here, that she thinks she understands what Mr. Moors is here for and in order to accomplish what she is sure he wants to accomplish, it is her understanding that they need to have a unanimous agreement of the Commissioners and Mr. Borries isn't here at this time, so she doesn't know if he has been updated in this matter or if we are going to take it under advisement and vote on it next week, that she just doesn't want Mr. Moors to have to spend his time in going through all this now and then maybe have to repeat it.

Mr. Moors said that Mr. Borries has been advised, that he received a packet as the other Commissioners did and Barbara Cunningham has spoken to him about it also. He said he supposed that it would be better if the Commissioners take it under advisement with him since it will have to be one hundred percent vote.

Commissioner Willner said that Commissioner Borries will be here if Mr. Moors doesn't mind waiting and has the time.

Mr. Moors said he will just wait then.

RE: BILL WITTEKINDT, JR. - BROWNING ROAD ESTATES, WEST

Mr. Wittekindt introduced himself and said he is here this afternoon to talk about his comments in regard to the de-celeration lane that the Evansville Urban Transportation Study has suggested that he put in at the corner of Boonville-New Harmony Road and Red Gate.

He said, in his opinion, that the traffic does not warrant this expense at the present time and according to a letter that he received which was addressed to the Area Plan Commission, it stated that -

1. The traffic plus the vehicles that use Boonville-New Harmony Road does not meet the requirements for a deceleration Lane.
2. There are ten subdivisions in our area that do not have deceleration lanes, they are Valley View, Brownwood, Bohannon Estates, Evergreen Acres, Bluegrass Farms, Tall Timbers, Brentwood, Oak Meadow, Dress Subdivision off Darmstadt Road and the subdivision owned by Doctor Fenneman.
3. Why are we being requested to install one when the other subdivisions aren't.
4. Back in 1966 we gave a preliminary plat plan to the Area Plan Commission and a deceleration lane wasn't required at that time, nor was it required for Browning Road Estates, Section A, B. or C or the two recorded plats that are in Browning Road Estates, West, and since this is an old subdivision, so to speak, and was preliminarily platted in 1966, all we legally require is to go with a deceleration-acceleration lane, he is thinking that the County Attorney should check into this in regard to the grandfather clause
5. We do not own property on the corner of Red Gate and Boonville-New Harmony Road where there is proposed, a deceleration lane to be constructed. A subdivision which is just west of him, to his knowledge, was not required to put in a deceleration lane and doesn't have one at this date and they are going to have six driveway entering onto Boonville-New Harmony Road and what statute and regulations does this requirement come under. He said the first part of

Red Gate Road was constructed in 1973 and it has been in at that intersection for fourteen years and to his knowledge, there hasn't been an accident at this intersection and when he drives down Boonville-New Harmony Road, heading east, it is his opinion, that he can see Red Gate Road a good distance from the curve that they are talking about and again, he just wants to state, that in his opinion, traffic on Boonville-New Harmony Road and from their subdivision does not warrant the expense. He said if the Commissioners have any questions, he will be glad to answer them.

Commissioner Cox asked Mr. Wittekindt what will the density be when he has everything complete in his Browning Road Estates.

Mr. Wittekindt said that combined in the whole area they will have roughly, in the whole neighborhood, between 175 and 200 homes, that there will be two outlets on Browning Road.

Commissioner Willner said there are 2 on Boonville-New Harmony Road, so there will be 4 outlets.

Mr. Wittekindt said "yes", there will be four outlets when it is completed.

Commissioner Willner said that the Urban Transportation Study is also working on a plan to prepare Boonville-New Harmony for a 3-R update and they are doing the environmental now, that he guesses we are going to start on the east side and move west and this might also change all those driveways on Boonville-New Harmony Road.

He asked Mrs. Cunningham if she would like to add anything to this.

Mrs. Cunningham said she isn't prepared but the only thing she can say is if a preliminary plan was presented in 1966, if it were recorded at that time, then that would be fine but it wasn't so it wasn't a finalized plan at any time and she believes that subdivision review has made the suggestion of a defect because of the sight distance in that area and although Mr. Wittekindt has mentioned several subdivisions, they have asked for a deceleration lane in their other subdivisions in the last few years so it isn't unusual to ask for a deceleration lane, especially where there is heavy traffic or if there is sight disability.

Commissioner Willner said, not usually after the fact though, that he has already sold the corner lots and he no longer has any property there.

Mrs. Cunningham said this is being brought back in increments and she doesn't have her files but did they not ask at one time before those were there.

Mr. Wittekindt said they never asked until this past January which is the first time it was ever brought up.

Mrs. Cunningham said the subdivision has increased in activity in numbers but she thinks it is something that he has been working with Evansville Urban Transportation on and she asked Mr. Wittekindt if he hasn't been.

Mr. Wittekindt said "yes" since January of this year.

Commissioner Willner said that until Mr. Wittekindt hears something further, the Commissioners will not expect him to put those in, especially if he doesn't have the property.

Commissioner Cox asked if it was just a recommendation, the approval of the subdivision, and it wasn't given subject to that.

Commissioner Willner said it wasn't subject to that and he thinks they just asked Mr. Wittekindt if it was possible for him to do it.

Mrs. Cunningham said they don't generally go after the fact and ask for something like that, so she thinks this is something that we need to talk to the Evansville Urban Transportation about.

Mr. Wittekindt said he can honestly say he doesn't think the traffic warrants it now anyway, at this point.

Mrs. Cunningham said that Boonville-New Harmony is going to become more of a east-west artery, as Commissioner Willner had said.

She said there have been other decelerations asked for but if he doesn't own the property, that is completely different, but it isn't unusual to ask for a deceleration and they have a lot on First and other places where they do have an increase in traffic.

Commissioner Willner told Mr. Wittekindt if he has any other questions he can call either The Area Plan Commission or the Evansville Urban Transportation but he doesn't think he will hear any more from it.

Commissioner Cox said she thinks that what Mrs. Cunningham brought out was absolutely correct according to this Evansville Urban Transportation Study memo, that it says, currently the use of Boonville-New Harmony does not meet the requirements for a deceleration lane, so the traffic isn't there to warrant it, however, there is a curve on Boonville-New Harmony Road west of Red Gate Road that obstructs sight distance to the west and the speed limit on this curve is 45 miles per hour, therefore, construction of a deceleration lane would provide added safety, that this is what they are looking at, that it isn't the vehicular traffic.

RE: BARBARA CUNNINGHAM - NORTH U.S. 41 GROWTH MANAGEMENT REPORT

Mrs. Cunningham, Executive Director of the Area Plan Commission, submitted this report to the Commissioners with the following cover letter:

Enclosed is the draft copy of the North U.S. 41 Growth Management Report. This report will be presented to the County Commission on August 24, 1987 for your consideration. It was accepted by the Area Plan Commission on August 5, 1987 and by City Council on August 17, 1987.

This report is an extension of the 1985 Comprehensive Plan and the land use planning process. It focuses in more detail on growth issues within the specific study area. This report is the fourth in a series of Growth Management Reports.

The North U.S. 41 Growth Management Report examines the potential for industrial development within the U.S. 41 corridor. It identifies existing problems which may deter development, addresses those problems, and explores potential impacts of industrial development.

Mrs. Cunningham said that Chris Forney is also here, who has worked hard on this study, that the Commissioners each have a study in front of them which is a part of continuing series of reports that they have done, that the Commissioners have already seen Outer Division, Covert Avenue and North Green River Road, so this is the area on North U.S. 41 Growth Management Report and it speaks of the possibilities of impacts of growth within the 41 corridor north of Inglefield Road and the area has been identified as an industrial area for several years, however, extensive development has not yet occurred and this report is intended to serve as information and to serve as a planning base to insure that everything is in place or anticipated prior to development and it will also serve as a foundation for further indepth studies in the area and the major recommendations in the findings include the re-surveying of the 100 year flood plain in this area, the existence of the 100 year flood plain as a significant deterrent to industrial development and because of various drainage improvements made by the County Surveyors office and the Big Creek Drainage Association, it is believed that the size of the flood plain has been reduced, that a request has been made to the Department of Natural Resources to have the area re-surveyed for the 100 year flood plain and this request has been approved and will be conducted by the Louisville District Corp of Engineers during their limited maintenance program and the program will be funded through the fiscal year of 1988 which begins in October of 1987. She said that Mr. Jeffers has also worked on this and the main purpose of this is to get FEMA the map updated to reflect all the extensive changes that have happened in that area, exchanges for the better, transportation improvements as development occurs, frontage roads, interior roads and traffic safety, improvements will be needed and every effort needs to be made to restrict new curb cuts onto U.S. 41 through the use of frontage roads, safety improvements will need to be considered as development incurs including acceleration-deceleration lanes, traffic signals and turn lanes, industrial development or efforts to diversify the economy and attract new businesses to Evansville and Vanderburgh County have always been successful in the past and these efforts involving numerous agencies and programs need to continue. She said we also need to address the protection of farm land because, although the area is expected to experience industrial development, there are several existing farms and efforts need to be maintained to enable the remaining farms to continue as viable operations until such time as industrial development occurs and additional studies, this reports only the first step in the planning process. The Evansville Urban Transportation Study is planning to conduct an indepth study of transportation needs in the area. The Chamber of Commerce has told us they are considering hiring

a professional engineer to do a detailed study of drainage and soils. She said she might say there has been one change, that after reviewing the report, SIG&ECO notified them and they provided some additional information on their industrial sites within the study area, so this has been changed in the report, that it is a matter of where their industrial parks were on North 41 and what they were called and the amount of acreage.

Commissioner Cox said that she sees on the memo here that this was presented to Area Plan and it was accepted on August 5 and to the City Council on August 17. She asked if they had any recommendations.

Mrs. Cunningham said "no", that the changes that have happened were from SIG&ECO and she sent them to some of the departments that are involved and it has just been minor things that have been done but no other changes or recommendations were made.

Mrs. Cox said this is so confusing and she is glad that Mr. Jeffers is here, and she asked if the names that are reflected here in this report has been corrected to the Pond Flat E and all, that we have put together and just called it something.

Mr. Jeffers said he has read it and that it is all correct.

Commissioner Cox said another comment she has is on Frontage Road, but first of all, she wants to say that this is an excellent report that they prepared and it shows a lot of foresight of what we need to do along the Highway 41 corridor if we do want it to be developed and she thinks, we as a commission, can give lip service to economic development or we can actually put some teeth in some of the commitments we make for economic development, and she guesses the thing that concerns her the most is the frontage road and the transportation plan in that area. She said she sees no use whatsoever of piece mealing these parcels off and having the individual developer build a portion of a frontage road because they are still going to have to have a curb cut out on Highway 41 until the rest of the property is developed so she for one, on this commission, would like to see that the county take an active role here and she believes perhaps they might be able to get some state economic development funds to go in right at this time and put a frontage road along Highway 41 all the way up, that we will have to buy right-of-way and we would have to take some of the farm land along the area but when you drive in other states, you see a frontage road and you see corn fields and bean fields and cotton fields and everything else growing and she thinks this is a step we need to take, otherwise we are going to have piece-meal development in individual businesses as these are sold off, that these are going to have to have an access, so a portion of frontage road across their property isn't going to do them any good.

Mrs. Cunningham said she thinks Mrs. Cox is correct, that a series of frontage roads is something we really need to study.

Commissioner Cox said, in order to do this, speaking of an area here from Inglesfield Road to I-164 or to the county line, we really need to look at the parcels of property along there and to who owns these different parcels and work with these people in cooperation, that a farmer may give us the right-of-way across this acreage simply to have a nice road to drive back and forth across it, in the meantime, until it is developed, that there are a lot of things that can happen here.

She asked Mrs. Cunningham if the Area Plan could look at that area and give us the parcel owners along the 41 corridor.

Mrs. Cunningham said "yes", she thinks they have that.

Commissioner Cox asked Commissioner Willner if he thinks this has merit.

Commissioner Willner said it certainly has merit, but not for the county to do it, that we don't have the maintenance to do it, that on the east side we ask the developer to put in the roads and they do and we have to ask the developer here to put in the roads that he supposed we were going to do, but we can't dictate as to whether the state gives them access on 41 or not because that is the state's decision but if the state says they should have a frontage road and the developer wishes to do so, he thinks that's perfect.



Commissioner Cox said that they may very well want to participate, that we can either give lip service to Economic Development or we can, as a county, make a commitment, you can't ask the developer to do everything, that if Volkman Road needs to be extended back through that property and hook up with Hilltop or some of these connecting roads, she can see a developer doing that, but to stand the expense of running a frontage road from Baseline Road clear up to Stacer Road, when they only own a small portion of property.

Mrs. Cunningham said it could perhaps be adopted, not as Plan Commission although a comprehensive plan would certainly reflect this but as the Evansville Urban Transportation tip, their transportation plan can be if it is a plan as such, and the developer comes in and we say this is what we expect in this area and we expect it to be done, then it would be at the developers cost.

Commissioner Cox said she knows what we have done in the past and she thinks the developers have been very good to work with us, but she is talking about getting more people to come in here and not make the developers make all the commitments, that the county make some of the commitments to get our area right for industrial development.

Commissioner Willner said some of the land needs to be purchased, that in talking about between Baseline Road and Stacer Road, there is probably four double cuts, maybe five single cuts already, so depending on where you talk about the land, whether you talk about a frontage road or not and the same from Inglefield Road to Baseline Road, that there is one curb cut now and that was planned with the option of a frontage road, the fact is a thousand feet of frontage road are in there now, so anybody who is going into that portion on the west side of 41 will use the frontage road, that is correct.

Commissioner Cox noted that this is what she said, that we need to see it actually but none of that shows on here so she thinks this needs to be updated. She said she would like to see them update the Highway 41 corridor.

Commissioner Willner said he will put this on his draft copy and also the one on PPG.

Commissioner Cox said they also need to know the parcel owners.

Mrs. Cunningham said she can find the parcel owners for her but they probably wouldn't put them on here.

Commissioner Willner asked if there was anyone else who would like to speak on the Growth Management Report.

Mr. Jeffers said he would just like to say that the other county departments and the property owners in the area should be greatly appreciative of Mrs. Cunningham for having her staff, in their ability, to put this together, especially from the drainage standpoint because by getting the Department of Natural Resources and the Corp of Engineers to do the drainage study, that will result in a much more detailed drainage study than what the county departments could have done themselves, and it will probably end up with a drainage study similar to the Little Pigeon Creek drainage study that was done by the Corp and those studies have provided them with information that they have used the last twenty years on the east and north side development, also for Mrs. Cunningham and her staff by getting the Department of Natural Resources to agree to a similar study, that this should really help them in the northern part of the county since they will have information that they have never had before.

Mrs. Cunningham said this study will be conducted by the Louisville District Corp of Engineers and will be conducted during fiscal year 1988 beginning October of 1987, that they will be working with the Department of Natural Resources.

Mr. Jeffers said that effort was solely the Area Plan Commission's effort, that they did it all.

Commissioner Cox said, in looking at that area, it sure doesn't look like it would be in the flood plain, that it just doesn't make sense for the area out that far and as high as it is, considered to be in the flood plain, that there has to be something wrong with the map.

Commissioner Willner said it is really a rainfall plain, not flood, this is head water and when it rains so hard in 100 years it can't run off fast enough. He asked if the Corp is going to do something in that corridor.

Mrs. Cunningham said she received a letter from the Department of Natural Resources stating that the project has been forwarded to the Louisville District Corp of Engineers under their limited maintenance program. She said the Department of Natural Resources contracts with the Corp of Engineers and then the Department of Natural Resources works with the fema office in Chicago to initiate any changes in the fema maps and when they do come in she will contact the Surveyors office and other appropriate agencies to work with them.

Commissioner Willner asked if they will look at the flood control and if they will recommend what might be done to alleviate the problem.

Mrs. Cunningham said they will look at the flood control and they will recommend what improvements have been done that will change, that they won't necessarily change them, that the maps have changed but now if someone goes in on that, they have extensive survey work and submit it to them because the maps now reflect that these areas are in the 100 year flood plain which no longer are due to the work that has already been done by the Surveyors office and what Big Creek Drainage Corp has done and she is sure that recommendations will be forthcoming as to what can be done.

Commissioner Cox said the whole idea was to have our flood plain maps updated simply because when businesses look at the area to develop, the insurance and building requirements to build on a flood plain are certainly not desirable property to develop.

Commissioner Cox then moved that the North U.S. 41 Growth Management Report, as prepared by the Area Plan Commission of Vanderburgh County be accepted. Commissioner Willner seconded the motion. So ordered.

Commissioner Willner thanked Mrs. Cunningham and her staff for all the work they did in preparing this report.

Commissioner Cox said she would further move that the Area Plan Commission be up to prepare an indepth transportation study along the Highway 41 corridor showing the present frontage road, if any, the present curb cuts, if any, and the property plats.

Mrs. Cunningham said the Department of Transportation and Planning will do this and the Area Plan Commission will work with them on it.

Commissioner Cox thanked Mrs. Cunningham.

Commissioner Willner seconded the motion. So ordered. He thanked everyone involved with this report and said he appreciates their efforts.

RE: H. WILLIAM MOORS - REQUESTS WAITING PERIOD BE RESCINDED ON REZONING PETITION, CON'T.

Mr. Moors said that he must leave to fly out at 4:00 p.m. so he would like to speak at this time. He said he is Bill Moors, President of Corr-wood Manufacturing, Inc. and he is here regarding 9 acres north of the Airport Industrial Board, that they wish to make acquisition of.

The following letter had been submitted to the Commissioners:

Subject: Docket No. 87-28-PC VC-3-87  
Petitioner: Harvey Klenck

Gentlemen:

On April 1, 1987 Mr. Klenck requested the rezoning of 8.667 acres (refer to legal description in attached letter dated June 24, 1987) owned by Mr. Alvin Mann. While the request was under consideration it was withdrawn.

It is my understanding that a zoning reclassification was denied and that there is a one year waiting period before the commission will consider rezoning of this same parcel of land.

The purpose of this letter is to request that the commission rescind the waiting period and schedule a hearing relative to rezoning this property to an M-2 classification. Thanking you in advance for your co-operation, I am.

Very truly yours,

H. William Moors,  
President

Mr. Moors asked the Commissioners if they have any questions. He also said that it was for a C-4 zoning and they are asking for an M-2.

Commissioner Willner said it is his understanding that a zoning reclassification was denied for that reason and that there is a one-year waiting period before the Commissioners will consider rezoning the same parcel of land unless the Commissioners agree by unanimous decision to allow the zoning to proceed. He asked for a motion and said that he will ask Mr. Borries about it in a few minutes since he is now on the way to the meeting.

Commissioner Cox moved that the request from Mr. Moors concerning the waiver of the one-year period requested for rezoning be approved. Commissioner Willner seconded the motion and said he will hold up on the So Ordered until Commissioner Borries gets here.

Commissioner Willner told Mr. Moors he hopes he has a nice trip and that the Commissioners are sorry if they caused him any delay.

Later when Commissioner Borries entered the meeting, Commissioner Willner explained Mr. Moors request and that he and Commissioner Cox have a tentative decision on his request to come back before his one year period to have a rezoning heard. He said that both he and Commissioner Cox agreed but he needs a unanimous decision.

Commissioner Borries said he also approves it. So ordered.

RE: REQUEST FOR NAME OF ROAD TO BE SPENCER ROAD

The following letter had been sent to the Commissioners from Steve Spencer:

To Whom It May Concers:

We would like to (keep or have changed back to) the name of the road that runs in front of Spencer's Excavating and Spencer's Auto Salvage, back to Spencer Road. We feel not only would it cause a problem for the Spencer business to be located on (Heerdink Road) but there are at least two streets in town by the Heerdink name and would cause a problem with the mail and United Parcel. Thank you. Signed Steve Spencer

The following letter was received by the Commissioners, from Barbara Cunningham, Executive Director of the Area Plan Commission in regard to this matter:

This is in reference to the letter from Mr. Steve Spencer regarding the road that will be constructed between Heckel Road and Millersburg Road as a frontage road west of I-164. The road was planned to be named Heerdink Lane as it would be an extension of the existing Heerdink Lane south of Heckel Road.

North of Heckel Road, the property deed records for the 60 feet of right-of-way dedicated to the County for the construction of the road refer specifically to the dedication as being for Heerdink Lane.

South of Heckel Road the existing Heerdink Lane has 12 assigned addresses on it. If the name is changed, these addresses would all need to be changed.

There is one street in the City named Heerdink Avenue. It is on the north side of town and runs east - west. To our knowledge, it has not caused any conflice with Heerdink Lane.

The name Spencer Road does appear on some maps as a lane leading to two (2) houses that have Heckel Road addresses. The Center Township Assessor's records show no easement or right-of-way for a Spencer Road. The Spencer Auto Salvage and Spencer Excavating have Heckel Road addresses.

Commissioner Willner asked if there is a determination by the Commissioners as to what we should do with this problem. He asked if there was anyone in the audience wishing to appear on behalf of this petition. There being no one here to speak on it and after presentation of maps, Commissioner Borries asked Mrs. Cunningham if she has any records of this ever being called Spencer Road.

Mrs. Cunningham said they couldn't find anything, that he had a Rural Route before.

Commissioner Borries said he doesn't feel that he would want to make a motion nor would he recommend that the Commissioners do this, that he appreciates Mr. Spencer's concern but he thinks they will be dislocating at least twelve other residents in the process and that doesn't seem to be a very good plan.

Commissioner Willner asked Mr. Lindenschmidt to see that a letter is sent to Mr. Spencer and tell him that the Commissioners do not wish to make the change. He asked for a motion to this effect for the record.

Commissioner Borries said he will make it in the affirmative and each member of the Board will have to vote her or his way. He then moved that a portion of Heerdink Lane be changed to Spencer Road near the approximate address of Mr. Spencer's property. Commissioner Cox seconded the motion.

Commissioner Willner then asked for a roll call vote.

Commissioner Cox, "No" - Commissioner Willner, "No" - Commissioner Borries, "No" Request denied.

Commissioner Borries said he apologizes for his lateness, that he has had some change here in terms of responsibility.

RE: COUNTY ATTORNEY

County Attorney Miller said he was contacted late last week by Commissioner Willner and as an outgrowth of his reaction to certain actions which he understands were taken by the Vanderburgh County Council during their current budget hearings, specifically with respect to the action of the Council, as he understands it, approving as part of its own budget a \$75,000 Economic Development appropriation which was approved by the Council last week is to be targeted to Evansville Chamber of Commerce for economic development in the county and the method by which the County Council did this was questioned by Commissioner Willner who asked him first to contact the State Board of Tax Commissioners, which he did, on behalf of the Board of Commissioners, specifically on behalf of Commissioner Willner and questioned as to whether or not the Board of Tax Commissioners was aware of this and whether or not it was something that was within the ambit of the statutory mandate of the Council. He said he called and spoke to a gentleman at the State Board of Tax Commissioners named Bill or Bob Campbell who indicated that the State Board of Tax Commissioners frowns on separate budgets for any County Council and that it is not customary throughout the state of Indiana that County Councils even have separate budgets, rather the more customary action is for the County Council's budgeted expenditure to be contained in the Commissioners budget as a separate line item but he said it had occurred in Vanderburgh County that the County Council had its own budget for the payment of staff and personnel and he said that he had a previous telephone conversation with a member of the County Council and that he had said this much in answer to that inquiry, but he also said, and he told him, that even though separate budgets for County Council's are unusual and frowned upon, that no action to stop it had ever been taken by the Board of Tax Commissioners nor the State Board of Accounts as far as he knew because no one had ever raised the question in any kind of formal way. He said he asked him about his personal view of the statutory separation of powers between the Commissioners and the County Council, that he indicated agreement with the concept that the function of the Council is to appropriate and the function of the Board of Commissioners, as the County executive, is to make a determination to allocation within the appropriation category to decide whether to spend the money, how much, when and that kind of thing but he wasn't giving him an official opinion, that he was simply talking off the top of his head, and he thinks it would be unfair to hold him to any particular statement.

He said that Mr. Campbell recommended that there be a request made jointly to the Board of Tax Commissioners and the State Board of Accounts to obtain an opinion from those bodies regarding this issue and he reported all this back to Mr. Willner, and Mr. Willner requested that he draft a letter for presentation to the Commissioners, that it can be adjusted, that it is written at Commissioner Willner's request only on his behalf and Mr. Willner has asked that the letter be presented to the other Commissioners for their consideration at this meeting. He said he sent the letter over earlier because he knew he wouldn't make it to the meeting exactly on time. He said if Commissioner Willner wishes, he will read the letter into the record, and he asked him if this is his request.

Commissioner Willner replied, "yes"

The letter that County Attorney Miller wrote to the Indiana State Board of Tax Commissioners and to the Indiana State Board of Accounts reads as follows:

Dear Sirs:

This letter is written to you at the request of the Board of Commissioners of Vanderburgh County. Recently in Vanderburgh County there has been substantial discussion concerning the advisability of allocating a budgeted amount of County funds to the Chamber of Commerce of the City of Evansville for use in the economic development of the County. Some officeholders have agreed to the allocation of \$75,000.00 for economic development but have opposed giving control of the use of those funds to the Chamber of Commerce and would rather see the funds allocated through the oversight of the County Commissioners, during its budget hearings for the 1988 County budget, the Vanderburgh County Council has voted to allocate this \$75,000.00 economic development fund to its own County Council budget in order to assure that the money is passed on directly to the Chamber of Commerce. This was apparently done because at least one member of the Board of Commissioners publically challenged the wisdom of giving control of the economic development funds to the Chamber of Commerce.

This type of practice raises the question of separation of powers as between the County and the County Executive, that is, the Board of Commissioners. Upon inquiry made at the request of Commissioner Robert Willner to the State Board of Tax Commissioners by telephone, the undersigned was advised that it is unusual in Indiana for County Councils to even have separate budgets and that the ordinary practice is for the Council's expected expenditures to be included in the Commissioners' budget. It is also, we are told, the common practice in the State for the County Council to make an appropriation for each line item in the Commissioners' budget, and it is within the discretion of the County Executive to determine whether and to what extent the appropriated amount shall be expended. As an example, when a certain amount is appropriated for road and street maintenance, it then becomes the responsibility of the Commissioners to determine which roads and streets are to be the subject of expenditures which will deplete that amount and which roads and streets are in sufficiently servicable condition that additional expenditures are not required. It appears to some members of the Vanderburgh County Commission that the appropriation by the Vanderburgh County Council of the economic development funds discussed above, and any similar action relating to other funds which will not be expended directly for County Council staffing and operations, directly infringe upon the discretion of the Vanderburgh County Commissioners and constitute attempts by the County Council to assume power and discretion which are not within the realm of its statutory mandate. That is to say, the Commissioners maintain that the County Council may either appropriate money to a particular purpose or not. If the money is not appropriated, the County Commissioners, in their executive function, cannot spend it, if, however, the money is appropriated, the decision as to how and to what extent the appropriated funds will be spent within the limitations of the appropriation's general purpose is within the sound discretion of the Board of Commissioners.

Obviously, the question raised here goes far beyond the single incident which gives rise to this letter. We ask the State Board of Tax Commissioners and the State Board of Accounts to advise as to the propriety of the action of the Vanderburgh County Council on the matter of these economic development funds because it is the perception of the Commissioners that such action by the Vanderburgh County Council may constitute a continuing method by which the Council might attempt to control the actions of the Board of Commissioners of Vanderburgh County in a manner which is not contemplated by the statutory framework of Indiana County Government.

We look forward to your early reply to this request.

Very truly yours,

BOWERS, HARRISON, KENT & MILLER

David V. Miller  
Attorney-at-Law

Attorney Miller said he has nothing else to report.

Commissioner Willner said, in talking to the State Tax Board, this is not the first time that he also learned that the County Council appropriated \$30,000 to the Township Assessors for schooling for their group and he also learned that the State Tax Board did turn that down as there is an agent of state government that is going to do the schooling for the re-assessment so he thinks it is time to get a ruling as to the separation of powers, as Mr. Miller has said.

He said he also questioned some of the other things that the Council is doing. He understands that they have taken all travel from the Commissioners Account and put it in the individual officeholders accounts and this is certainly allright with him but it was at the request of the County Council, the year before, that it be taken out of the individual officeholders budget and be put in the County Commissioners budget so he really doesn't know what is going on nor does he know how to police this. He asked, if there is a meeting in Hawaii, what keeps an officeholder from going. He said that before, they had to appear before the County Commissioners for permission and it is put into the record as to where he was going and why, but evidently he doesn't have to do that anymore and he is questioning this, and it seems to him that the re-assessment is heading for another mess and there seems to be no stopping it, so he thinks it is clearly in order to get an opinion on it and then have a meeting with the County Council to see if we can't work out some of the problems we have.

He said if the other Commissioners are in agreement, we will change the letter to state that, if not, he will send the letter himself.

Commissioner Cox said that she questioned this when she found that it had been done, that she questioned the authority but it said they had checked it out with the state and they were allowed to do that, so it sounds conflicting.

County Attorney Miller said Mr. Campbell was the gentleman that the inquiry had originally been directed to and indeed, Mr. Campbell said he advised the inquirer that when the County Councils, in the past, had made appropriations into their own budgets, the State Board of Tax Commissioners had simply ignored the problem and in his opinion, looked the other way, and this is the substance of what he passed on, that he didn't quote to him what he told the inquirer. He simply told them that in the past, that no action had been taken but he also told him that most County Councils don't have a budget to the extent they do, that their budget is for the funding of the staff, for the expenses of the Council itself as opposed to outside county activities, so unless there was another inquiry made that we don't know about, at least we are talking to the same person.

Commissioner Cox said as she understands the article in the newspaper, what prompted this action was a comment by one Commissioner, that the funds, if it was approved in the County Commissioners budget, it didn't necessarily have to go to the Chamber of Commerce and it could be used for economic development, but she for one, does support the money going to the Chamber of Commerce and if it takes a line item in the Commissioners budget, to say where that money is going for and they can give us some more for other economic development, and she asked Commissioner Willner if that is what prompted all this.

Commissioner Willner said that he would imagine, he wasn't there, but he understands that this was in the Councils minutes and he will speak to the \$75,000 for the Chamber as soon as this matter is decided.

County Attorney Miller said, just so his intention of drafting the letter are made clear, the issue of the \$75,000 and to where it is directed is not the central issue of this letter, that it isn't intended to be, the central issue of this letter is a question of separation of powers in general, when it comes to this type of action by a Council and that was what Mr. Willner asked him to address, not the \$75,000. He said he understands that there are different views perhaps among the Commissioners about the \$75,000, that this wasn't



his focus in drafting the letter.

Commissioner Cox said, if we look back on this Commission, there have been several times, she feels, that the County Council has usurped the authority of this Board, namely one, when the Council President named an advisory board for our Auditorium, that she found this to be completely out of their realm of responsibility but nothing was ever said about that and there have been other instances along the way and now, here, all of a sudden, we are questioning some of the things they are doing, maybe if that letter could not only include the fiscal appropriations but some of these other things that fall in the realm of the Commission, then to get an understanding on everyone's part because the letter does give an indication that they have no right to hold up funds for repaving roads just because they want to know what roads are being repaved. She asked if this wasn't also indicated in the letter.

County Attorney Miller said that was used by him as an example, but it is in the letter.

Commissioner Cox said, so do they have that authority, that they have used it and if it needs a clarification for all parties concerned.

Commissioner Borries said there are two matters here and he doesn't want to get bogged down in a very protracted legal situation since, obviously, the works of county government needs to go forward. He said he thought there was somewhat of a premature move here on the part of the Council from the standpoint that one of the quotes in the media simply was that one person on the Council had read something in the newspaper concerning Commissioner Willner's concerns about this situation but no decision had been made, so it seems as if we do need to get some clarification, that we should all be working together to improve things and fund things properly. He said, as he had mentioned, there were some differences and some concerns among all the Commissioners and he thinks on various reasons about the funding, but that was going to be a separate matter that would have to be addressed in the future as the 1988 budget would go on line. He said he believes that we have 92 counties in this state that function as they do, and there is one, Marion County in Indianapolis that functions in a different capacity and he thinks some work through some home rule mechanism which changed the structure of local government, but personally, he would allow the citizens to vote on that in some sort of a referendum and he thinks there have been some public surveys that indicate as many as 92% of the people who indicate they would like to have a voice when there is a structural change, so he has been hesitant to begin to tinker around with the structure of county government until such time that this Board or wide public support would indicate a need for a referendum, so he would like some clarification on that. He said he wasn't aware of the travel situation, that this Board tries to temper those requests and probably have done a good job monitoring and toning down some of the expenses in regard to travel, but he would have no objection to asking for a clarification and he believes that is what Attorney Miller is saying he is doing.

County Attorney Miller said that was his intention and he hopes that is what he is doing.

Commissioner Borries said he wanted to hear it one more time because he too would want to get more information and discuss further the decision on the appropriation but he does believe that the move on the part of the Council was premature because there simply had not been discussion in this meeting or any meeting we have had in relation to how those economic development monies were going to be spent.

Commissioner Willner then asked if he can have a motion to change this letter so it is from the County Commissioners instead of from Robert Willner, and that it be forwarded to the State Tax Board.

Commissioner Willner so moved that this letter be sent from the County Commissioners. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner said he would briefly like to give his interpretation of what has transpired, that last year when he ran for this term of office as County Commissioner, he saw a need for economic development and put in a five point plan to implement that and it was agreed in our budget, with the

rest of the Commissioners, that we put \$25,000 solely for the Chamber of Commerce to use at their discretion to use in economic development and he wholeheartedly agreed with that plan and presented it to the County Council for the first time in history in Vanderburgh County and they appropriated \$25,000 to the Chamber and he thought that was a good move, however, in the latest events, maybe that was a mistake, anyhow, he now finds that, not the Chamber, and he wants everyone to understand that the Chamber did not request these dollars until one member of the County Council went to them and said, "I can get you this money, how much do you need, how much can you use", then he came to the County Commission when two of us were on vacation and put it in our budget without the Commissioners approval, now he is going to ask you if this is good government, there is something wrong with himself, and he will not tolerate that, now what he said, and he has a letter from the Chamber of Commerce and he quotes, they want to use the funds for existing industries, now we already have a fund set up for existing industries that has about \$40,000 in it for next year, and the second thing they want to use it for is the U.S. Highway corridor study, we already have it, approved by the Area Plan, approved by the City Council and approved by the County Commissioners, we already have the plan and thirdly, they want to do a study of the I-164 corridor. He said he must be pretty dumb but there are only three or four places they can even have a corridor and that is ingress-egress, that there is no water, no electricity, there is no gas, no sewer, there is no nothing along the corridor and a study would be disastrous, and the fourth thing they want to study is international trade and he is up to here with international trade, with Taiwan, China and all the rest of them. He said he understands that there is a seminar at one of the local motels that is put on by the Chamber where they are asking for local dollars to be spent in Canada now.

He said if government lets this sort of thing happen, then he doesn't want to be a part of it and he understands that since this letter came out, and he wants this cover page put into the minutes, that if you turn your back on this, then you are going to turn your back on good government and he isn't about to do that.

He said, that personally, he can pay the taxes and it isn't going to bother him but it certainly isn't good government to have something like this happen, and that is all he has to say on it.

The cover letter that Commissioner Willner referred to, that was received from the Chamber of Commerce reads as follows:

Please forgive the last minute nature of this correspondence as the Chamber of Commerce was not aware that the 1988 Vanderburgh County Commissioners budget would be heard the first day of budget hearings on Monday, August 10, 1987.

Vanderburgh County and the Metropolitan Evansville Chamber of Commerce have enjoyed an excellent public/private sector relationship in our mutual quest for quality economic growth. More and more, due to the aggressive economic development programs our competitors have implemented, it is important that we maximize our efforts, or this challenge will not be met effectively.

Considering the scope of the enclosed recommended program funding plans if additional resources were provided, programs such as existing industries, international trade and the fulfillment of the prerequisites needed to plan for the development of the U.S. Highway 41 and I-164 corridors, could be implemented.

As you are aware, Mayor McDonald and the Evansville City Council have increased the City's economic development funding appropriations by \$50,000 in 1987, and \$50,000 in 1988.

Currently, Vanderburgh County's contribution is \$25,000 per annum. We are asking your support for a matching contribution of \$35,000 in additional appropriations for 1987 and a total of \$100,000 in funding appropriations for 1988.

Commissioner Cox said, in response to the two Commissioners being on vacation, she happened to be in the office when the discussion came up about the Chamber's request for additional funds, that they wanted an additional \$35,000 this year to get a person on line to work with our existing businesses and to correlate



in that respect, plus they wanted a total of \$100,000 for next year and her comment was that she hadn't seen anything in writing concerning this and she did ask Mr. Lindenschmidt to check with the Chamber's president to find out what the recommendations were and that's the way it happened up here, that a Councilman just didn't put the money in the budget, that she knows she is the minority member but when you two boys are gone and something comes up - so she did ask that he check with the Chamber and see if this was their request and it was on this basis that it went in the budget. She said she just shouldn't have come into the office that day and we wouldn't have had this problem, but that is what happened.

Commissioner Borries said he hadn't received that communication before he left on vacation so he can only say that the advertisement had to take place before the Council held their hearings and that is why there was a lot of movement at that particular time.

He said he thinks the people in this community want a lot of the same thing and his concerns weren't as much against the Chamber as much as the rather premature decision of what has taken place since the hearings and he thinks economic development is one of those buzz words that is vital to probably every community right now in the United States and there are numerous examples of public/private partnerships that need to take place, and are taking place throughout the country. He said he wants further information here but his concerns deal with the way it was handled and he doesn't think we need extensive studies at this time, that his big concern deals with job creation in the community and it is a critical thing and has to be done, and it must be an ongoing thing and who is to do it. If government can support it in that fashion, he is all for that and that is where he would like to see those funds spent rather than to produce a lot of reports that may or may not create jobs which are vital things that this community has to be concerned with.

RE: COUNTY HIGHWAY SUPERINTENDENT - BILL BETHEL

Work performed from August 17th thru August 21, 1987

GRADALL: Old Princeton Road, Mill Road, Buente Road, Henze Road  
 PAVED: Finished paving Buente Road, Wedged Heppler Road  
 PATCHED: Mohr Road, Petersburg Road, Hillsdale, Old State Road  
 PULL SHOULDERS: Nisbet Station Road and Rose Avenue  
 MOWED: Barton, Schroeder Road, Peck, Korff, Honeysuckle, Shady Valley  
 Burkhardt, Oak Grove, Old Boonville Highway, Telephone Road  
 Maxwell, Indian Mounds, Polaris, Spry and Wedeking  
 TRASH: Garage, River Road, Darmstadt Road (Tree Limbs)

Work on same dates done by the Bridge Crew

The Bridge Crew landscaped the shoulder on Old State Road  
 They rip-rapped on Wedeking  
 Cut weeds under the bridge on Boonville-New Harmony Road  
 Cut grass and weeds on Nisbet Station Road

Mr. Bethel said they will finish paving Old State Road today and will start on Old Princeton Road tomorrow.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

ROLLETS LANE BRIDGE

Mr. Easley said his office has negotiated with three contractors on time and material, labor and equipment concept of erecting those bridge sections or culvert sections that he has ordered and he would like to have permission to work with David Guillaum Construction Company. He said he has talked to Deig and to Staub and compared the estimated hours and the hourly rates, and Guillaum was just a little under \$21,000 to do what we need him to do.

Commissioner Willner asked Mr. Easley about the cost of the culvert.

Mr. Easley said they have \$16,000 worth of pre-cast concrete to set but they will have to buy the concrete for the footings and they will have to rent a crane to set the pre-cast concrete, but this cost does not include the large crane. He said he thinks we are looking at about \$45,000. He said he needs permission to give him notice to proceed.

Commissioner Willner asked when this concrete will be in.

Mr. Easley said he thinks it is about ready to be delivered and Guillaum told him it would be about ten days before he could start work on it.

Commissioner Willner asked what the bottom line is on this as to the cost.

Commissioner Cox said it is \$56,000.00.

Commissioner Willner said his question is, do we have to bid \$21,000.

Mr. Easley said he will go back to his office and check this, that it seems to him that they can negotiate up to \$25,000 but he will go get his files.

RE: BOONVILLE-NEW HARMONY BRIDGE

Commissioner Willner said the other day he was doing some highway work and he drove over to look at Buente Road and he commends Andy for the work he is doing but in doing so, took a quick look at the Boonville-New Harmony Bridge west of I-164 and it appears to him that the North railing is starting to tilt into the road bed and he thinks we need to lower the load limit and try to get that bridge under construction yet this year. He told Mr. Easley to bring back some pictures he has down at his office and show them to the Commissioners.

Bill Bethel said he also has some pictures, that this bridge is in real bad shape and he thinks the weight limit should be lowered immediately.

Commissioner Willner said this is one of the bridges we were going to try to get federal dollars on but he doesn't think we have time.

Mr. Easley said Calvin told him that he thought it could be another year before we could advertise it and if it is going to have to go that long he thinks we are going to have to go to what he calls short, that we could use railroad ties and make a temporary center bent and then evaluate whether or not we want to keep it in operation long enough to get the federal aid and we could have a meeting on it.

Commissioner Willner said before we leave here, he wants to do something with it.

Mr. Easley said if we are going to keep it open, he would like to request permission to shore up the second panel point from the west end, that we can shore it with railroad tie cribbing and really take a lot of strain off of it.

RE: WOODS ROAD BRIDGE

Commissioner Borries said there was some discussion last week about this Woods Road Bridge and Dave Ellison is here from the Big Creek Drainage Association and he wondered if Mr. Ellison might say a few words about the concern on this bridge, that he would say we are committed to doing it but since Mr. Ellison is here, the Commissioners would like to hear from him.

Mr. Ellison said about the only thing he has to say about it is, that in the past month they have spent close to \$8,000 on that ditch in pulling the sides back, the 2 to 1 slopes and improving the volume of the ditch and this is right within this bridge on Woods Road.

He said we call it Woods Road but the road it is on is Frontage Road.

He said we could enlarge that bridge to approximately an 80 foot span, and anything less, that we have right now, is approximately 40 feet, and what this would do is to come to a funnel and it will just re-silt what we have just cleaned out and we can do it within a matter of months if we have the rain but he doesn't know where they are at on it now.

Commissioner Borries said he thinks the design is nearly complete.

Mr. Ellison said they will just have to stick the same money back into the ditch or they will not improve the ditch what-so-ever if they stay with the bottle-neck, that this is where they are at.

Mr. Ellison said he isn't an engineer and he doesn't want to try to act like one but he did notice that they were talking about a three-span with two tiers, and if we have to live with it we will, but any time you put anything into the water it is able to collect whatever debris that comes through the channels and it isn't looked upon favorably in our area, but he guesses we can work with it.

Commissioner Willner said that Dan Hartman had brought in an estimate.

Commissioner Cox said it has been advertised in the paper to go on the Council call for \$260,000 in the Cumulative Bridge Fund, so we are already on Council call and if we don't need that much money she is sure that the Council will be glad to cut it down.

Commissioner Willner said, "absolutely", and he thinks by Thursday he will have a proposal that you can take the one on Woods Road and number one on the Bridge Report and do both for probably under \$200,000.00.

Commissioner Borries asked what kind of bridge is he referring to and is he going to use the plans that have been prepared by Dan Hartman.

Commissioner Willner said, "no".

Commissioner Cox said, what is the use of paying Dan Hartman his salary if we aren't going to use his plans.

Commissioner Willner said all he wants them to do is to take a look at it, that he didn't say they had to buy it.

Mrs. Cox then asked why we need a Bridge Engineer then if Commissioner Willner is going to do it.

Commissioner Willner said he is asking someone else to do it but he said it would be done about Thursday, so take a look at it, that this is all he is saying. He said there is no doubt about it, Woods Road needs it, the question is, how many dollars do we spend on it and we still have the other one to go, and do they understand that the other one is over Pond Flat Main also.

Commissioner Cox said she doesn't know what other one he is talking about.

Commissioner Willner said it is on Mosquito/ Outer Darmstadt Road, that it is number one bridge replacement.

Commissioner Cox said she thought they were going to let the one on Mosquito Road go in favor of doing the one on Woods Road.

Commissioner Willner said he previously told her that they can do both for the price of one, let's look at the dollars, not the need, that the need is there for both of them.

Commissioner Borries said we want to look at the dollars, but he would have concern about the design at that point until we get an engineering opinion on this.

RE: MONTHLY REPORT - CLERK OF THE CIRCUIT COURT

The monthly report of the Clerk of the Circuit Court was submitted for the month ending July 31, 1987. Report received and filed.

RE: MONTHLY REPORT - COUNTY TREASURER

The monthly report of the County Treasurer was submitted for the month ending July 31, 1987. Report received and filed.

RE: MONTHLY REPORT - BURDETTE PARK

The monthly report from Burdette Park was submitted for the month ending July 31, 1987. Report received and filed.

RE: CHECK RECEIVED FROM HELFRICH INSURANCE AGENCY

Commissioner Borries said a check is being received from Helfrich Insurance Agency on a return premium in the amount of \$2,641.00, but he doesn't know what it is for.

Commissioner Willner explained that the Insurance Company that was insuring our water slide dropped out of the water slide program throughout the United States and we were caught in the action, so they are returning our unused portion of the premium. He said we now have additional insurance for the rest of the year at no charge and he understands, from Penco.

Commissioner Borries asked Mr. Lindenschmidt if this check is on the water slide.

Commissioner Cox said she thought that insurance on the water slide just started in July and if they cancelled on September 1, we should get a lot more than that.

Mr. Lindenschmidt said this isn't on the water slide, that it is an over-charge being returned.

Commissioner Willner said he stands corrected.

Commissioner Cox then moved that the check be approved, signed and placed back in the Insurance account. Commissioner Willner seconded the motion. So ordered.

RE: OLD BUSINESS - PROPERTY AT 6930 HIGHWAY 57 NORTH

Mr. Roger Lehman said he went out to the property located at 6930 Highway 57 North this morning, that he received a call from a neighbor last week who said they had not yet blocked the entrances off Highway 57 which they had initially agreed to do, that Mr. Wissner called him a few days after the Commissioners meeting and said he had the place sold and the guy who is buying it didn't want it blocked off and he is going to get in there and start working on it in the next couple of weeks, that hasn't happened as yet and nothing is going on out there, so he doesn't know if he has sold it or not. He said the entrances aren't blocked, the building is still secure, the grounds are in fair condition and the weeds are not quite eighteen inches tall yet but they are working on it, so he just wanted to bring this report to the Commissioners and see if they had any recommendations on it.

Commissioner Borries, for the record, asked Mr. Lehman if he did not tell this person to go on those grounds for any reason on his behalf.

Mr. Lehman said, "absolutely not, under no circumstances".

Commissioner Borries said the Commissioners have been concerned about this problem, that this was a request they made, that it would certainly solve a lot of problems if they would do this and that they also need to keep up regular maintenance because we get to this brinkmanship thing here, that we come right to the time and they do something so if they aren't going to act in good faith and keep this property maintained in adequate fashion, then we do need to make a decision because it is a problem for Mr. Lehman and it is a problem for the Commissioners, that he doesn't want to take anyone's property unnecessarily but we need their cooperation. He asked Mr. Lehman if he would call them one more time to ask them to do this on a regular basis and cut off those exits and then, report back to the Commissioners.

Commissioner Willner asked if we are talking about the new owner now.

Mr. Lehman said he hasn't received word that there is a new owner, that he said it was sold and the day he called him, that the guy was walking out of the office with the papers but he hasn't heard anything else.

Commissioner Cox asked Mr. Lehman if he didn't sent them a letter on July 22nd. giving him these options of things that needed to be done.

Mr. Lehman said he did, that it was a couple of days after that when he called and said he had it sold. He said he told Mr. Wissner that if the guy was working on the place, he didn't think the County Commissioners would be as concerned about having the cables up and everything, with him having construction equipment going in and out and working on it, as they would if nothing was going on, which is the case but he backs up what the Commissioners are saying by adding, that if it appears that he is not willing to cooperate, that we send him a certified notice and order him to appear, that we have to give him ten days so we can have him appear in two weeks, so he will call him today or tomorrow and if he isn't cooperative, then he will give him a certified notice to appear and at that time, we can take more strenuous action if necessary. He said he will report back next week on the status of ownership.

Commissioner Cox said she would say that if the property hasn't been sold and it is under the same ownership, she would move to proceed with demolition procedures, that she was out there over the weekend and it looks terrible, that it is all grown up again and they certainly haven't kept there word to maintain it, that nothing has been done and that has been a month and if they were going to do anything, they would have done it by now.

#### SOUTH GREEN RIVER ROAD PROJECT

Commissioner Borries said there were two other items that we had discussed last week at our meeting, one on the awarding for consulting engineering on the South Green River Road Project. He said this is a short project and he thinks it will be completed much more quickly than any of the others that they have awarded contracts on simply because it is going to be immediately adjacent to the southern leg of the I-164 project along the levee. He said this South Green River Road Project will extend from where I-164 intersects with Green River Road, that it will then go North on Green River Road to Pollack Avenue where that intersection will be widened and he thinks the length of this is approximately one mile. He said they have conducted interviews with at least three different groups, all of which could do the work. He asked if there is any nominations at this time.

Commissioner Willner said he would like to see Veach, Nicholson & Griggs, a local company here in Evansville, get the job.

Commissioner Willner so moved that Veach, Nicholson & Griggs get the job.

Commissioner Cox asked Rose Zigenfus how Veach, Nicholson & Griggs were rated on the list.

Ms. Zignefus said she didn't bring the list with her but she thinks they came in close to the top but that she wasn't at the interviews.

Commissioner Cox asked, who was there then for the interviews, that she certainly wasn't. She asked Commissioner Willner if he was in on them.

Commissioner Willner said he, Commissioner Borries, Cliff Ong and Andy Easley were there.

Commissioner Cox asked if they gave any price range.

Commissioner Borries said, "no", that the only discussion was in normal fees, that he thinks that there may have been one group that put a fee down but he can't say if it was high or low but the other two did not.

Commissioner Cox said she thinks Fink, Roberts & Petrie were rated No. 1 and she thought that the reason they probably were was because they had a lot of work on the I-164 spur and probably already have aerial photos.

Commissioner Borries said he thinks it is a fairly straightforward project in the sense of it's size and scope and should be able to be accomplished in timely fashion.

Commissioner Cox then seconded the motion. So ordered.

Veach, Nicholson & Griggs are being awarded the South Green Road Road Project.

TALL TIMBERS SUBDIVISION

Commissioner Borries said they have also received communication on the Tall Timbers Subdivision that had been accepted but there were concerns that the completion of the work there was not in compliance with the earlier submitted drainage plans and the Subdivision Plats that are submitted. He said we have received communication from the engineer that was hired by the developer to make recommendations and react to a report that had been submitted by the Surveyor's office and he submitted a report on July 24th that indicated there had been work done to correct the problems that the engineer had pointed out to the developer, however, he is unaware, at this point, if there has been any amended plans that have been submitted regarding those changes. He asked what the feeling is then, of the Commissioners regarding that particular matter.

Commissioner Cox said she had a talk with Mr. Jarrett earlier today of her concerns, that the plans here on file reflects what is actually out in the subdivision.

Commissioner Borries said he would be glad to write him a short letter and see if we can get those plans set so we can reach a decision on that matter.

RE: ANY SCHEDULED MEETINGS AT THIS TIME

The County Council will hold their Finance Meeting on Wednesday, August 26th at 2:30 p.m. in Room 303.

The Drainage Board Meeting will follow this Commissioners meeting.

RE: EMPLOYMENT CHANGES - APPOINTMENTSBurdette Park

Beth Howerton	Pool Head Guard	\$37.00 per day	Eff: Aug. 19, 1987
Nancy Buckman	Pt. Time Ground Crew	\$ 4.35 per hour	Eff: Aug 5, 1987
Daniel Durbin	Extra Guard	\$ 3.35 per hour	Eff: Aug. 10, 1987
Gary Kitchens	Extra Guard	\$ 3.35 per hour	Eff: Aug 6, 1987

Vanderburgh County Coroner's Office

Stanley M. Ford	Deputy Coroner	\$3,840.00 per year	Eff: Aug. 24, 1987
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Circuit Court

Janet Ellen Hamer	Pt. Time Intern	\$ 3.35 per hour	Eff: Aug. 3, 1987
Daniel Lee Huck	Pt. Time Intern	\$ 3.35 per hour	Eff: Aug. 10, 1987
Anthony W. Sullivan	Pt. Time Intern	\$ 3.35 per hour	Eff: Aug. 10, 1987
Mary M. Lloyd	Pt. Time Intern	\$ 5.00 per hour	Eff: Aug. 17, 1987

Pigeon Township Assessor - Reassessment

John B. Runyon	Part Time	\$ 35.00 per day	Eff: Aug. 13, 1987
Cheryl E. Freeman	Part Time	\$ 35.00 per day	Eff: Aug. 13, 1987
Karen M. Melliiff	Part Time	\$ 35.00 per day	Eff: Aug. 13, 1987

Pigeon Township Trustee

Winfield K. Ong	Investigator	\$15,663.00 per yr.	Eff: Aug. 13, 1987
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Vanderburgh County Highway Department

Daniel V. Gossman	Laborer	\$ 8.10 per hour	Eff: Aug. 17, 1987
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Circuit Court

Justus T. Hurd	S.A.F.E. Guard	\$15,750.00 per yr.	Eff: Aug. 17, 1987
Dennis Howard	Pt. Time Bail Bond	\$ 5.50 per hour	Eff: Aug. 17, 1987

County Board of Review

Michelle S. Renee	Clerk	\$35.00 per day	Eff: Aug. 17, 1987
Jeanette A. Rueger	Clerk	\$35.00 per day	Eff: Aug. 17, 1987

RE: EMPLOYMENT CHANGES - RELEASESBurdette Park

Mike Powless	Pool Head Guard	\$37.00 per day	Eff: Aug. 19, 1987
Beth Howerton	Extra Guard	\$3.35 per hour	Eff: Aug. 19, 1987
Nancy Buckman	Pt. Time Ground Crew	\$4.00 per hour	Eff: Aug. 5, 1987
Erik Buerger	Ground Crew	\$4.00 per hour	Eff: Sept. 27, 1987
Beth Hermann	Extra Guard	\$3.35 per hour	Eff: Aug. 2, 1987
Bryan Austill	Ground Crew	\$4.00 per hour	Eff: July 1, 1987

Circuit Court

Mary M. Lloyd	Pt. Time Intern	\$4.00 per hour	Eff: Aug. 14, 1987
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Vanderburgh County Highway Department

Daniel V. Gossman	Laborer	\$8.17 per hour	Eff: Aug. 17, 1987
Gregory Meriweather	Part time	\$3.35. per hour	Eff: Aug. 3, 1987

Voters Registration Office

Wayne F. Kirk	Extra Help	\$35.00 per day	Eff: Aug. 14, 1987
Travis MacGregor	Extra Help	\$35.00 per day	Eff: Aug. 14, 1987

Circuit Court

Joseph Schaefer	S.A.F.E. Guard	\$15,750.00 per yr.	Eff: Aug. 14, 1987
Dennis Howard	Pt. Time Bail Bond	\$ 5.00 per hour	Eff: Aug. 14, 1987
Rose Lai Chong	PT Intern	\$ 3.35 per hour	Eff: July 31, 1987
Jeffrey Shoulders	PT Intern	\$ 4.00 per hour	Eff: July 31, 1987

County Board of Review

Carol Haas	Clerk	\$ 35.00 per day	Eff: Aug. 14, 1987
Marilyn Flittner	Clerk	\$35.00 per day	Eff: Aug. 14, 1987

Vanderburgh Superior Court

Virginia N. Lomax	Clerical Assistant	\$13,663.00 per yr.	Eff: Aug. 28, 1987
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RE: BOONVILLE-NEW HARMONY ROAD BRIDGE #13 - CONTINUED

Mr. Easley re-entered the meeting to submit his report on the Boonville-New Harmony Bridge and said this bridge has some very badly corroded gusset points.

Commissioner Willner asked what the weight limit is on it right now.

Mr. Easley said the operating weight limit on it is 12 tons.

Commissioner Willner said the inventory rating is 10 tons. He asked what would be a safe tonnage.

Mr. Jeffers said there are semi's that carry rock and sand across there and they are heavy loads.

Commissioner Cox said they had better do something about it right now and Commissioner Willner agreed.

Commissioner Borries said that the previous report states that the structure is to be replaced.

Commissioner Cox asked how far it is from State Road 65.

Commissioner Willner said it reads that it is one mile west of State Road 65, also that excessive dead load is fair, excessive rust throughout, cracks and deterioration, that the total condition is fair to poor, excessive dead load decreases capacity, general deterioration dire to age and is narrow.

Commissioner Cox said it has been reported here that sand and gravel trucks routinely go across this bridge, also fertilizer vehicles and we know it is a school bus route, so we had better do something. She asked what the A.D.T. is on it.

Commissioner Willner stated from the report that the Average Daily Traffic is 1,770. He asked the other Commissioners if they want to hold it for federal funding or do they want to do it out of bridge funds.

Mr. Easley said he would check to see if it can be shored for a year.

Commissioner Cox said they need to do something immediately, and post a detour, that this looks worse than the Maryland Street Bridge and we closed it.

Commissioner Borries asked how long will it be before we hear anything on federal funding.

Mr. Easley said Calvin told him it would be twelve months.

Commissioner Borries asked what would the estimate be to replace this structure, then in checking the report, he found the estimated cost to be \$22,000.00. He said he thinks they need to go ahead and do them both then and if it doesn't cost any more than that, it shouldn't be a difficult one to replace and he asked if the plans are ready.

Mr. Easley said he had some cross-sections he had to plot and he thinks they can have it ready to bid in maybe a couple of weeks.

Commissioner Cox said someone had better get out there right now, to look at it and see what it can carry.

Mr. Easley said with the Commissioners permission, he will see that it is shored up.

Commissioner Borries said either that or we are going to have to let the School Corporation know immediately, not to put school buses on it.

Commissioner Willner said if the other Commissioners agree, he will move that we instruct Andy to make this bridge safe by whatever means he sees fit, that we lower the tonage to five ton and to start immediately on the replacement.

Commissioner Borries asked Mr. Easley if he has any further suggestions or comments.

Mr. Easley said if he has the permission of the Commissioners he will get with Bill Bethel and they will make a decision on whether the County forces can shore it up and if not, to get outside help on an emergency basis.

Commissioner Cox said personally, she doesn't think we have the equipment to shore a bridge and she wants no part of using our county forces, she doesn't think they have the expertise nor the equipment.

Commissioner Borries asked Andy to seek the advice of some professionals in the field and get that bridge secured immediately.

Commissioner Willner so moved that the weight limit be lowered to five ton.

Mr. Easley said he thinks the Commissioners should declare it an emergency, but he does think the bridge can be shored with railroad type cribbing at maybe four locations which would cut the span into thirds and would take tremendous strain off the steel tresses but it has to be properly shored or it isn't effective, but he does think it should be declared an emergency as far as being able to contract.

Commissioner Cox asked if the bridge will have to be closed while the shoring is being done.

Mr. Easley said, "no", that they may have to flag traffic, they will just be handling railroad ties and if the creek channel is so located that it can be done that way, because you have to have a flat surface to put the cribbing on.



Commissioner Willner then asked if they wanted the load limit to be 7 ton so the school buses can go across.

Commissioner Cox said she doesn't want a school bus to go across it, that if it is an emergency and of dire concern, are they willing to take the responsibility for a school bus going across there and maybe collapsing, that she isn't.

Commissioner Willner said he is willing to if it is shored up, that he wants to shore it up, lower the weight limit and replace the bridge, but he don't want it closed and he wants to do it as soon as possible, that he will go with 6 tons if that is okay since this will lessen their liability, to have Andy shore it which he thinks we need to do. He asked Andy how much it would cost to shore it up.

After further discussion, Mr. Easley said with it being shored, it can probably carry the load it has been carrying and he wasn't sure what it would cost.

Commissioner Willner then moved that Mr. Easley satisfy himself, after the cribbing, what load limit should be placed on this bridge and to finish the specifications so the Commissioners can bid it within two weeks, and to let us know what the weight limit should be.

Commissioner Cox asked if a reduced speed limit would also help.

Mr. Easley said it would certainly take the impact off of it.

Commissioner Willner said the County Attorney informs him, that it is his opinion that after all the discussion today, we should lower the speed limit, so -

Commissioner Willner moved that the speed limit be seven (7) tons on the Boonville-New Harmony Road Bridge and that the speed limit be twenty (20) miles per hour. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner asked Mr. Easley to have the Traffic Department to put up the signs.

There being no further business, the Commissioners meeting recessed at 5: p.m.

It is noted, at this time, that Joanne Matthews Mother passed away this afternoon. She has our deepest sympathy.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R.J. Borries	Sam Humphrey	David Miller
	R.L. Willner		
	S.J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Beitel	Andy Easley	Barbara Cunningham

SECRETARY: Margie Meeks for  
Joanne Matthews

Auditorium (Releases)

Kim P. Bitz                                      Manager                                      \$22,540/Yr. Eff: 7/31/87

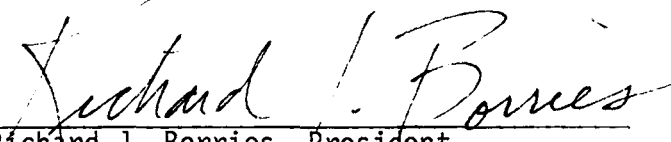
Auditorium (Appointments)

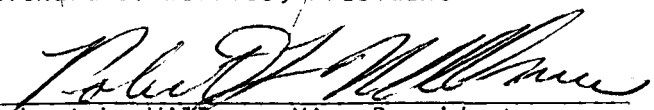
Gyneth J. Rhodes                                      Manager                                      \$22,540/Yr. Eff: 8/03/87

There being no further business to come before the Board at this time, Commissioner Willner declared the meeting adjourned at 4:35 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Cindy Mayo (Chief Deputy)	David V. Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	Bill Bethel	Andy Easley	Bill Jeffers
	<u>PURCHASING</u>	<u>AREA PLAN</u>	<u>SHERIFF</u>
	Tom Dorsey	B. Cunningham	C. Shepard
	<u>BUILDING COMMISSION</u>	<u>OTHER</u>	
	Roger Lehman	James Morley William Bivins Mr. Jagoe Joe & Melanie Atwood Township Assessors News Media Others (unidentified)	

SECRETARY:      Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

*to be approved*  
*Sept. 14*

MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 31, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, August 31, 1987, in the Commissioners Hearing Room, with Vice President Robert Willner presiding.

The meeting was called to order by Commissioner Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the minutes of the meeting held on Monday, August 24, 1987, were approved as engrossed by the County Auditor and the reading of same waived.

RE: PETITION TO VACATE A PORTION OF FAIRFIELD DRIVE IN THE REPLAT OF SMYRNA SUBDIVISION

Commissioner Willner asked that the record reflect that the subject petition file contains proof of publication of notice of the petition to vacate subject property.

Mrs. Barbara Cunningham, Director of the Area Plan Commission, advised that Fairfield Drive south of the area under discussion is utilized, but there are no plans for extension of Fairfield Drive to the north.

During discussion on the matter, it was noted that no correspondence had been received from SIGECO, the Water Department or the Telephone Company concerning the vacation. A motion was entertained.

Following further discussion, Commissioner Cox moved that the request for vacation be approved, subject to receipt of letters of approval from SIGECO, the Water Department and the Telephone Company concerning public utilities. A second to the motion was provided by Commissioner Willner. He asked that Jim Lindenschmidt forward copies of the petition to the three utility companies and request a response. If the letters from the three utility companies indicate no problems concerning vacation of the subject property, then the Commissioners can sign the Ordinance next week. He requested that Mr. Nussmeier of Southwest Engineering, Inc. be in contact with the Commissioners' Office next Tuesday concerning the matter.

Commissioner Willner requested that the record reflect that the file also contains a Consent and Waiver of Notice from Jennings Ornamental Iron & Engineering Company, Inc., signed by William P. Jennings, President.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN BURKHARDT SUBDIVISION

The Chair recognized Mr. Ward Peyronnin, who was present for purposes of requesting waiver of sidewalks in Burkhardt Subdivision. In response to query from Commissioner Willner, Mr. Peyronnin said the streets in this subdivision do have rolled curbs and gutters.

In response to query from Commissioner Cox as to the exact location of the subdivision, Mr. Peyronnin said it is located at the corner of Burkhardt and State Road 62 and is adjacent to the I-164 Overpass -- on the northeast corner and is within one mile of the City Limits. It is an industrial/commercial subdivision; there is no residential whatsoever.

Following brief discussion, a motion was entertained.

Mrs. Cunningham asked if Mr. Peyronnin is requesting waiver of sidewalks for the entire subdivision, or just for Phase I?

Mrs. Cox queried Mr. Peyronnin concerning the name of the entire subdivision.

Mr. Peyronnin responded that it is Burkhardt Center.

Motion to approve request for waiver of sidewalks in Burkhardt Center Industrial Subdivision was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: REQUEST TO ADVERTISE FOR BIDS FOR TOWNSHIP ASSESSORS  
RE-ASSESSMENT TECHNICAL ADVISOR

The Chair recognized Attorney Mike Shopmeyer, who was requesting permission to advertise for bids for the Township Assessors Re-Assessment Technical Advisor, per discussion with County Attorney David Miller. Bid opening has been scheduled for September 14, 1987. He would like to advertise in Thursday's paper (September 3rd) which would meet the 10 day advertisement requirement prior to opening of bids.

Commissioner Willner asked whether Mr. Shopmeyer has a contract for services?

Mr. Shopmeyer said they will have a contract -- and specifications -- which probably will be ready by Wednesday.

Commissioner Willner asked who will be signing the contract?

Mr. Shopmeyer said the contract would be signed by the Township Assessors as per the Statute.

Mr. Willner said "I mean the contract for you, personally."

Mr. Shopmeyer said, "That contract is signed by the County Council and I have a copy of that if you would like to see it."

Mr. Willner asked, "Do you foresee that as being legal?"

Mr. Shopmeyer responded, "Yes sir; there was an additional appropriation. I think Mr. Wilgus of the State Board of Accounts made sure of that."

Mr. Willner asked, "Did you say that the County Council can sign a binding contract?"

Mr. Shopmeyer said, "Yes; as long as there is an appropriation. Is that being challenged?"

Commissioner Willner said, "I am not sure it is being challenged; but I have been here for a number of years and this is the first time I've ever heard of them signing a contract rather than the County Commissioners."

Mr. Shopmeyer said, "It was my understanding that we had called on Special Counsel regarding this because there was a conflict with Attorney Kissinger's being Counsel to the County Council."

Mr. Willner asked, "Have the specifications been approved?"

Mr. Shopmeyer said, "There has been no final approval. We have met on one occasion and he has another draft based on some changes that were made in consultation with the State Board of Accounts and the State Board of Tax Commissioners. Much of this is in accordance with their suggested form. There are some variations because, as you know, Vanderburgh County is unique in

the area of general re-assessments. So in that respect there are some variances. But for the most part it contains verbiage mandated by the State Board of Tax Commissioners."

Commissioner Willner asked, "When do you think you will have the final specifications?"

Mr. Shopmeyer responded, "We will have them before Thursday, assuming approval is granted by this body to advertise the Notice to Bidders."

Mr. Willner asked, "And you think we should approve the Notice prior to the final draft of specifications?"

Mr. Shopmeyer said, "We are not asking you to approve the Specifications. The Statute provides that control of the Specifications is under the power of the Assessors as a group and the State Board of Tax Commissioners. All we are asking is that we be allowed to open the bids during a meeting of this group."

Commissioner Willner said, "The final question is -- down at the bottom it says, 'The Assessors reserve the right to award separate contracts for each aspect of the services covered under the Specification and/or the right to reject any and all bids if considered in the best interest of the citizens of Vanderburgh County.' I don't understand the second part."

Mr. Shopmeyer responded, "Again, that is taken from the State form. I really doubt in this case that there is going to be an opportunity or any kind of proposals where they will want to accept separate contracts. But it is typical in this general specification that this verbiage be put in. But there is no anticipation that that is what will occur. In fact, I think it is highly unusual in a service contract like this. Typically, as you know, a service contract is not bid out. The law requires that this sort of service contract must be bid out."

Mrs. Cox asked, "When it says, '....reserve the right to award separate contracts'....., does this mean that separate services rather than an individual assessor awarding a separate contract to someone that they want?"

Mr. Shopmeyer said, "It means that if for example, they want one organization to do the assessment on commercial and the other to do industrial, they can contract it out that way, but it is highly unlikely. The only thing unusual about Vanderburgh County is that the Assessors chose by their Statutory meeting in January or February not to have a professional advisor to do all the work. They chose to have a Technical adviser, which is another term for a professional appraiser, which means they are only going to do part of the work. So their Technical adviser will do part of the work and not all of it. If they choose that mechanism, they can break away the contract in any way that they as a group see fit."

Commissioner Willner said, "With regard to the Specifications (which I have no authority to approve) we're talking about 2% and 5%."

Mr. Shopmeyer said this is correct and that is probably unique to Vanderburgh County's contract.

Mr. Willner said he talked with Harry Tornatta and he tells him that that is the best way.

Mr. Shopmeyer said they are very pleased to hear that we have conformed like this in the contract. They feel this will bring about parity and equality in the Townships. This is the best we could do in that we didn't want a professional 100% re-assessment. There will be some middle ground and we will have some standards established.....

Mrs. Cox said the County Assessor and the Township Assessors met to come up with this and it ultimately is their responsibility to make sure they know what we need in these proposals so she has no problems with advertising the notice to bidders.

Attorney John said, "You are not asking the Board to approve the Specifications -- you are just requesting their permission to advertise for bids. Is that correct?"

Mr. Shopmeyer indicated that this is correct.

The Chair entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the Notice to Bidders was signed by the Commissioners. The advertisement is to take place on Thursday, September 3 1987, with bid opening scheduled for Monday, September 14, 1987 at 2:30 p.m.

RE: COUNTY ATTORNEY - CURT JOHN

The Board asked Attorney John for his report. He said he has nothing to report. However, he does believe the matter of a claim needs to be discussed and County Auditor Sam Humphrey has the information.

Mr. Humphrey said the claim is in the amount of \$5,000.00, which is 17% of a \$30,000.00 agreement entered into between the County Council and a company in Muncie, IN to conduct a Job Study. The firm in Muncie wrote up the claim and forwarded it to the County Commissioners for their approval. Just a few minutes ago he went to the State Board of Accounts and John Wilgus told him that the County Council has no right to enter into contracts and that an item of this magnitude should be covered by a contract and if a contract is entered into, it must be done by the County Commissioners."

Attorney John said he believes this is probably the answer in response to Attorney Miller's letter of a week or so ago concerning the extent of authority the Council has regarding expenditures. Prior to making payment on this particular invoice, he would recommend that the contract be executed by the Executive Board or body, which he would assume is the County Commissioners.

Mr. Humphrey says he has a copy of the contract and he questioned the President of the Council about this last Tuesday night. He, in turn, apparently called Waggoner, Irwin, Scheele & Associates, Inc., and they sent him (Humphrey) a copy of their proposal and a copy of a Letter of Authorization signed by Mark Owen, which reads as follows:

LETTER OF AUTHORIZATION

The County Council of Vanderburgh County, Indiana hereby authorizes the firm of Waggoner, Irwin, Scheele & Associates, Inc., to proceed with providing professional consulting services for a job classification--wage and salary analysis for the County. This Authorization is pursuant to the terms and conditions specified in the "Offer of Services" (Option #1; p. 8) presented to the County and dated June 26, 1987.

Mark Owen, President  
Vanderburgh County Council  
July 1, 1987

Mr. Humphrey said there is a cover letter covering both of these items -- and that is all he has.

Attorney John said he would recommend the withholding of any type of payment concerning this particular matter until a contract has been executed by the County Commissioners.

RE: TRAVEL REQUEST

Helen Kuebler/County Clerk: President Borries submitted the following travel request:

TO: County Commissioners

Date: August 25, 1987

Re: State Board of Accounts Meeting

I, Helen L. Kuebler, Clerk of Circuit Court, do hereby respectfully request your permission to attend the State Board of Accounts Meeting to be held in Indianapolis on September 16 and 17, 1987.

Attached you will find a copy of the letter received from the State Board of Accounts.

I feel these meetings are very important. Your consideration of my attendance will be appreciated.

Thank you.

County Auditor Sam Humphrey interjected that he has heard from a number of Auditors and from two Sheriffs that the last part of that Clerk's Meeting concerns Article 1153, which was just passed by the Legislature. This combines all of the fees of the Court into one group to transfer to the Auditor and there is some disagreement as to how those funds are to be re-distributed. He is told that there will be a call for Auditors, Sheriffs and Treasurers to be at that meeting on the 16th. However, he has received nothing from the State on that -- but he did want to make the Commissioners aware of what he has heard.

Mrs. Cox said, "Then we will have more requests to travel -- and I don't think we have any travel funds left. But these are State-mandated meetings and I understand they can be paid out of unappropriated funds."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request was approved. So ordered.

RE: ACCEPTANCE OF STREETS - GREEN RIVER ESTATES, SECTION C-1

Mr. Easley said that on August 10th he gave the Commissioners a letter concerning Mr. Phil Heston's subdivision, as follows:

Mr. Richard Borries, President  
Vandeburgh County Board of Commissioners  
305 Civic Center Complex  
Evansville, IN 47708

Re: Acceptance of Street Improvements in Green  
River Estates - Section C-1

Dear Mr. Borries:

The undersigned has made an inspection of subject street improvements on July 10, 1987. These street improvements were constructed during the summer of 1986 and 1987.

All street are paved with six (6) inches of Portland Cement Concrete and have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed 29 ft. wide streets in subject subdivision.

Huntington Place	1,580 ft.
Cromwell Drive	958 ft.
Newbury Road	416 ft.
Talbot Road	421 ft.
Craven Terrace	120 ft.
Allsop Place	<u>110 ft.</u>
Sub Total	3,605 ft. = 0.68 mi.
Green River Road Acceleration and Deacceleration Lanes at Huntington Place	<u>300 ft.</u> = 0.006
Total	3,905 ft. = 0.74 mi.

We are enclosing a sketch of the subdivision showing the completed street.

It is recommended that the street improvements in the subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

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

cc: Bill Bethel  
Phil Heston  
Area Plan Commission  
School Corporation

Mr. Easley said Mr. Heston is in the audience today. They did a fine job on the streets. In response to query from Commissioner Cox, Mr. Easley said the inspection was probably split between Lee Stuckey and Mr. Pfingston. They had some soft ground that had to be cut out and had to put some crushed stone beneath the pavement. They had some wet weather at the time and Mr. Heston was interested in proceeding with the paving, even though he had to spend a lot more money to get the sub-grade corrected. The streets do have rolled curbs and gutters. The majority of the storm drainage was to go into swales, but it subsequently has been piped -- which was a change. He and Mr. Bethel have inspected the streets very carefully; they have been sealed and have that extra additional crack control -- which is about four to five feet back of the curb to help control cracking.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the streets in Green River Estates - Section C-1 were accepted for County maintenance as outlined in Mr. Easley's letter and are to be reported to the State for reimbursement. So ordered.

In response to query from Mr. Heston, Mr. Willner said he does not think we can get any reimbursement for the acceleration and deacceleration lanes at Huntington Place. Mr. Easley said he believes the County can accept it. Mr. Willner said that if it is on County right-of-way we've already accepted it. But the County can accept the concrete pavement.

Mr. Heston pointed out these also have rolled curbs.

RE: ACCEPTANCE OF STREETS - BURKHARDT CENTER - PHASE I,  
HIGHLAND RIDGE ESTATES, OAK VIEW PLACE SUBDIVISION AND  
SIMMONS SUBDIVISION

Mr. Easley also submitted advance copies of letters concerning acceptance of streets in subject subdivisions. The Commissioners can take these under advisement and view same prior to accepting for County maintenance. He said that on a couple of these, the financial guarantee runs out at the end of this month. This is



the guarantee that the developers have placed with the Area Plan Commission, and they do need to get these streets accepted. We've had a minor problem with the financial guarantees on some projects. For instance, they get 90% of the project finished and then if for some reason say they failed to show up to seal the streets or do something, then it comes time to renew their Letter of Credit. If we all acknowledge that the project is 98% completed, then if they could lower their financial guarantee accordingly -- even though the Commissioners haven't accepted the streets.....Mrs. Cunningham thinks that the guarantee shouldn't be lowered until they are finished. He has sympathy for the developers who stay in this charge for their Letter of Credit. He would like for the Commissioners to think about how we might structure a letter that says they have been completed to our satisfaction in the amount of "X" number of dollars and the remaining work amounts to "X" number of dollars, acceptance is pending. He thinks that if the developer has poured all the concrete and put in all the pipe and maybe there is a piece of bad concrete that has to be cut out and replaced -- it doesn't seem quite fair to keep a \$150,000 Letter of Credit on file if, in fact, \$5,000 would cover it. This may take a meeting between the Commissioners and the Area Plan Commission.

Commissioner Borries said, "Although I can certainly sympathize with any developer who is going to have money tied up in escrow, we would want to insure that the road is as good as possible before we would grant final approval. What you're asking us to do is to put in another step here; but I am not sure we have all the checks in place that would allow us to do as you ask. We receive complaints from time to time that things aren't done in County fashion, so I would want to consider that before I answer."

Mr. Easley said, "I understand. I told Mrs. Cunningham that I didn't think you would want to accept it until it is done, but if she could build into her administrative procedure that -- it's like if a man has ordered 100 Chevrolet pick-up trucks; if he has delivered 95 of them, it seems a little tough to hold his check in its entirety until he delivers the last five if there has been some problem.

RE: LETTER RE BUCHANAN RD. & ST. JOE AVENUE

Mr. Easley said that with regard to Old Business, he has one item to bring before the Commissioners. This concerns the County's proportionate share. There was a voucher that came down from the State with a request for one of the Commissioner's signatures. It was for \$50,000 and we were going to give the entire \$50,000 to the City. This was to reimburse the City and the County for the use of St. Joe Avenue as a detour while construction was going on (Rick Borries was on vacation and Mrs. Cox and Mr. Willner handled this. Mrs. Cox had no problem with the City getting the money; but she thinks they need to correct the intersection of Buchanan Rd. and St. Joe before the voucher is signed.)

Mr. Easley said it seems to him this has been taken care of. But he really doesn't know what they had to do and he hasn't seen it. He talked with Dick Eiffler.

Mrs. Cox said Mr. Eiffler called and said that she was right and the intersection needed to be corrected. Dick Eiffler is leaving and Mr. Easley needs to find out what has been done.

Mr. Easley agreed to check this out.

Commissioner Willner said that a couple of years ago we started on a Safety Program. We were going to extend the dual lane on St. Joe Avenue from Busler's to Buchanan Road. We said that if we just had a few dollars left we would go ahead and pave that lane and stripe it. While we're talking about that we ought to

extend the dual lane on St. Joe Avenue up past Busler's Service Station to Buchanan Rd. However, there are a number of times when I've been coming into town that there would be a car turn into the last driveway of the southerly-most drive of Busler's and hold up a whole lane of traffic. If we'd jut finish that other lane of 25 ft. or 30 ft., or 50 ft.....

Mrs. Cox said, "As you come off Highway 66 and turn south on St. Joe, what he is talking about -- Busler has three entrances plus Buchanan Rd. That first entrance where you would be turning east onto the highway is not prepared to handle turning in -- and I thought they were supposed to close that. Remember when we talked to the State and everybody -- I thought that was to be closed. Further on down -- when you go to turn into Busler's -- there is more width to the road and you don' have that much of a problem. I don't how many feet Bob; without going out there and measuring."

Mr. Willner said, "It is more than 50 ft., but that is all right. The comment I have to make is that if we just had a few dollars left over, we'd go ahead and pave that other lane and stripe it and we'd have another one of our safety problems taken care of."

Mrs. Cox said, "When we accepted that we asked the State to pave the shoulder on the east side of St. Joe as you approach Diamond Avenue and they really didn't want to do that -- but they went ahead and did it and that has helped tremendously. But I think we'd better check with EUTS first."

RE: INVITATIONAL BIDS ON ROLLETT'S LANE BRIDGE

Mr. Easley advised that invitational bids were received on the Rollett Lane Bridge project. They were inadvertently opened in his office.

Mrs. Cox asked, "Who opened them?"

Mr. Easley said he believes Mr. Gwinn opened one or two and he opened one.

Commissioner Willner said, "That is all right -- they were invitational bids; when you ask for invitational bids you can open them."

Continuing, Mr. Easley said that as stated earlier, the County will provide all the precast concrete arches and all the crushed stone and the crane to set the big arches. We're asking the bidders to provide large back-hoe to change that channel, dump trucks, loader, rollers and small back-hoe and labor to spread the support footing for the large culvert. He just wants to refresh the Commissioners' memories. The bids were as follows:

Deig Brothers.....	\$45,415.00
Floyd Staub.....	\$67,364.00
Dave Guillaum Construction.....	\$20,890.00

He thinks Mr. Guillaum's bid is probably the most realistic -- just about \$110.00 under \$21,000.00.

The Commissioners requested that Mr. Easley read the bids a second time. They subsequently noted that there is a lot of difference between the bids.

Mr. Easley said we asked the bidders to pull out the number of manhours that they thought it would take to do the work that has to be done. He will put an inspector out there and we will pay for the hours that are worked. They are going to be under pressure to get it built in about ten (10) working days.

Mrs. Cox said, "We will have to have an agreement with them that says ten (10) working days. Is that what it said on their bids?"

Mr. Easley responded, "No we won't. That really isn't spelled out anywhere."

Commissioner Borries asked, "Do you already have these other materials?"

Mr. Easley said they have been ordered and they are available for delivery just about now. We need to select a contractor so they can get started on the project. He has confidence that David Guillaum can do the project in the number of hours estimated and Mr. Richard Gwinn shares that confidence. We have to demolish the old bridge and the channel has to be deflected.

Commissioner Willner said, "I guess there is no doubt that Guillaum is in disfavor right now (according to the newspaper reports)."

Mr. Easley said, "He has the equipment; he has a large back-hoe and I think..."

Commissioner Cox interjected, "I think what we need to address here is not only the indication of bid but the increases for crossover runs or change orders. How much of it is going to get in here? That is a big differential there -- \$25,000 between one and \$42,000 between another -- now, you know, there is something maybe that somebody is either under estimating or over estimating. If we accept the low bid and they come back in for change orders, it could very well go up to \$45,000 or \$46,000 and I think that is why we need to have a firm commitment from the individual."

Commissioner Borries asked, "How did you issue these invitational bids? Did you have a kind of line item information sheet?"

Mr. Easley responded, "Yes."

Commissioner Borries asked, "Did these people who responded go down that list of items and give you their breakdown?"

Mr. Easley responded, "They estimated the manhours and equipment hours that they thought it would take and they filled out a summary sheet. They summarized the hours and transferred it to the summary sheet."

Mr. Easley said the difference is in the manhours and the equipment and an opinion as to how many hours. John Manns was too busy to give us a price and Blankenberger was very busy. John Manns agreed that he didn't think it was much more than a ten day project. You can look at the rates here and the number of hours. Some bid 344 hours for labor; another said 240 hours.

Mrs. Cox said, "In the proposal I have here from Mr. Guillaum in January of 1987, I believe he has it broken down into all the different areas of removing the old bridge, the run-around, 12 ft. by-pass cover placement -- and he has estimated the number of days that it will take to complete this kind of thing and 15 days is what I get here."

Commissioner Willner said, "Even if you discount Guillaum's bid, there is \$22,000 difference between Deig and Staub."

Mrs. Cox said, "That is true. But I remember reading in the paper several weeks ago where Mr. Guillaum came in way under on one of the Works Board projects and he had overlooked something and he asked that his bid be rejected or withdrawn -- and this is an awful lot of difference here."

Commissioner Willner asked, "What were the concrete products going to cost -- \$16,000?"

Mr. Easley responded, "\$16,000. I would ....."

Mr. Willner asked, "Is that a pretty good ratio (1:1) for products and labor?"

Mr. Easley responded, "I don't know that you could come up with a ratio. How much preparation....if there is no channel change it would cost a lot less -- and we have to embankment fill because of the road. Right now the little bridge is in the west half of the right-of-way. So we have to make an embankment to carry the road."

Mr. Willner said, "We're talking about excavation now and Guillaum has the equipment. Right? And so does Deig and so does Staub?"

Mr. Easley responded, "Yes."

Commissioner Willner asked, "We're not going to drive any pilings?"

Mr. Easley said, "No pilings. It sits right in the bottom of the ditch."

Mr. Willner said, "Then we concrete it together and put a surface on it."

Mr. Easley said, "The spread footings get poured at the bottom of the ditch and they can set on the spread footings."

Mr. Willner said, "Then we put a top on it and backfill it."

Mr. Easley said, "Backfill it with crushed stone. It's like sitting half of an oatmeal box on this spread footing -- to simplify it -- and he also is going to form and build some wing walls. It takes some forming for those. He builds the forms and we provide the concrete and the steel."

Commissioner Willner said, "We pay \$16,000 for the material and \$20,000 to put it in. What material is there other than that which is already bid?"

Mr. Easley said, "We have to rent a crane for \$2,000 per day to set those."

Mrs. Cox said, "The estimate you gave us on January 12th was \$56,000."

Mr. Willner said, "If we take Guillaum's bid, you're going to be under that amount. If we take one of the others, you're going to be over the estimate."

Commissioner Willner said, "Well, I'm going to take a chance."

In response to query about bidding the whole thing lump sum, Mr. Easley said that if we do that he thinks it would go to \$90,000 or \$100,000."

Commissioner Borries said he would like to defer awarding the contract for one week to give Mr. Easley an opportunity to determine what the variation is between the bids.

Mrs. Cox said, "It certainly can't be that much variation in the labor costs, because Guillaum has down for his laborers \$21.30 per hour times eight (8) hours."

Commissioner Borries noted, "The real difference is not in the rate per hour, although he is cheaper there. The difference is in the total hours. One bidder estimates 546 hours, one estimates 324 hours and the other 240 hours."

Commissioner Willner said, "Well, it is a fairly simple job. But I'm not sure. I don't guess we ever will be until the job is done."

Commissioner Borries said, "How do we address the concern here as to what does happen if it does go over. That is the thing.

Mr. Easley commented, "If we have an inspector out there with them eight hours a day....."

Commissioner Borries said, "The figures are all uniform other than it seems the big difference is that both of the other bidders will have two superintendents -- but the real difference in cost is 240 hours versus 324 hours versus 546 hours. Some are talking about carpenters and some are talking about steel workers and finishers -- and he doesn't have any of those people."

Mr. Easley said, "I question the need for a finisher on a footing. I think the laborers can get permission to set reinforcing....."

Commissioner Borries said, "One has steel workers in here and one doesn't."

Mr. Easley said, "That is right. Many of the big contractors are tightly crafted. The smaller contractors aren't tightly crafted. In some cases they can send a laborer out with a carpenter to build a form and set steel."

Commissioner Borries asked, "How about a cap on hours or costs? Can we look at that?"

There was brief discussion concerning setting a cap on services. Attorney John addressed Mr. Easley asking, "I assume you were basing the informal bid on your estimate -- not to exceed \$25,000?"

Mr. Easley said, "I think he would go with a cap figure -- I can ask him. But I think \$25,000 would be the cap I would be expecting."

Motion was made by Commissioner Willner that the contract be awarded to Dave Guillaum with a \$25,000 cap on his services.

Mrs. Cox said, "Well, that is like giving him a \$4,000 Christmas present. He said he is going to do this for \$20,890."

Commissioner Willner said, "If he does anything other than that, he will have come back with a change order."

Commissioner Cox said, "If he does anything more than \$25,000, we're going to be in violation that we haven't bid it out properly in the first place. So I don't think I'm going to participate in this, gentlemen."

Commissioner Willner asked Commissioner Borries what he'd like to do? "If you don't like this, you have to have an alternative."

Commissioner Cox interjected, "First of all, I don't like the bridge to begin with and I've spoken to Andy about that from the beginning. He talked about tying these sections down. That water has a lot of pressure out in that area. It has moved dumpsters up on top of bleachers out there just like floating bobbles."

Mr. Easley commented, "It won't move these."

Mrs. Cox said, "Well, I respect the people who live with the problems -- not the people who sit behind the desks and read the books all the time -- and I can't ignore those things and I think that we could...."

Mr. Easley said, "It hasn't moved the old box bridge culvert that has been there for years and it's a 13 ft. span and this is going to be a 24 ft. span."

Mr. Willner said, "When they get the top on them they can't move I don't think. An earthquake might move them."

Mrs. Cox said, "We don't know what kind of soils are down underneath there..."

Mr. Easley interjected, "We have soil investigation."

Mrs. Cox asked, "Do you have it here?"

Mr. Easley said, "I have it in my file."

Mrs. Cox said, "When you widen that out it is going to dump more water way down there on the intersection of Johnson Lane and Broadway, also."

Commissioner Willner said, "It does the same thing every time you build a house in Vanderburgh County -- it puts that much more water on somebody else. It's nothing new."

Mr. Easley said, "Granted, we probably could have gotten by with a 19 ft. span, but for just a little bit more per arch we can put in a 24 ft. span -- with almost the same size footings. So at least we don't have an obstruction at that point, because all we're adding is a little bit of concrete in the middle of the arch and they can haul them for the same price and lift them for the same price and I kind of went first class on that."

Mrs. Cox said, "Well, I would see if the contractor would come in to us with a firm bid of this \$20,890 and would guarantee that the bridge would be built in -- well, you said ten (10) days --"

Mr. Easley said, "Well, let's say fifteen (15) working days, weather permitting."

Mr. Willner interjected, "Excluding Saturdays and Sundays."

Mrs. Cox said, "But if we put a cap of \$25,000, what if he gets out there and he finds he has some problems? Then what are we, as Commissioners, going to do, when we haven't bid it in the first place? What do we do, Curt?"

Attorney John said, "Are we are talking about problems that are not foreseeable?"

Mrs. Cox responded, "Well, problems can be not foreseeable for various reasons. In lieu of the fact that there is such a wide discrepancy between the bids at this time -- you know, anybody can make a miscalculation."

Attorney John said, "I believe that is the reason all of these bids are checked before contract is awarded. The only time you're ever authorized to issue any type of change order is when something has occurred that was not foreseeable at the time of bidding."

Mrs. Cox asked, "In other words, if he says 'I can tear these headwalls down and move everything out in one day' and it takes three days, this is not a legitimate change order. Right?"

Attorney John responded, "No, I would not say that changing from one to three days -- it is his estimate that it would take one day and just because he estimated it incorrectly does not make it a change that was not foreseeable."

Mrs. Cox asked, "So that would not be an approved change order?"

Attorney John said, "It is subject to your approval. But it would be at your discretion as to whether or not he should have been able to perceive -- whether he had the experience and knowledge regarding the type of work that he bid on and as to

whether he should have been able to foresee that this could take place and include it in his bid. Many times (and apparently several of them did in this particular instance) they give a bid higher than they could actually do the job, taking into consideration that they would run into things not foreseeable. There is a large difference in the number of hours estimated that it would take to do the job."

Commissioner Willner said, "A change order is not the worst thing. I understand there were over 22 or 32 Change Orders on Burkhardt Rd."

Mrs. Cox said, "Some were for more -- some were for less. But I don't think the cost over-run was that great on Burkhardt Rd. But this is a little bit different. Burkhardt Rd. was a bid project, wasn't it? Wasn't it bid?"

Mr. Willner responded, "It was still an over-run."

Mrs. Cox said, "But this is an invitational bid".

Mr. Willner said, "And there might be some over-run; but I doubt that there is \$22,000 of it."

Mrs. Cox said, "And there is nothing you can put your finger on other than what I have here and what he has on that sheet of paper as to who is going to do what -- and the contractor could say, 'I didn't understand I was supposed to do this'...and then we do it. I just feel that if the contractor will agree to this firm price here with the 15 working days, then I have no problem with it at all. If he doesn't feel comfortable that he can live with that, then he'd better come back in and give us something he can live with."

Mr. Easley said, "In fairness, I had in mind that this would be quotes on how much time he thinks we would have to buy from him to build this. We did not provide any cross-sections of the channel of how much dirt he has to move and how much fill has to go on the embankment. And it is small enough that I didn't want to have to prepare an elaborate set of plans and specs. I wanted to go time and material and I had discussed this with you when we bought the culverts and I don't think we should now try to restructure the thing as a lump sum. He is going to probably back off of it. And occasionally on a small culvert type operation I think this can be a useful tool in saving a considerable amount of money. I speak as one who has designed and built via people under my jurisdiction three bridges -- one of the biggest is a 42 ft. span, which is out behind Schnuck's off Northbrook on First Avenue that Bob Jarrett has to go to his Woodbridge Estates. I designed that bridge and built it as a construction manager using sub-contracts. I negotiated each of the sub-contracts and I knew about how long it would take to do every item of work that had to be done and I think that this is a realistic proposal -- and I'm out to save the County some money."

Mrs. Cox said, "I still need an answer to my question of the Attorney though. What if when we get into this construction and problems do come up and change orders are necessary and the entire project is going to cost us more than \$25,000? Just the entire contract with the contractor -- not the extra and what we are furnishing? How do you handle a situation like this legally?"

Attorney John asked, "You want to know whether or not you have the authority to exceed that \$25,000? To answer that off the top of my head, I would think that you would have the authority or statutory right to issue change orders because you entered into the contract in good faith and the contract did not exceed the \$25,000 limit. And then, finding out that, because of unforeseen circumstances unknown to you and unknown to the contractor, that the actual amount is going to exceed that amount, I don't think there would be any complications there. However, in your

estimation if you feel that it is an item that should be bid because it will exceed that, you probably should bid it. But according to the engineer's estimate it will not exceed that."

Commissioner Willner said, "You don't have to bid services; this is a service."

Attorney John said, "On engineering contracts now on highways, roads and streets, you go through a bidding process, don't you?"

Mr. Easley responded, "No; you get letters of interest and you interview. Specifically we're not supposed to take any price quotes prior to the interview. Remember the advertising? I think they are running one now for construction engineering that we just finished the papers on. The phraseology I remember says that they are not to mention price in their letter."

Commissioner Willner said, "Oh, you're talking about big road jobs?"

Mr. Easley said, "Yes; I think they are all supposed to make manhour estimates now. It may be converted to a percentage. Sometimes they do that as a check in estimating."

Commissioner Borries said, "I think your intentions are good and we do want to save money here. But I am interested in the firmness on that because there are some real differences here. There are some blanks and, frankly, I am not sure what does have to go in on that, so I'd like to know whether or not that is firm."

Mr. Easley asked, "Do you want to take it under advisement for one week then?"

Mr. Borries responded, "Yes."

Mrs. Cox asked, "Will you come back with a report from Dave Guillaum?"

Mr. Easley replied, "I will."

RE: ACCEPTANCE OF STREETS - BURKHARDT CENTER, PHASE I,  
HIGHLAND RIDGE ESTATES, OAK VIEW PLACE & SIMMONS SUB

Mr. Easley reiterated that he would like to have these streets accepted next week.

Mrs. Cox requested that the Surveyor's Office provide information that the drainage plans for all of these have been installed according to the drainage plan that is on file. Several of these subdivisions have concrete streets and we have a controversy regarding Oak View Place concerning the plastic tile along the road right-of-way and she thinks we have some problems with these. We need to make sure that the proper drainage system is in there so we don't have underwashings and lose the concrete streets like we have in Melody Hills and some of these other areas. We need assurance from the Surveyor's Office. They did agree (at the Commissioners' request) to check the areas to see that the drainage improvements do indeed reflect what the drainage plan asks them to do. So we need those reports from the Surveyor.

Commissioner Borries said, "I noted some mentioned have curbs and gutters and some do not. I'd like a week to look these over and obtain communication re drainage."

RE: BOONVILLE-NEW HARMONY BRIDGE

Commissioner Willner asked, "What happened on the Boonville-New Harmony Bridge?"



Mr. Easley said it is being shored up. "They are pouring concrete on the little spread footers that are on the crushed stone foundation pads. They probably are going to take another day and a half to finish it. But as I touch base with you, our approach was to shore it up well and I am in favor of our continuing to pursue federal money and I think it will last the length of time it takes to get the federal money. We may be spending several thousand dollars shoring it, but I think ....."

Commissioner Willner asked, "This one is scheduled for replacement in 1988, isn't it? I think that is what that the Bridge Report said."

Mr. Easley said that this sounds correct.

Commissioner Cox asked, "Andy, how do you think we are going to get federal money for bridges when I have letters here dated August 18th and August 17th telling us that our federal bridge replacement funds for preliminary engineering and construction phases of the following projects are disapproved (Barr's Creek, Boonville-New Harmony Rd., Orchard Rd. and Pigeon Creek on Fulton Avenue)?"

Mr. Easley responded, "I haven't seen that letter, Mrs. Cox."

Mrs. Rose Zigenfus of EUTS said, "I have. The only thing that it means now is that we don't have our designs up there and they do not approve any federal funding for roads or bridge projects until the designs are complete. They are saying that until we reach that point that they are not going to give approval."

Mrs. Cox said, "They are saying that these bridge replacement requests for federal aid funds may be submitted next year for consideration. I can't read between the lines; I'm not privy to all the little phone calls and other meetings. All I know is what this letter says."

Mrs. Zigenfus said, "There haven't been any other meetings..."

Commissioner Willner said, "We didn't expect it to be done in 1987."

Mrs. Cox said, "You meet with them all the time, don't you? There are other meetings."

Mrs. Zigenfus said, "Not with these people -- not with Stan Yoder..."

Mr. Willner said, "Calvin Evans is the bridge man....but this doesn't come as any surprise."

Mrs. Cox said, "It surely does to me."

Mr. Easley said, "When the plans for this bridge are completed and sent in and they check them and have a field check, there should be no problem in getting federal aid to rebuild that bridge."

Mrs. Zigenfus said, "That is right."

Mr. Easley continued, "There is \$100,000.00 at stake here and I think that bridge will last -- if it takes 12 months before we will be on a letting, it is worth waiting 12 months and it will stand up -- and I'm putting my reputation on the line."

Commissioner Willner said, "Good reputation."

Mr. Borries asked, "Is the design work going to be done in house?"

Mr. Easley said, "It is being done in house and is nearly complete."

Mr. Willner said, "And we have another one that is being done by Veach, Nicholson & Griggs on Orchard Rd. They might conflict and one might have to be put off for six months -- but that is the name of the game, isn't it?"

Mr. Easley said, "Yes."

Mrs. Cox said, "In other words, these things just go in the waste basket. Don't be concerned about them at all."

Commissioner Willner said, "That is right."

Mrs. Zigenfus said, "They don't go in the waste basket; but I am not concerned about them. They are in our file; but we get those routinely if the designs aren't complete and ready for letting."

Mr. Easley said, "It's for Fiscal Year 87, right?"

Mrs. Zigenfus said, "That one is for Fiscal Year 88, which ends next September -- not this September."

Mrs. Cox said, "They are saying they have been denied until next September, then we can submit them for the next year for consideration."

Mrs. Zigenfus said, "Next February we will be putting together new FA-2's for submission."

Mr. Easley asked, "Based on that fiscal year, when is the closest letting then? I'm confused."

Mrs. Zigenfus asked, "Based on FY 88?"

Mr. Easley said, "Yes."

Mrs. Zigenfus said, "I don't know; we can't do anything until we get the designs complete."

Mr. Easley asked, "What if we get the plans done in 90 days and send them in? And say they take four months to check them and let's assume that they are ready for a letting by July 1, 1988."

Mrs. Zigenfus said, "We might be able to get on a letting in September."

Mr. Easley said, "So, about a year?"

Mrs. Zigenfus said, "That is right."

Mr. Easley said, "There is over \$100,000 of federal aid at stake. As Rose understands it, we could possibly get on a letting by the State next September at the earliest. We've all gone through State lettings. Sometimes the bids are over the engineer's estimates and they have to re-bid it."

Commissioner Willner said, "The only reason really that they sent us this notice is because we put this in our FA 88 request. The reason we put it in that request is because we think the plans are going to be done so we can. But they are saying that as of right now -- they are not saying all of next year...."

Mrs. Zigenfus said, "They are saying that as of right now they can't guarantee us the money is going to be there. The only time they will guarantee us the money is when everything is signed, sealed and approved by them and we're ready to go to bid letting. This is a formal application procedure we go through each year and each year we get denials and sometimes we get approvals."

Mrs. Cox said, "Well, they have changed their procedure then, because we got approval to improve the intersections at Schenk Rd. and Meier Rd. without having any plan whatsoever up there and they had the money set aside -- they made a commitment they would help fund those and here we haven't come up and done anything for safety. You talk about safety -- there are some safety features we could work on and now the letter I got from them (a copy) said they have taken those out of the funding -- that they are not even going to consider those anymore."

Mrs. Zigenfus said, "That is because the County has not acted on them in the five (5) year period during which we needed to act on them. That doesn't mean that they wouldn't be eligible for funding if you are so inclined. You are talking about hazard elimination funds there, which I understand there are some dollars available for intersection improvements in high hazard areas."

Commissioner Borries asked, "In rural secondary categories? I don't know how the funding is on that. Will you let us know next week, Andy, about the status and how far away the design is on this bridge?"

Mr. Easley said he will do so.

Mr. Willner said, "This bridge design work is done with the exception of State specs? Is that right?"

Mr. Easley said, "Yes; he has the package ready to mail and I believe he is about finished."

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

President Borries submitted the monthly report for period July 1987 from Alexander Ambulance Service....report received and filed.

RE: REPORT ON PROPERTY AT 16930 HIGHWAY 57 NORTH

Commissioner Willner said he will report for Roger Lehman, Building Commissioner, concerning the property located at 16930 Highway 57 North. That property has been sold to a new party. As soon as the deed is delivered and cleared and the abstract brought up to date, he will demolish the building.

RE: SCHEDULED MEETINGS

Wednesday      Sept. 2      2:30 p.m.      County Council Meeting

Tuesday        Sept. 8        4:00 p.m.      Auditorium Advisory Board

Mrs. Cox asked whether the other two Commissioners received invitations to the County Council Meeting?

Commissioner Borries indicated they did. He said they will appear concerning the bridge on Woods Rd. and legal expenses.

Mrs. Cox said she thought she was receiving a "Summons".... (You are hereby requested to attend) -- did you all get that same kind?

Commissioner Borries said, "Jim does a nice job; we always play by the rules and get our information there, but what can I say?"

Mrs. Cox asked Commissioner Willner if he is going to be there?

Mr. Willner replied, "I might."

Commissioner Cox said, "Well, I don't think I am going to be there unless I have the authority to speak for the Commission, because when I get up there I'm the minority member -- I can't speak for this Board....."

Commissioner Willner said, "You can speak for me anytime. I trust you with my money."

Mrs. Cox said, "But then you come back and change things."

Commissioner Borries said, "I think we're in agreement concerning the Woods Road Bridge."

Commissioner Cox said, "I don't know that we are in agreement. He's got something hanging up in the air. He's playing a little game on the side with somebody."

Commissioner Willner said, "No I am not."

Mrs. Cox asked, "Well, what happened to it?"

Commissioner Willner said, "When it came down to \$260,000...."

Mrs. Cox said, "No, you said at the last meeting that you had somebody you were working with who was going to build this bridge and another bridge for less than the amounts quoted were and you would know by Thursday. That is what the minutes say."

Commissioner Willner said, "But you didn't want to listen to it, so that's all right with me."

Mrs. Cox said, "Well, I'm not going to the meeting Wednesday not knowing what you've got going. And if it is like the Road Study thing it is going to be a bomb and I am not going to participate in that."

Commissioner Willner said, "I didn't vote for the Road Study, you did."

Commissioner Borries said, "I'm going to bring my helmet and shoulder pads and we'll see what we can do. I think that the amount of money -- this is not a federal project and I haven't talked with Dan Hartman and there could be some changes on a few things. But the bridge is needed and I think we're all in agreement on that -- and there is money available in the Cumulative Bridge Fund."

Mrs. Cox asked, "Will he have the plans ready?"

Mr. Borries said that they are and he is going to ask Mr. Hartman to be at the meeting.

Mrs. Cox asked, "And it is not a 3-span thing, is it?"

Mr. Borries said, "No, not at this point -- no change there. And I'd like to have Dave Ellison (Big Creek Drainage Association) there and explain why we've been working on this. Then we'll see what Council wants to do at that point."

Commissioner Cox asked, "So you don't have your other proposition to make, Bob?"

Commissioner Willner asked, "Do you want it? Or, is your mind closed? I'll just tell you why, o.k.? I've been looking at American Timber bridges. We already have two in Vanderburgh County and I think I can truthfully say I didn't vote for them."

Mrs. Cox said, "You surely didn't. You said they'd been nothing but headaches."

Commissioner Willner said, "I'm not too sure that we ought to consider it, but I thought your mind was closed and it's all right with me. No big thing. If you want to spend \$250,000 or \$260,000 -- I think it's a shame myself."

Mrs. Cox asked, "Well, how much are these two going to cost? You said you were going to have that by Thursday."

Commissioner Willner said, "I would have, but I thought you were locked in at \$260,000, then when...."

Mrs. Cox said, "Come on now, let's don't say I do everything that gets done on this Board."

Mr. Willner said, "Quite the contrary."

Mrs. Cox said, "If you're looking at bridges, what is wrong with this that just came in the mail? These are steel truss bridges."

Mr. Willner responded, "There is nothing wrong with them. In fact, the one on Boonville-New Harmony is just like that."

Mrs. Cox said, "All you have to do is pick them up and put them in place and you get all different spans and you don't have to have the center piers, etc. We don't have to design every bridge we build in Vanderburgh County -- we can use some of these different kinds of things."

Commissioner Willner said, "The reason I don't particularly like steel is because our track record on maintenance hasn't been too good. On concrete and wood there really isn't much maintenance. But on steel, you've got to paint them every two or three years and we don't get around to doing that. That's the reason I don't like steel bridges. Look at Ohio Street; it will last another 30 years and that's a steel bridge."

RE: HOLIDAY CLOSING

The meeting proceeded with President Borries announcing that all County Offices will be closed on Monday, September 7th, in observance of Labor Day. The Commissioners will hold their next meeting on Tuesday, September 8th, at 2:30 p.m.

RE: EMPLOYMENT CHANGES

County Highway - (Appointments)

Timothy C. Miles	Laborer	\$8.17/Hr.	Eff: 8/24/87
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Knight Township (Releases)

Jeffrey Devine	Deputy	\$35.00/Day	Eff: 6/20/87
Jeffrey Devine	Deputy	\$35.00/Day	Eff: 8/11/87
Paul J. Marx	Deputy	\$35.00/Day	Eff: 8/20/87
Anna Marie Umbach	Deputy	\$35.00/Day	Eff: 7/10/87

Knight Township (Appointments)

Paul J. Marx	Deputy	\$35.00/Day	Eff: 8/21/87
Jeffrey Devine	Deputy	\$35.00/Day	Eff: 6/19/87

County Surveyor (Appointments)

Thomas Goodman	Instrumentman	\$18,317/Yr.	Eff: 8/29/87
Wayne Pasco	Chainman	\$17,681/Yr.	Eff: 8/29/87

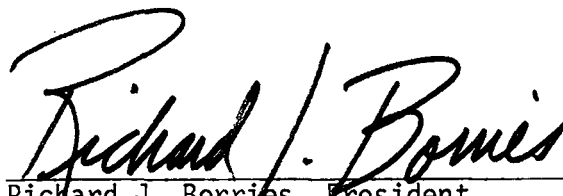
County Surveyor (Releases)


Earl Brown	Instrumentman	\$18,317/Yr.	Eff: 8/28/87
Thomas Goodman	Chainman	\$17,681/Yr.	Eff: 8/28/87
Wayne Pasco	Rodman	\$17,044/Yr.	Eff: 8/28/87


There being no further business to come before the Board, President Borries declared the meeting adjourned at 4:40 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	Curt John
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Absent/vacation	Andy Easley	B. Cunningham
	<u>EUTS</u>	<u>OTHER</u>	
	Rose Zigenfus	Mike Shopmeyer, Attorney Phil Heston Ward Peyronnin News Media Others	

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
SEPTEMBER 8, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Tuesday, September 8, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries and subsequently opened by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment.

President Borries noted that approval of the minutes of the meeting held on Monday, August 31st, will be deferred until the September 14th meeting, to allow the Commissioners time to read same.

RE:     REQUEST FOR PAVING OF SCHMITT ROAD

Mr. William Schmitt was recognized by the Chair. He said he talked with Commissioner Willner about a week ago and Commissioner Willner advised him that it would be better for Mr. Schmitt to address the Commission as a whole regarding his concerns. He said he lives on Schmitt Road in Armstrong Township in Vanderburgh County. He is just off Highway 65 on the corner of Vanderburgh, Posey and Gibson counties. He proceeded to read the following letter:

September 5, 1987

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

Dear Commissioners:

Enclosed is a copy of a petition signed by all of the households on Schmitt Road in Vanderburgh County. We request the department responsible for Vanderburgh County roads to pave and maintain Schmitt Road as the enclosed petition indicates.

For the past ten years this road has been neglected. The road itself is only four tenths of a mile long. It is the only side road off of Highway 65 in Vanderburgh County that is not paved. What used to be a surface road is now a gravel road. We live with dust all year long. We cannot leave windows open in our home because of the dust. One resident on this road was told by her doctors, for health reasons, to get out and walk and to just be out in the fresh air to improve her breathing problems. This is impossible because of the condition of the road. Small children and adults both are deprived the pleasure and use of our own yards because, again, this road is long overdue for repairs. We, most of the time, have to grade this road ourselves and in the summer months -- mow and maintain the ditches and banks. We feel we are doing more than our share. Writing for the residents on Schmitt Road, we realize there are only three family residents on this road, but we pay our taxes just like everyone else in Vanderburgh County, but have not yet seen our taxes be put to work for us here. We also feel like this is a good opportunity for Schmitt Road to get the attention it needs so badly, since you are presently working on roads in the neighborhood. We also realize paving major roads has

been emphasized and the funds you have had to work with has been limited; however, even small side roads need to be taken care of ever so often and Schmitt Road is past that point now.

If paving cannot be accomplished, at this time we would like to at least have oil worked into the gravel to keep the dust down, and our ditches taken care of.

Please call or write me if this is not a proper way of requesting this work be done, or if you need more information for this paving task to be completed and acted upon. My phone number is 963-5517 and my address is R#1, Box 169 Schmitt Road, Haubstadt, IN 47639.

Thank you for your assistance and I request you have someone let me know when we may expect paving work to be started.

Sincerely,

William Schmitt

\*\*\*\*

The attached petition read as follows:

We, the undersigned residents, property owners and Vanderburgh County taxpayers, on Schmitt Road, hereby request to have Schmitt Road paved as early as possible, or be placed on the Master Paving List at the earliest time; additionally, until paving can be accomplished, we request to have oil work maintenance and ditch work performed to the road.

Daniel L. Schmitt	Schmitt Rd.	Sept. 7, 1987
Kathy Schmitt	"	"
Gary J. Schmitt	"	"
Cindy Gullen	"	"
Virginia Schmitt	"	"
William Schmitt	"	"

Continuing, Mr. Schmitt said they are paving just about 1/2 mi. from Schmitt Road right now and they thought it would save the County money if they could get this done while they are already paving in the area. His wife is in the hospital. She has been in there 12 times. She had pneumonia and was in intensive care for five (5) weeks. The doctors left the respirator on too long and it ruined her vocal cords. The doctors want her to get out and she is depressed because she can't get out, because the dust goes straight down to her lungs. They thought that perhaps if Mr. Schmitt came to the Commissioners and made them aware of their problems that it would do some good.

Commissioner Borries expressed appreciation to Mr. Schmitt for coming before the Commissioners and entertained questions.

Commissioner Cox asked if the Commissioners could have Mr. Schmitt's letter and petition for the minutes. He complied.

Commissioner Willner asked if Schmitt Road was previously blacktopped?

Mr. Schmitt said it was -- about ten years ago.

Motion was made by Commissioner Willner that the information be given to the County Road Superintendent and if there are any dollars left over that Schmitt Road be paved.

Mr. Schmitt noted that it is only .4 miles and there are no bridges, curves or anything -- it's just a straight stretch.

Commissioner Cox provided a second to the motion. So ordered.



President Borries said the Commission will review available funds and will certainly work with Mr. Schmitt on this. The Commission appreciates his taking the time to bring the problem to their attention.

RE: AWARDING OF CONTRACT FOR COMPUTERS FOR REASSESSMENT PROGRAM

President Borries said the Board is supposed to award the contract for the Computers for the Reassessment Program. Until those funds are appropriated he does not know whether the contract can be officially awarded. However, the Board would ask for a recommendation from Tom Dorsey, Director of Purchasing.

Mr. Dorsey said he has had a number of meetings with representatives of the Township Assessors, the County Assessor and the vendors who submitted the proposals. He guesses he needs to preface this by saying that he is not certain anyone would be able to come to a decision that anybody would be able to agree with. In his review of the proposals, his feeling is that the proposal submitted by IBM is the most cost effective. However, there are some concerns about the ability of the software to function properly. There are some concerns about the size of the software firm and there are some things within the software that he believes the assessors have problems with. Based on that, and because the hardware is not worth anything unless the software does what the assessors need it to do, he is going to have to recommend that given these two proposals, we need to go with the Manatron system. However, it is also his belief that the proposal as presented by Manatron could be made more cost effective. The bid specifications set a clause, basically indicating that we reserve the right to negotiate following the bid submissions. It would be his recommendation to the Commissioners that we award the software but that the Commissioners authorize perhaps the County Attorney or someone within the system to negotiate with the vendor concerning the cost of the hardware, as well as the specific configuration of the hardware. He would further recommend that that be subject to a limitation not to exceed the amounts presented in their original bid. He hopes that what he has said makes sense. If there are questions, he'd be happy to answer them.

The Chair entertained questions.

Commissioner Cox asked, "This was the recommendation from the representative of the Township Assessors and the County Assessor and the Purchasing Department?"

Mr. Dorsey responded, "All three of us have met. I met this morning with the County Assessor, again, to go over the proposals and to discuss the best method and I think we both agreed on this. We met with the Data Processing Board and the Computer Consultant last week and I met with Harry Tornatta (who was representing the Township Assessors) and the feeling I got from them was that they wanted me to come back with a decision and....."

Mrs. Cox interjected, "The Data Processing Board has recommended this?"

Mr. Dorsey replied, "No, the Data Processing Board reviewed it this morning. They did not make a recommendation on either system."

Commissioner Cox asked, "Why?"

Mr. Dorsey replied, "Because it becomes a very complicated issue and what any computer system boils down to is whether or not the software performs the function that you need to be performed. I think that the cost is extremely important to the taxpayers and to you, as representatives of those taxpayers. But if that

software doesn't function, or if you don't have support for that software after you have purchased it, the cost that you may face as a result of not being able to perform those functions may indeed be greater than any cost difference we're talking about between the two proposals. As far as I can tell from my discussions with the assessors who have shown any interest, everyone seems to be satisfied with the software package that Manatron has proposed. My indication from talking with other assessors in the State of Indiana is that that software program functions and that it does what they need it to do -- and I think that is a primary consideration. A lot of it boils down to the confidence in the software vendor and there is some legitimate concern about the software vendor included in the proposal from IBM."

Commissioner Willner said, "It was my understanding that IBM did not have a Bid Bond. Is that correct?"

Mr. Dorsey said, "No, that is not correct. IBM did have a Bid Bond; however, if you were to go with the IBM bid then you would have to decide whether or not to waive certain items that were requested in the bid. One of those was a Performance Bond. In the initial bid response IBM did indicate an unwillingness to do that. I think there was some difference in their interpretation in what we wanted in the way of a Performance Bond and my understanding is they would have been willing to do that. There was also a reluctance on the part of IBM to agree to any type of penalty clause. However, that becomes basically a monetary issue and, in my review of the cost, the cost difference was substantial enough that a penalty clause of any 30 days or 60 days would have made no difference at all. I think it boils down to the software."

Commissioner Willner asked, "On your breakdown sheet I think one of the things I liked was the lease-purchase. Is this one of the things you were talking about that we could do after we -- not necessarily award the bids, because we don't have the finances anyhow -- but to accept this bid as the one we want to work with Is that....?"

Mr. Dorsey responded, "I think (and the County Attorney may want to provide some advice on this because it is an unusual situation) computers are an unusual product for us. There were differences in the way the costing was approached. Obviously, we asked for a purchase or lease-purchase or lease arrangement. On the lease arrangement the figures that I had indicated previously showed substantial differences between IBM and Manatron, and that was because I chose to use what IBM has as a short term rental program. Their indication is that if we were talking over a period of five years we would be talking about a lease anyway. There are some differences in the cost on the leasing. The differences are not really very great when you get into the financing. The biggest cost difference is in the area of purchase. However, that is the most cost effective approach to take and when compared to any of the other arrangements, the other arrangements from both vendors are much more costly to the County than the purchase would be and it also leaves you with a situation where you don't necessarily own the hardware even after you have spent all of that money. If the money is available, my recommendation would certainly be purchase."

Commissioner Willner asked, "Is there a specific hardware that is used in this Manatron system?"

Mr. Dorsey replied, "Their proposal is for intelligent word stations -- I believe they are XC 520's manufactured by Burroughs (or what it is now, since Burroughs and Sperry merged some time ago) and they are marketed under the new name, although they were manufactured by Burroughs before that merger. As far as I can tell, there is no question about either one of the hardware vendors being able to provide the hardware to perform the services. Each one of them takes different approaches in the

types of processors and types of work stations, but they both basically meet the specs and they both basically get the job done -- and that is what we're wanting. But it still goes back to a willingness to have faith in the software vendor and in their experience and I don't think there is any doubt that Manatron has more experience in the area of real estate appraisal within the State of Indiana. And the State of Indiana systems are somewhat different."

Mrs. Cox asked, "Tom, will this be hooked into our central computer?"

Mr. Dorsey said, "No, it will not. Both of the proposals provided a means of moving information from one system to another, so that information can be moved in this particular case to provide information to the Treasurer's Office (name, address, property record, legal description, etc.). Those kinds of information fields can be transferred to the Honeywell System, which we're currently on. But they are not proposed as means to access the current Honeywell System. I believe the IBM proposal is basically the same. It was a data exchange and not some type of interface."

The Chair entertained further questions of Mr. Dorsey or comments by the Commissioners.

Commissioner Cox said, "Well, the money has not been appropriated, so we cannot award the contract. From the past information I have read from the County Council, I am not sure that the County Council is going to support going out and buying another computer system -- other than having one that hooks up with our present data processing. Was it advertised as an independent system, Tom? I read those proposals and I'm not very good at understanding all the jargon that is in there. But I did not understand that it was to be an independent system."

Mr. Dorsey said, "It was advertised requesting that it perform a certain function. In our bid proposals we did request that the vendors take into account the fact that we had a specific computer system that we were currently on and that they somehow interface with that. We sent out somewhere in excess of fifty (50) bids to vendors. We received back two proposals. I'm sure there were numerous reasons why vendors decided not to bid. But the fact remains that I think we went as far as we possibly could in trying to seek out vendors, including the people who currently have the facilities management contract with our current system. And we did not receive a bid from them. To some extent, I think that was because of the time frame we have in wanting to get it moving. But we did not have response from them. Thus, we really only have these two to deal with. The only other alternative we have is to start all over and that is going to put us that much farther behind in gathering the data and doing the data entry. I am not certain that that is going to be the most effective. Whatever we save from that review may very well mean that we would have to spend more hiring the help to get the data put into the system. To that extent that's late retentive and you are only going to have so much time to do that. It was not necessarily meant to be an independent system, but that's the way it worked out."

The Chair asked whether County Assessor Jim Angermeier would care to make any comments at this time.

Mr. Angermeier said, "Mr. President and Members of the County Commissioners, we have been involved in a discussion of these specifications for some period of time. The reviews of all of these programs by myself and other people concerned have been several years. Vanderburgh County is two or three years behind the programs in all the other major counties and, as a consequence of further delay on the part of recommendations of a purchase of the system now will only create a further continuance of time. I am asking the County Commissioners to go on record,

take a straight forward position of recommending that the Council appropriate the money and get on with it. I think there has been a Court decision decided on. And in answer to Commissioner Shirley Jean Cox's question, I think there was a Court decision on that that stated that if the County Council was going to appropriate the money that the installation of the computer and the operation would be under the direction of the County Assessor. I think that is where it will be and that is where the most important operation is. At this point in time, to interface it with any other operations would be a slowing down of time and down the road and after the reassessment or five years from now -- if something else was to be done about it, then the Data Processing Committee can decide. We're hard pressed for time now. It was indicated that a soft copy was necessary to start the reassessment and we haven't even started the processing period. The company which you're talking about here in the discussion with Mr. Dorsey, on three or four occasions we said we believe the software package could best be presented by Manatron and I would recommend the Commissioners go on record in support of the recommendations and ask the Council to appropriate the money."

The Chair entertained further questions.

Commissioner Cox said, "Jim, I don't have any problem at all with the software aspect. I do have a problem with buying another independent computer system over and above that which we have. If we can talk very candidly, we had an experience happen about six years ago where an officeholder refused to go onto our on line computer; they wanted their own computer. As a result, there were discrepancies discovered in the office. I want reassessment to run smoothly this year and I want it not to create problems for officeholders or for the public -- as much as I am sure you want it to, but I do see problems (and I've talked to you over the telephone about some of these) -- the necessity for full cooperation between all parties and the ability to input materials into the system and the ability to not allow changes unless they are documented and approved by the proper authorities. Unless those things happen then we're going to have more problems."

Mr. Angermeier said, "Well, the request, from the standpoint of the Assessors and the setting up of the Data Processing Committee, to my knowledge prior to this year there has not been an invitation sent to me, knowing full well that the State Tax Board had been talking about computerization of the next reassessment for five or six or seven years -- since the last one. So the preparation and preparing for the purchase of a computer for the Assessors really hadn't taken place by anybody -- either the Council or the Commissioners. Now all of a sudden it is a necessity from the standpoint of providing equalization, because there are problems out there. This has been pointed out. I would hope that utopia would take place; but I have some serious reservations about that -- because of some other things that are taking place. My personal opinion is that the computer will provide a greater opportunity than any time in the past to have a review of records by electronic process. I've heard what you just said a time or two. And in sixteen years of being in this office there has never been a correction, never has been a change of a record -- in anybody's property -- without everybody being notified. I hear those as an excuse and alibi as a defense for somebody who believes that this is the practice -- then they must have something to hide. But the law requires that any changing of figures from either a business schedule or a property record card -- a notice must go to those people -- and they receive a notice. But there has never been a figure changed -- never a figure changed. I am simply saying that I think it is past time that the Commissioners act responsibly at this point in time to review what has been proposed and what is being recommended as the best so-called in compliance with the law to provide uniformity and equalization throughout all the townships. And I am asking the Commissioners to take a

forthright stand here and now and present to the Council that we do need the money appropriated -- and I don't know why the delay is taking place. Somebody might have to answer that. I am merely making the recommendation that in the counties I have visited, in the hardware and the software, Manatron provides the best software.

Commissioner Borries asked, "Jim, are we saying that there is also a consensus among the Township Assessors with the same system? Or, perhaps Tom commented about that. This is just for my information -- that there is some consensus among the Township officials with this software program?"

Mr. Dorsey responded, "I couldn't really speak to consensus. Harry Tornatta, who represented the Township Assessors, the feeling I got from him was that he preferred the Manatron system. I talked with a couple of the other Assessors who had indicated an interest or attended. Their feeling was also that the Manatron software appeared to them to be the most functional. I had some Assessors call and simply say, 'Just get us something'. I've not heard anything from some Assessors, so I don't know if there is a consensus or not. I do know that those I talked with did express the feeling that the Manatron software does what they need it to do and will allow them to function as swiftly as possible and as effectively as possible -- and that seems to be their greatest concern -- that they get on with it and get started."

Commissioner Willner asked, "Does IBM have systems in other parts of the State of Indiana?"

Mr. Angermeier said, "IBM has the computer; but they have programs by another company which is located in two different areas. As I've indicated to you, that seems to be up in the air and Tom can tell you that. They entered the data under another software program. The other software in another major city had been in operation well over a year and the officeholder who was elected for the first time took office in 1987. He indicated to me he was very dissatisfied with the system, with the software -- and that is the only two places. The company that is providing the software openly admitted that their program is a trial area and that they are not positive about it. Manatron has demonstrated that their program has been in effect and is being used. Allen County has it and they are very well pleased. There were some questions about the training and everything else. Manatron has indicated that they are willing to provide ample training, more training than specified -- to make certain that the people here would be qualified and be confident enough to enter the data and assist in the work. That is one of the biggest troubles that you have. All too frequently, areas of government have bought computer systems and have just dumped it into the particular offices without training and without the ability to have them to function. Therefore, they are soon either abandoned or it becomes a disgusted expenditure. Manatron has indicated in their proposals that they will provide the necessary program, not only in the residential but the commercial and industrial and nobody else has even talked about that."

Commissioner Cox said "My next and last question is for you, Tom. What figure are we talking about here now -- I have the breakdown you sent to us -- but is this the computer, the software and the other hardware? Or, what is going to be the total cost of this entire package?"

Mr. Dorsey replied, "Well, I think that depends to some extent upon what it is that the Commissioners decide that they want."

Mrs. Cox interjected, "But what are these figures. Under the first column (Purchase) -- 1st year cost. Then it goes into IBM and Manatron. What is the \$240,317.00 for?"

Mr. Dorsey said, "In the package you should have received is a complete rundown of each system that ties back into these figures. First Year Cost includes all of the hardware that the vendor proposed (13 word stations, 6 printers, one 800 line per minute printer)...."

Mrs. Cox asked, "So, it's everything?"

Mr. Dorsey said, "Everything including some of the maintenance costs. The 5 Year Cost extends the maintenance cost out. You're going to have maintenance cost on the software. If you buy the software you're going to pay "X" number of dollars per month to maintain that software. It will be the same thing with the hardware. So those figures take all of that into account. There is a breakdown on each of those systems that goes through exactly how much you're spending for the software, for the word stations, for the modems, for the disc storage, the processors, the printers, -- everything else that you want."

Mrs. Cox asked, "But how much are the computers? Are they in there, too? They are not in there, right?"

Mr. Dorsey said, "Yes they are -- everything is in that cost."

Mrs. Cox asked, "So the \$312,355 will get us in business?"

Mr. Dorsey asked, "That was the 5 Year cost?"

Mrs. Cox said, "Yes."

Mr. Dorsey said, "Yes, with a word of caution. That does not include things that they will want. It does not include -- or at least it is my understanding that that does not include some potential software that they may want to do some of the reports. If they want to call everything up by a certain data field, then they may need to buy a separate data base management software program that allows them to do that."

Mrs. Cox said, "Well, let's hope that they buy it from Manatron or from somewhere that will fit into -- if we're going to buy new computers we've got to have software packaging that will work in these computers."

Mr. Dorsey said, "A computer is like anything else; once you buy it you're wanting to do more and more and more and more. I do feel that I need to address something that Mr. Angermeier said. I basically told you that my preference is for IBM, but that I do feel that the Manatron software is stronger and that has to be a primary concern. I got the impression that we were being told that the software that runs on the IBM is totally dissatisfactory to some people. I know that I've talked with some of those Assessors and one of the responses I got was that they feel this will be the system in the state. Now that is only one Assessor's response and everybody having made a decision believes that that decision is best. But I don't think that the other proposal needs to be characterized as one that is not working anywhere else and needs to be thrown out just because of that. I do agree that Manatron has more experience and the software appears to be more functional. Again, I feel that that has to be of primary concern. The Assessors have to be able to do it; but I don't think the other software needs to be characterized unjustly."

Commissioner Borries said, "I was thinking that the Council (to throw further confusion into this situation) had backed some of the cost of this computer situation into the various township budgets. Is that your understanding?"

Commissioner Willner said, "If I remember correctly, they did insert some training into their budget -- but the State disallowed that. So the only thing -- correct me if I am wrong, Jim, -- did one of the townships get some money for the hiring of some people ready for reassessment?"

Mr. Angermeier said, "There was preliminary work and it had nothing to do with computer work or anything else. I don't know that that has been approved by the State."

Commissioner Willner said, "I don't either; so in answer to your question, the answer is 'No'."

Attorney Miller said "My recollection was -- from discussion with the various townships -- that at some point there was a discussion in Council (I wasn't there) of not having a centralized system controlled by the County Assessor, which may have resulted in them putting various line items in various township budgets regarding this system. But Mr. Angermeier, in quoting or talking about the recent Court order was, I believe, correct in saying that the Judge in that case said that the County Council was not obligated to appropriate the funds for any kind of a computer system. But if the County Council chose to do it, it should be a system in which all the Township Assessors have input capability but is centrally controlled by the County Assessor. That is the substance of Judge Songer's order."

Commissioner Cox asked if Mr. Tornatta was elected by the Township Assessors to represent them on this Committee?

Commissioner Borries said, "Yes; it was my understanding that Mr. Tornatta was elected by the Township Assessors to represent them in this ongoing process. Am I correct about that? Was he a spokesman for the Township Assessors?"

Mr. Dorsey said, "That is the impression I have."

Mrs. Cox said, "And he recommended Manatron; then, the majority of the Township Assessors then want the Manatron?"

Mr. Dorsey said, "He expressed a preference for the Manatron system."

Mrs. Cox asked, "Was this expression personal? Or, an expression of the feelings of the Township Assessors? Do you know?"

Mr. Dorsey said, "I don't know; he didn't indicate."

In response to query from Commissioner Borries as to the feeling of the Commission, Commissioner Willner moved that the County select Manatron, Inc. as the company to negotiate a computer system for reassessment; to negotiate cost, training, lease-purchase and system perfection.

Commissioner Cox said, "I hate to ask you to repeat that."

Commissioner Willner said, "I might not be able to."

Mrs. Cox said, "I just want to make sure everything is in there."

Commissioner Willner said "I am saying that the County select Manatron, Inc. to negotiate maybe even something different than that which is in the specifications, as far as cost, training, lease-purchase and systems perfection. With regard to cost, I believe there are cost savings things we might be able to delete and I believe there are other things that the township people and the County might want. I certainly do want training. I asked about the lease-purchase agreement and I haven't received a totally satisfactory answer yet; so I think we need to negotiate that. Systems perfection means that there are always some bugs in a system and I, personally, lean towards a lease-purchase of 90 days or a year or whatever we can negotiate to see that the system is working. The company has offered to me that if the system doesn't work they will remove the same. We need to see that that is done. I guess we just need an approved method to negotiate with this company."



Commissioner Cox asked, "When you say 'we', you mean this Board? Our Board?"

Commissioner Willner responded, "No, I think the Township Assessors and the County Assessor have to do that, along with the Data Processing Board. It is almost a full time job and I am sure that this Board (other than the fact that we need to know exactly what the cost is going to be at a later date) -- but I think the other questions -- somebody else has to answer that part."

Mrs. Cox asked, "So we're not awarding any kind of...."

Commissioner Willner said, "We cannot award the contract."

Mrs. Cox said "I understand that. But we're not recommending that a contract be awarded. We are recommending that Manatron, Inc. be designated as an..."

Commissioner Willner interjected, "Bring forth to us a working contract that we may sign that is agreeable to the Township Assessors and the County Assessor."

Mrs. Cox said, "I will second that."

Commissioner Borries asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. The Chair declared the motion unanimously approved.

Commissioner Borries continued, "I would like to further ask Tom Dorsey to be a party to this. I think he has done extensive study and research. You have pointed out the necessity here for negotiations. It is a tremendously complicated issue, not the least of which it seems to involve not only different levels of government but all the people involved. But it is urgent that we get on with this. We have made a decision here today and I am asking for your help, as well as obviously the County Assessor and the Township Assessors, to move from this point today. This is all subject to available funds. We will go to the County Council and will have to request to go on Council Call for those funds."

Mr. Jim Hughes of Manatron, Inc. was recognized by the Chair. He said, "I am very, very pleased at your concurrence with the Committee's recommendation. We will look immediately at their schedule to develop not only the items you have requested in terms of specific computers, the cost and the training, etc., but also the schedule as to when all of this can be out in and when you and the County Assessor and Township Assessors can expect results. I appreciate the diligence of Tom Dorsey and Jim Angermeier and Harry Tornatta. They have a strong respect for the bidding process. I think you have followed it and it has proved its worth. I think you will find our system to be a good system selected via that process. I will begin working with Tom as soon as we leave this room. Thank you very much."

Commissioner Borries expressed appreciation to Messrs. Hughes and Dorsey for their input.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN ASHBY HEIGHTS  
SUBDIVISION

The Chair recognized Mr. Robert Johnston, who said he is present for purposes of requesting waiver of sidewalks in Ashby Heights Subdivision. There are four (4) lots in this subdivision on Whetstone Rd. He has never seen any sidewalks in that area.

Commissioner Willner asked whether Mr. Johnston has any material for the Commissioners? He is not exactly sure where the subject subdivision is located. Is it a mile or more outside the City Limits?



Mr. Johnston asked if Commissioner Borries can tell him where the City Limits area? He had thought it was a mile out. But if St. George Rd. is the City Limits, then it is .8 mile.

Mr. Borries asked how large the lots are?

Mr. Johnston said that two of the lots are 125 ft., one is 117 ft. and one is 116 ft.

Commissioner Borries asked if any of the lots front on St. George Rd.?

Mr. Johnston said these lots front on Whetstone Rd. That is a short strip of Whetstone just west of Oak Hill Rd.

Commissioner Cox asked if Mr. Johnston knows what the acreage of those lots are. She guesses the figures he mentioned previously were frontage foot figures.

Mr. Joe Ballard of the Area Plan Commission offered to go to that office and retrieve a map.

RE: REQUEST FOR CHANGE IN ROAD NAME/SPENCER RD.-HEERDINK LANE

President Borries proceeded by recognizing Mr. Steve Spencer and his father, Mr. Frederick Spender. Mr. Spencer said the name of the road he lives on is Spencer Rd. and they want to change it to Heerdink Lane. It has been Spencer Rd. for many years and he wants to see why they can't get it changed back to Spencer Rd. We have two other Heerdink roads and lanes on the map. He talked with Paul Gerhardt, who said sometimes his mail gets mixed up and he'd rather get it changed back to Spencer Rd., too.

Commissioner Borries said that on August 24th the Commissioners received their request. It does note that no one was present at the time to address the matter.

Mr. Spencer said that had he known, he would have been present.

Commissioner Borries said the other thing that was pointed out to the Commissioners is that there are at least twelve (12) other residents who live on this road. Is that correct?"

Mr. Spencer said it does not run into Heerdink Lane -- it offsets Heerdink lane. There is only about 5 ft. or 6 ft. back there. He talked to Paul Gerhardt and he talked to the mail woman. She said that the address on the mail box will not change. It will remain R. R. 3, Box 83. The only thing that will be different will be the name of the road.

Commissioner Borries said, "There are several complications when you get into something like this. When you get into name change, for one thing, if it is a road that has been accepted by the State Highway, if this is part of the County road system -- we receive money...."

Mrs. Cox said, "I don't think it has."

Messrs. Borries and Lindenschmidt viewed the large map and confirmed that there is a Spencer Rd. on the map.

Mrs. Cox said that map is not correct.

Mr. Frederick Spencer said that whenever he came back from the Army and built out there, everybody out there said he didn't have any road. He got Jim Lopp and sued for the road -- which road was already there. Mr. Angermeier (the County Assessor) found the road and the road always has been there. It's a 20 ft. road. He kept the road up and maintained it himself all those years because he couldn't get anything other than a public road -- and it was named after him -- and that was way before Heerdink Lane was ever there. His Uncle built those houses back there and the

Spencer Rd. has been there at least 40 or 42 years. He told Steve Spencer he should have brought the abstract, because the name of the road Spencer Rd. shows -- right out in front of their house. They asked how to identify the road -- so they named the road after the Spencers--"Spencer Road" and that is what it has been called all this time. There are three parties on that road that have access to that road. There are about six back on Heerdink Lane -- but they don't want to change the name of "Heerdink Lane"; let them have their lane and the Spencers will have their road -- just the way it is on many of the maps.

Commissioner Cox asked, "Well, can't we have both?"

Mr. Spencer said that is what he would think.

Commissioner Willner said, "What he is saying is that there is a stretch of lane in his book -- but there has never been one in ours because we didn't approve Spencer Lane. It has never been a county accepted road."

Mrs. Cox interjected, "It is a road, he says."

Mr. Spencer remarked, "It is a public road."

Commissioner Willner said, "It can still be public. You can dedicate your road to the public anytime you want to -- any portion of your land you can dedicate to the public. But it doesn't become a County road until this body accepts it. Then, when we accept it, it then is named and it then becomes our responsibility to maintain the road. This has never happened to Spencer Rd. So what you are saying is that Spencer Road has been there in your books, but never in ours -- o.k.?"

Mr. Spencer said, "Also, too, that was the only outlet during high water - around through that road. When the high water came, the County came and put some gravel on it. That was the only time they would come and maintain that road -- when other people couldn't get out around the other way because the water would get over the road the other ways. Spencer Road was the only way to get out to get back to the City. When we'd come down here, they'd send out some gravel and put gravel on it. But, like Bob said, it was a public road really. But they said it wasn't wide enough (it's only 20 ft. wide) -- because the farmers didn't want to give any ground.

Commissioner Borries said, "Since you all were not here, let me read your letter; then I will read the letter received by us from Barbara Cunningham, Executive Director of the Area Plan Commission, regarding this matter.

"August 18, 1987

To Whom It May Concern

We would like to keep (or have changed back to) the name of the road that runs in front of, Spencer's Excavating and Spencer's Auto Salvage, back to Spencer Rd.

We feel not only would it cause a problem for the Spencer business to be located on (Heerdink Rd.), but there are at least two (2) streets in town by the Heerdink name and would cause a problem with the mail and UPS service.

Thank you,

Steve Spencer"

Commissioner Borries asked, "Don't you get mail there now?"

Mr. Spencer replied, "Yes."

Mr. Borries asked, "Isn't there some confusion with the mail now?"

Mr. Spencer said, "No; Paul Gerhardt said he had some confusion with his mail - but I've never had any. They sent some of his mail to Heerdink Lane down at the other place. But we haven't had any trouble."

Mr. Borries asked, "So you haven't had any trouble up to this point?"

Mr. Spencer said "No; just Paul Gerhardt."

Mr. Borries said "You seem to think that there is going to be a change with your portion though, right?"

Mr. Spencer responded in the affirmative.

Mr. Borries continued by reading Mrs. Cunningham's letter, as follows:

TO: County Commissioners  
FROM: Barbara L. Cunningham

August 24, 1987

Re: Heerdink Lane/Letter from Steve Spencer

This is in reference to the letter from Mr. Steve Spencer regarding the road that will be constructed between Heckel Road and Millersburg Road as a frontage road west of I-164. The road was planned to be named Heerdink Lane as it would be an extension of the existing Heerdink Lane south of Heckel Road.

North of Heckel Road, the property deed records for the 60 feet of right-of-way dedicated to the County for the construction of the road refer specifically to the dedication as being for Heerdink Lane.

South of Heckel Road the existing Heerdink Lane has 12 assigned addresses on it. If the name is changed, these addresses would all need to be changed.

There is one street in the City named Heerdink Avenue. It is on the north side of town and runs east - west. To our knowledge, it has not caused any conflict with Heerdink Lane.

The name Spencer Road does appear on some maps as a lane leading to two (2) houses that have Heckel Road addresses. The Center Township Assessor's records show no easement or right-of-way for a Spencer Road. The Spencer Auto Salvage and Spencer Excavating have Heckel Road addresses."

Mr. Spencer said, "As far as Spencer Road, the mailman wouldn't come down there."

Commissioner Willner said, "That is because it is not a County road. It has never been a County road."

Mr. Spencer said, "It has never been improved or anything."

Mr. Borries said, "It wouldn't be improved until it was accepted. It can't be."

Commissioner Cox commented, "Here is where these gentlemen are caught. When the I-164 spur was first proposed, the State was going to build a frontage road -- as we all know -- which was coming off Millersburg, down Heerdink and straight over, which would run over there to pick you up at your excavating and auto salvage company. But we didn't go along with those plans and in exchange for not building that road to give him an outlet (because he was being cut off by I-164), we're building Heerdink

Lane to go straight up and down and then he would have the access. But that is how it all happened. That is exactly how it happened. And Mr. Jeffers said that Spencer runs east - west and Heerdink runs north - south."

Mr. Spencer said, "The road that I sued for runs right in front of the house and it runs north - south. In fact, at one time it had signs up "Spencer Road". But like Bob said, it was really a public road and not a County road. But I maintained it all those years -- up until now. And my sons followed me. I got hooked on it whenever Lopp told me it definitely had to be fixed as a County road, but that wasn't...."

Mrs. Cox interjected, "Well, is this road we're talking about right now (that you are calling 'Spencer Road'), is it physically going to be there after we do Heerdink? If it is, call it anything you want. That is what I said, 'Can't we have both?'

Mr. Spencer said, "That is what we'd like to see. We'd be well satisfied to have both of them."

Commissioner Willner said, "In effect, it is a private road; it goes to your property, doesn't it?"

Mr. Spencer said that is right. And another house (Paul Gerhardt) because the new road also cut him off.

Commissioner Willner asked, "Will you have access to Heerdink Lane?"

Mr. Spencer replied, "Yes, but it jogs."

Mr. Willner said, "Call it anything."

Mrs. Cox said, "We cannot change the Heerdink Lane to Spencer Road."

Mr. Spencer said, "We wouldn't want to do that. When we talked to the highway man we told him that we didn't want to do that. The way he talked, it was just a formality and that is why we didn't show up. And we'd be well satisfied if we could have both of them, then there wouldn't be any mix-up at all on them."

Following further discussion, Mr. Jeffers offered comments. He said that for the right-of-way, they purchased from the section line 60 ft. over to the east. So the unaccepted lane that you have been using is within the 60 ft.

Mr. Spencer said, "Yes, it is."

Commissioner Willner said, "That portion is to be called Heerdink Lane."

Commissioner Borries said that he'd like to have that information on the map. If, as pointed out by Bill Jeffers, we've purchased right-of-way, then maybe somebody could locate the missing sign that is out there that says Spencer Road. The road is cut off into Warrick County now anyway due to I-164. The Board will work with the Spencers. If they will get their stuff together in terms of their abstracts or deeds or whatever and meet with the Area Plan people, he'd like to have a map. Off the top of his head he does want to tell them that he'd have difficulty -- if Heerdink Lane is within this new right-of-way, changing that name -- not anything against the Spencers -- but just because it would be too confusing for everybody else out there. If it has to do with some road that is their road, then it is o.k. with him. "But if we can just get some accurate information, we'll work with you on it. I can't tell you right now until I get more information on it. If we can just get the information together on it, I think we'll be o.k."

RE: REQUEST FOR WAIVER OF SIDEWALKS IN ASHBY HEIGHTS SUB

Discussion returned to Mr. Johnston's request for waiver of sidewalks in Ashby Heights Subdivision.

The Commissioners reviewed the map provided by Area Plan Commission. Mr. Willner asked if Mr. Johnston is talking about portion of Whetstone Road that deadends at the airport and then picks up again in McCutchanville. He said he sees no problem with deleting the sidewalks. It is deadend and there is no thru traffic.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, the request was approved. So ordered.

RE: RESOLUTION AUTHORIZING TRANSFER OF CABLE T.V. FRANCHISE TO STAR MIDWEST, INC.

The Chair recognized Attorney Gary Davis. He said Attorney Davis is present for purposes of presenting a Resolution Authorizing Transfer of Cable T.V. Franchise to Star Midwest, Inc. in the assignment of the assets of franchise as collateral.

Commissioner Willner asked "Are you respecting all their liabilities and assets?"

Mr. Davis responded, "Yes."

Commissioner Willner said, "I move that the Resolution be approved."

Commissioner Borries said, "Well, that is moving right long. I wanted some more information here, Commissioner. I don't want you to think I am against this."

Addressing Attorney Davis, Commissioner Borries asked that he state his name for the record and explain his request.

The individual stated his name as Gary Davis and that he is an Attorney (GREENVILLE, KY) representing Star Midwest, Inc. Star Midwest is merging with Columbia Management, which is the parent company of Community Cablevision. Community has the Posey County-New Harmony Cable Television franchise and a franchise for a small portion of Vanderburgh County that borders Posey County....

Commissioner Borries asked, "Along Marx Road, maybe?"

Mr. Davis said, "Yes sir; outside the reach of Evansville Cable T.V. I had a question last week when I brought the papers by and left the Resolution form as to how long before construction is going to be completed. I checked with the officials at Star and there is 35 miles of additional construction to be done in Posey County, all of which has to be done in order to make these connections butt up against the Evansville Cable system and all of that should be completed in less than six (6) months."

Mr. Borries said, "Commissioner Willner then, has already asked about financial obligations and things like that. I guess my question is, I received a call from a gentleman on Marx Road and then had to do some research, because frankly I was unaware that Community Cablevision touched a portion of Vanderburgh County where they did. But this person had some real concerns about -- as far out in distance as they were from Evansville Cable T.V. they had no problem with cable, because they really needed it since they didn't feel that Evansville Cable T.V. was going to be out in their area. But they also had some concerns that they didn't know what was going on in terms of their service. It was down quite a bit. I guess they had been given a number to call and they had not received much satisfaction in terms of what was going on. I guess my concerns are, "Can you provide or do you have some positive things that we can tell people in regards to your maintenance in that area?"

Attorney Davis responded, "Yes sir; there was a change two months ago, which is the core change that will make the biggest difference in this area and that is that Community acquired the Parcabable Systems in Carmi, Albion and Norris City, ILL and Sebree, KY. Parcabable's office was here in Evansville. Evansville is now going to be the office for this region. All of the operations will be run here locally. The service people will be run out of this office, rather than having to call Indianapolis or an 800 number and getting routed back down here. So this is a process that is in change right now. That part should be complete within the next sixty (60) days and I think you will see a much smoother operation and by virtue of the Parcabable, Inc. acquisition which ups our subscribers from 1,400 to 4,500, there will be a great deal more concentration of people."

Commissioner Borries asked, "Could I ask then if, subject to approval of this Resolution, could you put all of the information on file (I believe we would have that from all the others -- I think there are three now, aren't there -- in Vanderburgh County? If you could give us this information -- because if we do get calls (like we did on this situation) it is really embarrassing to us I think not to be able to respond. So if you could just give us a copy of your service number and perhaps the name of your contact person -- that would really be helpful."

Mr. Davis said he will get a sheet that describes all this information to the Commissioners later.

Mr. Borries said that will be helpful to us in responding to some of the residents. He asked if Commissioner Cox has any questions.

Commissioner Cox asked, "In this ordinance, are you at all familiar with the Ordinance filed October 27, 1986 regarding this CABLE (Which in essence stands for COMMUNITY ANTENNA -- and then it has (Cable Television System) -- is this the thing we're talking about here?

Mr. Davis responded, Yes Ma'm."

Mrs. Cox said, "This ordinance was consenting to the consignment of a franchise for the establishment and operation of a cable television system in Vanderburgh County, Indiana, by COMMUNITY CABLEVISION LTD. TO CABLE EQUITY ASSOCIATES. So we've had Community Cablevision transfer -- no we haven't, because the ordinance didn't go through, did it?"

Mr. Davis said, "That was held off, yes Ma'm. What happened, rather than sell the system outright to Cable Equity Associates, Community and its parent company (Columbia Management) are merging with Star Cablevision of Wisconsin. And, while the Columbia companies are a total of 17,000 subscribers (that is the size they are) Star has about 70,000 subscribers. By combining the two companies it makes for a more efficient operation. I think you were out of the room when I mentioned that there is approximately 35 miles of additional construction that is going to be done in Posey County and it is all up and down the Vanderburgh County line and then from that construction, additions will be set over into Vanderburgh County to butt up against the Evansville Cable system -- because in that area Evanville Cable has built out to the limit that they plan to build. When we're complete (in less than six months) the area for cable service will be solid from here to the Posey County line."

Commissioner Cox asked, "Do you have an office in Vanderburgh County for your customers?"

Mr. Davis replied, "Yes, Ma'm; with the acquisition of the Parcabable Systems we can also acquire the Parcabable office (which is here in Evansville) and that is where our local operation will be."

The Commissioners were discussing the cable system among themselves and Mr. Davis commented, "Most of it is overground in designated area, unless we get to a subdivision where the utilities are underground -- then we are underground."

Mrs. Cox asked, "What arrangements are you proposing for the remittance of the County percentage?"

Mr. Davis replied, "They are spelled out in the Cable Television franchise ordinance."

Mrs. Cox asked, "Which one?"

Attorney Davis said, "It's your own ordinance -- the one with Community Cablevision -- and this simply transfers that document into Star Midwest's name and Star Midwest assumes all of the obligations."

Mrs. Cox said, "We need to pull that out to see what it says, because we've gotten one check from Community Cablevision -- that is the only check I ever remember receiving from them --and what prompted it was the report that there had been some complaints on the service to the people. So we need to know -- and you need to know too -- how often you are supposed to send in payments (usually they are quarterly -- they are all written alike -- they come in every three months.)"

Attorney Davis said, "Without looking at it myself, I couldn't say."

Attorney Miller commented, "Community might have a solvent company coming in to assume all the liabilities that they haven't met."

Attorney Davis said, "I can tell you that the provisions of the merger agreement provide that all franchise fees that are due and owing have to be paid prior to closing the sale October 26th."

Attorney Miller asked, "You're requiring an audit?"

Attorney Davis responded, "Yes sir; a third party accounting firm audit."

Attorney Miller said "That is the cheapest money you will ever get, because if you haven't gotten paid, your quarterly fee is going to show up in that audit."

Commissioner Willner agreed and said, "Do they have any installations in -- they've got one trailer court in Vanderburgh County, right?"

Attorney Davis replied, "There are only about fifty (50) installations in Vanderburgh County at this point."

Commissioner Willner said, "And twenty (20) of those were within the last month or something like that?"

Mr. Davis said, "Yes sir."

Commissioner Willner said, "That is the reason the checks aren't that big, I understand that."

Attorney Davis said, "Yes sir; and as quickly as the merger is completed, of course, construction will begin on getting everything finished and then I don't have an estimate for the number of subscribers that would be in Vanderburgh County, but I do know there are supposed to be between 15 and 20 miles of

construction in Vanderburgh County - so that should be in the neighborhood of 350 subscribers." By the way, for what it is worth, the system is being improved electronically to 54 channel capability -- both in Posey County and the portion that serves Vanderburgh County -- so it will be a state-of-the-art system."

Commissioner Cox said, "And my last question -- I guess for our Council:-- When this was presented to us last fall, it was presented in the form of an Ordinance and today's is a Resolution. How do we have to do this?"

Attorney Miller commented, "I think the difference is in the nature of the transaction that was contemplated last October as compared to this transaction."

Attorney Davis said, "This is a merger, which does not require a transfer of the franchise. Well, in essence, it does require a transfer of the franchise into the surviving company name, which is going to be Star Midwest, Inc. Whether you want to do that with an Ordinance -- if that suits your framework better we can ...."

Attorney Miller said, "In going through this transaction, I assume you have done the necessary research. Last year when I did that Ordinance, it appeared to me that the statute required that the franchise had to be granted by Ordinance and any transfers of the franchise approved by Ordinance. If you are comfortable with a Resolution, then it doesn't make any difference to us."

Attorney Davis said, "We are comfortable with the Resolution."

Attorney Miller said, "You understand why it doesn't make any difference to us? Because if the transfer isn't completed because of that, then it is only going to hurt their financing or their ability to get a licensing under the F.C.C. rules or whatever -- so if they are comfortable with a Resolution, then we can be comfortable with it."

Commissioner Cox said, "You have noted here 'Exhibit A'. Do you have it on yours? It's a copy of the CATV Ordinance."

Attorney Davis said, "No, we were going to attach a copy of the Ordinance to the Resolution, but I do not have that copy with me at this time. Of course, when this Resolution is passed, there would also be an acceptance letter back to you from Star Midwest, following closing, in which they acknowledge receipt of it and acknowledge that they are accepting all the terms."

Commissioner Borries entertained further questions and asked, "Is there anything further we would need to do? I think Commissioner Willner had moved that this be accepted."

Commissioner Cox said, "I will second the motion."

Commissioner Borries said, "So ordered."

RE: COUNTY ATTORNEY - DAVID MILLER

Attorney Miller said the County was sued by the State Police, as reported in the newspapers, and that will be referred to our insurers.

"Last week Commissioner Borries requested that I look into a manner in which we could move along with the work on the engineering plans for the improvement of the Hillcrest-Washington Home. We have a statute in Indiana that requires (even in the case of a project that is only in the area of this \$3,000 or \$4,000 for this engineering) that unless an emergency is declared this kind of contract needs to be advertised for bids and it requires 30 days. I know that there is some concern that you need to get moving on this project. I know that you have a



concern regarding certain aspects of the integrity of that building out there. If you declare an emergency you can direct that the County enter into a contract for these engineering services without any delay. The declaration has to be made in the minutes of your meeting and we can only contract for those professional services that are directly related to this project. In my opinion, the other way to do this is to invite three bids and wait for seven (7) days. Either way you can do it in a relatively short amount of time. But because of the holiday this is Tuesday and there would be a two week delay in awarding that work unless you declare an emergency. My understanding is that we're talking roughly about a \$3,000 contract and if that is true, we can bid under either of these statutes. It is also my understanding that...."

Commissioner Cox asked, "Which project are we talking about?"

Commissioner Willner said, "For the heating and air conditioning at the Hillcrest-Washington Home."

Commissioner Borries said, "The money has been appropriated; but because it has to be run according to the County standards, there was a real lag time in terms of how long it was going to take us to advertise. If you just simply say 'heating and air conditioning services' without some kind of professional plan to do that..."

Attorney Miller said, "Without any plans - somebody asked one engineering firm here in town to give a price for this engineering work on these plans and my understanding was that it was in the area of something like \$20,000. And it is my understanding that there is an engineer available who will do it for about \$3,000. And it needs to be done before the winter hits. With time of the essence, you can declare an emergency if you wish to do that. Or, you can invite bids. If you invite bids, the Purchasing Department will send out three (3) invitations to bid and allow those three the seven days to submit their proposals. And I really think that is the most prudent thing to do, because you don't have a real pressing emergency and I think you should reserve the statute..."

Mrs. Cox interjected, "To me the emergency statute is for emergency times."

Attorney Miller continued..."I think you should reserve the emergency statute for emergency times. I would suggest, therefore, that you send out a seven day notice and request bids from three people."

Commissioners Borries and Willner said that is fine, if that is the quickest way to do it. Their concern is that we don't take another couple of months. It takes a long time to get the money appropriated. We've reached that point and now whichever way we can get this thing going he is sure the Mental Health Foundation will be appreciative. They will carry on from there, but these are all things that were in that original agreement.

Mrs. Cox said, "So what we're doing here is asking for invitational bids on proposals?"

Attorney Miller said, "No, you are asking for invitational bids from engineers for providing the engineering for the service. These will be the engineering drawings which will act as the specifications for the system. That is what it will be. Mr. Lindenschmidt has drawn up a list of six requirements that the engineer (the successful bidder) will have to meet:

- 1) They are to provide specifications for materials and workmanship to maintain a minimum standard by which contractors must bid;

- 2) Provide calculations of heat gain to set minimum size of refrigeration equipment.
- 3) Provide an overview of the facilities with regard to air conditioning placement of equipment, duct runs, etc.;
- 4) Provide "schematic" drawing to indicate the location of major equipment and duct runs.
- 5) Review shop drawings of equipment, duct layout and sizing.
- 6) Provide inspection services to insure compliance with specifications."

Commissioner Cox asked, "Where did that come from?"

Attorney Miller said, "Jim prepared it."

Mr. Lindenschmidt said he talked with an engineer and got the data together as to what we should request of the engineer.

Attorney Miller said this is the extent of his report today. He suggest the Board authorize the issuance of three invitations.

Commissioner Cox said, "We still have to set a time for those bids to be received and they have to be received in a public Meeting by our Board. They can't be opened in your office or..."

Mr. Lindenschmidt said he has on the bottom that the bids should be in the County Commissioners Office by 2:30 p.m. on September 14th -- but we can't do that. It will have to be September 21st at the earliest -- and that is a night meeting.

It was the consensus of the Board that the Purchasing Department should ask for three invitational bids, with bids to be submitted by 2:30 p.m. on Monday, September 21st, and opened on the same date at the evening session of the Commission at 7:30 p.m.

Motion to this effect was made by Commissioner Willner, with a second by Commissioner Cox. So ordered. President Borries noted the procedure will be followed as outlined by the County Attorney.

RE: COUNTY HIGHWAY - BILL BETHEL

President Borries welcomed Mr. Bethel back from vacation. The meeting proceeded with Mr. Bethel presenting the following reports:

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of August 31 thru September 4, 1987.....report received and filed.

Gradall: Ditch on Inglefield Rd. - 4900 New Harmony Rd.  
6030 Upper Mt. Vernon Rd., Volkman Rd., Straighten  
ditch on Browning Rd. and St. Joseph Avenue.

Paving: Nisbet Station Rd.

Patching: Intersection Seib and Orchard Rd , Schenk Rd.,  
& St. Joe Avenue, Swingwing Way & Ward Rd., O'Hara  
& Venetian Drive., Elmhurst & Oak Hill, Petersburg  
Rd. & Stringtown Rd., Syl's Drive and Koring Rd.

Mowed: Boonville-New Harmony Rd., Browning Rd., Petersburg,  
Baseline Rd., Wimberg R., Hogue Rd., Peerless Rd.,  
and Upper Mt. Vernon Rd.

Pull

Shoulders: West Terrace Dr., Autumn Lane, Middle Mt. Vernon Rd., Marlene Drive, Westmore Drive, Marigold Ct. and Raintree.

Weekly Report/Bridge Crew: Also submitted for the same period were copies of the report for the Bridge crew....report received and filed.

- Cut grass on guard rail on Broadway, Nurrenbern, Bayou Creek, Middle Mt. Vernon, Felstead, Upper Mt. Vernon, Old 460 and Harmony Way.
- Welded guard rail on Laubscher and painted bridge on Laubscher.
- Repaired bridge wall on #6 School Rd., pipe on Meadowlark Lane, slope on Mohr Rd.
- Cut driveway at Sheriff's Sub-Station
- Added extension to Miller Rd.
- Worked in yard at the Vanderburgh County Highway Garage

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew....reports received and filed.

The Chair entertained questions of Mr. Bethel. There were none.

Mr. Bethel did report that he had a wreck while on vacation. In response to query as to whether anyone was injured, Mr. Bethel said his sister was injured but he thinks she is going to be o.k. A lady pulled in front of him and stopped on I-75 in Tipton, Georgia. No one in her car was injured -- but she got a ticket. In response to query from Commissioner Cox as to whether his car was drivable, Mr. Bethel said he drove on to Sarasota and had it repaired. It looked bad.

RE: COUNTY ENGINEER

St. Joe Avenue/Reimbursement: Mr. Easley said the first item of business he has is the \$50,000 to be paid to the City. He went back and spoke to Mr. Vezzoso and had previously said something to Dick Eiffler. He is having a little trouble in getting continuity there.

Commissioner Willner said, "It is ridiculous for us to hold up a check for \$50,000 for the City of Evansville for a small project on Buchanan Rd. Therefore, I am going to move that the authority to release the check be approved and that we continue to ask the City of Evansville to work with us on that project period.

Mr. Easley said Mr. Vezzoso said the drainage problems are resurfacing. He was sure that they had been taken care of. He (Easley) has been out there; there is quite a bit of sand on the west side of St. Joseph Avenue in the vicinity of the Buchanan intersection. But he didn't really see any drainage problems. He asked that Mrs. Cox tell him a little more specifically what she was concerned about?

Mrs. Cox said, "That is exactly what I was concerned about. The sand is not sand; it is mud ruts that have accumulated there from when it rains and everything runs across the road. Mr. Eiffler called me three weeks ago and he wholeheartedly agreed that something needed to be done out there and said it would be corrected -- and it still isn't corrected."

Mr. Easley said, "As Mr. Willner suggested, I think we can try to get them to do what they need to do. It is my understanding that there is something in the paper about the \$50,000 -- that they

need that money to pay their contractual obligations. I think in order to maintain a good working relationship with the City that we do as Mr. Willner has moved -- release the check."

Mrs. Cox said, "Well, there are no reporters here -- so I can't be termed to be "political", but the thing of it is that I have worked on this Buchanan Road intersection problem for two years. I've also reported the Ray Becker Expressway sinkholes for a year and a half -- and nothing has been done on them. I've also reported Red Bank Rd. -- the shoulders along Red Bank Rd. on the curve about the 1000 and 1100 block for about two and a half years and nothing has been done. Now, if you want to give them the \$50,000 and hope that something is going to be done, that is all right -- but I will not second that motion."

Commissioner Willner said, "That is all right; but I don't believe in holding people or dollars hostage for a problem; I've never worked on the problems as you relay here and I am not talking about them. I really don't know that they are a problem. You're talking about in the city, I guess, and I don't think the County Council should hold us hostage and I don't think we should hold the City hostage."

Mrs. Cox said, "I will let you finish and then I want to respond."

Commissioner Willner continued, "Just give them their money and then if you have a problem and you ask me, I'll help you with it."

Mrs. Cox asked, "Then why do you want to hold the State hostage all the time? You don't want to give them anything until they deal with you Bob."

Mr. Willner said, "I've never held the State hostage for anything. For what?"

Mrs. Cox responded, "Oh, for various things. \$50,000 is simply a drop in the bucket and that intersection is bad and it carries a lot of traffic. It does need to be fixed."

Mr. Willner remarked, "No question about it. But I think we ought to update our portion of that intersection."

Mrs. Cox continued, "And you didn't see anything wrong with the request when I made the motion. You and I were here by ourselves and you thought it was fine. Now you've done a complete turnaround."

Commissioner Willner said, "I don't think there's anything wrong with your request; I just don't think we ought to hold the money hostage."

Mrs. Cox said, "Well, you boys do whatever you want."

Commissioner Borries said, "I will second the motion. But in order to address those concerns, I think they have appeared in the minutes of this Board and we need to forward those to whoever is responsible at this point in the City -- in writing -- to get these things done and I think we can do that. I would think that from the standpoint of a cash flow problem there could be some interest involved to ease any kind of cash flow problems or at least to be credited to any accounts. But I certainly don't have any problem with requesting these repairs and asking that these things be done -- and be done immediately. Andy, if you could get a list of those things pointed out by Commissioner Cox, we will send those to the appropriate City Department and see if we can get these things accomplished."

Commissioner Cox said, "Now listen, Gentlemen, you're trying to catch me in the same things you did on Tall Timbers. They have been apprized of what is going on out there at the intersection

of Buchanan Road and St. Joe Avenue. The City Engineer knows what needs to be done out there to correct that intersection. And I am not going to put anything down again and go through this again. They know what needs to be done."

Commissioner Borries said, "I am not going to debate with you that they don't. I'm just saying..."

Commissioner Willner said, "I would. Let's face it; we were talking to Dick Eiffler and John Vezzoso, who are no longer with the City. So he is going to have to communicate with the new Engineer who, I doubt very much, knows what the problem is."

Mrs. Cox said, "Well, the Mayor is aware of the problem and isn't the new City Engineer a direct appointment of the Mayor? Then he should..."

Commissioner Willner said, "The Mayor is pretty new himself, so we're dealing with new people."

Mrs. Cox said, "No; the Mayor is not new. The Mayor has been involved in City government for four or five years, Bob. He is not new and he brought this up himself -- that he has been waiting for something to be done out there on the intersection. So they know what needs to be done. I'm not an engineer; I can't go out and tell them what grade to grade those ditches and clean them out and how much pavement to put on there. I don't think I should have to do that. That is what you tried to get me to do with Mr. Jarrett -- "Tell me what you want me to do" -- I'm not going to do that, I'm sorry."

Commissioner Borries asked, "Andy, would you put these things that we've discussed today in writing so that I can receive a copy and it can then be forwarded to the Mayor's Office and the City Engineer, whom I've not met, to see if we can get a response regarding these problems?"

Mr. Easley said, "I will."

Commissioner Borries asked if Mr. Easley has a copy of the Letter to be signed that goes to the State? Mr. Easley said he has a copy.

RE: ACCEPTANCE OF STREET IMPROVEMENTS - CHAPEL HILL SUB  
SECTION "B"

Mr. Easley presented copies of letter concerning Acceptance of Street Improvements in Chapel Hill Subdivision - Section "B". The letter reads as follows:

September 8, 1987

Mr. Richard Borries, President  
Vanderburgh County Board of Commissioners  
305 Civic Center Complex  
Evansville, IN 47708

Re: Acceptance of Street Improvements in  
Chapel Hill Subdivision - Section "B"

Dear Mr. Borries:

The undersigned and Bill Bethel have made an inspection of subject street improvements on August 21, 1987. These street improvements were constructed in June, 1987.

All streets are paved with 1" HAC surface & 2" HAC base on 6" comp. Type P. Agg. and have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed 24 ft. wide streets in subject subdivision:

Chapel Valley Court	360 l.f.
Chapel Hill Drive	<u>1,306 l.f.</u>

Total 1,666 l.f. (0.32 mi.)

We are enclosing a sketch of the subdivision showing the completed streets.

It is recommended that the street improvements in the subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

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

cc: Bill Bethel, Highway Supt.  
Richard Broerman, Developer  
Area Plan Commission  
School Corporation

Mr. Easley said he believes curbs and gutters were waived. He believes Mr. Broerman's financial guarantee is up a week from tomorrow. We have acceptance of streets in four other subdivisions, which were given to the Commissioners last week.

Commissioner Willner said he believes he's seen Section "A", but he has not seen Section "B". Is there any difference? Is it just a good a job as Section "A"? Section "A" was done very well.

Mr. Easley said there is no difference...and the job done on Section "B" is just as good as that on Section "A". He believes J. H. Rudolph & Co. paved both sections.

Motion was made by Commissioner Willner that the streets be accepted in Chapel Hill Subdivision, Section "B", as recommended by the County Engineer.

Commissioner Cox said, "I will second the motion. But our usual procedure is that when something first comes to us that we have it for a week and go out and take a look at it and we haven't done that on this -- and I don't think is being fair to everyone who submits street plans to us to make an exception.

Commissioners Willner and Borries said there is no problem. The Commissioners will defer action for one (1) week to allow the Commissioners time to view the subject streets prior to making a decision concerning acceptance.

RE: ROLLETT'S LANE BRIDGE PROPOSAL

Mr. Easley said the Board also took the Rollett Lane Bridge proposal under advisement last week. Does the Board wish to discuss this matter? We do need to select a contractor to install those precast culverts.

Commissioner Cox said, "My only comment would be in view of what our County Attorney went over and read to us regarding invitational bids. This certainly wasn't an emergency on Rollett's Lane. I move that we discount all bids that were submitted to this Board and re-advertise the invitational way and do it according to the law -- and not have bids opened privately in peoples' offices, but before this Board."

Commissioner Willner said, "That is fine."

Commissioner Borries asked, "How soon can we....?"

Mr. Willner said, "I think it will cost us more money, but I have no problem with the other way."

Commissioner Cox said, "Well now, Bob, according to law you can do things a certain way. O.K.? And if it is an emergency, it is o.k. one way. If it isn't, then you go the invitational bid way. Right?"

Commissioner Willner said, "Not necessarily, but go ahead."

Mrs. Cox said, "Well, what is another way then? Just go out and get a friend of yours to do it?"

Mr. Willner responded, "We have started to engineer and do this bridge in house, o.k.? Because, if we are bidding, we are not bidding for materials, except for the materials to finish what the factory has already done. So we have already set about doing this in house by buying the concrete products from the company, having them deliver it here and doing what we can of the bridge ourselves. So I see nothing wrong with bidding out the price for the work to be done -- because of the price. If we go by other bids (sealed bids) then the price is going to be \$45,000, \$55,000 or \$65,000. I think we can save a lot of money by doing it this way."

Mrs. Cox asked, "Well, what is 'this way'? I don't understand. On invitational bids there is a certain procedure that we have to follow."

Commissioner Willner said, "We did. I think you approved ordering the product even."

Commissioner Cox said, "All I saw was a picture of the product. I never saw these plans before."

Mr. Willner said, "I don't think the plans were ready when we ordered the precast materials."

Ms. Cox said, "They just have a date of July 17, 1987."

Mr. Willner said, "I think that is correct."

Mr. Easley said, "We selected the rise and the stand and we had a soil boring made and...."

Mrs. Cox interjected, "And Richard Gwinn drew these plans then?"

Mr. Easley said, "Richard Gwinn drew the plans and they were checked and approved by me."

Mrs. Cox said, "But we don't have the manpower to actually build the bridge."

Commissioner Willner said, "We are the contractor -- that is what I am trying to say. We are the contractor for this bridge."

Mrs. Cox said, "Well, let David (Miller) tell us what we need to do if it is an invitational bid. And I thought he just explained that to us -- what we need to do for invitational bids for the heating and air conditioning at Hillcrest-Washington. Didn't you, David?"

Attorney Miller said, "Public Works Projects costing less than \$25,000. This section applies whenever a Public Works Project is estimated to cost less than \$25,000:

"Board shall invite quotes from at least three (3) persons known to be engaged in the class of work proposed to be done by mailing them a notice stating the plans and specifications are on file in a specified office. Notice must be mailed not less than seven (7) days before the time fixed for receiving quotes."

Board may not require person to submit a quote before the meeting at which the quotes are to be received. Receipt of the quotes must be open to the public and all quotes received shall be opened publicly and read aloud at the time and place designated and not before.

The Board shall award the contract for the public work to the lowest responsible and responsive quoter.

The Board may reject all quotes submitted."

Mr. Easley continued, "As I said last week, I opened the bids in my office. We sent out notices to five (5) people and Johnny Manns said his work load prevented him from quoting and the same goes for Blankenberger. However, we did get three (3) responses and I brought them to the meeting. So that was a deviation from the formal opening here."

Attorney Miller said, "I wasn't here last week, so we could have confirmed that those were the correct bids by contacting the bidders. You could still do that. But short of that, you could invite bids again and award them next week."

Mrs. Cox said, "I think the reason the statute is written that way is not to confirm that they are those bids, but to take away any impropriety insofar as somebody opening a bid and saying so and so has bid this. I think that is why it was written that way."

Attorney Miller said, "I am sure it was written to prevent disclosure of one person's bid to another potential bidder. There is not doubt about that."

Mrs. Cox asked, "And do you have in writing what you sent out to these engineers?"

Mr. Easley responded, "Yes."

Mrs. Cox continued, "So it is no big deal then?"

Commissioner Borries said, "Well I think the question has been raised, so let's go ahead and do it that way and we'll follow the Attorney's instructions and see if we can get this thing resolved quickly."

Mr. Easley showed Commissioner Cox a letter from David Guillaum, concerning his bid on the Rollett Lane Bridge project, which Mrs. Cox had requested last week that Mr. Easley obtain. She commented, "That speaks well for him."

Ohio Street Bridge/Expansion Joint: Mr. Easley reported that one expansion joint on the Ohio Street Bridge has come loose and we have made arrangements for a contractor to re-weld it on Thursday morning. The nuts have come off and it is really jarring.

Opening of Intersection/Old Princeton-Outer Darmstadt Rd.: Commissioner Willner asked Mr. Easley whether we could have an opening of the Intersection at Old Princeton-Outer Darmstadt Rd. They did a very nice job and he thinks we should let the people know what it looks like.

Mr. Easley said, "All right; I think it did turn out good. They put the final layer of asphalt down this morning and the project did turn out well."

RE: CARANZA DRIVE-KEMPELL DRIVE SEWER PROJECT

Attorney Miller asked Mr. Easley whether he had a chance to discuss the Barrett Law matter relating to the Caranza Drive-Kembell Drive sewer project with the Commissioners?



Mr. Easley said he has not. He reported that he and Attorney Miller had a conference on the Caranza Drive Barrett Law sewer. He has pointed out that the assessment roll needs to be done. We need a decent set of preliminary plans and a fairly reliable preliminary cost estimate, which is going to take several hours of engineering. He says that there is some provision in the law that the Commissioners could authorize selection of someone (preferably a consultant) to do this work. He thinks there is going to be several hours of work there in order to have this next hearing and have the information we need in a manner in which it can be presented accurately. He asked if Attorney Miller wishes to take over now?

Attorney Miller said, "You need to have in hand a set of plans and specifications that are drawn to standard -- something that can be used for the construction of the project so that you have:

- a) A close feel for the cost of this project, and
- b) A feeling for the benefits that are going to derive to the various parcels.

Remembering that you are going to finance this with a Barrett Law Assessment and the Barrett Law Assessment can come before the plans -- but you need the plans before you can do the Barrett Law -- but you need to be able to pay for the plans out of the Barrett Law -- we were stymied for a little while as to how we could get this done. However, the Indiana Legislature in its ongoing, all precedent wisdom has passed the following statute:

"When any public work is proposed to be performed and the Board determines by a two-thirds vote that it is expedient and in the best public interest to employ Professional Engineering, Architectural or Accounting services for the planning and financing of the public work and the preparation of plans and specifications and the limitations and restrictions in the general statutes with respect to the invalidity of contracts without an appropriation therefor, payment of fees solely from the proceeds of bonds or assessments when and if issued and payment of fees solely from special funds or funds to be provided in the future do not apply to contracts for those professional services to the extent that such limitations and restrictions might otherwise prevent the payment of fees for services actually rendered."

So, somebody ran into this problem before and the Legislature in 1982 adopted a statute to remedy it. I believe that the appropriate next step in this case is for you to advertise for bids for the plans and specifications for the sewer system in this area. And I must tell you that before those plans and specifications are awarded, I have to bring to you an amended Preliminary Resolution, because old David left something out of the Preliminary Resolution the night of the meeting. But I have checked with bond documents in the past and that is o.k. You can amend that Resolution because you made the finding -- we simply didn't put it in your resolution.

In any event, the next step before you go forward on Caranza Drive is to get these plans and specifications developed and you can do that before the Barrett bonds are issued and then pay for it out of the Barrett bonds."

Mr. Easley asked, "Are you talking about Preliminary Plans or Final Plans? After we get Preliminary Plans, what if the people decide they want a private sewer?"

Attorney Miller said "A condition of your approval of their doing that would have to be that they use your Preliminary Plans and reimburse the County -- if they want a private system."

Mr. Easley said, "I haven't heard of any strong movement out there, Bill Jeffers. Do you know of any strong movement for a private sewer?"

Mr. Jeffers said, "They're just waiting to hear from you guys."

Attorney Miller said, "This is the next thing for them to hear."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, Mr. Easley was authorized to prepare a Notice to Bidders for Request for Engineering Proposals for the Preliminary Plans for the Caranza Drive sewer for approval and advertisement. So ordered.

RE: OLD BUSINESS

Acceptance of Streets/Simmons Subdivision: Commissioner Cox reported that she received a call from Mr. Hugh Simmons regarding Carmel Court.

Mr. Easley said that is one of the streets involved in the street acceptance letters he presented to the Commissioners last week.

Mrs. Cox asked, "Well, who did you turn them in to?"

Mr. Easley said, "I gave each of you a copy of the Street Acceptance Letter last week. There were four different letters on four different subdivisions. The Commissioners said they would take them under advisement."

Mrs. Cox asked, "Are they in our minutes from last week? There was no mention of them in our minutes."

Mr. Easley said, "Yes there was -- on Page 14 of the August 31st minutes."

Mrs. Cox apologized, saying she hasn't read these minutes yet. Maybe the Commissioners can get out to look at these streets, along with Chapel Hill subdivision. Also, could the Commissioners have a report from the Surveyor's Office regarding the drainage plans and the overall construction of those?

Mr. Jeffers agreed.

Commissioner Borries said if they can have the Surveyor's report next week, maybe the Board can act on these.

Mr. Jeffers said he was notified on Friday afternoon that Commissioner Borries would like for him to obtain communication regarding the drainage.

Mr. Borries asked if Mr. Jeffers will be able to do this on Burkhardt Center, Simmons Sub, Highland Ridge and Oak View Place?

Surveyor's Report: Mr. Jeffers responded, "Having received that on Friday afternoon, and realizing that some of these financial guarantees will expire (well, every one of them will expire, including Chapel Hill and Tall Timbers -- which are not listed with these four -- by October 6th), the urgency is there to do this. "Our office will attempt to get them all done by next Monday, but I am not going to guarantee that we will be able to view each one. We went out and looked at Simmons Subdivision this morning, because that was represented to us as being one that is going to run out very shortly. The roadway side ditches -- the channels are constructed as shown on the street and drainage plans, with a 2 ft. minimum bottom and 3:1 or flatter side slopes. The erosion control efforts in the channels by sodding and seeding and other methods is above average. That is a hard soil to stabilize out there. They've done a very good job of stabilizing it. The erosion control on the lots (most of which are undeveloped at this time) is above average. The pipe at the entrance to the subdivision (which is designated as an 18 inch pipe, corrugated metal) is, in fact, 20 ft. longer than

required by the plans and I believe that extra 20 ft. was to be able to implement some better turning radiuses and it is also revetted. On the upstream end it has a lug of concrete around it. Both of these changes from the original plan represent improvements.

Burkhardt Center: We visited Burkhardt Center this afternoon, but I need some additional information from Mr. Nicholson due to some construction that is ongoing.

Oak View Place, Phase I: Mr. Jeffers said he met with Mr. Fuquay this afternoon and set a time to view the subdivision (9:30 a.m. on Thursday morning).

Highland Ridge: No action on these to date.

Chapel Hill Subdivision: Mr. Jeffers will add this to the list.

He will try to report on these next Monday -- but he is not guaranteeing that he can. He is only comparing the drainage portion of the plans to the existing construction. He is not going to talk about road surfaces and other roadway aspects of the overall plan.

Property at Corner of Rosenberger Avenue & Highway 62: It was noted by Mr. Jeffers that several people in the building (including Mr. Easley and Mrs. Cox) have received phone calls from interested parties adjacent to the previous Dunn property at the corner of Rosenberger Avenue and Highway 62, which is being developed by Mr. Walt Wilson commercially. It involves realigning the channel to Carpentier Creek and bringing in fill dirt to build up on the flood plain. One of the neighbors has expressed grave reservations about the whatever -- I am not going into what his reservations are, because I am not familiar with them first hand. This message was conveyed to our office from both Mr. Easley and Mrs. Cox. Upon viewing the site three times in the last six days, we determined that first, the Dunn property is being purchased by the University Heights Shopping Center. The Dunn property itself is in Section 27611 and all of 27611 lies within the City Limits. The concerned party to the north of the Dunn property is in Section 22611, that portion of which is in the County -- so, therefore, only if the developers have crossed the property line is any of the subject ground in the County. Thus, the City Board of Works would probably be the ones to address that problem. If anyone is not familiar with that, I would suggest they talk either with Mr. Easley or Mrs. Cox. They are much more familiar with it than I am from the complaintant's point of view."

RE: BURDETTE PARK - MARK TULEY

Mr. Tuley said that Mr. Bob Gulick is here from SIGECO. He talked with SIGECO last year some time. In essence, we have L.P. gas out at Burdette Park and wondered what cost savings there would be to the Park if we switched over to natural gas -- if any. Ed Diamond from SIGECO came out and got their 1986 bills and reviewed them. Basically, there is substantial savings to the County if the switchover were made. It is definitely worthwhile. Last year, on the gallons of L.P. gas used, it was 13,938. If they'd been using SIGECO (their natural gas is about the equivalent of 34 cents per gallon) they would have saved about 30 cents per gallon or approximately \$4,108.10. That will vary from year to year, according to how much gas is used based on the severity of the weather. But SIGECO is willing and an easement, together with drawing, has been prepared. They have a gas line that stops down at the Outlaw's property, which is just east of the Park's property. The gas line is across the street on the south side of the street. Pointing to the drawing, Mr. Tuley said they need to come across the street, get an easement from Outlaw to our property and then get an easement from the County -- which basically is going to put them up 15 ft. off the roadway -- to run a gas line up to the Park. They are

willing to bring this line up to the bottom of the cottages. Naturally, this is a substantial savings to the Park. The Park would be a pretty good customer to SIGECO and it saves the Park money. In essence, it keeps SIGECO from putting in more than one metering point. He talked to the County Council a month or so ago when they were before them with another request and explained to them what we were going to try to do. We will have some cost out of this thing. From that metering point, we will have to run underground lines to the buildings and then change the heating units from L.P. to natural gas. From the estimates they have received so far, the total project is going to be less than \$10,000. In the long run, over the year the County is going to save a tremendous amount of money. But it will take two to two and a half years to pay back the initial cost. From then on, we will be saving money every year."

In response to query from Commissioner Cox, Mr. Tuley said the easement is required to get away from the road -- out past the ditch. He will request permission to get on Council Call and then will ask for bid specs.

Mr. Tuley said there are a couple of areas along the road that SIGECO will be cutting, but they have assured us that in putting in the gas line they will do it just like the regular roads and patch the cut with a quality asphalt, just like a regular road.

Next week Council will be hearing Capital Improvement requests and he would like to add this to his request. SIGECO would like to start putting the gas line in before the weather gets cold.

Mrs. Cox asked if Mr. Tuley plans on getting a bid? She knows he has run some water lines out there in house, but how he is going to get the gas from the parking lot over to the skating rink and from the ....

Mr. Tuley said that with the Commissioners' permission, what he would like to do is possibly set up a bidding process -- whereby we do the trenching and get an invitational bid from a company to come in -- or perhaps bid the entire project out -- whatever the Commissioners want him to do. But we could bid out the entire project and do it professionally.

It was the consensus that Mr. Tuley should follow that procedure.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the request from SIGECO for the Gas Line running along Nurrenbern Road and extending on to Burdette Park Lakeside Drive up to the parking lot be approved. So ordered. (The \$1.00 for the easement was quietused in - #8630). Mr. Gulick said he would pick up the signed, notarized easement from the secretary and that SIGECO will have it recorded.

In concluding, Mr. Tuley said last weekend Burdette Park did real well and they have broken their all time attendance record for a single season already. They had in excess of 75,000 people this year. The waterslide took in in excess of \$70,000.00 and the total park income as of today has broken \$280,000.00 which is a record for them and they still have a couple of months to go.

RE: TAX ADJUSTMENT BOARD APPOINTMENTS

The meeting proceeded with President Borries stating that we have a number of people who, for one reason or another, have not been able to serve on this year's board. We had a letter from Mr. Byron Wright, who had been an appointment to that board. He would like to place the following names in nomination as Democrat members: Mr. Lonnie Freeman of 2422 Negley Place, who has served previously through the Evansville-Vanderburgh School Corporation and has experience on this board; and Mr. Edward Ziemer of 8320 Carolwood Drive (that's in the County in the Lakewood Hills Subdivision).

We have tried and tried to contact Jean Marie Baker of 301 Lant Lane, but she has been out of town. She has served before on the Tax Adjustment Board and served well. At this time he would like to place her name back in nomination. If we cannot reach her within the next day, he does have another person who has indicated he would serve on that board. The second Republican appointee would be Mr. Richard Reising, who lives at 5102 Middle Mt. Vernon Rd.

It would be his recommendation that the foregoing be appointed as members of the Tax Adjustment Board.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, Lonnie Freeman, Edward Ziemer, Jean Marie Baker and Richard Reising were appointed to serve on the Tax Adjustment Board. So ordered. Mr. Borries said that if there is a problem with Mrs. Baker, then the change would just have to be made this week.

RE: SCHEDULED MEETINGS

Tuesday	Sept. 8	2:30 p.m.	Council Budget Hearing
Wednesday	Sept. 9	5:30 p.m.	" "
Monday	Sept. 14	9:00 a.m.	Tax Adjustment Board Organizational Meeting

RE: ACCEPTANCE OF CHECK FROM WELFARE DEPARTMENT

Commissioner Borries presented a check in the amount of \$11,503.92 with the Vanderburgh County Treasurer as Payee for the month's rent for the Indiana Department of Welfare.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the check was approved and endorsed for deposit into the County General Fund. So ordered. (Quietus #8572)

RE: CLAIM

Center City Corp.: Claim in the amount of \$600.00 to cover a refund of deposit at the Vanderburgh Auditorium. Center City Corp. wished to cancel the lease.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the claim was approved for payment. So ordered.

RE: VACATION OF PORTION OF FAIRFIELD DRIVE

Mr. Robert Gulick of SIGECO said that last week there was a request to vacate a portion of Fairfield Drive in Smyrna Subdivision. They took a look at this and did find that they have both gas and electric in part of that vacation and they were not covered by current easements. Therefore, the language in the Petition which said it was subject to utility easements would not be valid. What they would request is that the vacation which should show an easement in favor of the utility to protect their right, power and authority to construct, inspect, maintain, operate, alter, rebuild, relocate and enlarge their gas and electric facilities. He is requesting that the Board of Commissioners request that the Petition be amended before the subject vacation is approved.

Commissioner Borries requested that Mr. Gulick circle the affected portion of the Petition and give it to the Board so they can make sure that the Petition is amended.

Mrs. Cox said she thinks Mr. Nussmeier related that there would be no problem in those people granting an easement. She believes he stated that last week.

Mr. Gulick said that if the language is put right into the vacation petition, then SIGECO would be covered.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the request for the Amended Petition was approved. Mrs. Cox's motion also included the request that Mr. Nussmeier be notified concerning the location of SIGECO utilities. Mrs. Cox said she also understands from the Water & Sewer Department that their utility is also in this proposed area. Also, that an Amended Petition to vacate a portion of Fairfield Drive be submitted to this Board showing the granting of a Public Easement for these utilities. Commissioner Borries said the Board will make certain Mr. Nussmeier amends the Petition. He asked that County Engineer Andy Easley get this information to Mr. Nussmeier so he can amend the Petition.

RE: EMPLOYMENT CHANGES

Superior Court (Appointments)

Lori Michelle Gauer	Clerical Asst.	\$13,663/Yr.	Eff: 9/14/87
David W. Lamont	Pub. Defender	\$14,312/Yr.	Eff: 9/7/87

Superior Court (Releases)

Dennis Brinkmeyer	Pub. Defender	\$14,312/Yr.	Eff: 9/4/87
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County Highway (Releases)

Charles A. Sumner	Mechanic	\$ 8.58/Hr.	Eff: 9/3/87
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County Auditor (Appointments)

Betty Miles	Transfer Clk.	\$12,900/Yr.	Eff: 8/31/87
Marie Dunn	Posting Clk.	\$12,900/Yr.	Eff: 8/31/87

County Auditor (Releases)

Betty Miles	Transfer Clk.	\$12,400/Yr.	8/28/87
Marie Dunn	Posting Clk.	\$12,400/Yr.	8/28/87

Center Assessor (Releases)

Jennifer Sue Yeley	3rd Deputy	\$514.94/Pay	8/31/87
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Clerk of Circuit & Superior Courts (Appointments)

Joyce Fields	Dep. Clerk	\$6.00/Hr.	8/31/87
Christine Montooth	Bond & Fine	\$6.00/Hr.	8/31/87
Cathy Holbrook	Dep. Clerk	\$536.59/Pay	8/31/87
Kendra Martin	Dep. Clerk	\$514.94/Pay	8/31/87

Clerk of Circuit & Superior Courts (Releases)

Janice Dudley	Dep. Clerk	\$6.00/Hr.	8/31/87
Helen R. Ludwig	Bond & Fine	\$6.00/Hr.	8/31/87
Kendra Martin	Dep. Clerk	\$536.59/Pay	8/31/87
Joyce Fields	Dep. Clerk	\$514.94/Pay	8/31/87

Circuit Court (Appointments)

Dennis W. Howard	SAFE Guard	\$15,750/Yr.	9/3/87
Todd Alan Corne	Intern	\$3.35/Hr.	8/24/87
Patricia Walker	Nurse	\$10.00/Hr.	8/24/87
James D. Conklin	PT SAFE Guard	\$ 5.00/Hr.	8/22/87

Circuit Court (Releases)

Robert S. Saunders	SAFE Guard	\$15,750/Hr.	9/2/87
Tracy L. Thread	Intern	\$ 5.00/Hr.	8/7/87
Susan Terrell	Intern	\$ 3.35/Hr.	8/7/87

Union Assessor (Appointments)

Mary Ann Bernard	P.T. Reass.	\$35.00/Day	8/10/87
Tim Steinkamp	P.T. Reass.	\$35.00/Day	8/10/87
Keith Kuester	P.T. Reass.	\$35.00/Day	8/10/87

Burdette Park (Appointments)

Jon Dubber	Ext. Guard	\$3.35/Hr.	8/31/87
Cutee Gostley	Ext. Guard	\$3.35/Hr.	9/1/87
James Russell	Ext. Guard	\$4.00/Hr.	8/26/87
Laura Martin	Rink Cashier	\$5.00/Hr.	8/19/87

Burdette Park (Releases)

Gary Kitchens	Ext. Guard	\$3.35/Hr.	8/19/87
Shawn Stanley	Ext. Guard	\$3.35/Hr.	8/19/87
Sally Behme	P.T.G.C.	\$4.00/Hr.	6/15/87
Denise Strange	Slide	\$3.35/Hr.	8/19/87
Scott Kirsch	P.T.G.C.	\$3.50/Hr.	8/10/87
Amy Helfrich	Reg. Guard	\$3.60/Hr.	8/17/87
Mike Gerard	Asst. Pool Mgr.	\$40.00/Day	8/19/87
Tad Powless	Slide	\$ 3.35/Hr.	8/6/87
Amy Burkdoll	P.T.G.C.	\$ 3.50/Hr.	9/1/87
Joeli Staley	Reg. Guard	\$ 3.35/Hr.	8/17/87
Dona Barton	Reg. Guard	\$ 3.60/Hr.	8/19/87
Brian Dooley	Ext. Guard	\$3.35/Hr.	8/22/87
Angela Lawrence	Rink Cashier	\$ 4.00/Hr.	8/24/87
Barb Owens	Reg. Guard	\$ 3.60/Hr.	8/19/87
Jennifer Talley	Reg. Guard	\$3.35/Hr.	8/15/87
Jill McNaughton	Ext. Guard	\$3.35/Hr.	8/22/87
Angela Burmeister	Slide	\$3.35/Hr.	8/15/87

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 5:30 p.m.

PRESENT:      COMMISSIONERS      COUNTY AUDITOR      COUNTY ATTORNEY

R. J. Borries	Cindy Mayo	David V. Miller
R. L. Willner	Chief Deputy	
S. J. Cox		

COUNTY HIGHWAY      COUNTY ENGINEER      COUNTY SURVEYOR

Bill Bethel	Andy Easley	Bill Jeffers
		Chief Deputy

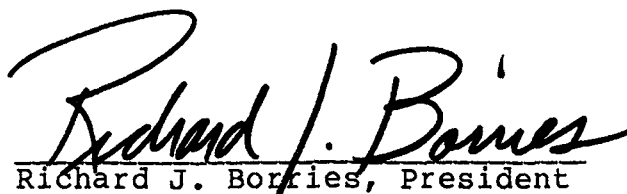
SHERIFF      PURCHASING      COUNTY ASSESSOR

Clarence Shepard	Tom Dorsey	Jim Angermeier
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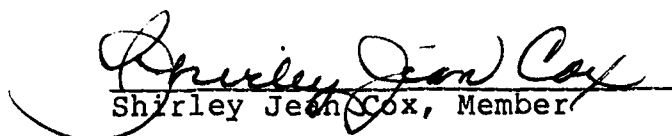
OTHER

William Schmitt  
Steve Spencer  
Frederick Spencer  
Gary Davis, Atty.  
Robert Johnston  
Jim Hughes/Manatron  
Bill McCully  
Bryan Arvison  
Shirley Reeder  
Roger Lehman  
News Media  
Others

SECRETARY:      Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member



*delay  
1 week*

MINUTES  
COUNTY COMMISSIONERS MEETING  
SEPTEMBER 14, 1987

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MINUTES  
COUNTY COMMISSIONERS MEETING  
SEPTEMBER 14, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, September 14, 1987, in the Commissioners Hearing Room with Vice President Robert Willner presiding.

The meeting was called to order and Commissioner Willner subsequently entertained a motion concerning approval of the minutes of meeting held on August 31, 1987.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, approval of said minutes was deferred until such time as Commissioner Borries arrives. So ordered.

RE: AUTHORIZATION TO OPEN BIDS RE TECHNICAL ADVISOR FOR RE-ASSESSMENT

Commissioner Willner entertained a motion to authorize the County Attorney to open bids received re Technical Advisor for the Re-Assessment.

Motion to instruct the County Attorney to open the bids for the Township Assessors' Re-Assessment Technical Advisor was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Commissioner Willner requested that the record reflect that two (2) bids were received, as follows: Simon's Governmental Services, Inc. and Mid-America Appraisal Service. He asked that Mr. Harry Tornatta, Perry Township Assessor, assist the County Attorney in opening the bids.

RE: ALICE WEATHERS, EXECUTIVE DIRECTOR OF C.A.P.E.

The Chair recognized Alice Weathers, Executive Director of C.A.P.E. She said she had forwarded a package to each of the Commissioners containing proposals. She said the first thing she'd like to address and extend a very special "thank you" for would be the Commissioners' funding for transportation in the remainder of the Vanderburgh County area for the elderly and the handicapped. Since she made a presentation a couple of things have happened. The primary thing that affects us is that the State did not fund us for dollars to operate the program and matching dollars to purchase a bus. So what her staff has done is to go out and beat the bushes and they have found a van (handicapped equipped) which will transport 7 - 10 people. They purchased it for \$10,000.00. They are ready to roll except that they are back to ask that the Commissioners would please assist them in terms of operating that program. They need gasoline, and a bit of assistance in terms of staffing. They did have some dollars available from the remainder of the money. So they would like to pursue that. They do have the vehicle and they are ready to operate. As it appears, we will be operating our own service for the handicapped and the elderly. One of the issues that she would like some guidance and clarification on is -- should we, in fact, limit it to service for transportation of the elderly? We can open it up entirely and that may be something the Commissioners may want to look at in a phase-in type situation. She is not certain they can provide adequate transportation for all County residents with only one van. But whatever the Commissioners' pleasure is, they are definitely amenable to addressing same. Ms. Weathers then entertained questions or comments concerning the transportation proposal.

The next issue is a new issue and being aware of the Commissioners' desire to do some economic development type programs in the remainder of the County outside the City of Evansville, they would like to propose to the Commissioners a one time funding of a Day Care venture for County residents only. They would like to propose putting in on the west side and they would like to design a program very similar to our Headstart Program -- but not necessarily limited by income, but do it based on a sliding fee scale. It is their position that there is a great need for services such as day care on the west side particularly on the far west side. They would like to attempt to fill that void. She has presented a budget to the Commissioners in two pieces knowing that dollars are not readily available all the time. With about \$85,000, we could have an excellent center. The minimum they could operate with would be about \$50,000. That is quite a bit of difference. If the Commissioners would glance at those budgets, they can see that some of the things such as playground equipment, classroom equipment, maintenance services, etc., have been cut out of the meat of the program -- things that we would like to have and feel that we need, but probably can get some other resources to address those. So those are the two things she would like to propose to the Commissioners this afternoon and ask for their positive consideration.

Continuing, Ms. Weathers said they find that there are about 2,500 young people age 5 and younger in the Vanderburgh County area, not including the 9,000 that are located in the City of Evansville. So they think the need is there for day care.

Commissioner Willner suggested Ms. Weathers give the Commissioners a week to think about this. In the area of child care, sometimes we find we are stepping into the field that is being provided by the people and sometimes that is not too good. But if there is a definite need -- and Ms. Weathers said this would be on the west side? (Ms. Weathers confirmed that this is correct.) And they have not yet looked for a building? (Ms. Weathers confirmed that they have not -- they wouldn't dare do that.) And they are asking for Community Action Program to fill out the year from this date in the amount of \$16,350? (Ms. Weathers said this is for transportation.) Mr. Willner asked if this is for the balance of this year or is this for one year starting now? Ms. Weathers said she tried to prepare the budget according to our fiscal year. She should have checked, but she was pretty sure our fiscal year ended in June. Commissioner Willner said our budget is from December to December. Ms. Weathers said, "Then we can cut this down; I was trying to do it on your fiscal year. I believe this budget was based on nine (9) months -- so we can cut out six of those months."

Commissioner Cox said, "For my own understanding, is this an additional bus that you purchased?"

Ms. Weathers responded, "Yes; if you remember, we asked for \$19,000 to match funds we were requesting from the State. The State did not approve that. Out of the \$19,000 we purchased a bus from an individual who was handicapped. The bus is totally handicapped equipped and he was buying a new bus. So we purchased that bus for \$10,000. We have about \$9,000 left, but we need operating dollars in terms of salaries, gasoline, etc. If we had the entire \$16,000 it would take us through next June. But I suspect you would prefer us to ask for dollars to operate it on our fiscal year and I can understand that and I am willing to do that."

Mrs. Cox asked, "So it isn't in operation at this time?"

Ms. Weathers replied, "No, it is not. We don't have any money for gasoline."

Commissioner Willner said, "You need approximately \$4,000 the rest of this year and what are you going to do for next year?"

Ms. Weathers said, "We are going to talk to you again. We project it will take about \$30,000 per year to run that program and it will be unique in that it will be the County's program -- totally funded -- and as I said, at some point we need to make some decisions in terms of who we want to provide the service to. At this time we are looking at charging \$1.90 round trip. I am wanting to keep it as reasonable as possible so all individuals will be able to afford it, but we are transporting in the City at \$1.25 and we find that our transportation costs are really running about \$3.75 to \$4.00 each way. So we really never recoup the dollars that it actually cost us. Likewise, in the County -- but because of the added distance we would like to ask a few more cents for the service."

Mrs. Cox asked, "So you are allotting this one bus for County runs?" Is that going to be adequate?"

Ms. Weathers replied, "Yes -- we are going to start off there."

Mrs. Cox said, "When you came to us with your proposal, at that time I can't remember whether or not you said something about an additional bus -- but I do know that even though we were not participating at that time you were making runs and serving people in the County."

Ms. Weathers said, "No -- we haven't been able to serve the County for 18 months I know, because I have been here that long."

Mrs. Cox asked, "You no longer serve the Carriage House Apartments? It is outside the City."

Ms. Weathers said, "Yes."

Mrs. Cox said, "But you do go one half mile outside the City Limits so you do serve some residents of the County not inside the City Limits at this time. But I thought we were finally catching up and paying some of our share or cost for what you are already doing for us."

Ms. Weathers said, "No -- but we are not asking you to...."

Mrs. Cox said, "But when you made the original request for our participation, was this for another bus?"

Ms. Weathers said, "Yes, it was for another bus and the cost of operating the service in the remainder of the County."

Mrs. Cox asked, "It probably won't ever happen -- but it might -- but where we have needs for people who live inside the City that you can't accommodate with the City bus and our County bus is setting there not being used, are there any restrictions that the bus can't be used outside the City?"

Ms. Weathers said, "The City has imposed those restrictions. We cannot go one half mile past the City Limits. If you would like to impose those, then we won't be able to do that."

Mrs. Cox said, "Because whether the small bus sits empty or is utilized, you still have costs that are ongoing. I think that is something we should consider here."

Ms. Weathers said, "We rarely have a bus that is just sitting. The other thing I'd like to share with you is that we have started to develop a waiting list. Many of the passengers that we formerly had are now aware that we are trying to start service and they call and ask when we're going to start? We tell them we don't have gasoline money. Many of them have sent us donations -- \$5.00, \$10.00 or \$15.00 checks -- we have about \$50.00 that the County residents have mailed into us to encourage us and to assist us in getting the service operable."

Mrs. Cox said, "The only criticism I have gotten from the public (not from the users) concerning small bus transportation is that it is hard for them to understand why we have a bus and only one person riding on it. It is not a big bus -- but it is larger than your regular passenger vehicle -- so how do you answer those questions, Alice?"

Ms. Weathers said, "My response to that would be that that is rare. The bus may be enroute to pick up other passengers; we do have some fixed route contracts, Gil (McCleary), would you like to answer that? She is asking why some of the buses may have only one passenger at any given time?"

Mr. McCleary said, "It's the same as the City bus system -- there might be two or three passengers on that bus that could just as easily accommodate 30-35 people. Just because of the way the people have need to travel and their low periods -- and they try to encourage people to use the low periods to reduce fares. Unfortunately, in covering a territory the size of Vanderburgh County, mileage wise you have a very, very difficult thing to schedule everybody's trips according to the City a busload at all times."

Mrs. Cox said, "The answer I've given -- and I hope it is the right one -- is that that is the only size vehicle that we have in the program. And maybe sometimes ten people use it and at others maybe only one is using it -- but we don't have custom size vehicles."

Ms. Weathers said, "That is quite true."

Mrs. Cox said, "The other thing on which I'd like some input, Commissioner Willner brought up the point. We do have Day Care Centers on the west side that are functioning at this time -- and I think it would help us to make a more intelligent decision if you could contact some of those, Alice, and see how many they have on their waiting list to get in."

Ms. Weathers said, "I'd be glad to do that."

Mrs. Cox continued, "Because there are some facilities, you know, on the west side."

Commissioner Willner asked, "Your original request was turned down at the State level?"

Ms. Weathers said, "That is correct; for \$32,000."

Mr. Willner asked, "Do you know the reasoning behind that?"

Ms. Weathers said, "I think the letter alluded to our getting new buses and I think the confusion as to what we were really trying to do and it was determined that there were other counties that had a greater need primarily because there was no bus service in them at all."

The Chair entertained a motion to put this on Council Call in the amount of \$4,000.00.

Mrs. Cox asked, "How did you arrive at that figure?"

Mr. Willner said, "I figured \$1,333.00 per month times three (3) months and that is \$3,999.00 or \$4,000.00. But I think most of all we need to put them on for next year and let the Council know that they are being asked to fund from this day forward."

Mrs. Cox said, "The problem we have here is -- can you start this service October 1st?"

Ms. Weathers said, "Sure; we can start it tomorrow if we know we will have some dollars available. We've had the bus about two weeks."

Following further brief discussion among the Commissioners and Ms. Weathers, it was noted that \$5,500.00 is the amount needed for the balance of the year.

Commissioner Willner said, "We need to make a motion for the following year, also."

Mrs. Cox said, "No -- what we need to do now is make a motion that the request for the allocation of \$5,449.99 be approved to go on October 7th Council Call. Do we do that now or do we wait until.....?"

Mr. Willner said,, "I think we need to do it now, because Council needs to understand that if...."

Ms. Weathers said, "We need \$30,000 for one full year period."

Commissioner Cox said, "What were trying to do here, Alice, is to come up with an amount to be appropriated for fiscal year 1988."

Following further discussion, County Auditor Sam Humphrey asked, "So \$5,500.00 is for the balance of this year and you want \$31,000 for next year?"

Ms. Weathers said, "Yes."

Mrs. Cox asked, "And the \$31,000 then includes the past \$19,000 we have given you plus \$16,000 plus something else?"

Ms. Weathers responded, "Yes; if you will look at the 5th paragraph on the proposal re the projected annual budget for the above -- it is \$31,500. That would be for a 12 month period. It is difficult to see how that flows in that you have already appropriated \$19,000 for us."

Commissioner Cox said, "I would move that permission be granted for C.A.P.E. to go on Council Call for fiscal year 1988 in the amount of \$31,500."

Commissioner Willner said, "I will second. So ordered. They might not be able to hear that proposal until January, but I want them to be apprized that if they do see fit to authorize the next three months then they will be expected to also do it for the next 12 months."

Ms. Weathers said, "Thank you, I appreciate that."

RE: MARBLE CABLE T.V.

Commissioner Willner recognized Mr. John Wasson of Marble Cable T.V., whom he said is present today to obtain permission to sell to Welbac Table T.V., Inc. -- of Elberfeld?

Mr. Wasson said Welbac is actually a Delaware Corporation, but their corporate offices are now located in Indianapolis.

Commissioner Willner said that Marble Cable T.V was in Elberfeld.

Mr. Wasson said they acquired a franchise in Vanderburgh County, he believes, some two years ago -- and that was a 15 year franchise. What he seeks from the Commissioners today is simply their consent pursuant to Part 6.04 of the franchise that allows for the transfer of -- it is a mechanism in the franchise that allows for the transfer of these assets to Welbac Cable T.V.

Mr. Wasson had submitted the following letter to the Commissioners:

September 10, 1987

Vanderburgh County Commissioners  
305 Civic Center Complex  
Evansville, IN 47708

Dear Members of the Board:

Marble Construction, Inc., currently operates the cable television system in your jurisdiction and under the franchise agreement previously executed between the company and your board. The purpose of this letter is to advise you that Marble Construction, Inc., is currently negotiating and contracting for the sale of all of its cable television systems to Welbac Cable T.V. Corporation, a corporation organized under the laws of the State of Delaware, admitted to do business in the State of Indiana and with its offices located at Park Plaza Suite E-2, 3390 West 86th Street, Indianapolis, IN 46268. Welbac Cable T.V. Corporation is a substantial cable operator in ours and other areas and currently operates the franchises in Petersburg, Oakland City, Dale, Ferdinand and at Christmas Lake in Spencer County, Indiana. Welbac is a company that is able and qualified to provide services equal to and more likely in excess of those provided by Marble Construction, Inc., and because of that company's size, substantial experience and expertise in providing cable television services to subscribers.

Pursuant to Section 6.04 (Transfer of Franchise) as found in the written franchise agreement between Marble and your board, prior consent of the board to my company's transfer of my franchise to Welbac is required. Pursuant to subsection (d) of the franchise agreement, your prior consent is not to be unreasonably withheld, is to be expressed by resolution, shall be subject to any reasonable conditions prescribed in your resolution and shall be effective only upon approval by the board, except that the board may not withhold its approval of the transfer of the franchise based in any way upon purchase price between my company and the proposed franchise purchaser.

I am providing this notice of the proposed transfer of the franchise by Marble to Welbac to you so that you may make whatever appropriate inquiries you might choose to make regarding the proposed franchise purchaser and advise me as to what, if any, additional information you would like from me prior to your considering my company's request for consent to the transfer of the franchise as described above.

For your information, a tentative closing date for the sale has now been established for September 20, 1987 and the payment of your third quarter franchise fee is payable October 10, 1987. I would therefore appreciate prompt action from your board in approving the proposed transfer of the franchise as set forth above and so the closing date will not be delayed.

Respectfully,

John W. Wasson, President  
MARBLE CONSTRUCTION, INC.

Mrs. Cox asked whether Mr. Wasson has a copy of the current operating contract wherein it talks of percentages and how often to pay, etc., with him?

Mr. Wasson responded, "No, I don't have a copy of the franchise with me. I'm very familiar with the franchise. But this isn't up for negotiation. I have fulfilled to the letter my franchise obligations. I've paid in a very timely manner. In fact, I have a letter of commendation from one of the clerks that said, 'We

wished everyone paid as promptly as your company has." And I think Welbac would be able to continue that payment of franchise in a timely manner. They are a larger company and have many more subscribers than I do and they do an especially good job in rural areas, which is what I am serving in Vanderburgh County. I am serving an area that Evansville Cable T.V. couldn't reach because it was very small and out of the way. So they serve communities such as Christmas Lake Village, Ferdinand, Dale, etc., etc. So even though they did incorporate in Delaware, they are a local corporation in a sense. I don't feel like I am selling Vanderburgh County down the river here."

Commissioner Willner asked, "Where are you operating now in Vanderburgh County?"

Mr. Wasson responded, "Primarily a trailer park."

Commissioner Willner asked, "Do you have any plans to expand that?"

Mr. Wasson said "No, I don't; there are not enough homes per mile to justify -- I had hoped for some growth in that area, but to..."

Commissioner Willner asked, "You're doing that by dish now instead of cable?"

Mr. Wasson said, "Yes; that is a stand alone operation. All it requires is SIGECO's electricity and it produces the signal."

Commissioner Willner asked, "Where would the headquarters be to handle customer service complaints?"

Mr. Wasson said, "I brought a representative from Welbac with me today, Mr. Mike Tank, and I assume he would be handling the administration of this franchise if you give your consent. I hope to get a consent from you today for this transfer. At this time I'd like to introduce you to Mike Tank of Welbac Cable T.V."

Mr. Tank approached the podium and said, "Good afternoon; let me first distribute a short, simple profile of our company. Like John said, we are a Delaware Corporation, but that is for legal purposes. Our corporate office is located in Indianapolis. We are really looking to concentrate our efforts much more in the midwest, specifically in Indiana. You will see on the profile I just gave you -- on the 3rd page -- it shows the towns that we do serve in Indiana -- and you will see that the majority of them are down in Southwestern Indiana, the French Lick area, Oakland City, Crawford County, English area, -- what we call our Spencer County franchise that encompasses Santa Claus, Dale, Spencer and a little bit up in Dubois County, Petersburg, Pike County, and Loogootee, Davies, Martin County area. Our regional office from which we do all of our customer service contact out of is located in Loogootee. That is where my office is located and that is where I am. We have WATS lines that come in and that allows us to service a lot of these rural areas very efficiently without having to have the overhead costs of offices located in all of these other towns. Right now we are currently servicing all of these communities that you see here on the profile under Indiana out of our one office and it would not be a problem to just add the 122 passings that we have here in Vanderburgh County. I don't think customer service would be affected at all. As a matter of fact, it may be increased somewhat, because right now I don't believe John offers a WATS line -- but we would. So customers wouldn't even have to pay a toll call to get ahold of the cable company. So I think that is something we could do. But for the most part, John has been doing a very fine job. The system is built over there as an underground system. It runs very well and there is really not that much maintenance or work that needs to be done. But we certainly would live up to the standard that John has set."



Commissioner Willner asked, "Do you have any plans for expansion then?"

Mr. Tank responded, "At this point in time we are just trying to get the deal done. We will look at expansion during the future. But, as John has said, there really are not that many homes in that area to effectively and economically expand plans. If it ever became a possibility where we could do it in an economical manner, we certainly do. We want to pick up subscribers and give the benefits of Cable T.V. to as many people as possible. But we also need to do it in a manner that is economically feasible and keeps us in business."

Commissioner Willner asked, "Is Welbac a privately owned company?"

Mr. Tank responded, "We are a corporation. The full stockholders -- it is not publicly traded, so it would be a private company."

Commissioner Willner said, "It is a private company but it does have stockholders?"

Mr. Tank replied, "Yes."

Commissioner Willner said, "Over-the-counter-stock."

Mr. Tank said, "No, I don't believe so."

Commissioner Willner said, "Then just give me a little background. You have some assets, I presume, over and above...."

Mr. Tank said, "Well, the significant assets of our company are the cable companies themselves -- the cable systems. We have head-ins, dishes, cable hanging in the air that we own in all of these towns. We've been in the business for quite a while. My boss (our President, John Small) has been in business some 20-25 years and I have been in the business since I graduated from U. of E. here in 1979 -- and I started with the Horizon Corporation which is located here in Evansville -- and I have been in the business since then. If you look at pure tangible assets the tangible assets are the cable plants themselves. Our company is not involved in any business other than Cable T.V. We do have systems in Virginia and you see those listed, as well. Those would be tangible assets as well of our corporation. But other assets besides that -- you're looking at it right there."

Commissioner Willner said, "I think your franchise calls for a 3% gross payment to the County. There are some companies (the big Evansville company) is now paying 5%. Is that 3% negotiable with you?"

Mr. Tank said, "Well, we really don't think so. We think we're looking for a transfer of the franchise as is and we'd certainly live up to all of the obligations thereof and the system we're transferring is again still relatively small -- it's 122 trailers in this trailer park that we're looking to transfer. The profit margin on this operation as is is so minimal that if you take 3% or 2% more off of the top that is a significant portion when you're talking about that little of a margin."

County Auditor Sam Humphrey asked, "Why do you want it then?"

Mr. Tank said "It is part of the package; we are acquiring all of his systems."

Commissioner Cox said, "I have a question. This original contract was drawn up between Marble in Vanderburgh County in 1982. Since that time have you had any increases in the cost to your customers?"

Mr. Wasson responded, "No, we've held the line. We've been able to render a service where there wasn't service before. I don't know why Evansville Cable is paying 5%, because the Federal Law mandates that if you go beyond that old 3% ceiling there has to be a Cable Advisory Board or some expense that the town or county can show -- that somehow administering the affairs of cable television is costing the County Treasury some dollars and cents -- and then you can go above the 3% limit. I don't believe my operation is costing the County any expense in administering my franchise. We've never had any correspondence besides the one commendation for prompt payment."

Commissioner Willner said "Well, I think yours is an underground installation and doesn't really reach into County property. But should the other hold true sometime, that might be."

Mrs. Cox said "I would think that if there comes a time when you would increase the rates to your customers that we should look at the percentage that Vanderburgh County gets."

Mr. Wasson said, "These are good businessmen. These are spread sheet folks. I've negotiated with them for three months now and I am sure you will find them amenable to anything that makes good business sense. If they get additional territory, then they may be willing to increase your revenue."

Mrs. Cox said "My next question would be for our Counsel. Is it necessary that when we do a merger like this or a change of a franchise that an Ordinance be prepared or drawn up? Is this done by Ordinance?"

Attorney Curt John responded, "This is all news to me. I'd like a little time to look at this."

Mr. Wasson said "I can direct him to the proper portion of the contract that states you can't withhold consent...."

Mrs. Cox interjected, "Oh, Sir, please don't get me wrong. I am not questioning that, though I don't intend not to allow this to be done. My question was that we do it in the proper manner -- whether we need an Ordinance saying that you are now the operating....and I think that we do."

Mr. Wasson said "All right -- yes."

Attorney John said "If the agreement states that it can be assigned with the consent -- I don't believe there necessarily has to be an Ordinance. But we may need a Resolution authorizing the transfer."

Mrs. Cox said "We just did one last week or two weeks ago and it was recommended that it be done in Ordinance form. Isn't that right Jim?"

Mr. Lindenschmidt said, "I believe that is what we did."

The Chair entertained further questions of either Mr. Wasson or the Welbac representative.

Mrs. Cox said, "I have one more. Is foreign funding involved in this?"

Mr. Tank said "Yes."

Mrs. Cox asked "Whose? Who is Welbac?"

Mr. Tank said, "Welbac is a Delaware Corporation, but there are some partners out of England involved and, specifically, I really don't know the full listing of the stockholders -- but there is a portion of it that is owned by some folks out of England. At this point in time I will give each of you one of my business cards so if you have any questions, feel free to contact me."

The Chair said if there are no further questions, a motion is entertained.

Mrs. Cox said, "I have one other question. Who prepares the Ordinance? I think he spoke of it being done by Resolution, but I think there was an Ordinance if I recall correctly."

Attorney John said "I am not familiar with it.

Upon motion duly made by Commissioner Cox, the request from Marble Construction, Inc. of Elberfeld, Indiana, to transfer their franchise agreement with Vanderburgh County to Welbac Cable T.V. Corporation was approved with instructions that our County Attorney prepare either the proper Resolution or Ordinance to facilitate this move, with a second from Commissioner Willner. So ordered.

RE: READING OF BIDS RE TECHNICAL ADVISOR FOR RE-ASSESSMENT

Attorney Curt John read the following bids for Technical Advisor for the Re-Assessment:

- 1) Mid-America Appraisal Service: \$466,825.00 and alternate bid of \$713,050.00.
- 2) Simon's Governmental Services, Inc.: Their first bid was \$807,200.00; Alternate Bid #1 was in the amount of \$107,500.00 and Alternate Bid #2 was in the amount of \$394,600.

Attorney John said he would recommend that these bids be turned over to Messrs. Tornatta and Shopmeyer for their review, since they are the ones who did the actual drafting of the bid specs and are familiar with what is being bid on.

Commissioner Willner said, "I just have one question. I find that astronomical. Are we talking about 7% of the total properties in Vanderburgh County?

Mr. Tornatta said they will have to look into the specs to tell how much it really is. Some of the Townships want all of the properties done by the Technical Advisor and some of them are having the commercial and industrial done by the Technical Advisor. So it is really hard to answer that question.

The Chair entertained a motion to pass the bids along to the Township Assessors as a group for their advice and request that they come back to us next week with their recommendation.

Commissioner Willner said he does not believe the Commissioners can let the contract until dollars are available.

Commissioner Cox asked, "The dollars are there, aren't they?"

Attorney John said, "I don't think the bids have to be passed along to the Assessors as a group but..."

Commissioner Cox asked, "Does there need to be something go on the Council agenda for appropriation of re-assessment monies to cover this contract?"

Mr. Tornatta said he thinks the money is probably going to come out of the re-assessment funds.

Mrs. Cox asked, "They do not have to advertise to appropriate these monies?"

Attorney John said, "There has to be an appropriation before you can actually enter into an agreement or contract."

Mrs. Cox said "If we want to get on Council Call for October we have to do something at this meeting insofar as permission to go on Council Call to request the ....."

Mr. Tornatta said that after this meeting they can let the Commissioners know.

Mrs. Cox asked, "Is there any way you can let us know in an hour and a half?"

Commissioner Willner said, "Tomorrow, the 15th, is deadline for Council Call."

Mr. Tornatta said they will let the Commissioners know by tomorrow.

Pigeon Assessor Bob Dorsey said, "I'd like to ask who Mid-America Appraisal Services and where are they from?"

Attorney John said they are from Beech Grove, Indiana (P.O. Box 423) and the documents have all been signed by Harold E. Bean, Jr., a former County Assessor.

Mr. Tornatta said they can meet later this afternoon and get back to the Commissioners at 8:00 in the morning, if that is soon enough.

Mr. Tom Dorsey said he does not know whether there is an appropriation.

Mrs. Cox asked, "Could you check with the Council secretary? She should still be in the Auditor's Office. Ask her what we need to do. Harry, it is not 4:00 p.m. yet, is there any way you can get the Assessors that have the satellite offices and the others in the building and....."

Mr. Tom Dorsey said he will check to see if there is an appropriation.

RE: AMENDED PRELIMINARY RESOLUTION TO IMPOSE BARRETT LAW ASSESSMENTS

Attorney John said that back in July the Commissioners passed a Resolution to uphold the Barrett Law in conjunction with the Caranza Drive Sewer Project. Attorney David Miller has said that he failed to include a couple of items and he is requesting that the Commissioners approve the following Amended Resolution:

BE IT RESOLVED by the Board of Commissioners of Vanderburgh County, Indiana that a Barrett Law Assessment be imposed pursuant to Indiana Code 36-9-18-1, et seq., for the purpose of accomplishing the construction of a sanitary sewer system to serve the following area located in Vanderburgh County, Indiana:

The area bounded on the east by Old State Road, on the west by a line parallel to and 500 feet west of Kembell Drive, bounded on the north by a line 150 feet south of Sunrise Drive, and bounded on the South by the northern boundary of Campground Road.

BE IT RESOLVED by the Board of Commissioners of Vanderburgh County, Indiana, that the Board of Commissioners shall place on file cross-sections, general plans and specifications for the work as well as an estimate of the costs of the public improvement.

BE IT FURTHER RESOLVED by the Board of Commissioners of Vanderburgh County, Indiana, that all incidental, inspection and engineering costs occasioned by the proposed improvement are authorized to be added to the cost of the work and included in the assessment roll.

BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY

Richard J. Borries  
President

Attorney John said the only change concerned the inclusion of all incidental, inspection and engineering costs. He said it is set out in the statute that those have to be included in the Resolution. He does not think it has to be re-advertised or any hearings held because a hearing has already been held and no additional hearings are required.

Commissioner Cox recommended the Board delay action concerning this matter until Commissioner Borries arrives.

RE: BURDETTE PARK

Request to go on Council Call/Capital Improvements: The Chair recognized Mr. Mark Tuley, Manager/Burdette Park, who presented the following request letter:

September 14, 1987

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

Dear Commissioners,

I am requesting your permission to be placed on the agenda for the October County Council meeting for the following Capital Improvements:

<u>Acct. No.</u>	<u>Explanation</u>	<u>Amt. of Request</u>
145-411	Miniature Golf	\$100,000.00
145-411	Converting from L.P. Gas to Natural Gas Underground Gas Line	\$ 10,000.00
145-413	New Filters for Olympic Pool & Deck Replacement	\$ 50,000.00
145-414	Water Attraction	\$150,000.00

Respectfully,

Mark T. Tuley  
Burdette Park Manager

Mr. Tuley said that at budget time County Council deleted all of the 400 accounts and told him to re-submit them at a later date, preferably around January. The only problem is that if Council approves the request, we need more time to have the improvements in by Memorial Day opening. Basically, these are the same items he put in the budget, with the exception of the second line item concerning conversion from L.P. gas to natural gas, which is a \$10,000.00 request. He was here with Bob Gulick from SIGECO last week and explained this. He doesn't think it will cost \$10,000.00, and he will tell Council that whatever money is left over from that will be given back to them. The third line item is the second phase of deck replacement which was deleted a couple of years ago and Council requested that this be re-submitted. The filters and deck replacement would be \$50,000. The last item concerns a new water attraction (a rampage slide).

Commissioner Willner entertained questions.

Commissioner Cox asked, "Mark, now I need to know at what stage we are or where we are on the request for improved parking facilities."

Mr. Tuley said County Engineer Andy Easley has been helping them and what they currently have going.....

Mrs. Cox interjected, "Is he doing this as County Engineer or as a private firm?"

Mr. Tuley responded, "As County Engineer. The only thing he did was to come out and look at the ideas they had to convert existing open ditch beside designated parking lot. He suggested they convert that to parking. They have already started that. The first of October they will be closing that ditch with a concrete pipe and adding an additional 33 parking spots, roughly speaking. Commissioner Willner also had another idea and Andy thinks it is possible. For overflow on the main days, the area below the cottages -- install a culvert in designated area. He does not think that will detract from the cottages at all, as there is a big area. During the week there is ample parking. But on major weekends and holidays, there is a shortage in parking space. One of the other things we've done this summer -- and for the big picnics it worked out very well -- we have a bus out there and we were parking people in designated open area and basically shuttling people pack and forth to the pavilion. With the additional 33 spots, the other open area and the shuttle area, we're not going to have to get into closing end of lake as it has been suggested."

Mrs. Cox said, "Then what we're asking for is a water attraction. If the water attraction brings in more people (which we hope that it does or else we up our fee; if we up our fee we won't need additional parking -- if it brings in more people, we are pressed right now for adequate parking space just when the pool is in full operation -- and especially on weekends. Do you really believe that 33 additional spots are going to serve our needs Mark?"

Mr. Tuley said, "That, and adding the overflow area below the cottages -- we roughly measured that off and there is room for 40-50 cars -- and utilizing other designated area we could park 300 cars over here -- once we started using that this summer you didn't hear anymore about out parking problems, did you? We used the overflow area and our bus for the G.E. Picnic, the Deaconess Hospital Picnic. In addition to our bus, they used one of the trolleys and we just shuttled them back and forth all day long and they were more than happy with it and we kept the designated parking lots for the general customers. I think we just need to utilize designated space a lot more and keep the bus going."

Mrs. Cox asked, "The miniature golf is going to be located in what area?"

Mr. Tuley pointed to the map, indicating designated suggested areas.

The Chair entertained questions of Mr. Tuley.

In response to comment from Commissioner Willner, Mr. Tuley said that once the money is appropriated and we get to the point where we are ready to work with one of these firms in designing the miniature golf course, they will be able to advise which area is the best choice. With regard to increased parking space, he thinks the current proposal will be fine. The park was packed during the G.E. Picnic - but it worked real well -- and there were no complaints.

Mrs. Cox asked, "When people are parking in that area, are they parking on the grass?"

Mr. Tuley said, "Yes, they are."

Mrs. Cox said, "Well, that is all right unless it rains or we have soggy weather and then you can't use that. We don't want to tear up our grounds out there."

Mr. Tuley said, "I agree with you. The other option at this point is that we can continue to work on that and I can meet with Andy again and we can finish measuring that area off and see exactly -- but I think that between the plan Andy and I worked out and the one Commissioner Willner suggested there will be some 60 spots there."

Mrs. Cox asked, "Mark, are we going to increase our fee if this other water attraction is approved."

Mr. Tuley replied, "I don't know. Basically, the report doesn't address raising fees at that point. His 5-year master plan called for a three phase capital improvement list and they did talk about increasing the fees after the second phase. He didn't address that so I assume the prices will basically stay about the same."

Mrs. Cox said "I guess the point I want to make here is that we do have some private enterprises in the area that have water slides and they have different water improvements and they don't mind the competition -- but they are concerned that government is subsidizing what private industry could provide and that we keep our cost that we have at the pool for the water slides and water attraction comparative to what private business has to charge. In other words -- not undercut them."

Mr. Tuley said, "Well, right now I don't think we're doing that. Basically everybody has the option to try to structure their facility as they see fit. We are basically a family oriented facility and we structured our prices ...."

Mrs. Cox said, "I understand all of that, Mark; I am just bringing up the point that our swimming pool doesn't pay for itself. I mean what we charge doesn't pay..."

Mr. Tuley said, "It did this year."

Mrs. Cox said "But year around the taxpayers are subsidizing Burdette Park. So if we can say that our pool is paying for itself and our water slide is paying for itself and this other water attraction is paying for itself, then I think that is all we have to do for private industry. But I do think they have a point we should consider here."

Mr. Tuley said "Are you suggesting that we raise our prices? I can look at that and bring it back to you...."

Mrs. Cox said, "Well I think that if we get more attractions within the pool area itself that this is something that we could look at. It doesn't mean that we want to do it -- but we could look at it."

Mr. Tuley said, "Well, it is near the end of the year. The Advisory Board always brings a recommendation to you in December for all the fees for the following year. At the next meeting..."

Mrs. Cox said, "I don't have any problem with the appropriation of the money for the water attraction, the new filters, or the natural gas lines -- I think these are necessary improvements. I do question asking them for \$100,000.00 for miniature golf, not knowing exactly what or where it is going to be. You do not have an overall plan of what this is going to look like, do you?"

Mr. Tuley said, "Yes, we do. We have some information that several companies have sent us. They are willing to come in and design one. Basically, until they are willing to come in and see your facility, they try to adapt to your facility and its surroundings. There is a cost factor at that point. If we decide right now to call them and say 'we want you to design this for us', they are not going to do that for nothing. So we're probably going to be stuck with some engineering fees."

Mrs. Cox said, "So you have to have somebody who designs it and then somebody from whom you buy the..."

Mr. Tuley said, "No Ma'm, the same company."

Mrs. Cox asked, "Do you mean to tell me that if they are going to sell it to you they won't design how it goes in?"

Mr. Tuley said, "Well, there is more than one company; and it is hard for me to call one of them up and tell them they are going to get the bid so come on in here and do this."

Mrs. Cox said, "I hope you're not going to do that."

Mr. Tuley said "Well, I don't have any way to guarantee them that they are going to get the job....."

Mrs. Cox said, "That is exactly right."

Mr. Tuley said, "So it is hard to get them to come in and do it."

Mrs. Cox said, "Do you have a plan of what this is going to look like to show the Council?"

Mr. Tuley asked, "Do I still have that back in your office Bob?"

Commissioner Willner told Mrs. Cox that if she will take some time this evening, he will show it to her.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, permission was granted for Mr. Tuley to go on Council Call for the capital improvements listed in his September 14, 1987 letter to the Commissioners. So ordered.

Parking Lot for Ball Diamonds: Mr. Tuley proceeded by discussing parking space for the Ball Diamonds. David Austill, who has the batting cages at Burdette, has farm ground in designated area. He didn't farm that ground this summer because on some nights we experienced a serious parking problem. He is willing to work with us in several different ways. There is about three acres of ground and at times during the summer this was used for overflow parking in an effort to keep people from parking near the entrance to the park and prevent kids from running back and forth across the street. We own some designated ground which we are not currently using. There are several options to be considered -- or we can leave it as is. One option would be to rent the ground from Mr. Austill. He sent us a proposal basically that he would lease that three (3) acres of ground to us over a five (5) year period at \$300.00 per year. There is a possibility that we might be able to trade some ground with him. That way he can still reap some kind of income off that ground. Or, maybe he will just sell the three (3) acres to us outright. But he wanted to bring this to the Commissioners' attention to see whether they want to pursue it at all; and, if so, which way they'd like to go -- if any. He said he and Commissioner Cox have discussed parking problems at the ball diamonds over the summer. She received calls -- so David cut that area for us and let us use it for parking -- and it was nice. But if he elects to farm next year, then there will be farm equipment running in and out all the time when people are playing ball and there are tournaments, etc., and he doesn't know that this is beneficial to us. He asked Attorney Curt John if we can trade ground?

Mrs. Cox said "I tried to get you all to do this about five or six years ago. I tried to get you to trade the ravine up there to Gostleys for ground down in designated area. I have a question. Isn't there a small ditch -- one that you can't step over -- back in there behind there?"

Mr. Tuley said that there is.



Mrs. Cox asked, "Does this three acres you're talking about lay on the north side of that ditch or on the south side?"

Mr. Tuley said that it is on the north side.

Mrs. Cox asked, "You mean he still has three acres of ground in here?"

Mr. Tuley said it is a large area.

Mrs. Cox asked, "Is he willing to sell this part on the north side of the ditch to us?"

Mr. Tuley said, "I am not sure; I could go back and talk to him. He was willing to lease it to us for five (5) years at \$300.00 per year -- so there is a possibility he would be willing to sell it to us."

Mrs. Cox said, "I don't think the ground is all that farmable -- because it is lower than our ball fields."

Mr. Tuley said, "Well, I can tell you that it was farmed for years."

Mrs. Cox said, "And it was also flooded for years and had to be replanted and replanted. How is he going to get back in there to it? Does he have a little side road?"

Mr. Tuley said, "No."

Mrs. Cox asked, "Does he use our road?"

Mr. Tuley said, "Yes, he will have to; we basically have him landlocked -- but I don't know that we can keep him from his property. He bought it from the Milligan family and the Milligan family owned it forever."

Mrs. Cox said, "That is exactly right -- and we could have had all of it for a little old ravine next to Gostleys."

Mr. Tuley said "That was at the time the County was going through the old fiscal crunch and they were worried...."

Mrs. Cox said, "We didn't need any money -- we could have just traded land for land."

Mr. Tuley remarked, "That is not the part that the Gostleys were wanting to trade us. We're talking about two different properties."

Mrs. Cox said, "I understand all of it and they were working together on this."

Mr. Tuley asked, "Do you just want to take this under advisement and we'll be glad to bring it back for further discussion at a later date."

Commissioner Willner said, "Bring it back with your recommendation; I don't care which way we go. It makes no difference."

Mr. Tuley said, "Well, I really thought the \$300.00 per year for five years was pretty fair. I didn't think that was a bad lease."

Mrs. Cox said, "No, I don't think that is bad either. That is probably more than he would make off of it trying to farm it."

Mr. Tuley asked, "Do you want me to negotiate with him to see if we can get it for a cheaper price?"

Mrs. Cox said "No, because we're talking here using it basically April, May, June, July, August, September, October -- how long does that fall baseball league run now? November?"

Mr. Tuley said "No, about the second week of October."

Mrs. Cox said we're using it about seven (7) months.

Mr. Tuley said that pretty much keeps him from doing anything else with it. He wouldn't want to mess with planting stuff anyway."

Mr. Tuley said, "I think this year we could find money in our budget to go ahead and pay for it for the first year at least, then we could put it in the regular line item -- I'll have to have the County Attorney research this. Would that be a line item, Curt?"

Attorney John said, "Yes, for leasing -- but I don't know whether for this amount you'd have to go through some of the formal requirements -- I think there could be problems with trading if there are any values."

Missing Funds Investigation: In conclusion, Mr. Tuley said that last Monday they had an unusual incident at the Park. All of the Commissioners have seen the report -- the Sheriff's Department is investigating missing funds and he assumes that if something comes out of that -- a bit of money disappeared and reappeared -- he talked to the Chief again today and the investigation is continuing. If anything comes out of that they will definitely get back in touch with the Commissioners to let them know.

RE: REQUEST TO TRAVEL - JUDGE ROBERT MATTHEWS

Mr. Lindenschmidt said Judge Matthews' office just called and wanted to know whether his travel request had been approved. He found a letter in the file in the Commissioners' office -- but he can't find in the minutes where this had come through the Commissioners. It was submitted August 6th. The letter reads as follows:

August 6, 1987

Dear Commissioners:

As Master Commissioner of the Vanderburgh Circuit Court I am required to attend certain conferences for the improvement of the administration of the Court. One has been set for three days in September and I will have to attend.

I am enclosing herewith a photocopy of the response form plus a photocopy of the program.

My estimate of expenses will be as follows: \$50.50, which means that I shall attend each of the formal luncheon events and dinner events wherein guest speakers will be present; housing, which will be \$121.00; and the third item would be mileage to and from Indianapolis. I would appreciate these items being allowed, so that I may attend this conference and I am able to pre-pay or pay this and be reimbursed upon my return. Judge Miller has suggested that I make this advance notice to you.

Sincerely,

Robert S. Matthews, Sr.  
Master Commissioner  
Vanderburgh Circuit Court

Mr. Lindenschmidt reiterated that he has been unable to find in any of the minutes of the Commissioners' meetings where this was either approved or disapproved.

Commissioner Cox said she does not recall this ever coming before the Board. Maybe the reason this wasn't brought up was that the Commissioners do not have money in their travel account. Is that a state-called meeting that can be paid out of otherwise unappropriated funds?

Mr. Lindenschmidt said it is the Annual Meeting of the Judicial Conference of Indiana and it says that he is "required" to attend.... The dates of the Conference are September 16, 17 and 18.

Mrs. Cox asked County Auditor Sam Humphrey whether he thinks this request would qualify for otherwise unappropriated funds?

Mr. Humphrey said he doesn't know.

County Attorney Curt John said, "If it is mandatory, it definitely does. If not...."

Mrs. Cox said, "This is like if you belong to your Southwestern Indiana Commissioners Association and maybe you are an officer. You are required to attend, but there is no statutory authority for reimbursement for travel or for overnight or whatever it may be. I think this may be what we are talking about here, too."

Mr. Humphrey said that if it is an official meeting, he believes the County would pay for it. But if it is just a meeting of officers -- we cannot pay. That came up in Warrick County last month. In fact, they called him about it.

Attorney John said he would recommend checking with the State Board of Accounts.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request was approved with notation that funding of such request be determined. This means that if we have money in our account -- pay it. If it qualifies for unappropriated funds, pay it from that account. County Auditor Humphrey is to check this with John Wilgus in the morning.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted the Weekly Work Report for employees at the County Garage for period September 7 thru September 11, 1987.....report received and filed.

Front Loader: Pulled shoulders on Cliffwood, Bridgeview, Felstead, and Vanness Avenue

Gradall: Miller Rd., Westmore Drive, Raintree Drive, and Marigold Drive

Trash Crew: Waterworks Rd., River Rd., and S. Weinbach

Patch Crew: Koring Rd., Broadway, Little Schaefer Rd., Boehne Camp Rd., and Schlensker

Graded & Rocked: Swope Lane, Kneer Lane, Green River, Calf Lane, Kissell Rd. and Baseline at St. Joe

Paved: Nisbet Station Rd. finished

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Worked in yard at County Highway Garage
- Cut weeds on Broadway

- Cut weeds on First Avenue and Kratzville Rd.
- Removed log jam on Heckel Rd. Bridge
- Cleaned and cut weeds on culvert on Boonville-New Harmony off Highway 65
- Concreted and rip-rapped slope on Mohr Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

Repair Work/West Franklin Rd., Streuh-Hendricks Rd., Schroeder Rd. and Volkman Rd.: Just for the record, Commissioner Cox asked if Mr. Bethel can provide an update with regard to repairs on the aforementioned roads.

Mr. Bethel said that as of today he has not heard from them. He turned this over to the County Attorney and he has not heard from him. But we have been paid for Streuh-Hendricks Rd. The insurance company sent a check for that particular road. But he has heard nothing yet from the County Attorney on the other roads.

Mrs. Cox asked whether it was David Miller?

Mr. Bethel said it was not him, but it was one of the attorneys from his office. He will get with them tomorrow and learn the current status.

Inquiry re Fisher Rd.: Commissioner Cox said she received a call from an individual who lives on Fisher Rd. (Boonville-New Harmony). That was down to be paved this year and it will be?

Mr. Bethel said that is correct.

Mrs. Cox said she will just tell them to hang loose.

Damaged Guard Rail at Burkhardt Rd./Division St. Intersection: Mrs. Cox said she was out on the east side of town and noted that the new guard rail at the intersection of Division and Burkhardt Rd. on the northeast corner....."

Mr. Bethel said he saw this last night. That was installed by the State -- and he will call the State Highway Department about this. It seems somebody knocks that down every week.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Caranza Drive Sewer Project: Under "Old Business", Mr. Easley said he has a written notice for Professional Engineering Services re the Caranza Drive Sewer Project if the Commissioners would like to review same. County Attorney Curt John has reviewed this and has not advised that he found any fault with it. The Commissioners need to select a date they want to receive the proposals and insert same at top of notice.

Commissioner Borries asked, "We have to advertise how many times, Andy?"

Mr. Easley said he believes we have to advertise twice a week apart, and we accept the proposals the 10th day after the last advertising?

Attorney John said it has to be at least 10 days after the last advertisement date that the proposals are opened.

Joanne Matthews, secretary, said she thought it had to be 30 days after the last advertisement in the case of Professional Engineering Services.

Attorney John said he will check the statute.

Commissioner Borries asked when the Commissioners want to advertise. He thinks it is just a matter of deciding when this would be advertised -- and whether it is 2 weeks or 30 days will depend upon what Attorney John finds out.

Acceptance of Streets/Oak Ridge Subdivision, Section "A", Chapel Hill, Highland Ridge Estates, Simmons, Oak View Place and Audubon Estates: Mr. Easley said he has a street that needs to be accepted. It is in Oak Ridge Subdivision, which is Al Bauer's development off St. George Rd. It has been finished for several months.

We also still have under advisement about five (5) subdivision streets. The one submitted last week (Chapel Hill) the Letter of Credit runs out Wednesday.

The Chair asked the Board what they would like to do. Have they reached any decisions or do they have comments concerning any of these subdivisions?

Mrs. Cox said, "The one he just submitted -- I think we should go through the same procedures we have on the others."

Mr. Easley said "I agree."

Mrs. Cox said that Oak Ridge Subdivision, Section "A" should be forwarded to the County Surveyor's Office for a review of the drainage improvements.

Mr. Easley asked whether the Board wishes to take any action on Chapel Hill today?

Commissioner Cox said, "I copied down four others. Do we have a report from the Surveyor on Chapel Hill?"

Mr. Easley said "The Surveyor's representative is here."

Mrs. Cox said, "I had Burkhardt Center, Highland Ridge, Oak View Place and Simmons Subdivision. And Audubon Estates was laid on my desk about two weeks ago -- and I don't think it has ever been brought before the Board."

Mr. Easley said "I didn't bring it today because I knew we'd be running late."

Mrs. Cox asked, "Whatever happened to our plan that these street plans be logged in at the Commissioners' Office? Did we ever follow through with that?"

Mr. Easley said he thinks they are being logged in.

Commissioner Borries said "Well, I am not aware of any list unless you've forwarded that to me -- I'm not aware of any. Bill, do you have any comments at all on any of these subdivisions that are up for consideration today?"

Simmons Subdivision: Mr. Bill Jeffers, Chief Deputy Surveyor, said "I made comments on Simmons Sub, which should be reflected in the Commissioners' minutes of September 8, 1987. You don't want a repeat on that, do you? It's a very simple drainage plan. There is 600 ft. or so of cul-de-sac with side ditches on each side. Briefly, I believe I stated that the side ditches were well shaped."

Burkhardt Center, Phase I: This was inspected September 9, 1987, by two representatives of the Surveyor's Office and Bill Nicholson, the Design Engineer, and we found that:

- 1) All drainage improvements for Burkhardt Center Phase I were in place as of August 1 1987, and per the original drainage plan.
- 2) The site plan for Federal Express Sub-Station, which is presently being built, is on file in the Area Plan Commission and required the installation of a 12 inch reinforced concrete pipe and a drainage easement would be a loading dock built over the pipe and that site plan was signed off by EUTS and the County Engineer.
- 3) Subsequent to the original site plan, Federal Express required additional square footage to alter the loading facility. This is a specialized loading facility and requires specialized loading area -- because they are unloading pallets from airports, and they needed the additional square footage and it was only available on the northwest corner of Lot #6, which is a detention basin -- so they filled part of the detention basin. The engineer for the development is presently working on a plan to compensate for the loss of a detention basin by expanding the detention basin on Lot #5. Therefore, the Surveyor's Office can say that the plan was implemented and will be implemented so long as the developer presents to the Drainage Board an alternate plan for detention on Lot #5 and an assurance that a 12 inch reinforced concrete pipe is adequate to handle the flow underneath the parking lot. We'd like to see that by September 28, 1987, which is our next Drainage Board Meeting. The expiration date for the Letter of Credit is September 29th, which will give them one day to carry that through APC. Basically what I am saying is that it was all there before. Federal Express is an important addition to that industrial subdivision and it represents quite a few jobs -- and they are working with us very closely on this to make sure that the detention area that they had to use to locate that facility will be compensated in Lot #5. I would not like to see them held up, because they are cooperating at present. Mr. Ward Peyronnin and Mr. Nicholson are in agreement with this as far as I know.

I also looked at Oak View Place on September 10th. At the time, I met with Mr. Jim Fuquay. I want to present to you a synopsis of the developer's explanation of the situation. I will try to be brief:

- 1) The original plan called for roadway side ditches.
- 2) After the initial road grading and the beginning of house building, the developer realized that his front yards were severely restricted by the location of these side ditches. Basically, what he had there once you step off the front porch of the house onto the sidewalk -- you only had about 15 ft. of yard and then you were right into the ditch.
- 3) The developer sought advice from the County for an alternate method of conducting a discharge of the drainage.
- 4) The County Engineer suggested a French drain system as a substitute for the open ditches.
- 5) The developer installed this French drain system, along with yard drains and drop basins, as per his discussion with the County.
- 6) This explains the plastic pipe that we discovered in the right-of-way, because according to the developer he installed that plastic pipe as part of this French drain system. I'm sorry, I was unaware of that and when I saw that in that Phase II plan I may have made

a comment that misled you in that regard. That is part of the French drain system connecting -- it also carries water as well as allowing water to percolate down through through his gravel bed and it also carries water down to his concrete drainage system.

- 7) The last comment is my own. Some final grading and pipe installation has not yet been completed on the lots in Oak View Place I which are still empty -- they do not yet have houses built on them. In other words, this French drain system that goes along the roadway is not fully installed. There are still about four or five lots that do not have houses built on them and Mr. Fuquay is more or less installing it as he develops the lots. This basically allows his construction equipment to travel back and forth across the front of the lot before he installs the pipe. Since it is plastic I think that's a good idea.

Another personal observation is that I walked the entire length of his concrete street and every house that has been built there is brick, which means a lot of brick loads have come in on that street, a lot of concrete loads have come in on that street, a lot of heavy equipment has been brought in on that street and flatbed trailers, and a lot of concrete pipe has been delivered down those streets -- and I did not notice any hairline cracks on the street surface. Whether or not that has anything to do with this French drain system -- I'm not trying to correlate the two -- but I am saying that someone did a damn good job of putting those streets in. But the bottom line is that we will have to decide at some point in time whether this French drain system is a viable substitute for the original roadway design.

I was unable to inspect the following drainage systems: Chapel Hill, Greengate, Highland Ridge, all of which also expire by October 26th. I will get to those as soon as I can. Greengate is not yet finished, so I am waiting on it to be finished.

Commissioner Borries said, "Your report would indicate, as far as you see, the acceptability of the streets at this point and I guess I'd want a little more explanation then concerning your opinion on Oak View Place. The streets were o.k. in relation to the condition of the streets?"

Mr. Jeffers replied, "Right. The street looked good; but my comment was that I don't know -- or someone besides the County Surveyor's Office is going to have to decide whether the French drain system is a viable substitute for the original design which called for roadway side ditches. And when I explained that to Mr. Fuquay, then he gave me his explanation of how the French drains came to be -- which I just conveyed to you as objectively as I could in a brief statement. I mean my discussion with him lasted about an hour and a half.

My other comment was that there is still some final grading or pipe installation which will have to be completed before the drainage plan is fully implemented, because he still has about five empty lots which don't have the French drain in front of them nor do they have side ditches as originally planned.

In Simmons Sub, I didn't see any problem with the drainage.

Burkhardt Center would not have had any problem passing before August 3rd -- it was all in place the first of August. But this site plan for the Federal Express Storage Station (which might employ 20 or 30 people -- because they have parking for some 50-60 people out there) -- it absolutely required all the square footage they could get out of those two lots they bought -- so they are going to have to scoop out some additional drainage

basin on another lot to compensate for filling about 300 ft. on Lot #6. But I didn't see any problem with that. The developer's engineer said he would have that plan into us by September 28th -- and then I just pointed out to you that his expiration date is September 29th, so we will have to act real fast on that one so he won't have to extend his Letter of Credit.

Commissioner Borries asked whether the Board wishes to take action with regard to Simmons Sub, Oak View or Burkhardt Center.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, Carmel Court (600 L.F.) located in Simmons Subdivision, 40 ft. right-of-way, 29 ft. wide pavement, was approved and accepted for maintenance by the County.

Mr. Easley said the acceptance letter prepared by Jim Morley is in error; the pavement is 24 ft. wide and records have been corrected to this effect.

Upon amended motion made by Commissioner Cox and seconded by Commissioner Willner, the portion of the original motion referring to width of pavement was corrected to reflect 24 ft. So ordered.

Burkhardt Center: Mr. Easley asked, "With regard to Burkhardt Center, do you want a delay on that?"

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the acceptance of street improvements in Burkhardt Center Phase I was delayed until the revised drainage concerning the detention area in Lot #5 and the size of pipe is presented to the Drainage Board on September 28, 1987, Because his Letter of Credit expires September 29, 1987, I think he will have those in -- so I don't see any problem.

Commissioner Willner suggested Mrs. Cox make her motion subject to approval of the drainage plan and pipe size.

Mrs. Cox said "I'm sorry, I can't do that. If you want to make another motion, that is up to you."

Mr. Easley said, "It was complete when Bill Bethel and I inspected it. As far as the plot plan, I thought I was approving a driveway location and I didn't notice a grading plan on the plot plan I signed off on insofar as the Federal Express facility.

Is there anymore discussion we could have on Oak View Place? Where the ditches are that haven't been filled, are they in accordance with Sam Biggerstaff's original street plan where he proposed to have ditches.....

Mrs. Cox interjected, "Could we get an understanding on Burkhardt Center? Do we just want to keep it under advisement? There was a motion and no second -- so....."

Commissioner Borries said, "That's fine; I think we can take it under advisement if it is not to expire -- and he has indicated this information will be sent to you before the expiration date so we can act on it."

Mr. Jeffers said he is confident we will receive the required information by the date of the Drainage Board Meeting, which is September 28th.

Discussion returned to Oak View Place. Mr. Easley said these developers with their Letters of Credit -- it ties up their operating capital -- you've heard this haven't you Bill? And we really need to keep them in the pipeline and .....



Mr. Joe Ballard of the Area Plan Commission interjected a comment and Commissioner Cox requested that he approach the podium prior to speaking so the Commissioners and the secretary could hear his input.

Mr. Ballard said he talked with Mr. Fuquay, who has extended his Letter of Credit twice -- and he told Mr. Ballard that this cost him 1% of his Letter of Credit every month he extends it. He believes that was some \$1,200 or \$1,300 each month. To extend it another month, Mr. Ballard said that will be the third time and about \$3,600 in additional cost as well as tying up his \$120,000 the whole time. So it is tying up his capital.

Mr. Easley said "In all fairness, a little ditch drainage should not -- the acceptance of a very fine street, which even Mr. Jeffers commented that they did a superb job on the pavements -- should not be delayed for a little ditch grading in the area where he has not installed the French drain. He was, I think, regretting that he had not put in curb and gutter and didn't like the ditches -- and he wanted some guidance on a design where he could put in something that would not interfere with the drainage of the pavements. He went to a lot of expense to get the perforated pipe, the pea gravel, etc., and I think that will keep that pavement or the sub-grade well drained. I think we ought to accept his street."

Commissioner Cox said, "Well, Mr. President, the problem as I see it here is that he is asking for acceptance before he even has all of his drainage improvements in -- that's Number 1. And I can't see how putting a drainage system in in front of your lots that are developed can work if you don't put the entire drainage system in. Secondly, he may very well have a very fine drainage system out there -- I don't know. The streets look very good. They look very strong and they are nice and straight and they look good. But we have nothing in our ordinance that accepts this kind of drainage system. Our ordinance calls for either side ditches (4 ft., 5 ft. or 6 ft. in width) or it calls for a drainage system not made of plastic -- but of a drainage system that is approved by our Board and he had one approved by our Board and we still have plastic pipe in some of this area. So we have something that was put in by a plan that this Board did not approve and someone usurped our powers and gave permission to do it in this manner and I think that someone is Andy Easley -- he has said he told them he thought this would work. And it may very well work -- but in order to accept something like this we need to -- I don't see how we can accept it under the present ordinance. And what is the use of having drainage plans submitted to this Board and our taking our time and energy to go over it, and the engineer and the Surveyor's Office making the calculations and proving it will carry the water and then people don't even build according to what we approve."

Mr. Easley asked, "What ordinance are you referring to that it doesn't conform to?"

Mrs. Cox replied, "Our street ordinance."

Mr. Easley said, "There is nothing in there that prohibits plastic pipe."

Commissioner Cox said, "There is nothing in there that says that it is permissible."

Mr. Easley said, "The County Highway Department has purchased and has had plastic pipe installed on our right-of-ways and Mr. Steckler (our gradall operator) has indicated that he thinks it is probably a better material for filling in ditches than anything presently on the market. If it collapses in front of a homeowner's front yard, it is the homeowner's problem in this case and I don't think the County is going to replace it. It was put in in a first-class manner and I think that in trying to help Sam Biggerstaff and Mr. Fuquay find a solution to their problem I

inadvertently ...I apologize for not bringing their proposal to the Commissioners. But we have been using it and we have purchased plastic pipe with County funds and I think it is a good material. You have to give the Highway Department some latitude when new materials come on the market."

Commissioner Cox said "Well, then I think you hit a very good point -- that you were remiss by not bringing this to the attention of the Commissioners and recommending that the ordinance be amended before the fact -- not after. That is just like change orders..."

Mr. Easley asked, "Are pipe materials -- where are they mentioned in the ordinance? I have researched and I do not find approved pipe materials mentioned at all."

Mrs. Cox asked, "Well, what is our Drainage Code? What does it say in the Drainage Code?"

Mr. Easley responded, "I have looked at it and I don't see where there is any mention of materials. Do you want to comment, Mr. Jeffers?"

Commissioner Cox said, "I'll find it for you, Mr. Easley -- I think that is your job, but I will find it."

Mr. Easley said, "I have looked carefully."

Mrs. Cox said, "Well that is your job -- to look at these plans -- and you have to hold up for the County Ordinance -- that is your responsibility. It has been your responsibility all along. If they don't meet our County ordinance then you should come and say that we need to change the ordinance -- or you should tell the developer, "You've got to meet the County code". That's your responsibility and that hasn't been done -- and it is in more than one instance where it hasn't been done. It is typical behaviour that you exhibit. I don't know why you don't think that you should go by the ordinance."

Mr. Easley said, "Well, you show me in the ordinance where it prohibits or what materials are covered. But I have researched it and I can't find it."

Mrs. Cox said "We had a long discussion at our meeting some two or three weeks ago and my fellow Commissioners all voiced concern about the use of plastic pipe -- especially if it is in our maintenance system where we have taken over for maintenance of these drainage systems within subdivisions or within road right-of-way. At that time it was brought out that the code did not have -- that we did not have any provisions in our specs for the installation of plastic pipe. So I take people at their word that it wasn't in there -- but I will find it."

RE: AMENDED PRELIMINARY RESOLUTION TO IMPOSE BARRETT LAW ASSESSMENT

Mr. Easley asked whether the Board wants to go back to the matter of the Amended Resolution to impose Barrett Law Assessment concerning the Caranza Drive Sewer. The execution of the amended resolution had been deferred until Commissioner Borries' arrival.

Attorney John explained that Attorney Miller had handed him the amended version just prior to today's meeting. He had added the last two paragraphs, which basically discussed some costs being incorporated into the tax rolls for collection regarding the Caranza Drive Sewer Project. By Statute, those recitals are necessary, but no additional advertising or additional hearings will be necessary. Attorney Miller has requested however, that the Amended Resolution be approved by the Commissioners, to replace the Resolution adopted in July.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the Amended Resolution was approved.

Commissioner Borries then requested a roll call vote:  
Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries yes. President Borries declared the Resolution approved by unanimous roll call vote. So ordered.

RE: ADVERTISEMENT FOR PROFESSIONAL ENGINEERING SERVICES RE  
THE CARANZA DRIVE SEWER PROJECT

Attorney John reported that insofar as he can see, it would be necessary to advertise twice, one week apart, with the last time being a minimum of ten (10) days prior to the hearing. Joanne Matthews has said that apparently there was a similar instance (she believes on "B" Street) in which Tom Dorsey/David Miller were involved -- and she thinks for Professional Engineering Services it is 30 days after the last advertisement; but he will be glad to check with one of them.

Commissioner Willner said, "The new statute says it only has to be advertised one (1) time now."

Attorney John said, "No, I think it is two. The question was whether the last advertisement had to be at least ten (10) days prior to the opening or whether it was thirty (30) days. I am not familiar with the thirty (30) day requirement. But I still think it takes two (2) advertisements and ten (10) days. But I will check and send you the paper just to verify that it is the ten (10) days rather than the thirty (30) days -- if you want to go ahead."

Commissioner Willner requested, "Also look at the number of times it has to be advertised. I believe the Legislature last year cut out all the second times on all of them."

Commissioner Borries asked, "Curt, I guess the question then is whether we can approve this without specifying the date?"

Attorney John said, "You can approve it without specifying the date and I will specify the date."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the Notice re Professional Engineering Services for the Caranza Drive Sewer Project was approved, with request that Attorney John specify the date the proposals are to be received. So ordered.

Commissioner Willner asked whether there has been any move for them to do that themselves?

Mr. Easley said he isn't aware of any. He believes Mr. Jeffers said last week that he was under the impression that everyone was waiting to see if the County was going to proceed with it.

Replacement of Culvert/Nisbet Station Rd.: Mr. Easley asked whether Mr. Bethel is still present -- or has he left the meeting? At Mr. Bethel's request (and he believes some of the Commissioners were aware of this) we are taking action to replace a culvert --and install a new culvert -- which will replace an existing culvert on Nisbet Station Rd. He has some plans for it and he has three (3) bids obtained informally (which have not been opened) -- to put in ten (10) 6 ft. lengths of a 6 ft. x 12 ft. precast concrete box culvert to get the water that has to go under Nisbet Station Rd. (and this is about 1,000 ft. west of Big Creek, between the railroad tracks and Big Creek). It is on a 45 degree skew and we have two easements we have to get signed (the people have indicated that they will cooperate with us). These culverts are going to be ready at the end of the week and he would like to be in a position....we have purchased the culverts and we need a back-hoe and some labor to excavate the roadway where the culverts are to be installed and we will make arrangements for a crane to unload the culverts when they arrive. The crane will set the culverts. We were hoping to get this done before the paving started, but we had to go ahead and leave an opening in the pavement."

Commissioner Willner asked, "These bids have not been opened?"

Mr. Easley said that is correct.

Commissioner Willner asked if Mr. Easley has an estimated cost he has submitted?

Mr. Easley responded, "I do not have an estimate for what the labor....I don't think I have prepared an estimate on it."

Commissioner Cox said "I have one you prepared, Andy."

Mr. Easley said "No, not on Nisbet Station."

Mrs. Cox asked, "Oh, is this for Nisbet Station? When was permission given to do that one?"

Mr. Easley said "I believe it was obtained by the County Highway Superintendent."

Mrs. Cox asked, "Who did you obtain it from?"

Mr. Easley said there is a bridge culvert collapsing there that needs to be replaced and we calculated the floor area and I reported to Mr. Bethel that, in my opinion, it would take a 6 ft. x 12 ft. culvert. The existing culvert is, I think, is maybe 9 ft. x 3 ft. "

Commissioner Cox asked, "Was this an emergency? Did this Board declare it an emergency? Was it brought to us to request permission to seek invitational bids or seek any direction from this Board, Andy?"

Mr. Easley replied, "I haven't been before the Board on this previously. I was directed to get....."

Mr. Bethel interjected, "I thought this was a culvert going under the road and I didn't realize you had to come before the Board to put a culvert in."

Mr. Easley said, "It is a large culvert -- but I didn't think -- I've been working with Mr. Bethel and I think Mr. Willner was aware that we were working on it."

Commissioner Willner said, "I was -- and it needs to be done. The fact is, they have paved around it and...."

In response to query from Mrs. Cox, Mr. Easley said it is a 12 ft. span 6 ft. high. We need a large back-hoe to get the roadway and change the channels slightly. We really don't have a piece of equipment that can do that too well. It is not exactly a gradall-type operation.

Mr. Easley approached the Commissioners' table as the plan was reviewed.

Commissioner Borries asked, "Can we have one (1) week if the Commissioners would like to review this matter?"

Mr. Easley said "You can open the bids and take them under advisement if you like. You have the authority to reject them or whatever you want to do. But I was told to get it in there as soon as possible."

Mrs. Cox asked, "And this is to eliminate a bridge?"

Mr. Easley responded, "To eliminate a bridge culvert. There is a bridge culvert that is inadequate and collapsing. Even this culvert will not handle all the water that will come out of that watershed, because by the time it gets up to the top of the road I guess Big Creek is up and it just becomes a lake."

Commissioner Borries asked, "Would you want one week to study this matter? It has been entered into the record. These bids are sealed and it doesn't appear that anything has been opened. We can keep them for one week and then have the Attorney open them -- and delay any decision on them until we have an opportunity to inspect them at that time."

Commissioner Willner said, "Personally, I know where it is at -- I know it needs to be done -- and I do not need a week. But that is fine if that is what everybody else wants."

Commissioner Cox said, "Well, I don't see what a week is going to do. I object to the way in which this was handled. And why wasn't it brought up last Monday at our meeting and the Commissioners appraised of what is going on? I have no problem. I am for helping out with the drainage any way that we can. But, Bob, it is all these things that go on outside of an official meeting. And this is the only place that we can take official action."

Commissioner Willner said, "I don't mind. If you want a week -- take a week. Take two weeks."

Mrs. Cox asked, "Well, what will a week do? It won't correct what procedure has been followed. I think when we respect what we need to do -- the fact that these things must be brought before a public meeting, now I accept Mr. Bethel's explanation. He just thought it was a little culvert under the road and the County replaces these all the time. But this is one that they can't replace; one that they're going to have to have help with -- and this is different. But the proper procedure is to come through this Board first -- not after the fact -- and I just...."

Commissioner Borries said, "Let's take a week."

Mr. Easley asked "Do you want me to hold the bids?"

Commissioner Borries said, "We'll just keep them in the office."

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

President Borries presented the Monthly Report from the Clerk of the Circuit Court for period ending August 31, 1987.....report received and filed.

RE: OLD BUSINESS

President Borries said the Board also needs to approve the minutes from the Commissioners Meeting held August 31, 1987. The Board had deferred action until such time as Commissioner Borries arrived.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: ZIEMER FUNERAL HOME - PROPOSAL TO BEGIN EMERGENCY  
AMBULANCE SERVICE

President Borries read the following letter from Ziemer Funeral Home for the record:

September 4, 1987

Richard Borries, President  
Vanderburgh County Commissioners  
Room 305 - Civic Center Complex  
Evansville, Indiana

Rick,

Due to some confusion concerning my request of the County Commissioners for authorization to operate an ambulance service in Vanderburgh County, please consider the following.

The purpose of this requirement is to allow the counties/municipalities of Indiana the opportunity to regulate ambulance services at the local level. However, few have taken this opportunity because state EMS regulation is considered sufficient. This requirement has been in effect for only two years. Therefore, Vanderburgh County has never had to provide this authorization to an applicant. The ambulance providers holding current certification when this regulation was adopted were "Grandfathered".

I have enclosed a copy of the Application for Ambulance Service Provider Certification. The point in question is under "Transportation", letter E.

I am requesting a letter from the Vanderburgh County Commissioners "giving authorization to operate an emergency ambulance service" within Vanderburgh County.

This formality required by the Indiana EMS Commission does not constitute a contract between Vanderburgh County and Ziemer Transportation Inc.

Thank you for your time and consideration.

Respectfully,

Jerry Ziemer

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the following letter (drafted by Count Attorney Curt John) was approved for forwarding. So ordered.

September 14, 1987

Mr. Jerry Ziemer  
c/o Ziemer Funeral Home  
800 S. Hebron  
Evansville, IN 47715

Re: Proposal to Begin Emergency Ambulance Service

Dear Jerry,

This letter is to inform you that the Board of Commissioners of Vanderburgh County have no objections regarding your proposal of beginning emergency ambulance service in Vanderburgh County, so long as you comply with all Federal, State and Local laws, rules and regulations concerning such activity.

This letter is not to be construed to create any binding relationship between Vanderburgh County and your company.

Should you have any questions regarding this letter, please contact Jim Lindenschmidt in the Commissioners' Office.

Yours truly,

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY

Richard J. Borries, President

RE: SCHEDULED MEETINGS

Mon.	Sept. 15	9:00 a.m.	Tax Adjustment Board
Tues.	Sept. 15		Southwestern Mental Health Assn. (New Harmony)
Thurs.	Sept. 17		200th Anniversary/U.S. Constitution
Tues.	Sept. 22	9:00 a.m.	Tax Adjustment Board
Wed.	Sept. 23	1:00 p.m.	Tax Adjustment Board

In regard to the U. S. Constitution, President Borries said Thursday is the 200th Anniversary of the writing of the Constitution; the adoption occurred later. As the Commissioners will recall, they did approve (which is a rarity for the Board) public use of Vanderburgh Auditorium without charge to Judge Gene Brooks, who will have a Citizenship Ceremony at 11:00 a.m. on Thursday. The public is invited to attend and there will be newly sworn-in citizens who will be participating in that ceremony.

RE: EMPLOYMENT CHANGES

Superior Court (Appointments)

Lori Michelle Gauer	Cler. Asst.	\$13,663/Yr.	Eff: 9/13/87
David W. Lamont	Pub. Def.	\$14,312/Yr.	Eff: 9/7/87

Superior Court (Releases)

Dennis Brinkmeyer	Pub. Def.	\$14,312/Yr.	Eff: 9/4/87
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County Highway (Releases)

Charles A. Sumner	Mechanic	\$8.58/Hr.	Eff: 9/3/87
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Auditor's Office (Appointments)

Betty Miles	Transfer Clk.	\$12,900/Yr.	Eff: 8/31/87
Marie Dunn	Posting Clk.	\$12,900/Yr.	Eff: 8/31/87

Auditor's Office (Releases)

Betty Miles	Transfer Clk.	\$12,400/Yr.	Eff: 8/28/87
Marie Dunn	Posting Clk.	\$12,400/Yr.	Eff: 8/28/87

Center Assessor (Releases)

Jennifer Sue Yeley	Third Dep.	\$514.94/Pay	Eff: 8/31/87
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Clerk of Circuit & Superior Courts (Appointments)

Joyce Fields	Dep Clerk	\$6.00/Hr.	Eff: 8/31/87
Christine Montooth	Bond & Fine	\$6.00/Hr.	Eff: 8/31/87
Cathy Holbrook	Dep. Clerk	\$536.59/Pay	Eff: 8/31/87
Kendra Martin	Dep. Clerk	\$514.94/Pay	Eff: 8/31/87

Clerk of Circuit & Superior Courts (Releases)

Janice Dudley	Dep. Clerk	\$6.00/Hr.	Eff: 8/31/87
Helen R. Ludwig	Bond & Fine	\$6.00/Hr.	Eff: 8/31/87
Kendra Martin	Dep. Clerk	\$536.59/Pay	Eff: 8/31/87
Joyce Fields	Dep. Clerk	\$514.94/Pay	Eff: 8/31/87

Circuit Court (Appointments)

Dennis W. Howard	Safe Guard	\$15,750/Yr.	Eff: 9/3/87
Todd Alan Corne	Intern	\$ 3.35/Hr.	Eff: 8/24/87
Patricia Walker	Nurse	\$ 10.00/Hr.	Eff: 8/24/87
James D. Conklin	PT Safe Guard	\$ 5.00/Hr.	Eff: 8/22/87

Circuit Court (Releases)

Robert S. Saunders	Safe Guard	\$15,750/Yr.	Eff: 9/2/87
Tracy L. Thread	Intern	\$ 5.00/Hr.	Eff: 8/7/87
Susan Terrell	Intern	\$ 3.35/Hr.	Eff: 8/7/87

Union Assessor (Appointments)

Mary Ann Bernard	PTR Deputy	\$35.00/Day	Eff: 8/10/87
Tim Steinkamp	PTR Data Ls.	\$35.00/Day	Eff: 8/10/87
Keith Kuester	PTR.Data Ls.	\$35.00/Day	Eff: 8/10/87

Burdette Park (Appointments)

Jon Dubber	Ext. Guard	\$3.35/Hr.	Eff: 8/31/87
Cutee Gostley	Ext. Guard	\$3.35/Hr.	Eff: 9/1/87
James Russell	P.T.G.C.	\$4.00/Hr.	Eff: 8/26/87
Laura Martin	Rink Cashier	\$5.00/Hr.	Eff: 8/19/87

Burdette Park (Releases)

Gary Kitchens	Ext. Guard	\$3.35/Hr.	Eff: 8/19/87
Shawn Stanley	Ext. Guard	\$3.35/Hr.	Eff: 7/19/87
Sally Behme	P.T.G.C.	\$4.00/Hr.	Eff: 6/15/87
Denise Strange	Slide	\$3.35/Hr.	Eff: 8/19/87
Scott Kithens	P.T.G.C.	\$3.50/Hr.	Eff: 8/10/87
Amy Helfrich	Reg. Guard	\$3.60/Hr.	Eff: 8/17/87
Mike Gerard	Pool Asst.Mgr.	\$40.00/Day	Eff: 8/19/87
Tad Powless	Slide	\$3.35/Hr.	Eff: 8/6/87
Amy Burkdoll	P.T.G.C.	\$3.50/Hr.	Eff: 9/2/87
Joeli Staley	Reg. Guard	\$3.35/Hr.	Eff: 8/17/87
Dona Barton	Reg. Guard	\$3.60/Hr.	Eff: 8/19/87
Brian Dooley	Ext. Guard	\$3.35/Hr.	Eff: 8/22/87
Angela Lawrence	Rink Cashier	\$4.00/Hr.	Eff: 8/24/87
Barb Owens	Reg. Guard	\$3.60/Hr.	Eff: 8/19/87
Jennifer Talley	Reg. Guard	\$3.60/Hr.	Eff: 8/15/87
Angela Burmeister	Slide	\$3.35/Hr.	Eff: 8/15/87
Jill McNaughton	Ext. Guard	\$3.35/Hr.	Eff: 8/22/87

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 5:00 p.m. with the announcement that a Drainage Board Meeting will be held immediately following adjournment of the Commissioners Meeting.

Reconvened Session: Following query by Sam Humphrey as to whether the Commissioners are going to approve a claim concerning the Job Study requested by County Council, President Borries immediately reconvened the Commissioners Meeting. The Board of Commissioners had requested information on the contract claim in regard to the Job Study arranged by the County Council. Upon a review of the Statutes by the County Attorney, the County Auditor has informed the Commissioners that County Councils can enter into a contract with a professional job study service. This is in regard to a State Statute that defines their duties. The Chair then asked if there is a motion to approve the claim for work done at this time (meeting with department heads, preparing and furnishing job questionnaires and classification materials, conducting department head entrance interviews and field expenses) in the sum of \$5,770.54.

Commissioner Willner asked if the total package is \$30,000.00?

President Borries responded, "Yes."



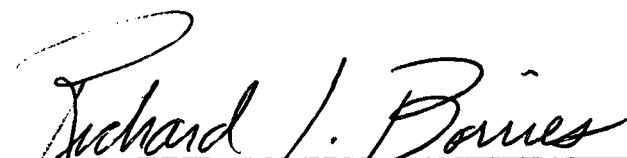
Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the claim in the amount of \$5,770.54 was approved for payment. So ordered.

President Borries said should the Commissioners want more information, would they want him to ask these people to be at one of the Commissioners sessions? Would that be of any interest or help to the Commission at this time?

There being no further business, President Borries declared the reconvened session adjourned at 5:05 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	Curt John
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	Bill Bethel	Andy Easley	Bill Jeffers, Chief Deputy
	<u>BURETTE PARK</u>	<u>OTHER</u>	
	Mark Tuley	Alice Weathers/C.A.P.E. Gil McCleary/C.A.P.E. John Wasson/Marble Cable T.V., Inc. Mike Tank/Welbac Cable T.V., Inc. Harry Tornatta/Perry Twp. Assessor Tom Dorsey/Purchasing Director News Media	

SECRETARY: Joanne A. Matthews

  
RICHARD J. BORRIES, PRESIDENT

ROBERT L. WILLNER, VICE PRESIDENT

  
SHIRLEY JEAN COX, MEMBER

MINUTES  
COUNTY COMMISSIONERS MEETING  
SEPTEMBER 21, 1987

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, September 21, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

President Borries entertained a motion concerning approval of the minutes of meeting held on September 8th.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the subject minutes were approved as engrossed by the County Auditor and reading of same waived, with notation that date should be corrected to read September 21st (rather than September 1st) in Paragraphs 11 and 12 on Page 20. So ordered.

RE: AUTHORIZATION TO OPEN BIDS FOR WRITING OF SPECS ON HEATING/AIR CONDITIONING FOR HILLCREST-WASHINGTON HOME

The Chair entertained a motion to authorize opening of bids received for writing specs for heating/air conditioning for Hillcrest-Washington Home.

Commissioner Borries said these bids were requested in order to get professional specifications written so we can move that project forward and fulfill the County's portion of the contract with the Southwestern Indiana Mental Health Foundation. There are three bids -- for the engineering alone.

Commissioner Cox said, "Did we meet all the legal requirements for asking for this bid? Was this invitational?"

Attorney Miller said, "This was invitational."

Mrs. Cox asked, "And notices were sent seven (7) days prior to this meeting by mail?"

Attorney Miller said, "As a matter of fact, they were sent a little longer than seven days, because the meeting at which mailing the notices was authorized was held the day after Labor Day and they were sent out that week."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, Attorney Miller was authorized to open the subject bids. So ordered.

RE: OPENING OF BIDS FOR NISBET STATION CULVERT

President Borries said the next set of bids (3 bids) to be opened concerns the Nisbet Station culvert.

President Willner said, "Same motion."

Commissioner Cox said "Same question"

Attorney Miller said, "I am not familiar with the Nisbet Station culvert."

Mrs. Cox asked, "Did we send the proper notice by mail to these people in accordance with the seven day requirement?"

Attorney Miller asked, "Are these invitational bids? I'm just not familiar with it."

*delay 1 week*

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Attorney Miller asked, "Are these invitational bids? I'm just not familiar with it."

Mrs. Cox asked, "Do we have a copy of that notice and the date of mailing?"

Attorney Miller said he does not and suggested he temporarily hold these bids.

RE: OPENING OF BIDS RE ROLLETT LANE BRIDGE

Mr. Borries said the third set of bids concerns the Rollett Lane Bridge. This has received previous consideration. However, there was an inadvertent opening of a bid previously and this Commission nullified those bids and so we're back to the point where there was a rejection of those bids and three more bids have been submitted for consideration. These are sealed bids.

Commissioner Willner said, "Same motion."

Commissioner Cox said, "I have the same question. I have a notice here signed by Dick Gwinn for Andy Easley dated September 15, 1987 to Deig Brothers, Floyd Staub and David Guillaum Construction. This was dated September 15th. I don't know when it was mailed, but I do have information that this was sent -- but I am not sure that meets the seven day requirement. What date were those received, Rick?"

Commissioner Borries said one has postmark of September 16th, one has postmark of September 17th -- and ....."

Attorney Miller asked, "Would you like to hear the bids for Hillcrest-Washington while we're waiting?"

Mrs. Cox said, "If this is the notice that was sent on the Rollett Lane Bridge and it is dated September 15th it does not meet the legal requirements."

Attorney Miller said, "The record on the bids for the Hillcrest-Washington Home shows that the letter requesting the bids was dated September 9th, as reflected in the bid of W. S. C.Associates, Inc. Their bid is as follows:

"Based on the request letter of September 9 1987, from Mr. Thomas Dorsey covering the reference, inspection of the existing drawings and a site visit on 9/18/87 we offer the lump sum fee for cooling design of \$12,360.00 for the following services:

- 1) Load calculations for the buildings.
- 2) Equipment selection, duct and pipe sizes, schematic locations.
- 3) Design of new three phase electric power service to the two main buildings and schematic wiring for the units.
- 4) Drawings showing Items 2 & 3 and specification manuals with material specifications.
- 5) Shop drawing review and periodic site inspection with field reports. Also final punch list.

If heating systems are to be replaced and heating added to the new systems add \$2,000 to the base fee for inclusion of the added design, specification, drawings and inspection.

This proposal is based on the following conditions:

- 1) Access to the buildings for inspection of existing systems, etc.
- 2) Ability to take and use photographs of the buildings.
- 3) Use of all the existing drawings that are held by South Western Indiana Mental Health.
- 4) No General Provisions, Contract Forms, Bond Forms, or Special Governmental Forms in the Specification Books.
- 5) No added electrical work other than as required for the air conditioning work.

- 6) No General Construction or decorating drawing that may be required to conceal mechanical or electrical work.
- 7) 40% of the fee due at completion and approval of designs, 80% of the fee due at time of bidding and the final 20% of the fee prorated with construction progress.
- 8) All fee billings are due 30 days from date of billing.
- 9) The fee does not include any state or local fees or permits.

Commissioner Cox asked, "David, for my information and for the record, what does 'W.S.C.' stand for? Where is it located, please?"

Attorney Miller said the owner's name is Waller S. Clements and the address is 605 N. Main Street, Evansville, IN.

Three "I: Engineering Co.: This is a large group on the west side just off St. Joe Avenue. They bid \$6,500.00. Mrs. Cox asked, "Is that just for air conditioning? Or is that part heating?"

Attorney Miller read, "We propose to furnish specifications, load calculations, layout drawings, equipment schedules, review of shop drawings, and field inspection for the air conditioning of the Hillcrest-Washington home and Superintendent's home for the sum of \$6,500.00. Our layout drawings will include equipment locations, one line duct routings and duct sizes. We have not included time to define the required electrical or architectural work."

The Engineering Company (Anthony D. Wilson) - P. O. Box 4864, Evansville, IN. 47711. They will:

- a) Provide specifications for materials and workmanship to maintain a minimum standard by which contractors must bid.
- b) Provide calculations of heat gain to set minimum size of refrigeration equipment.
- c) Provide an overview of the facilities with regard to air conditioning, placement of equipment, duct runs, etc.
- d) Provide "schematic" drawings to indicate location of major equipment and duct runs.
- e) Review shop drawings of equipment, duct layout and sizing, etc.
- f) Provide inspection services to insure compliance with the specifications.

"This would enable you to seek bids from contractors in an equitable manner and maintain the quality of materials and workmanship that you expect. Fee is \$35.00 per hour with a maximum not to exceed price of \$3,000.00."

In response to query from Commissioner Cox, it was determined that this is a Darmstadt location.

Commissioner Willner asked, "Did you notice that the bids started at \$3,000.00 and then doubled to \$6,000 and then \$12,000.?"

Commissioner Borries asked, "Do you feel comfortable with awarding a contract for the specs only for the heating/air conditioning in accordance with regulations?"

Commissioner Borries asked if the Board wants to take these under advisement for one week?

Commissioner Cox asked, "Does anybody know who Anthony Wilson is? Do you know him, Bob?"

Commissioner Willner said he does not know him. Mr. Lindenschmidt said, "I met the man, took him out and showed him the building, the drawings, etc. But this was the first time I'd ever met him."

Mrs. Cox asked, "Would these bids be referred to Jim then? He's the one who kind of drew up what we wanted from the engineers. Didn't you, Jim?"

Commissioner Borries said, "Whatever the Commissioners want to do. Do you want to give them to him and wait a week?"

It was the consensus that the bids should be referred to Mr. Lindenschmidt.

Commissioner Borries asked "Do we have money in our budget for this this year?"

Mr. Lindenschmidt said, "Yes, it is already in there."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the bids were referred to Jim Lindenschmidt for his perusal and recommendations to the Commission. If he can do it today, fine. If he needs a week, fine. So ordered.

RE: SETS OF BIDS/NISBET STATION CULVERT & ROLLETT LANE BRIDGE

President Borries said this leaves two sets of bids: One for the Nisbet Station culvert and one for the Rollett Lane Bridge. For the record, in a situation like this, what is the legal requirement on these kinds of bids?

Attorney Miller responded, "Seven days."

Mr. Easley commented, "We received bids from three people and they did respond. And if there was a re-bid, they all knew about it, so we didn't need the seven days. They had time to submit their bids. I think you could waive that informality."

Mrs. Cox asked, "Do you have a copy, Andy, of what was sent to the bidders regarding the Nisbet Station culvert? I do have a copy of what went out on Rollett's Lane and that is dated September 15th. The Nisbet Station project came to us last week without any authorization from this Commission to request invitational bids. It's in the minutes."

Attorney Miller said "The legal requirement obviously is that there must be a minimum seven days notice. If there has not been a formal seven day notification on the first request between the date of this meeting (notwithstanding the date these bids are submitted) -- the date of this meeting and the date that the first request for bids was mailed, then a new request for bids has to be mailed. If there was a written request for bids, if the bids come in under the statutory amount of \$25,000 -- that was more than seven days prior to the date of this meeting. And if these bids are the result of a re-bid, then these bids are valid. But if the only notice sent was sent less than seven days before this meeting, then the invitational bids cannot be accepted because the invitation has not been given a long enough time -- even if everyone who was invited to bid responded in less than seven days. I think that is silly -- but that is what the law requires. The law requires seven (7) days. I can't re-write it here."

Mrs. Cox asked, "Can we have a copy of what went out on the Nisbet Station culvert?"

Commissioner Willner said "It has been more than seven days since we met."

Commissioner Borries said, "Then that would apply to the Nisbet Station culvert but it would not apply to Rollett's Lane. Is that right?"

Mrs. Cox said, "Right. Did you not get a copy of this? It is dated September 15th." If that meets the seven days...

Mr. Borries said, "Yes, I did. David, on the Rollett's Lane -- this is a re-bid."

Attorney Miller said, "If this is a re-bid -- I see one person saying it is and another person saying it is not."

Mrs. Cox said, "Because we didn't follow the proper procedures the first time."

Commissioner Borries asked, "Wasn't one of them inadvertently opened the first time on Rollett's Lane?" And we rejected all the bids?"

Attorney Miller said, "But you did authorize the mailing of the invitation."

Mrs. Cox said, "We did authorize the mailing of invitational bids to be accepted."

Attorney Miller said, "You authorized the mailing of the invitations and you rejected the bids because one of them was opened prior to the meeting -- or all of them were opened prior to the meeting -- it doesn't make any difference. If you have re-bid it, then you can start counting from the original request for bid date."

Commissioner Borries said, "That is what I thought -- for Rollett's Lane. Then we would come to Nisbet Station -- and these don't have a postmark -- none of them do."

Attorney Miller asked, "Do they have a 'received' date?"

Commissioner Borries responded, "No."

Attorney Miller asked, "Do we know when the notice was mailed out?"

Mr. Easley interjected, "It went out the day it was dated."

Attorney Miller asked, "The day what was dated?"

Mr. Easley said, "It was dated September 15th."

Attorney Miller said, "That is six (6) days prior to today."

Commissioner Borries said, "These don't have anything on them."

Attorney Miller said, "Those aren't the critical thing, because the critical date is the date that the notice went out. You can receive bids the day after the notice went out and they would be valid bids as long as the notice went out seven (7) days before the date of this meeting. And if the date of the notice was September 15th, then it will have to be re-bid."

Commissioner Borries said, "Apparently then, these will have to be re-bid."

Mrs. Cox asked, "Do we have a copy of the notice?"

Commissioner Willner said, "Not for re-bids."

Mr. Easley asked, "Copy of what notice?"

Mrs. Cox said, "On Nisbet Station."

Mr. Easley said, "You have it in front of you."

Mrs. Cox said, "This says 'Rollett Lane' -- I don't have any Nisbet Station notice. You see, David, these bids came in last week -- these bids right here came in last week. There was no authorization from this Commission to ask for invitational bids. but these bids appeared."

Attorney Miller said, "I don't know what bids...."

Mrs. Cox said, "The Nisbet Station bids."

Attorney Miller asked, "Are those the ones we are saying were re-bid?"

Mrs. Cox said, "No; well, I don't know what you are saying. I'm just telling you that these bids came last week. We don't have our minutes to verify this; but these came last week with no authorization from this Board to even ask for invitational bids. So at the meeting on September 14th (if my memory is correct) we did authorize invitational bids for the Nisbet Station culvert replacement. But this is before the fact."

Attorney Miller said, "Then you can't consider those bids. You've got to have it bid again."

President Borries asked, "Commissioners, do we then have authorization for the Attorney to open the bids on the Rollett's Lane Bridge project?"

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, Attorney Miller was authorized to open the bids received on the Rollett Lane Bridge project. So ordered.

Mrs. Cox subsequently remarked, "Upon the advice of our County Attorney, I am seconding that motion."

RE: REZONING PETITIONS

VC-16-87/Petitioner, George W. Cissell & Thomas Anthony Cissell (1st Reading): Common known address of the subject property is 11401 N. Green River Rd. Property is currently zoned Agricultural and requested zoning is M-2. Proposed land use would be industrial.

President Borries said that while Jim Lindenschmidt is passing out copies of the rezoning petitions, he wants to commend Mr. Lindenschmidt for the work he does. With secretary Margie Meeks on vacation, Jim has truly been the "Lone Ranger". At budget time there are always loud requests, etc. The Commission has never heard that from Jim and the Commissioners' office is open until 5:00 p.m. and Jim is here. Thus, he wants to commend him for his work.

Commissioner Willner said, "I will second that."

Mrs. Cox said, "I will third that."

Continuing discussion regarding VC-16-87, President Borries entertained questions of the Board.

Commissioner Willner moved that the petition be approved on 1st Reading and forwarded to Area Plan Commission.

Mrs. Cox said, "I will second the motion with the notation that it does say on the petition that right-of-way will need to be acquired. I suppose that goes with the proposed improvement of North Green River Rd."

Commissioner Willner said, "That is not close to Green River Rd."

Mrs. Cox said, "It is on Green River Rd., Mr. Willner."



Mr. Willner said, "Green River Rd. has already been approved."

Mrs. Cox said, "Well, our engineer has at the bottom of this petition, 'Right of way required? Yes'."

Commissioner Willner said, "Well, we can require some, but what for? What would be the purpose of requiring right-of-way?"

Mrs. Cox asked, "Where is Mr. Easley? Do you want to ask him?"

Commissioner Willner said, "I am asking you."

Mrs. Cox said, "Well, I just saw it on here."

Commissioner Borries said, "This is on that portion of North Green River that, I guess, we would consider approved. Isn't it? The County did this part -- probably before I was on the Commission, somewhere around the late 70's. But I am not familiar with how much right-of-way is there. There is also right-of-way that has been acquired further south -- close to the portion we had considered near Heckel Rd. This would be north of that."

Mr. Easley said, "The sketch shows that we have 60 ft. in designated area and we acquired 45 ft. off the centerline further south."

Commissioner Willner said, "This road is finished. It has been widened and it is finished for the next century."

Mrs. Cox said, "Well, I think our Subdivision and Right-of-Way Ordinance specifies how much right-of-way is needed on some of our collector roads and minor and major arterial roads. Maybe that is where Andy picked that up. Maybe it wasn't in accordance with the Ordinance."

President Borries asked, "Andy, will you review that comment then as this is sent to the Area Plan Commission for 2nd Reading?"

Mr. Easley agreed to do so.

VC-17/87/Petitioner, James E. Loehr (1st Reading): Common known address of subject property is 2910 Eastview Drive. It is currently zoned Agricultural and requested zoning is M-1. Present existing land use is Auto Repair Garage & Residence and proposed land use is Auto Repair Garage & Residence. He assumes there has been a sale of property here or property might have been in non-conforming use.

Mrs. Cox said, "I would assume he is operating an Auto Repair Garage out of his residence and some of the neighbors are objecting to it and he has filed this to try to obtain the proper zoning, but I don't know."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the petition was approved on 1st Reading for forwarding to Area Plan Commission. So ordered.

VC-18-87/Petitioner, Heflin Oil Company (1st Reading): Common known address of subject property is 9600 Darmstadt Rd. Land is currently zoned C-1 and requested zoning is C-2. Present land use is for office and proposed land use is Union Office & Meeting Hall.

Mrs. Cox asked, "Is this in the Town of Darmstadt?"

Mr. Willner said, "No."

The Chair entertained comments.

Mrs. Cox said, "I also notice on this petition that the right-of-way requirement is 30 ft. west of the centerline."

Commissioner Willner asked, "For what reason?"

Mr. Easley responded, "For future improvement. He has plenty of setback there."

Commissioner Willner said, "I think Darmstadt Rd. has 90 ft., but if you don't have anything planned for it you can't ask somebody to..."

Mr. Easley said, "When they plat subdivisions, the Planning Commission...."

Commissioner Willner said, "It is totally different for subdivisions." There is an existing street. If you go ask designated property owner to give 30 ft. or 40 ft., or whatever it is -- then you have to ask another designated property owner to do likewise. You can't pay this guy for his and ask another one to donate his. It doesn't work that way. "

Mr. Easley said, "I know."

The Chair entertained further comments.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-18-87 was approved on 1st Reading for forwarding to Area Plan Commission, with the request that Mr. Easley obtain clarification on the right-of-way requirement before it returns to the Commission for 3rd Reading.

VC-19-87/Petitioner, Corr-Wood Manufacturing (1st Reading):  
Common known address of subject property is 10501 Highway 57. Current zoning is Agricultural and requesting zoning is M-2. The property is currently vacant and proposed use is for light manufacturing/warehouse.

Mrs. Cox said, "It adjoins that Industrial Park, I think, on Highway 57."

The Chair entertained comments.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-19-87 was approved for forwarding to Area Plan Commission. So ordered.

RE: REQUEST FOR VACATION OF PUBLIC UTILITY EASEMENT IN  
GREENGATE COURT SUBDIVISION

The Chair recognized Attorney Mark Miller of the Bamberger, Foreman, Oswald and Hahn law firm.

Attorney Miller said this petition is made on behalf of McCarty's Colonial Garden Center. He believes the Commission remembers Greengate Court Subdivision. He is here tonight because it was his understanding from Joanne Matthews that the Commission would set a Hearing Date, so the required notices could be mailed and the newspaper notice published.

Attorney Miller said he has everything ready to go, once the Hearing Date is established.

Mrs. Cox asked if the notices are going to be sent to surrounding property owners?

Attorney Miller responded in the affirmative.

Mrs. Cox asked, "Are you also notifying the utilities?"

Attorney Miller said, "There are no utilities currently using the easement...."

Mrs. Cox interjected, "That you know of. We thought there weren't any on one a month ago, but we subsequently have found that there is. So would you just send letters to the utility companies and ask for a response by no later than the Final Hearing Date? All it will be will be just a clearance letter. If there are no utilities there, that is what they will say. But I think we really need those letters." (The other Commissioners concurred.)

Having consulted the calendar, the Commission set Monday, October 12, 1987 at 2:30 p.m. for the Hearing Date regarding this Vacation Petition. So ordered.

RE: REQUEST FOR WAIVER OF CURBS & GUTTERS IN HARMONY WOODS  
SUBDIVISION, SECTIONS "A" & "B"

The Chair recognized Mr. Jerry Nord of S & N Homes, who was present for purposes of requesting waiver of curbs and gutters in Harmony Woods Subdivision, Sections "A" & "B".

Mr. Nord said he had furnished the Commissioners with a copy of an engineering report from Veach, Nicholson Griggs & Associates. There were some modifications he distributed just a short time before the meeting concerning corrections made to take care of some of the problems that had been pointed out.

Commissioner Borries asked, "You had Mr. Griggs ( a Professional Engineer) inspect these at your request? Is that correct?"

Mr. Nord said that this is correct.

Mr. Borries asked, "How long have these roads been installed?"

Mr. Nord said, "They were completed about five to six months ago. In response to comment by Mr. Borries concerning the shoulders, Mr. Nord said he believes ...

Mr. Borries asked, "How much more street do you intend to construct out there?"

Mr. Nord said, "It is all completed. We have approached the Commissioners for approval of the final roads and we had our preliminary plans approved. That was when we were told that we did not come through for a waiver of the curbs and gutters -- and that is our purpose in coming back to this meeting with an independent engineering report showing that what we have out there should be adequate for the drainage and for the aesthetics."

The Chair entertained questions.

Mrs. Cox said, "Jerry, speaking specifically to the report dated September 14th and signed by Darryl Veach, he says a shoulder width of 6 ft. exists throughout. Do you know how he measured those shoulders? I know the ordinance calls for 6 ft. shoulders on the sides of our roads. But I don't know how he measured those."

Mr. Nord said, "I cannot answer that question. We directed him to go out there and how that measurement was decided I do not know."

Mrs. Cox continued, "Under Lot #16 there was an undersized culvert. Has this been replaced?"

Mr. Nord said, "That matter has, I believe, been resolved. The gentleman who constructed that (Mr. Steele) had a construction permit and we asked him if he had gotten a driveway permit, which is where it is my understanding that the sizing is determined, and I think that had been issued and I was told that that was acceptable."

Mrs. Cox asked, "So it has not been corrected then? There is still 12 inch diameter culvert?"

Mr. Nord said, "That is still in place. In other words, we sold the lots. The drainage system exists and it was up to each of the people that bought lots within that subdivision (I might comment that there were 22 lots in Sections A and B, and we have them all sold at this point with the exception of six lots) and each of those people were responsible for building their own homes and one of those requirements for their general contractor was to make sure the driveway permits and things like this were properly applied for within the system. So why that got put in -- that was not our responsibility I should say at this point."

Mrs. Cox said, "This inspection report just points out that a drainage way from Lot 16 needs to be channeled into the side ditch with a quantity of rip-rap or some means of reducing the velocity of the water. The 12 inch diameter culvert which will carry this water under the driveway of Lot 15 is undersized. So if we issue the driveway permit, then...."

Mr. Nord said, "I don't know. Like I say, that would have been the responsibility of Mr. Steele (who is a builder) and he has built in Vanderburgh County before. I would assume that he would know the proper channels to go through in getting permits for that purpose."

Ms. Eileen Stanton stood and commented, "They are not going to pour the driveway over that area. That is the wrong size culvert and it will be remedied. He will replace it with the right size."

Commissioner Borries requested that Ms. Stanton come forward and give her name for the record.

Ms. Eileen Stanton approached the podium, identified herself, and said that she is the Secretary-Treasurer of S&N Homes.

Mrs. Cox said, "Another concern which I think she points out here that needed to be addressed is that the construction plan that he had compared to what is out there shows that the drainage throughout the subdivision is going to be contained within the street right-of-way. That means water is going to be running down the streets until it can be emptied into a natural drainage way."

Mr. Nord said, "It says 'within the street right-of-way' -- that would be within that 6 ft. right-of-way."

Mrs. Cox said, "O.K., then it goes off the street right-of-way. Did they grade Lot 22 so that the run-off is channeled to the inlet end of the culvert? Has that been done, Ms. Stanton? When he talks about the water running down the street right-of-way until it is emptied into the natural drainage way. Then it says 130 ft. of drainage culvert, but he feels 120 ft. will be adequate. So he is recommending that the frontage of Lot 22 needs to be graded so that the run-off is channeled to the inlet end of the culvert."

Ms. Stanton said, "There, again, that property belongs to D. Horning. They have constructed their home there. They have not completed their landscaping. Their culvert is the right size and they will continue working with their land. That acre is a very long acre and they have not completed their grading; but they are responsible for the grading of their own lot."

Mr. Nord said, "Part of the problem we have here is that we have sold off the majority of these lots before this particular problem came to our attention and now it is up to each of the individuals who own those lots who have homes under construction (and I might add we've got a total of about seven or eight under

construction) -- but most of the ones being addressed here are homes where there is currently construction going on, so it would not have been in that condition if we were here seeking approval before -- but because the builders have indicated to us that once it is finished, the proper grading for putting the yards in and everything like this would eliminate some of the problems we're talking about here, which are relatively minor in comparison to the whole drainage situation with that subdivision -- and being able to make sure that it has adequate run-off for the..."

Ms. Stanton said, "I might add that none of this concerns the road. We aren't talking about any drainage in the roadway."

Mrs. Cox said, "But the problem we have here is that we are dealing with side ditches to provide the drainage so that the water doesn't go onto our roads, and that is why they require the amount of shoulder on the road to keep the water that is running down these ditches away from underneath the roadbed so that it doesn't seep in or doesn't erode. The only problem -- and why we need to be extremely careful here -- is you do not have rolled curbs and gutters. You have these side ditches and people don't like to mow down swales. So what you have happening along the line is people come in and they fill up these ditches because it is much nicer to mow straight out to the roadside, which creates a diversion of the water and down the road. This is what has happened and that is why the requirement. I think that is the most outstanding reason that the requirement for rolled curbs and gutters was instituted in our ordinance. So, if it isn't there, we have to be assured that that road that you have spent your money installing and that you are wanting the County to take over and accept is going to be protected. You are very right -- but when we are accepting a street we are accepting not just the asphalt that you put there, Ms. Stanton, but we are accepting the right-of-way and everything that is in that right-of-way, including the drainage system and the ditches."

Ms. Stanton said, "We understand that. We have just brought in about fifty loads of dirt and had this graded and we seeded and planted all of these shoulders on both sides of the road to prevent any erosion or problems."

Mr. Nord said, "I would like to make a couple of other comments. The letter I distributed just before the meeting dated September 21st addresses some of the points you are bringing up here in that we have made some corrective responses to the letter that were made in recommendations for acceptance of this subdivision by, again, the same engineering firm."

Mrs. Cox said, "That is why I am just going over the report with you -- to make sure that what they have pointed out you have corrected. Because that is what basically they are saying here in this letter of September 21st -- that you have done all these things that they have told you to do in this letter."

Commissioner Willner remarked, "I think what Ms. Stanton is saying is that she is not asking for acceptance of the road at this time. She is asking for a waiver of curbs and gutters. And when she asks for acceptance of the road, we then get into the drainage problems to see if they have been corrected."

Mr. Nord said, "That is right. Again, most of the drainage situation we're talking about -- if there was an inspection by any of your Commissioners which show that the areas we're talking about like with the culverts are away from the road and the shoulders and things like this -- and there is an adequate distance in there that we do not feel that there would be any kind of deterioration of the roadbed, itself -- but I think that is a correct statement by Mr. Willner. Our intentions at this point are to..."

Mrs. Cox said, "Then this letter is in error; because what it says here is 'We would recommend acceptance of this subdivision' -- that is what this letter says, Bob. I know that it says on our agenda that you were here asking for waiver of curbs and gutters, but..."

Mr. Nord said, "But, also, I would hope this letter would help to point out that there was another engineering company to look at the subdivision or roads and they felt it was adequate. I did not tell them what our status was at this point. We were strictly looking for a waiver of curbs and gutters at this point -- we wanted them to go out and give us an honest, independent evaluation of our drainage system because we knew that would be coming up -- and say 'Yes, it is adequate' or 'It needs additional work' and that is what we are trying to address here."

Mrs. Cox said, "The only other comment that I have would be with relation to the last paragraph on Page 2 of the report. I wonder why he would put in comments of that nature that 'The foregoing are the result of a visual inspection conducted without the use of surveying instruments and this report is not intended to be approval of any lines or grades. These would be verified by as-built plans, which would necessitate some surveying.' Is there a problem with how the road is laid out or something that you are aware of?"

Mr. Nord said "I know of no problem. In fact, those detailed plans were submitted to the Commissioners and they were built to those specifications."

Mrs. Cox said, "And the other question I have on these plans (and I know you are just asking for waiver of rolled curbs and gutters, and this is down the line) -- but when I was out there and looked it was early in your construction period and it was sometime last fall. The utility companies were putting in utility lines and I think specifically it was electric -- and I'm not sure whether it was gas -- but I know it was SIGECO who was out there. I talked with the workmen, because they were very, very close to the edge of your pavement going down the north side of the road. They were lying right down next to our roadside."

Ms. Stanton interjected, "That problem was brought to SIGECO's attention. SIGECO, at their time and expense, did go in there and add much gravel and compacted the earth so that problem was corrected."

Mrs. Cox said, "And on your street plans your public utility easement will show that it is the ~~longest~~ side of your streets."

Mr. Nord said, "Right; there is an area in there and they are within that -- those tolerances or limits or whatever ..."

Mrs. Cox said, "Here is the thing I want to point out: Whenever there is a utility located along the side of our road -- if the County has to go out there and clean out these ditches that we're talking about since you don't have rolled curbs and gutters, we don't want to be hitting a gas line or a utility line not knowing they are there. If it shows a public utility back farther then we don't think they are along the roadside and we go out and we do some grading and stuff along the roadside and hit one of these utilities, then we've got problems. So all I'm asking is that your plans reflect where your utilities lie if they are within that right-of-way."

Mr. Nord said, "Part of the reason for their being placed there is that they needed a clearance between the water and the other utilities and to prevent them from being laid or dug up where the main channel was -- that is why they were put in there (according to SIGECO) between that and the road itself."

Mrs. Cox said, "Where the bottom of the ditch was going to be and the roadside. Because I know they were right on the edge of that pavement."

Mr. Nord continued, "Like I said, we were concerned with that and contacted SIGECO and told them of our concerns -- that we had roads we were awaiting approval on and we did not want them coming back and filling dirt in there with sediment and things like this -- so we addressed that and they sent a crew out there to fill that up with #53 gravel, packed it and re-contoured whatever damage they did up to that point. Like I said, there is a difference between a visit now and what you saw at that point."

Mrs. Cox said, "I've been out there just recently. When you do bring your plans back in for street acceptance, then I would hope that it would show where the utilities are. Thank you for your patience."

Mr. Nord said, "They will show -- and it's no problem."

The Chair entertained further questions of Mr. Nord and Ms. Stanton. There being none, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request for waiver of curbs and gutters in Harmony Woods Subdivision, Sections "A and "B" was approved. So ordered.

Mr. Nord asked, "When would be the next step insofar as approval of the streets and everything like this? Would that be scheduled sometime in the near future?"

Commissioner Borries said, "Depending upon what has been pointed out-- as Commissioner Cox has raised certain concerns, you need to make sure that your plans reflect any changes and modifications that have been made on that. At that point I would think...."

Mrs. Cox interjected, "I would think now from what you and Ms. Stanton have told us that it is going to be up to the property owner to see that those ditches are graded out right and everything. And until all of that is done, we can't accept the streets -- unless you all want to go in and do those side ditches and everything now and get everything all up to line."

Mr. Nord said, "Let me ask you this. If the area of improvements the homeowners would be making was outside (and really that is what we are talking about) -- outside our 6 ft. easement -- then would that have a bearing? There might be a couple -- there is one lot in particular where the people might be two or three years with a plan to construct. That is the only one I know of that is going to be of a long term nature. If that were the situation it could be a year or two down the road before we obtain approval."

Mrs. Cox said, "Whenever the request comes to this Board for acceptance of the street, our usual procedure is that the Board asks the Surveyor's Office (which is in charge of the drainage in Vanderburgh County) to compare your drainage plan that has been submitted and approved by this Board to what you have put in out there insofar as your drainage improvements are concerned. Because the Drainage Board approves your drainage plan and this is looked at by that Board and then the County Engineer checks the street for the proper depth and stuff. Usually when it is presented that is what we do and it is about a week or whenever the Surveyor can get a report into us."

Mr. Nord said, "I guess what I would like to say is that I would like to go ahead and start that process -- if that is in line with this meeting tonight -- so we can go ahead and get the matter resolved and an answer on the total acceptance of the roads, drainage or whatever else is needed so we can put this thing to bed so to speak."

Commissioner Borries said, "You have indicated, Jerry, that you are willing to do this. But if you will finish up what remains to be done on this report and, as Commissioner Cox has pointed out, see that your drainage plan conforms to what is done out there and your shoulders and everything at this point -- I understand your predicament, but we have an equal predicament -- particularly if there are some culverts out here that are indicated undersized if we approve them. We simply don't know when those improvements are going to be done. We have to have some indication of what has been done and that is why you need to submit some kind of as built plans so we can see what the area looks like and where those utilities are."

Mr. Nord said, "One thing I'd like to do then is say that at least on this letter of the 21st we do have a report stating there (as we said, maybe it was a little bit premature, because our meeting here was for the purpose of waiving curbs and gutters) that we did have another engineering firm recommend acceptance of the roads and I am sure we asked them to look at drainage and the whole history. The other thing is that we will address those problems concerning the culverts (which was not our responsibility) to make sure that those people (where it was pointed out) will go through the proper channels if they have not and get the right sizing. If they are not correct we will make sure that those are replaced at their expense. But we will make sure because of the recommendations of the Commissioners here. What we will do is let the Commissioners know when all the work is completed so we can go ahead and start that process."

Mr. Borries said, "That will be fine."

RE: REQUEST TO UTILIZE COUNTY ROADS FOR FAMILY BICYCLE RIDE

President Borries read the following request letter from the Health Matters Center at St. Mary's Medical Center:

September 18, 1987

Vanderburgh County Commissioners  
3rd Floor, City-County Administration Bldg.  
Evansville, IN 47708

Dear Sirs:

Please find attached information concerning a family bicycle ride to be held on Saturday, October 3. The co-sponsors of this event are seeking the approval of the County Commissioners, since a portion of the route is in the County.

We have received approval from the City and have a parade permit for the event. We have enclosed for your review information about the event, a copy of the route with the area in the County highlighted, and a copy of our insurance certificate demonstrating adequate coverage for the event. We have also made arrangements with members of the Police Department to provide escorts and with hospital personnel to provide first aid coverage.

Thank you for considering this request.

Sincerely,

Gene Osborn, Ph.D.  
Director, Health Promotion"

Commissioner Borries said the Bicycle Ride will start at Washington Square Mall and will cover a portion of Newburgh Road outside the City Limits: Brookshire, Ridge Brook, Outer Lincoln and Kingswood. The ride is called "Ride for the Roses".



Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request was approved with a request from Commissioner Willner that the event not impede traffic. So ordered.

RE: NOTICE OF POLLING PLACES FOR 1987 ELECTION

It was noted by Commissioner Borries that the Board needs to approve the Notice of Polling Places for the 1987 November Election for advertisement. He is not aware of any changes since the Primary Election.

Mrs. Cox did raise questions about Wards 6-13 and 6-21 that they are both at the Indiana State Garage and the answers in questionnaire mailed out to Committeemen are not the same. This is something we definitely have to look at for the handicapped by the Year 1989.

Commissioner Borries said, "After this fall election."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the list of Polling Places for the 1987 November Election was approved for advertisement. So ordered.

RE: REVIEW OF MANATRON COMPUTER SYSTEM FOR RE-ASSESSMENT

Commissioner Willner said that Mr. Jim Hughes is present for purposes of giving a report on the progress made with regard to the Manatron Computer System for the Re-Assessment and review changes and answer any questions the Commissioners might have. Following the question and answer period, he will make a motion that the Commissioners go on Council Call.

The Chair recognized Mr. Jim Hughes.

Mr. Hughes identified himself and said he represents Manatron, Inc., and is here to talk about the Commissioners' action at their last meeting regarding the computer proposal for the Assessors' office. The action of the Commission was to direct the Assessors and the Purchasing Director to get with him and come up with a cost effective proposal to the Commission for the computer system. He said, "Believe me, they were tough negotiators! We were able to come up with what we believe to be a very sound solution. We have been able to modify the computer equipment in certain Assessors' offices. We have also been able to identify a way that gives options for the outlying offices to either operate under a telephone communications to the computer in the County Assessor's office or to work independent and transfer the data after they have it in. That will give them the ability to do either one. By changing the equipment in the Township Assessors' offices and this building we were able to make certain reductions in the approximate amount of \$12,300.00. Then we went further than that to really examine in detail what was the minimum needed in the offices and I was able to make a further reduction of approximately \$18,000.00 on the balance of the equipment with some modification in the software to give more reporting and analysis ability to the Assessors. So we came from a figure of \$239,000.00 (which was discussed at your last meeting) to a figure of \$209,622.00 for the same capability as far as the Assessors' Work Program is concerned. The storage that was allowed for in the Township Assessors' offices here will be available in the central file that will be shared by all of the Assessors. So I am very pleased that I was able to respond to your wishes and to the wishes of the Assessors to make this as cost effective as we could possibly make it. I will admit -- and let me again say -- I respect the bid process very much. I did not want to discuss changing my bid until the selection was made at the last meeting. Once that selection was made, then I felt that we could talk about making changes in the bid and making changes in the bid prices that would give the County the most cost effective system. I look at this as an opportunity. I look at this -- at Vanderburgh County -- as a long range opportunity. So the kind of changes that were made is certainly

an investment in the Assessor's Office as well as an investment in the future in Vanderburgh County by Manatron."

The Chair entertained questions.

Commissioner Cox said, "My question is the same as it has been before -- and I thought when I saw you before the meeting and I asked you if you had it all fixed so it could go into our central computer and I understood you to say 'yes'. But now I am understanding that that is not the case. That it still will be an independent computer that we will have for the Assessor's office. I'm sorry, but I cannot support that."

Mr. Hughes said, "The computer system used by the Assessors will be able to exchange and share information in the central computer. Because of the plans of your present central computer we feel that this is a good solution for you to have these kinds of systems. This is a system of the 80's and 90's that provides some level of independence; yet it does permit the sharing of the computer systems and the data between different offices. This is an upgrade of your present system in terms of the technology that is available to you today."

Mrs. Cox said, "Well, I have spoken to our company that we presently lease data processing from and they have assured me that all of this information from re-assessment could be handled by our central computer system. I've spoken to some people on the Data Processing Board and they were concerned that, you know, we were having to buy additional equipment over and above (and I'm talking hardware here) and the fact that in the proposal and in your presentation you also said that there would have to be some modification done to the software to fit into Vanderburgh County's situation -- and so I really am sorry, but I cannot support an independent computer for this venture. I'm just..."

Mr. Hughes said, "There was a request made approximately a year ago to the manager of Pulse (your present computer) to give the County a cost of the development of software just for the Assessors' offices. This was just the software development. In addition to that, there would be the hardware necessary to perform this work. The cost estimate of this software only was \$280,000.00.

Commissioner Willner said, "Plus they were asked to bid the same as anybody else."

Mrs. Cox said, "They were asked to bid, but they were given a thirty (30) day requirement to get their bid in -- and this could have been phased in. I've never seen their proposal of how much it cost. What you are telling me here is something new. I never saw that come before any of our meetings or proposed to us. I don't know where it came from."

Mr. Hughes said, "The minutes of the last meeting referenced a figure of \$240,000.00 and, Commissioner Cox, I believe you are the one who referenced that number."

Mrs. Cox asked, "For what?"

Mr. Hughes responded, "For this computer system I am presenting to you tonight."

Mrs. Cox said, "Yes, but that has nothing to do with Pulse Systems and getting that on Pulse Systems. What did you say their recommended cost was?"

Mr. Hughes said, "\$280,000.00 was their cost estimate for just software. I don't know where the cost was submitted, but it is in a letter and was it to the Data Processing Board, Sam, or to ...?"

Mrs. Cox asked, "Are you aware of it, Sam?"

Mr. Humphrey responded, "I am aware that they made an offer, but I haven't seen it."

Mr. Hughes said, "One of the most critical things to the Assessors today is that they have software that works today. They are into their re-assessment period and for anyone to begin developing software now to do the re-assessment job is nearly an impossibility to get it operational so they can get their job done by January 1989."

Mrs. Cox said, "Well, Mr. Hughes, a computer is not going to solve our re-assessment woes that we've had here in Vanderburgh County. It is not going to equalize assessments. It is going to make the materials that are garnered by your various townships more easily accessible and reviewable -- it's a checks and balance -- but it isn't a necessity to have this. People are still going to have to go out and manually do the re-assessment. This computer isn't going to do it. So they have not even started that yet, and when they get that information it then needs to be loaded in. So I don't see what the big rush is and the big push is about having to have a computer in order to have an equal re-assessment. I think someone is misinformed if they feel that this computer is going to be the answer to all of our woes, because I do not see it that way."

Mr. Hughes responded, "I certainly wouldn't propose that. It will be of great assistance."

Mrs. Cox continued, "And I thought when we last met that the understanding was that you would be willing to negotiate the software package to try to get it so that it would be compatible with our present system. At least that was my understanding. Maybe I saw it that way because that is what I wanted it to be. I'm sorry."

President Borries asked, "For the record, Mr. Hughes, can you explain where you are in terms of the service you provide in other Indiana Counties at this time?"

Mr. Hughes said, "Yes. Howard County is approximately the same size as Vanderburgh County, having between 60,000 and 70,000 parcels. Vanderburgh County has 72,000. Howard County began a year and a half ago to enter their data. They now have all of the data on their property record cards entered into the computer and they are printing out worksheets for their firm to take to the field to pick up new data. As a matter of fact, they have been in the field for nearly a month. We are printing a property record card worksheet for every one of those properties which will be printed by the first of December and they have a schedule of so many per week that they are bringing back for re-entry and re-calculation by the computer."

Commissioner Borries asked, "Who does this?"

Mr. Hughes said, "Property Systems, Inc. is the appraisal firm that they have hired to do their field work and to beef up the system in their re-assessment. The County employees entered all of the data and are printing out the worksheets and they will re-enter the data as it comes back for any revisions that they've had."

Mr. Borries asked, "Is this Property Systems the so-called Technical Advisor? Would that be a description of what they are?"

Mr. Hughes said, "Yes; they didn't call them that -- they called them the contractor to be responsible for setting all the values on the properties in that County -- a re-appraisal contractor. They do act as an advisor in those things the County Assessor and the Commission and other actions they take. But I believe they

have the entire County. They are also doing Allen County with 117,000 parcels -- and they are doing some 80,000 of those. And they also use the Manatron system."

Mr. Borries asked, "Allen County does?"

Mr. Hughes responded, "Yes; and Allen County just installed their system on June 26th. They are now entering their data; they have put together a special unit to enter all the data into the computer before they go to the field and they are entering the data, preparing the worksheet and sending the people to the field. They are not waiting until they get them all in -- nor do they have to get them all in before they go to the field. You can move this job along all at once. So they are taking worksheets and going to the field, bringing them back in and re-entering and getting new calculations. This is a work program; it has to be analyzed carefully in each County and I am sure that the Technical Advisor that you will be contracting with will assist your townships in developing that work program. One of the things you must do is know definitely what you're going to do when and keep track of it and make sure you stay on schedule. The computer will assist in doing that."

Commissioner Borries asked, "Approximately how many counties would you say that are you providing services for in Indiana at this time?"

Mr. Hughes asked, "Just for the re-assessment?"

Mr. Borries said, "For re-assessment."

Mr. Hughes said, "A total of twenty (20) counties and twelve (12) of them are using the re-assessment program. I believe Allen County is the largest, but we are also in Tippecanoe, Vigo, Ripley, Hendricks...."

Mr. Borries asked, "So you would say --again, I don't want to speak for you, but I am trying to gain information here as we make a decision in this highly confusing situation -- that speed and uniformity in this system that you have are two strengths of your system?"

Mr. Hughes said, "Absolutely. The calculations and the rates used are uniform as long as they call the property the correct title. If it is a one-story frame dwelling, there is a rate charged per foot for that. The computer assigns the rate and does the calculations. So it takes that element of potential error away. Speed is just not a factor. As soon as they enter it it is calculated. But probably of equal value is the ability to review that data. It is available to them. You can compare 70,000 parcels in minutes on some specific characteristics. That will allow the County Assessor and the Township Assessors to determine whether they have an equalized re-assessment based on criteria that they established."

Mr. Borries asked, "In the Counties where your system is currently in use, would you say that -- are those counties ahead or behind where Vanderburgh County would be at present in terms of the process of re-assessment?"

Mr. Hughes said, "Oh, all of them are ahead."

Mr. Borries said, "So at least you are saying that through use of a computer system -- well, just let me ask you this question. Without a computer system, is there any way in your opinion to see that Vanderburgh County can complete its re-assessment on any kind of a reasonable schedule?"

Mr. Hughes said, "Yes, but your quality will suffer."

Mr. Borries asked, "In what way?"

Mr. Hughes said, "Because of speed and because of the task of getting that many people working on a job and getting some consistency of applying just the data gathering -- because you either will have to put an awful lot of people who require an lot of training, again subjecting you to the possibility of not having as highly trained people doing that work as you would if you were training fewer and better -- and when you do a rush job."

Mr. Borries said, "So there would be less people used in your opinion with a computer system than with the system that Vanderburgh County currently has?"

Mr. Hughes said, "I believe you would find that in all of the Counties that we're in. I did suggest to two of the Township Assessors as well as the County Assessor that they might want to go to Howard County and maybe to Allen County -- because they are in different phases of their re-assessment; one being well into their re-assessment and the other at a stage three months ago where you would be right now. Both of those Counties are very willing to have you come up and we'll spend a day with them and show them the advantages and the disadvantages of the computer and the advantages and disadvantages of certain things they are doing. But there is a tremendous amount of planning and a tremendous amount of execution in this whole program."

Commissioner Borries said, "Again, to summarize my questions, all of the counties that you are familiar with with your system are ahead of where Vanderburgh County is at this time?"

Mr. Hughes responded, "Yes."

Mrs. Cox said, "Well, we haven't even started; so everybody has to be ahead of us if they have done anything, because the Council hasn't even appropriated any money and they have asked for a delay to start, I believe."

Mr. Borries said, "Well, that is why I feel some concern here about the length of time involved and I don't feel that computers obviously will solve all the problems, particularly problems among people and those sorts of things. But what it does do is allow us to get both feet on the ground here and get some kind of system in place -- a system that is currently being used in other Counties in Indiana -- and get going. It is just a matter here of getting going. This system -- could it interface with the current computer system that we have -- once this thing is in place? Are there ways in which this then can be interfaced with our current system?"

Mr. Hughes responded, "They will exchange data. Your current computer will not do the calculations on the re-assessment according to the State Manual. It is a very complex program and it is not programmed nor do we intend to program it for the Honeywell. But this job is of such a nature that (and we call it distributive processing) where the computers today can sit on desk tops and have the power of computers like the Honeywell had just a few years ago. So it is one of the trends of computer use to have them smaller in size, smaller in scope of use and have them tied together. Some call it 'networking'; some call it 'distributive processing'. But it is current technology and future technology."

The Chair entertained further questions.

Mrs. Cox asked, "The City of Anderson -- in what county is it? In Howard County?"

Mr. Hughes responded, "No, that is Madison County."

Commissioner Willner said, "I guess anyone who does not want a computer to be incorporated on our next re-assessment, then doesn't want an equal assessment. It's just very simple as far

as I am concerned. I am sure the computer is not going to answer all of our questions or give us all the answers. The computer is probably only as good as the input -- what goes in comes out -- if it goes in erroneously it is going to come out erroneously. But I think the question here of interfacing with our present system is not really what we are after. After re-assessment is over we can continue to use this computer. It is not something that is going to sit back in the closet until eight years from now or whenever the Legislature says we are going to do another re-assessment. That is not true. Plus, if we so desire, we can put other programs on the computers that we have. So it is not a matter of saying it has to interface with the present system to utilize it to its fullest extent. The price that has been quoted (\$209,000) is the first year figure. The total five year figure is \$286,590, which is \$30,000 less than it was when it was bid and if you want to include the price that we have for a Technical Advisor of some \$800,000 it is my personal opinion that we'd be much better off to take this bid than to take the other -- if we have to take one. And if I'm up to date on my beliefs, the \$800,000 some odd dollars could well be \$1 million by the time you get through and does only 7% of the total. It doesn't make good sense to me to have a Technical Advisor at that price, but it makes real good sense to have a computer at \$286,590 for the next five years and I'm going to make a motion that we go on Council Call for that amount of money. But I want everybody to realize that that is a basic system; this is not a Cadillac. This isn't something that can't be added to dollar wise, because there are some things that may happen that may up that cost -- and I think some of them are listed and the price given."

Commissioner Borries said, "Bob, I have a question about your comment on the 7%. Would you explain further in regards to what your understanding is in relation to this Technical Advisor?"

Commissioner Willner said, "I am to understand that the Technical Advisor would do 2% of the households before the job is complete and 5% after? Is that correct?"

Mr. Hughes said, "I really don't know, Bob."

Commissioner Willner said, "But that is of the whole total of 72,000 parcels."

Mrs. Cox said, "I think it differs from township to township. Some townships want Technical Advisors to do one thing -- do commercial -- and the variation in there was from 2% to 5%..."

Commissioner Willner said, "2% and 5%, which makes 7%."

Mr. Hughes said, "As I recall -- I don't know the specifications -- but in the discussions that were held -- I thought two of the large townships (the two large townships) were asking that all or substantially all of their parcels be included -- that they would do that as part of their contract -- is that up in the 45,000 parcel range? So that would be the test. But even at that you've got to look at the investment and what will help all the Assessors the most and giving them a way of consistent calculation and consistent comparison certainly will be of great benefit to them."

The Chair entertained further questions.

Mr. Hughes said, "I just might comment on a schedule I've discussed with the County Assessor that I can commit to -- that we would like to get something out of the computer by the end of October so they can start using it in the field. With action tonight I am prepared to install the system (space being available) two (2) weeks from today, begin training three (3) weeks from today -- and you'd get some production out of the system by the end of October."

Commissioner Borries said, "I am not sure that because of the date that we are going to qualify for the Council Call for October."

Commissioner Willner said, "Part of my motion would be that Council waive the 15th deadline requirement. I don't know whether they will or not."

Commissioner Borries said, "I don't know whether they will either."

Mr. Hughes said, "I am prepared to respond that quickly as soon as the contract is finalized -- with the cooperation of the Assessors -- to begin this work."

Commissioner Borries said, "Again, I can't say that October would be a feasible date. If it isn't, we're then looking into November and...."

Commissioner Willner said, "We should try for October. What date would that be?"

Commissioner Borries said, "That would be pretty quick -- that would be October 7th."

Commissioner Willner said, "If Council would waive the 15th deadline then we could get on the October Council Call, right?"

County Auditor Sam Humphrey said, "If not, they could call a Special Meeting."

Commissioner Willner said, "And I heard the President of the Council say they very well might do that, but I don't know whether that is a conjecture or opinion of the entire Council."

Motion was made by Commissioner Willner that the Commission go on Council Call for computers and computer program for the upcoming Re-Assessment in the amount of \$228,864.00, with a commitment of \$19,242.00 for the next four (4) years.

Mrs. Cox asked, "Bob, where are you getting those figures? I had \$209,622.00."

Commissioner Willner said, "That is the first year. Then you need....."

Commissioner Borries asked, "Wasn't that a \$286,000 figure you gave?"

Commissioner Willner said, "\$286,590.00 is the total; but we don't go on Council Call for a 5-year program. We go on for one (1) year with the understanding that we will be back for \$19,242.00 for the next four (4) years. (I just hastily added that up -- I don't know whether or not that is correct) and that we ask the Council to waive the 15th deadline and put it on the October 7th Council Call. If not, it would be November."

A second to the motion was provided by Commissioner Borries.

President Borries said it has been moved and seconded to go before Vanderburgh County Council to request the funds for the computer system and the computer program. At this time, he would ask for a roll call vote: Commissioner Cox, no; Commissioner Willner, yes; Commissioner Borries, yes. Motion passed with two affirmative votes. Commissioner Borries said the Council's feeling will be determined. The Commission would encourage Mr. Hughes to be present. Members of the County Council will have questions for him -- some very technical kinds of questions that the Commissioners may not be able to answer. Again, he is not sure whether that approval will be held on October 7th. It may well be November 4th before this matter would be considered by

the County Council. He can call either the Commissioners office or County Auditor Sam Humphrey. And perhaps Mr. Humphrey can get some feeling from the County Council concerning this request.

RE: COUNTY ATTORNEY - DAVID MILLER

The Chair called upon County Attorney David Miller for a report. He said he has nothing to report at this time.

Commissioner Borries asked Attorney Miller what about the bids on Rollett's Lane Bridge project?

RE: READING OF BIDS ON ROLLETT LANE BRIDGE PROJECT

Attorney Miller said there were two bidders on the Rollett Lane Bridge project and one bidder submitted two separate bids.:

- 1) David Guillaum Construction Co.: Total equipment and labor.....\$31,960.00
- 2) Deig Brothers: Two (2) bids were submitted.
  - a) The first bid he takes it is for the complete job with the contractor to furnish all materials and the total bid for that type of job is \$43,821.20. The only thing Vanderburgh County would do would be to furnish barricades and signs with flashers, which would be maintained by the Highway Department of Vanderburgh County.
  - b) The second bid is based upon the assumption that all materials will be furnished by Vanderburgh County and delivered to the job site by County trucks. If that were done, then Deig Brothers would place and compact all of the materials as required and presumably construct a precast box culvert (that must be the same location). Their bids are titled differently. The first bid he read in the amount of \$43,821.00 said 'Proposal for construction of Rollett Lane Bridge at Broadway in Evansville IN.

Mrs. Cox interjected, "Is there a date on that bridge?"

Attorney Miller said, "I've got Nisbet Station. This second bid goes with that Nisbet Station group. I'm sorry, I read them as alternate bids, but there are only two bids."

Mrs. Cox asked, "Which is the proper bid then?"

Attorney Miller said, "\$43,821.00 is Deig's bid and \$31,960.00 is Dave Guillaum's bid. I apologize for having confused you. I was given three envelopes....two of them were for Deig."

There was a brief period during which the Attorney and Mr. Lindenschmidt tried to resolve the confusion concerning the bids.

Commissioner Borries said, "They have also submitted a bid which is unopened on Nisbet Station."

Attorney Miller asked, "Do you think they got the bids in the wrong envelope? Since everything has been accepted, let me open that one and see if that.....wait a minute, that is not right."

Mrs. Cox asked, "What is the date on that, David?"

Mrs. Cox said, "See, that is even before..."

Attorney Miller said, "The Rollett Lane Bridge bid is dated September 16th. It has a postmark on it and indicates Rollett's Lane Bridge. So their Rollett's Lane bid is \$43,821.00 and David Guillaum's is \$31,960.00."



Commissioner Willner said, "But we had three (3) bids."

Attorney Miller said, "Three (3) envelopes were handed to me."

There was further confusion as to which bid came in which envelope.

Commissioner Borries asked, "Did Staub submit a bid on Rollett's Lane?"

Attorney Miller said, "No -- or, not that I have in my hand."

Commissioner Borries said the one Mrs. Cox has says, "Nisbet Rd. Station, Precast Box Culvert for Branch of Lower Big Creek".

Commissioner Willner asked, "Andy, did Staub indicate to you that they were going to bid?"

Mr. Easley responded, "Apparently they decided not to bid."

Commissioner Willner noted that last time Deig's bid was \$45,000 and this time it is \$43,000. Guillaum's bid was \$25,000 and this time it is \$31,960.00 -- so it is up. Now this puts them over the \$25,000 estimate, so we can't accept them.

Attorney Miller asked, "You will have to advertise."

The Chair asked whether Attorney Miller has anything else at this time?

Attorney Miller advised he has nothing else to report at this time.

Commissioner Willner said, "It is my opinion that when you bid a product that you must adhere to the \$25,000. But when you bid a service that is not correct. But when you're furnishing the product county-wise, and the contractor is only furnishing the service, now what?"

Attorney Miller said, "If I understand your question, you're asking me if you request invitational bids for a service such as construction of a bridge and it goes over \$25,000, can you accept it anyway?"

Commissioner Willner said, "I didn't say for construction of a bridge. Construction of a bridge would be where the contractor furnishes the product right? In this case Vanderburgh County is buying the precast concrete materials. The only service the contractor will be providing is labor and the use of equipment."

Attorney Miller said, "Well, they have charges here for equipment and labor -- that is the cost of the use of their equipment."

Commissioner Willner said, "That is a service, it is not a product."

Attorney Miller said, "I'll buy that."

Commissioner Willner said, "Now, can we award the bid?"

Attorney Miller said, "Let me check the statute."

Mrs. Cox said, "You'd better check what is in the bid, too, because it says construct wing walls -- and we're going to provide the steel and the concrete."

Attorney Miller said, "That is correct."

Commissioner Cox said, "I think we'd better just advertise rather than try to get out of it part this and part that."

County Auditor Sam Humphrey asked, "Did you reach a decision on that?"

Commissioner Borries said, "No not on Rollett's Lane. No decision. We have to get a legal opinion."

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of September 14th thru September 18th.....report received and filed.

- Gradall worked on Miller Rd., Old 460 and Koressel, Mann, and Big Schaefer Rd.
- Paved Rose Avenue, Vanness, Westmore, Raintree and Marigold
- Crews wedged on Darmstadt Rd., St. Joe Ave., and Wright Dr.
- Patched Hedden Rd., Millersburg, Honeysuckel, McCutchan, Ruston, Frontage, Red Bank, Upper Mt. Vernon, Detroy, Vienna, Bender, Boonville-New Harmony, St. Joe Ave., and Lake Ridge Place.
- Graded Schmitt Lane, Bixler, Wallenmeyer, County Line-East Acre Drive, Motz Rd., Motz Lane, Hilltop Lane and Neubling
- Swept Rose Avenue, Vanness, Cliffwood, Felstead, Short Middle Mt. Vernon, West Terrace, Westmore, Raintree, Marigold and Marlene Drive

Weekly Work Report/Bridge Crew:

Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Replaced culvert on Miller Rd.
- Repaired culvert on St. Joe and Mohr Rds.
- Repaired guard rail on St. Wendel Rd.
- Cut weeds on bridge at Neu and St. Joe Bridge
- Rip-rapped Miller Rd.
- Prepared St. Joe Rd. for installation of culvert
- Repaired drop box on Old 460 and Red Bank
- Repaired culvert on Pruitt Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

Mr. Bethel said that last week he was asked to check on the condition of the roads and the damage done to the roads and he has received a letter back, as follows:

"I have been asked by David Miller, the County Attorney, to set up a time with you that I can inspect the road damage by Ohio Valley Welding. It may be necessary for us to make a video tape of this area. Please contact me upon receipt of this letter so we may arrange a date to inspect these areas."

We've already done this once, but they want to do it again. Mr. Bethel said he has made arrangements to video tape these roads and he will meet them Thursday and video tape the roads.

RE: ACCEPTANCE OF CHECK

Mr. Bethel presented a check in the amount of \$4,251.00 to reimburse the County for damage done to Streuh-Hendricks Road. He is requesting that the Commissioners endorse the check and deposit it into the bituminous materials account so the road can be repaired.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the check was accepted and endorsed for deposit into the bituminous materials account. So ordered.

Mrs. Cox asked, "Mr. Bethel, who was the letter from?"

Mr. Bethel said it was from Attorney Miller's office."

Mrs. Cox asked, "You mean we have to go back out and look at all of this?"

Mr. Bethel said, Joe Harrison, Jr. is handling this and he (Bethel) took Rudolph Company with him and they have paved the one and he told Mr. Harrison he would make video tape of the roads and give them to him on Thursday. That is all he can do.

The Chair entertained questions of Mr. Bethel. There were none.

RE: COUNTY ENGINEER - ANDY EASLEY

Acceptance of Streets/Simmons Subdivision: Mr. Easley requested that the Commissioners sign the Acceptance Letter re streets in Simmons Subdivision. They were approved September 14th, but a copy of a signed letter was not given to the Secretary. President Borries said signing the letter is just a formality to complete the records.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the letter accepting streets in Simmons Subdivision was signed. So ordered. (Carmel Court 626 L.F., or 0.118 mi.)

Temporary Easements for Rollett Lane Bridge: Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the following letter was executed on behalf of Mr. & Mrs. Brian J. Gatewood and Mr. and Mrs. James R. Lutz in connection with the Rollett Lane Bridge project. (Attorney Miller has read the letter. In negotiating to get the temporary runaround easement, he would like a letter signed by the Commissioners for the two private property owners and this will eliminate the necessity for the County to build a temporary crossing for that creek.)

September 21, 1987

As additional consideration for your granting of a temporary easement relocating Rollett Lane across a portion of your property in order to enable local governmental authorities to replace the bridge on Rollett Lane near your property, the Board of Commissioners of Vanderburgh County hereby confirms its commitment to indemnify you from any claim made by any person, firm or organization alleging injury or loss as a result of the use of the temporary easement. This indemnification includes attorneys' fees, court costs and any other similar expenses incurred in defending any such claim.

We appreciate your cooperation in the improvement of Rollett Lane.

The Board of Commissioners of  
Vanderburgh County

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

Attest:

Sam Humphrey, Auditor  
Vanderburgh County

RE: SURVEYOR'S REPORT

President Borries said he passed out copies of a report from the Surveyor's Office concerning Chapel Hill Subdivision and for Highland Estates. If the Commissioners would review the report this week, these subdivisions will be considered at next week's meeting.

RE: CLAIMS

President Borries said he also has claims which have been reviewed by County Engineer Andy Easley, and he has verified that the work has been done with regard to work on reconstruction of Green River Rd., Lynch Rd. Extension from Oak Hill to Burkhardt Rd., and the Boonville-New Harmony Extension, as follows:

United Consulting Engineers, Inc.: Claim in the amount of \$14,950.00 for engineering services on reconstruction of Green River Rd.

Bernardin, Lochmueller & Assoc., Inc.: Field Survey and Roadway Design for Lynch Rd. Extension from Oak Hill Rd. to Burkhardt Rd., in the amount of \$4,659.92 (Field Survey is 100% complete and roadway design is 3.2% complete).

Bernardin, Lochmueller & Assoc., Inc.: Claim in the amount of \$1,709.24 for work on Boonville-New Harmony Rd. Extension.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the foregoing claims were approved for payment. So ordered.

RE: COUNTY TREASURER - MONTHLY REPORT

President Borries submitted copies of the County Treasurer's Monthly Report for period ending August 31, 1987.....report received and filed. Mrs. Cox said she noted a pretty big item -- an insufficient funds check in an amount over \$1,000.00 for someone who rented the Auditorium on July 17th.

Mr. Borries asked, "Who was that from?"

Ms. Cox said, "Gun Runners Promotion".

Commissioner Borries suggested the check should be referred for legal attention should that not clear if it is sent back.

RE: TRAVEL REQUEST - COUNTY TREASURER

Commissioner Borries presented a Travel Request from County Treasurer Pat Tuley for him and his Chief Deputy to attend the Fall Conference of the Indiana County Treasurer's Association at the Holiday Inn (Union Station) in Indianapolis. Dates are September 24th and 25th. Request includes lodging for two (2) nights, subsistence for two for two days and travel allowance at .25 cents per mile for the Treasurer.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request was approved with payment to be made from unappropriated funds. So ordered.

RE: AWARDING OF BID FOR ENGINEERING FOR HEATING/AIR  
CONDITIONING AT HILLCREST-WASHINGTON HOME

Mr. Lindenschmidt reported that he has been conferring with the County Attorney and the County Engineer. It is the recommendation that engineering for the heating/air conditioning at Hillcrest-Washington Home be awarded to The Engineering Company (Anthony D. Wilson) in the amount of \$3,000.00.

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

RE: CLAIMS

Ed Benedyk: Claim in the amount of \$100.00, refund from Burdette Park in conjunction with Prudential Picnic. Bishea House was rented because of the air conditioning and indoor bathrooms. Neither the air conditioning nor the plumbing worked.

Mark C. Whitsell: Partial refund of Permit Fee (#8151V) in the amount of \$16.00.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, both claims were approved for payment. So ordered.

RE: EMPLOYMENT CHANGES

County Board of Review (Releases)

Michelle Renee Schlawske	Clerk	\$35.00/Day	Eff: 9/11/87
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Center Township Assessor (Appointments)

Angela Jo King	Office Deputy	\$514.94/Pay	Eff: 9/14/87
Marie Coursey	Field Deputy	\$35.00/Day	Eff: 9/18/87
Marilyn Drake	Field Deputy	\$35.00/Day	Eff: 9/18/87
Jennifer S. Yeley	Field Deputy	\$35.00/Day	Eff: 9/21/87
Shirley E. Stucki	Res. Supv.	\$50.00/Day	Eff: 9/18/87
James Ritter	R.E. Field Dep.	\$35.00/Day	Eff: 9/18/87
Charles W. Gullledge	R.E. Field Dep.	\$35.00/Day	Eff: 9/18/87
John O. Dixon	R.E. Field Dep.	\$35.00/Day	Eff: 9/18/87

Center Township Assessor (Releases)

John O. Dixon	Field Man	\$35.00/Day	Eff: 9/17/87
Angela Jo King	Office Deputy	\$35.00/Day	Eff: 9/11/87
Marie Coursey	Field Deputy	\$35.00/Day	Eff: 9/17/87
Marilyn Drake	Field Deputy	\$35.00/Day	Eff: 9/17/87
Shirley E. Stucki	R.E. Deputy	\$35.00/Day	Eff: 9/17/87
Deborah Lee Toon	R.E. Off. Dep.	\$35.00/Day	Eff: 9/17/87
James L. Ritter	R.E. Deputy	\$35.00/Day	Eff: 9/17/87
Charles W. Gullledge	R.E. Deputy	\$35.00/Day	Eff: 9/17/87

RE: PUBLIC ROADWAY EASEMENT GRANT/MARCELLUS M. HIRSCH

Attorney Miller said that Richard Rheinhardt of Huber Realty Co. has contacted him and he has been working on behalf of Earl Harp to obtain the right-of-way through Vogel Rd. area from Green River Rd. to Burkhardt Rd. He called and said he was going to be out of town. He has been working on these various tracts and has the two to the west already signed and granted. He is working on Korressel, but he has obtained a grant from Marcellus Hirsch and has submitted same. He is asking that the Board of Commissioners accept that right-of-way in response to dedication of a public roadway easement grant. The roadway easement grant is described particularly in the grant. It is signed by Mr. Hirsch and now requires the Commissioners' signatures and he will still need Unfried's and Korressel's in order to get it put all the way through. We've been working on these so long that some of the county officials' names are no longer appropos. Necessary corrections will be made.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, approval was granted by the Board. So ordered.

RE: CARANZA DRIVE SEWER PROJECT

Commissioner Cox said she has a Notice of Requirement for Professional Engineering Services to be advertised Wednesday, Wednesday, September 23rd and September 30th on the sanitary sewer on Caranza Drive. Proposals are due November 2nd. Commissioners should make a notation on their calendars accordingly.

RE: PROPOSED STOP LIGHT AT ROSENBERGER AVENUE & HIGHWAY 62

Commissioner Cox said she has received a number of telephone calls concerning the proposed stop light at Rosenberger Avenue and Highway 62. With Schnuck's going in there and other development going on, people feel that a stop light is certainly not what we need out on that busy highway. She doesn't know what the answer is other than de-acceleration and acceleration lanes along Highway 62, which is a State Highway. The terrain is up and down and all around and part of it is in a flood plain and trying to develop a surrounding arterial with our existing streets like Hogue Rd. or Rosenberger Avenue (Rosenberger goes straight up the hill to get to Claremont to get to that Trailer Court) -- so she would like for the Commissioners to -- she doesn't know how they feel about a stop light there at Rosenberger & Highway 62,

Commissioner Willner said, "I don't think it is our problem, is it? I don't mind helping..."

Mrs. Cox said, "Part of that is in the City, but part of it is also in the County. We've got some interest there insofar as that drainage is concerned. What I would like to get our Board to do is to go on record with the Mayor's office or the City to cooperate together to try to get the State to get the adequate right-of-way necessary before all this property is developed so we can put in lanes that will let the traffic coming from frontage roads along there merge in, rather than stop lights every time you turn around -- because it is going to be just like Green River Rd. if we don't plan and plan right -- we're going to be in the same mess out there. With that University it is going to have to grow -- they have more students out there now. We need to think about it and get some feedback.. Then maybe we could come up with some kind of a Joint Resolution or some kind of a proposal to support the deceleration and acceleration -- rather than a stop light."

Commissioner Borries said, "Do we want to also express these concerns to EUTS so maybe a letter could be forwarded to the State so they could include us in their planning and hear the concerns of the residents there."

Commissioner Willner said, "They have torn up about a 75 ft. section of Rosenberger and we just fixed it last year -- so I would like for the Commissioners to put the contractor on notice that that road is torn up and upon completion of the project we will ask that he repave that road."

Mrs. Cox said, "I did talk to Judge Miller concerning the drainage and there is question over the drainage plan and who is supposed to approve it. It never came before this Board and I think part of it may be in the County. But I told him there was some damage to the road and he said he realizes that and he will send the Commissioners a letter to the effect that the road will be repaired when they are finished."

RE: DUTIES OF COMMISSIONERS & DUTIES OF COUNTY COUNCIL

In response to query from Commissioner Cox, County Auditor Sam Humhrey said he provided each of the Commissioners with a copy of the duties of the Commissioners and the duties of the County Council - according to the State Board of Accounts.

RE: SCHEDULED MEETINGS

Tues.	Sept. 22	9:00 a.m.	Tax Adjustment Board
Wed.	Sept. 23	1:00 p.m.	Tax Adjustment Board

There being no further business to come before the Board,  
President Borries declared the meeting adjourned at 10:05 p.m.

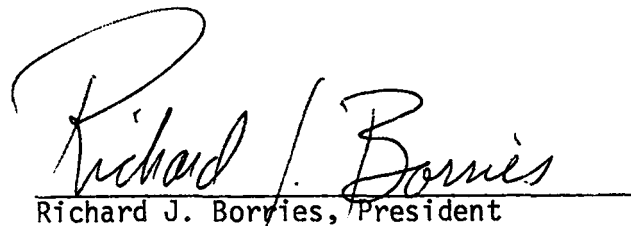
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	David V. Miller
	R. L. Willner		
	S. J. Cox		

<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>
Bill Bethel	Andy Esley

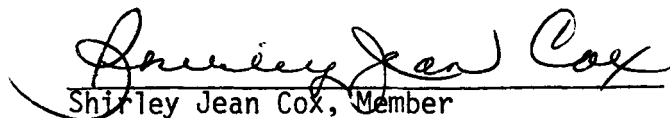
OTHER

Jerry Nord/S&N Homes  
Ms. Eileen Stanton/S&N Homes  
James Hughes/Manatron  
News Media

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
SEPTEMBER 28, 1987

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MINUTES  
COUNTY COMMISSIONERS MEETING  
SEPTEMBER 28, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday September 28, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

President Borries called the meeting to order and said there are two persons in the audience today who would like to speak regarding some problems encountered at the Vanderburgh Auditorium over the weekend. Following approval of the minutes and before proceeding with the printed agenda, he will call upon Mr. Stewart Kershaw, who is the Conductor of the Evansville Philharmonic Orchestra, and also Ms. Gy Rhoads, the Manager of the Vanderburgh Auditorium, for their comments.

Commissioner Borries entertained a motion concerning approval of the minutes of the meeting held September 21st. Since the Commissioners had not had an opportunity to thoroughly review subject minutes, approval was deferred for one (1) week.

RE: PROBLEMS WITH AIR-CONDITIONING & LIGHTING SYSTEM AT VANDERBURGH AUDITORIUM

President Borries recognized Mr. Stewart Kershaw and asked for his comments.

Mr. Kershaw said everyone is aware of what happened Saturday night and it was most unfortunate. This has happened before. Certainly, to his recollection, the first time this problem was encountered was in 1982 -- Civic Theater had a very difficult time during its entire week of The West Side Story production. It is unfortunate that the Philharmonic Orchestra ended the season last May with no air conditioning and entered the season this past Saturday with no air conditioning. It is not his personal discomfort that counts or the discomfort of the orchestra. He will conduct in 200 degree weather, if necessary, for the Philharmonic. It is the audience that counts. In the last few months with their advertising campaign for this season they spent just under \$20,000.00 via the media (television and newspapers) to promote their season and sell tickets. They had a wonderful turnout on Saturday night. It was a very, very fine concert. And they run the risk of losing their audience little by little during the season -- they have two concerts in October and November and, in their minds, the Auditorium is not a good place. This has been discussed many many times before. He would urge the Commissioners to please take a step forward and provide not only the Philharmonic, but the Civic Theater and all the other arts groups, if we have a good working facility, a comfortable facility, they can sell tickets. If they sell tickets they can keep that Auditorium open. He thinks that is the interest (yours, ours and the City of Evansville) because that is what makes this community a quality place to live.

Commissioner Borries thanked Mr. Kershaw for his comments. He then said that he knows that the Auditorium Manager, Gy Rhoads, spent many hours (and some stressful ones, he knows) with this problem. Would she want to make any comments regarding her day Saturday and what she has been able to find out concerning the problems.

Ms. Rhoads said she guesses the main problem they found was certainly a mechanical thing. But being a mechanical thing, certainly the age of the equipment did add to the problem. The equipment kept going back up and down Saturday afternoon. They were cool Saturday morning. Up until 3:00 p.m. it was 72 degrees and the Philharmonic got through their rehearsal just fine. They

went through the Credit Union meeting just fine, starting early that morning. When the Philharmonic left the stage around 3:00 p.m. the temperature was 72-1/2 degrees, which indicated that was just about what they wanted it to be set on. They pre-cooled it at 68 degrees, which brought them up to 72 degrees. The unfortunate thing was that the machine kept trying to start up and then it would go down -- start up and go down -- so they didn't know if it was going to be the thing they would encounter all the time (which is this situation) or whether it was just going to go ahead and go out. She understands it is not a machine to be trusted. You can't ever depend upon having air conditioning when you need it. And she knows this can happen at any facility with any machine. However, due to the age of this air conditioning system and the technical things that it takes to keep this particular thing going, she thinks we should seriously, seriously look into replacement or major, major repair. If anybody has any questions, she would be happy to answer them.

The Chair entertained questions of the Commissioners.

Mrs. Cox said, "No, because you have answered the only question that I had, because I couldn't understand from the reports that came whether the air conditioning hadn't been turned on at all or if it was a malfunction. So you have answered that."

Ms. Rhoads said, "We thought we were o.k. And they assured her Friday afternoon around 3:00 p.m. that there was more than one way that they could put a band-aid on it to keep it going. Certainly, with the shaft there was no way to do that."

Mrs. Cox asked, "Were they there working?"

Ms. Rhoads responded, "From 9:00 in the morning, yes. But they stopped by -- there was not a problem -- they often do this. In fact, they do this all the time. They are in at all hours of the day and night -- so I wasn't aware of a problem and they weren't aware of a problem -- they stopped by to check the equipment and it just so happened that they were there. So they weren't aware of a serious problem until at least 3:00 p.m. Saturday and the temperature started to climb at that point. It got progressively worse, of course, and they turned the ventilator system on in house in the Gold Room and the Auditorium. Certainly there were 600 uncomfortable people in the Gold Room because I had to shut the double doors for a sound barrier, which made it worse for them, and then, of course, the Auditorium was unbearable. It was unbearable. It was really a bad situation. During Intermission I stood out there and told people we were sorry -- but that doesn't help people who have perspiration running down their faces. It was a bad situation and it was a lovely concert, and I am sure that it was partially spoiled by people being very uncomfortable."

If there are no other questions on that, I'd like to bring up another issue -- another problem we had earlier in the week. This concerns the lighting system. As you know, we had La Cage Aux Folles on Wednesday and Thursday. That is not a particularly heavy light show, however, the amperage on their lights was heavy enough that it blew a breaker on our light board three times, the last time being five minutes before the show. They cut their amperage down to maybe half of what they really needed to have an effective lighting on the show. Apparently our lighting system is not adequate anymore and it is not adequate to the point that we can't even find repair parts for it. The only way that we can repair a dimmer in the dimmer panel is that we have two old dimmers that they are taking parts from to repair our dimmer board. The dimmer board is important all year -- but the air conditioning is important in the summer, certainly. But our lighting is important all year. When we have a dimmer board that cannot be repaired, I think we also seriously need to look at that. We've approached the point where we can no longer get parts for it. So I want you to know what I found out about it and the situation as far as the lights and the air conditioner.

I would like to say that I think Vanderburgh Auditorium is a valuable facility; I think it is used locally as our cultural building and I think that (I don't like to use the word "overflow") but certainly we are an overflow building for hotels, which means that some conventions would not be able to come to Evansville without this facility. Cosmetically, we are looking very neat I think. Internally, the internal workings of our systems, I think we're very poor. So I think we need to catch up and use the building for what it is supposed to be used for."

Commissioner Borries said, "I appreciate your bringing these to our attention and I hope that this Commission -- if there are any good things that come out of sometimes crisis events or bad events -- it is the idea that we can't change here what happened last Saturday night or what might have happened last week with the lighting system. But we do need to address this situation in regard to repairs. I think that this County has done a strong job in terms of what we've set out to do at Burdette Park and other facilities. And I think we've begun to do some things at the Auditorium. But in the past we have always labored with the idea that there hadn't been funding available. I think there is funding available now. I think that there would be local option funds that we could certainly justify for capital improvements for a 20 year old facility. And I think you are exactly right, Gy, that that is a cultural center and a community center, as well. There are so many different groups. Who was using the Gold Room side that same evening?"

Ms. Rhoads said, "The Indiana Credit Union League -- it was from out of town and a very large organization."

Mr. Borries continued, "They, of course, have impressions of our City at this particular time. I think it is a fine facility and I would like to see us move forward on these improvements. We've done some improvements to the lobby, to the stage to the curtain in the first phase; but it seems there is a line set (not from members of this Commission, but perhaps from at least some members on the Council that we can't fund unless we have a hotel/motel tax or we can't -- and maybe we have some likes and dislikes about managers and that sort of thing -- and I think that is unfortunate, because the goal here ought to be the goal). I know you've been putting in a lot of long hours and that brings me probably to the third point that I'd like to stress, I don't think the staff there is adequate. From your standpoint, roughly how many hours did you put in last week over there?"

Ms. Rhoads said, "Almost 70 hours; I haven't had a weekend off since I started this job. You really need to think about that, too."

Mr. Borries said, "We are a person short there; or at least we need a person who can spell the difference in terms of some of the evening events in order not only to give you some relief there but also again I think for the overall functioning of the facility as an asset -- and I think it would be. So I hope we can consider these things and perhaps come to some quick agreements -- at least from the local option standpoint I think the capital improvements could be done. I think there is money available to do those. I'd like to see this Commission consider those. Obviously we have a light problem when we can't find parts. The Thermotron people have done a marvelous job. I think they have spent some 30 odd hours over there and kept that machine going and we're going to hear about historic preservation. And I think that while that building is not yet historic, I think it certainly needs to be preserved. It has seen 20 years of use and that is a lot of people who have used that auditorium. Thank you for your report."

Ms. Rhoads said, "We need that facility."

President Borries said he would like for the Commissioners to do their own questioning and ask the questions they can and perhaps the Commissioners can lobby with the County Council to see what mood there would be for funding. Again, we've been successful with other facilities and I would hope that we don't make the Auditorium some kind of stepchild here and not forget that it needs attention. What was it -- 1967 when it was built? So it is 20 years and, again, it is a fine facility. For a community of this size it could perhaps even be larger -- but we need to take a look at it. Before we've always labored under the fact that we didn't have the money -- but I think there is money there now and I hope we can consider that. I appreciate your being here today, Stewart; and, Gy, I appreciate your support. I'm sorry for the problems. But what we best need to do now is try to resolve them and I am not at all sure that fixing them further is going to be the most cost effective thing to do."

RE: AUTHORIZATION TO OPEN BIDS FOR CONSTRUCTION ENGINEERING  
FOR BOONVILLE-NEW HARMONY ROAD

The Chair entertained a motion to authorize the County Attorney to open bids received for construction engineering for Boonville-New Harmony Rd.

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

RE: CONRAD BAKER FOUNDATION FUNDING REQUEST- SHERRY RUSSEL

Sherry Russell of the Conrad Baker Foundation was recognized by the Chair.

Ms. Russell said she has come to talk to the Commissioners about the Old Vanderburgh County Courthouse. The Conrad Baker Foundation has been in existence for nineteen (19) years taking care of and acting as Trustee for the Old Courthouse, the Sheriff's Residence and Jail. In the past they have never come to the Commissioners for any help or support -- emotional or financial, but that is what she is here for today.

The building has supported itself through rental of space, tenants or proprietors, through memberships in the Foundation, through special events such as Evansville, Evansville and the regressive dinner and through grants offered through the Department of Metropolitan Development. There are three projects that they are most interested in completing before the end of 1987. For them to expend what they have would totally deplete their small interest-bearing account that they have. The projects are:

- 1) The light wells; they are one of the last two eyesores in the building. I would like for you to come into the building and see what it looks like today -- because it is in good condition and it is clean -- and you can see where the elegance is right on the verge of happening to it. But the light wells (the plaster needs to be fixed and the old lacquer on the wood trim around the windows needs to be stripped -- and they are really an eyesore. You can't help but see them.
- 2) Light Fixtures; I brought some information for you which I will leave with you today to help in your decision making. In the book that I've given to each of you (which was done by Ken McCutchan) you will find a picture of the Courthouse from years and years ago that shows you the light fixtures that were on it. If you thumb through the book further, you will find a picture of it as it is today -- without the light fixtures. And I think you will understand why I am so excited about having these fixtures put back on. On the exterior, the fixtures themselves -- there will be 12 ft. columns and each column will have five round globes. Then on

the interior (and there are pictures in one of the books) of the building (which you may not remember) there are two of these iron columns at each stair landing. Those will once again have miniatures of the exterior light fixtures -- as the building used to have. There will be a 4 ft. column with one single globe on it and there are two fixtures at each of the stair landings. We're excited about the fixtures because they will provide a safety factor at night (in the winter it is very dark after 4:00 p.m. around the building). It will add to the renovation efforts of Downtown Evansville. When the new expressway opens, it will serve as a lighted jewel of the Crown of the City. There is someone who is donating architectural exterior floodlights and replacing the four rooftop floodlights. So when we finish with this project before December 31st, the building will be beautifully lighted and a lot of the elegance that has been lost for years will be returned to the building itself.

- 3) The third project that we're completing before December 31st is that we are putting handicap restroom facilities in the basement restroom area. And it is most necessary that we do it, especially because one of our tenants is called "Wheels for You" and deals primarily in wheelchairs and handicap items. It is something that is long overdue.

As I said, it would completely deplete our small interest-bearing account. So I've come to you today to ask or request your support in the amount of about \$25,000.00 so that these projects may be completed before the end of 1987 and we may still have a little comfort cushion in the event of a crisis or an emergency. There needs to be some way that the building can have some sort of tax support. The people of the community are most protective of this building, because it is a beautiful building and it symbolizes their heritage and their roots. The first time I walked into the building I was thirteen years old -- but I remember. I also remember a feeling of validity as a person. I was born here and it seemed to make me stamped "valid". For that reason I think it is a building that none of us wants to see anything happen to. Were there some sort of ongoing tax support, we could all rest better. As it stands now, we have no security from one day to the next -- none. And I would ask that you think of that at some future point.

The things I brought for you today -- I brought a brochure on what the Foundation is and who it is; picture post card; we put out an Annual Report this year which will give you some financial information; a list of our tenants; a record of space and cost it rents for. By the way, our office space is probably the fairest around. That includes electrical, as well. I have the last financial statement from our Board of Directors Meeting. And I think maybe this will give you enough information on which to base your decision. I thank you for your time."

The Chair entertained questions.

Commissioner Cox asked, "Are you prepared to make a request for joint funding from the City of Evansville? Or, did you just approach the County?"

Ms. Russell said "We are very open to any suggestions that could be made to us as to how we can better protect the building -- any direction at all. If you would have some suggestions for us we would be more than happy to approach anybody."

Commissioner Willner said "I think it is probably the County's responsibility and this is the proper way to go about it. I did talk with Harry Thompson a couple of weeks ago and the information that I requested is here to browse through at your convenience. I do understand that there might be some help on

the way through State Legislation. But, certainly, I think it is probably our duty and obligation to help them through the crunch and I would like to see them get the grants they are after. I believe Shirley did write one of the grants herself. I've never written a grant, but I understand it is considerable work that she has taken upon herself -- it may or may not be consistent with the job, but she has a warm feeling for her job and does it very well. Therefore, I make a motion that we go on Council Call for \$25,000.00 for the matching grant for the Conrad Baker Foundation at the Old Courthouse and Jail."

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

Commissioner Borries said, "I think you have unanimous support here. The most valued part of our past (as we know a couple of years ago) one of the buildings in Evansville has a rich history I think of preservation and I hope that will be able to continue. We support your efforts."

Ms. Russell said, "I appreciate that and I thank you for your time."

Commissioner Borries said, "One other thing; the County Council meeting will be the first week of November and we would ask that you be present with maybe even a little pre-planning. If you will give us six or eight copies of this data, I will pass them out to Council and they will have a little forewarning of what we are going to do."

Mr. Lindenschmidt said, "The Finance Meeting will be the last of October."

Mr. Borries said, "You might want to be at that Finance Meeting, which will be held on Wednesday, October 28th. Council Meeting will be held on Wednesday, November 4th."

RE: BUILDING COMMISSION - ROGER LEHMAN

Report on Property at 16930 Highway 57 (Kay's Health Club): The Chair recognized Mr. Roger Lehman, Building Commissioner, who reported that he had a call from the Neighborhood Watch Group in the subject area concerning the building. They said that one of the doors was open. He, in turn, contacted the new almost owner this morning to determine the status of the situation. They finally got the abstract cleared up, passed back and forth and approved, and they are now in the process of obtaining the finalized papers (whatever that takes) and then he would have ownership and begin razing the building. He did say that today he would take one of his supervisors or foremen out there and seal the building back up. The neighbor said there was some traffic through there on Labor Day weekend.

Mrs. Cox asked, "The new owner is going to seal the building?"

Mr. Lehman responded "Yes -- he's not quite the owner yet -- but he is going ahead up there today. I told him I planned to go out and look at it and he said he would just take his man out there and do it so I wouldn't have to go out there -- so not to worry about it. He also indicated he had plans at the architect's for the new building to go there and he wanted to be certain the zoning is o.k., etc., so he is continuing to do a lot of preliminary work prior to getting approval."

Commissioner Borries asked Mr. Lehman if he knows what the zoning is on this property?

Mr. Lehman said he is not sure but he thinks it is C-1 or C-2 and he believes a gas station takes a C-4. He isn't sure what the new owner is going to do there. At one time he heard it was going to be a convenience store type of arrangement; if that includes a gas station, he would have to have C-4 zoning.

Mr. Borries said "In any case, you are saying that he does intend to raze the property?"

Mr. Lehman said, "Yes; within two weeks after he takes ownership. It almost sounded as though he would be out there with his bulldozer the day he gets the final papers. They have not and probably will not barricade the entrances unless -- it seemed to us that once they have the property and start something else it wouldn't be much point in doing that. The neighbor contended that it is still necessary because they get traffic through there. I don't know whether the Commissioners have an opinion on that or....."

Commissioner Borries said, "Well if there is going to be some construction on site within a short time after that, I don't know that it would be necessary to do that. If whoever the owner is was just going to let it stay the way it was, why then I think we'd have to push hard to get some barricades -- but do we want to wait another two weeks to see if...?"

Mr. Lehman said he would give the Commissioners an updated report in two weeks.

Monthly Report: Mr. Lehman said he had distributed copies of the Monthly Report from the Building Commission for August, 1987.

Request for House Move: Mr. Lehman submitted a request from Girten Dozer Service & Housemoving to move a house from 3100 Green River Rd. to 3616 Frisse Avenue. It is only about a dozen blocks. They would be going north on Green River Rd. to Fickas and west on Fickas to Jeanette then north to Frisse and west on Frisse. They will notify the Sheriff and the Knight Township Fire Department on the day of the move.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

Inspection of Sewer Taps for Darmstadt Sewer System: Mr. Lehman said he sent the Board of Commissioners a copy of a letter to the Town of Darmstadt concerning the installation inspections of the sewer taps for the Darmstadt Sewer System. He received a reply from Roger Steinkuhl, President of the Darmstadt Town Board. He doesn't have that letter with him, but he will provide the Board with a copy. They did state that, in their opinion, that was a Town project and because it was a metered situation where the individual sewer systems are going to pour into the City Sewer System through a metering system he felt we did not necessarily be involved in the inspection and the issuance of permits. He believes Mr. Easley's company is engineering and will be making inspections on that which, again, he doesn't have any real problem with that. He just wants to make the Board aware that if we did do it the normal procedure (as stated in the letter) would be a \$20.00 tap-in fee which would amount to some \$8,000.00 total with the 400 residences. He guesses what he is saying is that if we aren't involved in it, he would like to have everyone aware of that so that if there were any problems on down the road we wouldn't be asked to go in and take care of them. He has no problem with the type of system or its installation or anything like that. He just doesn't want to be responsible for it if we are not going to check it as it goes for the individual taps. The main system is already about 90% complete.

Commissioner Borries entertained comments.

Commissioner Cox asked, "Is the City inspecting these tap-ins?"

Mr. Lehman said, "No, the Town of Darmstadt is saying that they don't feel like we are required to do that by ordinance. The ordinance states that any additional alteration, etc., etc.,...the normal procedure is that when you check tap-ins into the City Sewer System you do not check septic systems -- and this



is somewhere in between. As I said, I just wanted to be sure that if we weren't checking them that there wouldn't be a problem on down the road. So I wanted the Commissioners to be aware of this."

Mrs. Cox asked, "And it will be part of the City Sewer System?"

Mr. Lehman said, "My understanding is that the individual septic systems -- the water from them will be individually pumped into a main system that eventually will drain into the City sewer at a pumping station and that the amount of water that is pumped into the City Sewer System will be metered at that point (I think there are two different locations) and then the Town of Darmstadt will be responsible for paying so much per thousand gallons of the sewage -- so it is going to eventually end up with the City system, but it is really a situation where it is partially a septic system (because they are still using the septic tanks)."

Mrs. Cox asked, "And the Board has no concern at all about the persons that are doing the construction?"

Mr. Lehman replied, "No. I think Peyronnin is doing the construction and the designer of the plan is the one providing the inspection of the entire system (including the main line) which we wouldn't check anyway.

The Chair entertained further questions. There were none.

RE: ACCEPTANCE OF HIGHLAND COURT IN HIGHLAND RIDGE ESTATES

President Borries asked whether there is anyone present to speak regarding the acceptance of Highland Court in Highland Ridge Estates?

Mrs. Cox said the Commissioners received a letter dated August 31st concerning this. Is Mr. Nurrenbern in the audience? It was noted that he did call this morning.

Mr. Easley said he gave the Board a letter two or three weeks ago concerning the acceptance of Highland Court.

Mrs. Cox said, "I indicated that fact; but did the developer know that he was supposed to be here today?"

Mr. Lindenschmidt said someone called and asked that this be put on the agenda.

Commissioner Borries asked if the Board wants to defer this matter for a week to obtain further information?

Mrs. Cox asked whether it can be deferred until later in today's meeting and see if Mr. Easley can contact Glen Nurrenbern? "I think we do have the inspection report from the Surveyor's office. I don't know whether it says when their Letter of Credit runs out or not."

Mr. Jeffers said their Letter of Credit runs out October 26th.

Commissioner Borries said "I think Bill Jeffers had submitted a report that, with the general comments, indicated there are rolled curbs and gutters and this is different from the original plan they had submitted. However, that is in conformance to what our ordinance would suggest. There seemed to be no other unusual kind of problems that would be associated with the streets. We can wait -- perhaps if Jim or Andy can contact someone -- whatever this Board wishes to do on that."

Mrs. Cox said "I would like to wait -- because there is some erosion out there (not really bad) and also one of the drainage culverts has some silt in it -- just so we can make the developer aware of our concerns here. But everything else looked pretty good to me. There is some washing away of the concrete pipe that



they have along Highland Court for drainage; evidently they have done what some of the other developers have told us they are going to do about -- rather than have a real deep ditch they have used a pipe with a swale on top of it -- and there is some washing away of the swale on top, because I could see the concrete pipe showing -- so that needs to be addressed I think."

RE: READING OF ENGINEERING PROPOSALS RE CONSTRUCTION OF BOONVILLE-NEW HARMONY RD.

Engineering Proposals: Attorney Curt John reported that three (3) proposals for engineering services for the construction of Boonville-New Harmony Rd. were received, as follows:

- 1) United Consulting Engineers (Indinapolis IN)
- 2) Veach, Nicholson, Griggs & Assoc. (Evansville, IN)
- 3) Bernardin, Lochmueller & Assoc. (Evansville, IN)

RE: CABLE T.V. FIRMS

Attorney John said that when he was in the Commissioners Meeting two weeks ago, there were two cable firms here, one being Marble Cable T.V. (which currently operates in Vanderburgh County) and they desired to transfer that right to Welbac Cable T.V. The Commissioners asked the Welbac representative if they can efficiently and effectively transfer that operation and continue the service as it has been. He has drafted a short Resolution authorizing Welbac to come in and take over what Marble has been doing -- for the Commissioners' approval. It does not have an "Attest" line -- so that will need to be added, if the Commissioners approve the Resolution.

Commissioner Borries said, "Curt I have one comment on all of that. Apparently this previous firm (and I guess that is a rapidly changing field -- so rapid that some of these firms either go under or have such financial problems that they just can't survive with the changes in that field) -- one thing that I would want to suggest that we place in there is that Evansville Cable T. V. pays a sizable amount of money to this County and to the City for a percentage of their operation. I believe that percentage may be 5%. If you could check for me, I believe certain State codes indicate that the State minimum or whatever the State suggestion is -- is around 3%. Considering that I would want any new cable enterprise that is going to be in this County to pay the same percentage that we are currently getting."

Attorney John asked, "Do the Commissioners have an existing agreement with them of which they can furnish me a copy?"

Mr. Borries said, "Do you mean with Evansville Cable T.V? Or, with this new cable company?"

Attorney John replied, "With Marble Cable T.V."

There was some confusion concerning the names of the various cable companies.

Mrs. Cox said, "We get monies from Evansville Cable T.V. Service and Marble Cable T.V. And I think Marble was the first one that came in after Evansville Cable -- and I am sure we do have an agreement with them. This last one (Community Cable) -- I am not sure they ever did submit and follow through with the proper paperwork."

Commissioner Borries said, "And before they communicate with us further, again I would want that fee to be uniform for all of those companies."

Attorney John asked if the Board would like to defer this matter until he can provide a report? He can do this either next week or the following week.

Commissioner Borries said this would be fine.

County Auditor Sam Humphrey advised, "John Wasson, who owns Welbac, has called Joanne Matthews twice and me once to provide him with copies of the minutes in order to close his sale. He wanted to do it by the 30th. I don't know why they are pressing us so hard."

Commissioner Borries said, "I am not objecting to the sale -- I am just asking for some information here to make sure that this County gets the same percentage of income for the use of right-of-way and those kinds of things from one cable company that we are from the other."

Attorney John reported, "According to this agreement we are currently getting 3%."

Auditor Sam Humphrey said, "Evansville Cable is paying us 5%, although the contract calls for 3%; they have expressed concern to me about any other company paying 3% and they have indicated they may drop theirs to 3% and that would be a considerable drop to us."

Mrs. Cox said, "Well, I did mention this to one of the people I talked with concerning the matter and their concern was that Evansville Cable received 50¢ more or whatever for supplying the cable television services than these people get. I don't know what their standard installation fee is, but I do know what Evansville Cable's fee is, because we subscribe to it."

Attorney John said he will review the matter. Mrs. Cox is simply saying that any agreement with them will be the same as the agreement with....."

Commissioner Willner said "That is not what the Board said."

Auditor Humphrey said, "The agreement with Evansville Cable is 3% but they have been paying us 5%."

Mr. Willner said, "That is correct."

Mr. Lindenschmidt presented a copy of the agreement with Evansville Cable T.V dated 1986 wherein it was changed from 3% to 5%.

Commissioner Borries again stated that he thinks we should have uniformity from all those cable companies -- that they all should pay the same percentage.

Attorney John asked, "If I recall with the last one, didn't they indicate that because of the number of subscribers with their firm and the type service they give that the profit margin was so low that it was impossible to increase theirs? I just recall that conversation. There were a small number of subscribers in Vanderburgh County.

Commissioner Borries said, "There is; and this man I did not know -- he came from Kentucky (which doesn't make him bad) but it seemed to be very difficult to get the background information and what this company was all about."

County Auditor Sam Humphrey asked, "Was that the attorney?"

Commissioner Borries replied in the affirmative.

Mr. Humphrey said, "We called Greenville and we couldn't find any Kentucky attorney down there with the name of Gary Davis."

Mrs. Cox said "I also asked him about "Exhibit A", which he said was attached to their original request for this merger and he didn't provide that to us."

Commissioner Borries asked "Hasn't Evansville Cable changed ownership at least twice in their history? The national part of it?"

Commissioner Cox said "It still goes by Evansville Cable T.V."

Commissioner Borries said, "I know, but I think at one time it was part of General Electric or somebody nationally and then it went to.....my suggestion was that we just have some kind of uniformity here to these contracts. I know that some of them are going to be bigger than others and that sort of thing. But I'd like to have more information about some of these companies as they come in to do business, particularly if I am not aware of what they do locally. And I think we should have some kind of uniformity here on the fees."

Commissioner Cox said, "I feel very strongly also that that should be the case -- that they all pay the same percentages to Vanderburgh County for the right to have a franchise in Vanderburgh County."

Commissioner Borries said "If you could work up something to that effect, Curt?"

Attorney John said, "Basically you are not wanting Marble to assign the existing contract to Welbac, but are requesting that Welbac enter into a new agreement at 5% rather than 3%."

Commissioner Borries said, "I would like to have the new owner of right enter into an agreement at the same percentage that we are currently receiving from the other firms, yes."

Commissioner Willner said, "You've got me confused now. Let's just look at the minutes and see what it says. I think you have already agreed to it."

Commissioner Borries asked, "Could we rescind that motion?"

Commissioner Cox said, "I did ask him what percentage of commission they paid and how often they paid it. I do remember asking that question of both the people who were up here."

Commissioner Willner said, "The reason Evansville Cable T.V. is paying 5% is because they wanted a rate hike and wanted the Commissioners to go along with it -- so you'd better check that and see what you want to do."

Commissioner Borries said, "I understand that. We did approve the rate hike, didn't we and we approved that percentage?"

Commissioner Willner responded, "Yes. But we didn't on Marble. Why not leave them at 3%."

Attorney John said "If I recall correctly, the biggest problem they had with the rate hike was that there were very few users in Vanderburgh County and it was not the pole type like Evansville Cable T.V., it was satellite -- that is what I recall. I may be mistaken."

Commissioner Cox asked "Can we, as a Board, refuse this franchise?"

Attorney John said, "That I will have to look into. I know that you could deny the transfer of the existing contract if it has an assurance that says it cannot be signed without consent, and if you have any reason to deny consent then you can do that. I think there are certain procedures where you can do it. I've never really handled one of these."

Commissioner Borries said, "I guess the most recent rate hike or the one that Evansville Cable agreed to would have a bearing on that rate but, again, without having to cause any of the residents served by this group a rate hike, I just feel that we

need to see some kind of uniformity here in what we are asking these firms to pay. I suppose that Evansville Cable could come back and say they will just pay 3%."

Commissioner Willner said, "If they rescind their rate hike I imagine they could do that -- but I don't think they are going to rescind their rate hike do you?"

Commissioner Borries said, "I don't know."

Attorney John said, "It shows on the contract itself the change in the margin signed by Commissioners Willner and Cox, but I don't see where it has been signed by Evansville Cable T.V. But it changes this contract to 5% from 3%. However, I don't see where it has been executed by the other party. So I don't know whether there is more than one copy out and whether it was executed as amended."

Commissioner Cox said, "I think they wrote this in there."

Commissioner Borries said "Let's see if we can find a signed copy."

Commissioner Cox said "Well, I think they should all pay the same."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the County Attorney is to notify the company that the Commissioners would like for them to furnish a copy of their contract for the Commissioners' approval. So ordered. Commissioner Borries said that in the interim perhaps we can get some information concerning the sale.

RE: COUNTY HIGHWAY - BILL BETHEL

Letter of Appreciation re Marlene Drive: Mr. Bethel said he received a letter he'd like to share with the Board, as follows:

September 24, 1987

Commissioners  
Shirley Jean Cox  
Robert L. Willner  
Richard J. Borries, President  
Vanderburgh County, Indiana

Dear Shirley Jean, Bob, and Rick:

On behalf of the 16 families who own residences on Marlene Drive, I want to express our sincere appreciation to the County's street repaving unit, under Bill Bethel's direction, and to each of you Commissioners who made it possible to complete the repaving of Marlene Drive in such an exemplary manner after 20 years of life for the original street.

We appreciate your allowing our delegation to present our repaving request earlier this year and we greatly appreciate the excellent results that we will enjoy over the years ahead.

For your County Taxpayers on  
Marlene Drive,

Sincerely,

Bob Miller

cc: Mr. Bill Bethel, Superintendent  
Vanderburgh County Garage

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of September 21 thru September 25, 1987.....report received and filed.

Gradall: Cemetery Rd. and Wedeking Avenue

Paved: Marlene Drive, Autumn Lane, Middle Mt. Vernon Rd., West Terrace. Working on Cliffwood.

Grader: Bexley, Schmitt, Goebel Rd., Trapp Rd., Old State Rd. by the 4-H Center, Magnolia, and Old Boonville Highway

Patch Crew: Boonville-New Harmony, Lake Ridge, Orchard, Boonville-New Harmony, Duesner, Old State Rd. by the 4-H Center, and S.Weinbach

Trash Crew: S. Weinbach, River Rd. and the Garage

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Replaced culvert on St. Joe Avenue and rebuilt drop box on Red Bank and Harmony Way
- Completed installing culvert on St. Joe Avenue
- Cleaned ditch on 7810 Darmstadt Rd.
- Cleaned yard at the garage
- Cut weeds on Baseline
- Rip-rapped and planted grass seeds on Old Princeton and Darmstadt Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for Employees at the County Garage and the Bridge Crew.....reports received and filed.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Bob Goff: Mr. Easley submitted a claim in the amount of \$400.00 for the appraisal work done by Mr. Goff on the two parcels we're preparing to purchase on the Lynch Road Extension right-of-way. He and Rose Zigenfus reviewed the claim. The City paid on Covert Avenue an average of \$250.00 per review appraisal for Parcel "A" (a 7 acre parcel) and Parcel "B" (a very small parcel less than 1/3 acre).

The Chair entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Temporary Construction Easement: Mr. Easley submitted a Temporary Construction Easement executed by Genell Debes and Glenda Lacer as Tenants in Common in conjunction with the Nisbet Station Rd. project. He said this gives us permission to enlarge the ditch along the north side for about 300 ft. He and Lee Stuckey acquired this about 6:00 p.m. last Wednesday evening. We have a verbal agreement that whatever farm ground we take and convert to ditch we are going to cross-section it and will pay him at a later date at the rate of \$3,000.00 per acre. Mr. Easley anticipates that this will be less than 1/2 acre -- possibly even 1/4 acre. He requests that the Commissioners execute the easement.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the Temporary Construction Easement was approved. So ordered.

Mr. Easley commented that Mr. Stuckey is a tremendous help -- he does a lot of leg work and knows a lot of people and where to find them.

Preliminary Construction Plans for "B" Street Underpass: As the next item of business, Mr. Easley submitted copies of an information letter concerning the "B" Street Underpass. Months ago they sent plans to Jacksonville, Florida and apparently the plans were misplaced. First they were told they were checking them and then Jacksonville admitted they couldn't find them. So they have agreed to watch for them. Mr. Charlie Eicher also has to send a set to the Division Office located in a suburb of Chicago. Mr. Easley said he also has a comment from Mr. Eicher (all verbal) through Mr. Scott Hodge, the Project Engineer with our Design Consultant. Mr. Eicher in Jacksonville says that CSX could request that the Claremont Crossing be closed -- but the Public Service Commission would have to approve the closing and most likely they would not approve the closing if the City and the County were not in favor of the closing. It would be desirable if the County Attorney has time to find out exactly what the City's position is if the railroad nominates the crossing to be closed. I've never gone through this before -- but, what are our rights and what kind of a hearing does it take and what are our chances of winning?

Commissioner Cox asked, "What was the name of the person you talked with, please?"

Mr. Easley responded, "I talked to Scott Hodge."

Mrs. Cox asked "Who is Scott Hodge?"

Mr. Easley said, "He is the Project Engineer -- he signed the letter that I just gave to you. He talked to the attention addressee of the letter."

Mrs. Cox asked, "And they have never answered your letter on this? I understood you to say in our Commission meetings that you sent a letter requesting clarification on the...."

Mr. Easley interjected, "I have been working through the Consultant to get an official response as to whether they are even going to make that a condition of approval. No, I have not written a letter on the Claremont Crossing. I don't even want to officially suggest that it be closed."

Commissioner Cox said, "Why, Andy, you're quoted in the newspaper several times as saying that this was a possibility."

Mr. Easley said "It came out at a meeting, yes -- But I am not going to officially write a letter and suggest that they recommend that it be closed. I just don't think that is proper at this time. Yes, they brought it up in a meeting in their offices -- and we have told them that we thought there would be a lot of opposition."

The Chair entertained questions of Mr. Easley.

Woods Road Bridge: Commissioner Borries said he wants to give Mr. Easley something to look at. He had some discussions with Dan Hartman, our bridge engineer, about some alternatives Mr. Easley had mentioned in relation to the Woods Road Bridge and he would say that Mr. Hartman has cooperated by designing an alternate that does have multiple (three) spans. He thinks the opening would be wide enough (based on where these spans would be located) to insure that debris would not be a problem. They would be almost within 7 ft. of the "Y" on either side. This is an alternate which would be cheaper in terms of cost. It would

be approximately 1 ft. higher out of the water and would roughly be in conformance to a State bridge that is near-by. Thus he will refer it to Mr. Easley for his review at this time as an alternate. We are approved for funding. Also, he wants the Commissioners to look this over as an alternate -- so if Mr. Easley could share this information with Commissioners Willner and Cox, they can look at this alternate Mr. Hartman has designed.

Mr. Easley asked, "Did he give you an estimate on this?"

Mr. Borries responded, "Approximate figures were less than \$200,000.00 -- maybe \$190,000.00."

RE: BURDETTE PARK - FINANCIAL STATEMENT

President Borries submitted the following Financial Report for Burdette Park for period ending August 31, 1987.....report received and filed.

1987 STARTING BUDGET

1987 Budgeted	\$456,318.00
1986 Encumbered by P.O.	\$ 0
1986 Encumbered by Contract	\$ 66,368.84
1987 Additional Appropriation	<u>\$106,874.14</u>
Total 1987 Budget	\$629,560.98

EXPENDITURES & BALANCE 1/1/87 TO 8/31/87

Total Expenditures	\$519,695.65
Total Balance	\$109,865.33

INCOME 1/1/87 TO 8/31/87

Pool	\$175,912.50
Rink	\$ 20,984.64
Rentals	\$ 58,986.06
Misc.	<u>\$ 15,019.62</u>
Totals	\$270,902.82

8/31/87

Total Expenditures	\$519,695.65
Total Income	-\$270,902.82
Deficit Sub-Total	\$248,792.83
Less Capital Improvements	<u>-\$100,672.41</u>
Total Deficit	\$148,120.42

Commissioner Borries said he thinks there is still some other income that the Park would have received through September, but it is probably the biggest Burdette Park has ever seen.

Commissioner Cox asked, "Do you know what he has listed Less Capital Improvements for \$100,000.00 this year off the budget? What did we spend \$100,000.00 for capital improvements out there this year for?"

Commissioner Willner said, "The oil fields were \$40,000 and the deck was maybe \$10,000. The other was the comfort station (restrooms) \$40,000 -- so that is \$90,000 right there. That is all I can tell you off the top of my head."

RE: ALEXANDER AMBULANCE SERVICE, INC. - MONTHLY REPORT

The Monthly Report from Alexander Ambulance Service, Inc. for month of August, 1987 was submitted by Commissioner Borries .....report received and filed.

RE: ACCEPTANCE OF STREETS IN HIGHLAND RIDGE ESTATES

President Borries said Mr. Nurrenbern is now present concerning acceptance of streets in Highland Ridge Estates. He asked whether Mr. Nurrenbern has received copies of all reports that have been submitted on that?

Mr. Nurrenbern acknowledged that he has.

President Borries asked Commissioner Cox if she has questions she would like to ask?

Mrs. Cox said that she does. "Mr. Nurrenbern, I noticed that -- and I want to commend you because even though the original drainage plans didn't show the rolled curbs and gutters, you did put those in on your streets and I think it looks very nice. It is rather hilly out there in certain areas and I did notice that running along Highland Court on the west side you put in a large drainage tile alongside the road there and that -- it looked like there was a ditch on top of that part of the way; but then the dirt has washed off the top of the concrete pipe and I didn't know whether that was a swale plus a pipe that you had planned to control the drainage along there and just hadn't finished the grading -- or if it had washed off. Can you answer that for me?"

Mr. Nurrenbern said "Yes, we are continuously improving our lots out there and since then we have built the area up where you are speaking of -- and will be planting seed and sowing grass there shortly as soon as the weather will let us grow some grass. The drought has been our main problem. The grass is all drying up and, of course, we have a lot of construction going on. We are going to try to control all of this."

Mrs. Cox said, "O.K. So you have re-covered that concrete pipe that was exposed? You've got your side ditch built back on that?"

Mr. Nurrenbern asked "Which area is this now?"

Mrs. Cox said, "It would be on the west side of Highland Court immediately going in from Mohr Rd. - I've got concrete pipe showing -- and it is probably right along Lot #9."

Mr. Nurrenbern said, "Yes, we've just built a pond there and after the construction we will continue to clean up and take care of those problems."

Mrs. Cox asked, "Do you think maybe that is why some of the silt has come down? I notice, too, that right as you go into Highland Court there is a culvert just off Mohr Rd. and it is also partially silted in."

Mr. Nurrenbern said, "I think the problem is that we had grass growing in all of our swales and we haven't had enough rain to keep them under control. We are going to start putting bales of straw around to control this also. We had several large homes going in there and there is a lot of dirt laying around that makes it very hard to control until we can get those lots graded. We did have it in pretty good shape; then the utilities came in and tore up quite a bit of our ditch banks and the grass we had growing. And, as I said, the drought coming after that made it almost impossible to get our grass growing again. This fall we plan to get it all back in real good shape."

Mrs. Cox asked, "Did you get a copy of this inspection report?"

Mr. Nurrenbern acknowledged that he did.

Mrs. Cox asked, "And you have no problem -- either you have already addressed some of these or ....."



Mr. Nurrenbern said "The Surveyor's Office showed me the things I needed to do and they will certainly be taken care of. There is one lot we're gradually building up with excess dirt we have to make it a more desirable lot (the one on the south side by the cul-de-sac -- Lot #12). The one on Lot #9 will be built within about 100 ft. of the pond we built -- so I will promise you that I will take care of the Surveyor's recommendations on both of these lots."

Mrs. Cox asked, "Can you give me the width of your completed asphaltic roads?"

Mr. Nurrenbern said, "From curb to curb it is 29 ft."

The Chair entertained further questions.

Mr. Nurrenbern said he would like to have the streets approved so he can pay for the asphaltic work -- they have been very patient.

Mrs. Cox said, "The pavement looks real nice -- I don't have any problems with it."

Commissioner Borries said, "Mr. Nurrenbern has made his comments and indicated he will make the corrections mentioned here. If there is no further discussion, can we have a motion then to approve acceptance of the streets in Highland Ridge Estates? Highland Court - 626 ft. or .12 miles."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, Highland Court in Highland Ridge Estates was accepted for county maintenance. So ordered.

RE: OLD BUSINESS

President Borries said that under "Old Business" there were other inspection reports delivered to the Commissioners office and he has asked the Commission to consider those.

Oak View Place: He has had one request to delay consideration on Oak View Place subdivision. Mr. Fuquay called and asked that that one be delayed for the time being pending further information.

Chapel Hill, Section "B": There were comments given regarding this subdivision. Do the Commissioners wish to take any action on this subdivision today, or do they want more time?

It was the consensus of the Board that this matter would be deferred. Commissioner Cox asked that the Commissioners go out and look at Section "A" which the Commissioners approved not so long ago (immediately as you go in off Peerless Road) -- there is a section about 12 to 14 inches along the south shoulder of the road that is already cracking up.

Computer System for Re-Assessment: Commissioner Willner said that last week this Commission voted to recommend Manatron Systems. Last Wednesday he attended the County Council Finance Meeting. The County Assessor sent the Commissioners a letter from David Goad and he would like to talk about it today. If he remembers correctly, the criticism was that they thought our own systems could do it cheaper. They also were saying that we didn't give our own system a chance to bid on the proposal and he finds both of these things to be in error. To start with, the total price of our computer outfit was \$471,571.00 -- well over twice the price of the bid that we have today. The problem that we didn't give our computer analyst enough time to prepare a software package -- they were going to use .....software package and we all know that they were a factor in the last re-assessment and they have a software package all ready to go and just the software was exactly what Mr. Hughes said -- \$280,000.00. So he really thinks we gave Pulse adequate time to bid and they did not -- even after this was out, and they did

not. They certainly had adequate time to compare  
.....software package and they chose not to bid. So he  
thinks that criticism needs to be stopped and we should look at  
the facts as they are period.

Commissioner Cox said "Mr. President, I will be happy to respond. I believe that the letter you have from David Goad (who is no longer with Pulse Systems) is dated February and I would point out that the proposal that he offered to Vanderburgh County -- the important part of that proposal is in parenthesis and it says 'all options' ". Now, Manatron does not address 'all options'; they give you a package and if you want something else and something else and one Township Assessor wants something a little different, then that is all extra monies. So I think we really need to look at what you have here and actually what we are buying in our software package to make sure that it meets the needs of Vanderburgh County, Indiana. Now that is the first point.

To respond to your second point concerning the company not bidding, the way the specs were written and the rush and everything around this that complete proposals needed to be submitted within a thirty (30) day period, Pulse Systems did not have something ready nor could they get something ready in a thirty (30) day period.

Now, to go on with the scenario, it is beyond me why our present computer supplier (and I have talked to the individual who owns the company to ask him if this could be done) can furnish us a programmer who can sit down with our Township Assessors and find out what it is they want this technical program to provide for them. What assistance? If we look back to 1975 and 1976 when we first looked at going into data processing in Vanderburgh County, this is the way it was handled in the Court System. And the Judges and myself, as Clerk, sat down and we developed a program -- and I am very proud of that program. The State Welfare Department wanted to use this program when they set up their Title IV-D program. So I cannot understand why we cannot work in this situation and why we have to go out and buy something which we may or may not be able to use in Vanderburgh County -- maybe a portion of it -- and why we have to buy duplicate equipment to run this thing that we may or may not be able to use on. And these are my concerns. And these are true concerns, Bob. And I have talked to two people who have served on the Data Processing Committee -- who presently serve. I intend to talk to the other two gentlemen that I haven't been able to contact -- but I plan to contact them to get some input from them, because the people I talked to on data processing were very concerned about us spending a great deal of money and not being able to use or adapt our mode to what Vanderburgh County needed. And I have to respect their opinions. They are non-paid volunteer people who are highly respected in the business and industrial community of our City who are providing a service for the organization or company they work for and I have true concern here about moving too rapidly into an area I feel we really need to investigate."

Commissioner Willner said, "The letter was received March 27, 1987 and we asked for bids in August. I think that is sufficient time. This has nothing to do with the Technical Advisor. We are talking about computer hardware and software. We're not talking about Technical Advisor -- that's a completely different story. I think the problem was that they did sit down and work out what they wanted. We are not the only county with a re-assessment. There are some ninety odd ahead of us and they have programs, too. I don't see that as an excuse not to move ahead with the computer system."

Commissioner Borries said "Let us all hope that this re-assessment is going to be fair, speedy and impartial for all lf the citizens of Vanderburgh County. (That is a big statement, isn't it?)

Mrs. Cox said, "I think that is the hope of all of us."

RE: SCHEDULED MEETINGS

Thurs.	Oct. 1	Noon	United Way Luncheon (Auditorium)
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Thurs.	Oct. 1	4:15 p.m.	EUTS Meeting
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Commissioner Cox said that she received two calls today from residents out in the area of the Boonville-New Harmony Rd. and since he mentioned the EUTS Meeting (and she thinks he still serves on that Board) that they are very concerned about reports which are circulating concerning the widening of Boonville-New Harmony Rd. Just to get clarification on what has transpired and what is in the plans for the future, she thinks we need to address this and get it on record in our minutes.

Rose Zigenfus of EUTS asked, "Shirley, is that west of Highway 41? What we're doing is conducting an Environmental Study on Boonville-New Harmony Rd. west of Highway 41 to the Posey County Line (St. Wendel Rd.) to do a Three "R" project.

We're also doing an Environmental Study east of Highway 41 to State Road 57 to do the same type of Three "R" project. We also have received calls from the public wanting to know what is going on and what we are doing. We've tried to alleviate any fears that there was going to be major construction and that there would be very little increase of traffic at this point in time envisioned out there. They are also concerned about coal trucks and that type of activity."

Commissioner Borries said, "I've had calls on that; for the record, there is no effort on the part of EUTS or anyone that I know that would want to route any kind of coal truck traffic on Boonville-New Harmony Rd. Are you aware of any?"

Mrs. Zigenfus said, "I'm not aware of any. This entire project to improve Boonville-New Harmony Rd. is an effort to use Federal funds that are available rather than local dollars to rehabilitate, resurface, and do a little reconstruction."

Commissioner Cox said "Well, it came as a complete surprise to me when I started getting the calls, because I do not recall this being part of the TIP Program (Mrs. Zigenfus commented that it is not) or ever being brought before our Board to authorize any kind of a procedure along this line for utilization of Three 'R' funds. So I guess what I am asking here is, 'Did you do this in a EUTS Policy Meeting or Board Meeting -- what prompted the stirring up of all this concern here?'"

Mrs. Zigenfus responded, "Actually, it came out of a meeting with Calvin Evans and Lee Gallivan and they indicated that there was Three 'R' money available through the State Highway budget and that that would be a way of cutting down on the resurfacing costs locally if we would get our plans in order -- if we would conduct the Environmental Study -- if we would do what would be necessary as far as cross-sections for the design (which are very minor and we thought we could do it in house and save the Commissioners some money and have it all ready to go)."

Mrs. Cox asked, "So you just took it upon yourself to go ahead and do an Environmental Study?"

Mrs. Zigenfus responded in the affirmative. She said, "It is not an full-blown Environmental Study, it is what is known as a 'Categorical Exclusion'."

Mrs. Cox asked, "Don't you usually bring these things to our Board?"

Mrs. Zigenfus said, "Not normally; we've done environmentals on all of the road projects in the TIP Program and we have never...."

Mrs. Cox interjected, "In the TIP -- in the TIP -- but this isn't in the TIP."

Mrs. Zigenfus said, "You don't need to put Three 'R' projects in the TIP. It is not required."

Commissioner Borries entertained further questions of Mrs. Zigenfus.

Mrs. Cox said "I will call the two people who called me on this and I would hope that this Board of Commissioners (who is going to be getting the calls, because people know that out in the County the Commissioners are responsible for the roads) that we certainly could be kept up to date on all of these things that are going on in EUTS or any adjustments in our present TIP Program. I mean, this came as a complete surprise to me when these calls came -- because I, personally, was not aware of anything being planned in the area at all.

The other concern is the coal trucks and I do understand from the one gentleman that there are trucks loaded with coal or coal trucks that are using the Boonville-New Harmony Rd. He told me (and I haven't had a chance to get out there and look -- but I will) that the one bridge that they are using (and evidently they are running from Daylight to the Mt. Vernon Docks and using Boonville-New Harmony as a short cut so they don't have to go down Highway 41 and out Diamond Avenue or over to Pennsylvania and out) -- but the bridge is posted 10 tons and he said these trucks certainly weigh a lot more than that. So I think we certainly should alert the Sheriff's Department to watch for overloaded large trucks that are using the Boonville-New Harmony Rd. I certainly don't think this was built to serve as a truck route through our County. It is a beautiful area, a residential area, and I think it should remain that way. They have I-64 or Diamond Avenue they can use -- and there is no sense in them going through our residential areas. I would recommend that we have the Sheriff alert the deputies in the area to be on the lookout for this.

The other concern was whether we in Vanderburgh County have a strip mining ordinance, because people who are out in our far eastern area are becoming concerned about AMAX and the other coal company (which has a new name now) and their mining procedures. Beverly Behme was a great help here and brought me a copy of the strip mining ordinance that was passed before our time, Rick (in June, 1976) -- so Vanderburgh County does have a protective ordinance which bans strip mining in Vanderburgh County. So that will be good news for them."

Commissioner Willner said, "It is doubtful that they will move in. They tell me that the coal is 400 ft. to 500 ft. deep when you get into Vanderburgh County and strip mining is no longer feasible at that depth and that is why Vandereck is a deep mining company -- not a strip mining company."

Commissioner Borries asked, "Does anyone know what kind of coal trucks are traveling the Boonville-New Harmony Rd. and how far they are going?"

Commissioner Willner said, "I haven't seen any. It is surprising to me -- but if they are I will check into it."

Commissioner Borries said, "They are not going through Darmstadt."

Commissioner Willner said, "If they are traveling Boonville-New Harmony they have to go through Darmstadt."

Mr. Borries asked, "But I meant, have you seen any in Darmstadt?"

Mr. Willner said that he has not -- and there is no coal laying alongside the road like there would be if they were using it. He sees no evidence that that is even happening."

Ms. Cox said, "Well, I'll be glad to call the gentleman who called me and try to tie down specific times that coal trucks are using it -- and maybe the media could help us and tell the people who are driving these coal trucks and using Boonville-New Harmony truck route to stop. But I have no reason to question the gentleman. He was very sincere and told me what he saw with his own eyes and I have to accept that."

Commissioner Willner asked "If they know they are coal trucks, why don't they look at the name on the side of the truck?"

Mrs. Cox said she will give the gentleman some pointers.

RE: EMPLOYMENT CHANGES

Superior Court (Appointments)

Lori Michelle Gauer	Cl. Asst.	\$13,663/Yr.	Eff: 9/14/87
David W. Lamont	Pub. Def.	\$14,312/Yr.	Eff: 9/7/87

Superior Court (Releases)

Dennis Brinkmeyer	Pub. Def.	\$14,312/Yr.	Eff: 9/4/87
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County Highway (Releases)

Charles A. Sumner	Mechanic	\$8.58/Hr.	Eff: 9/3/87
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County Auditor (Releases)

Betty Miles	Tr. Clerk	\$12,400/Yr.	Eff: 8/28/87
Marie Dunn	Posting Clk.	\$12,400/Yr.	Eff: 8/28/87

County Auditor (Appointments)

Betty Miles	Tr. Clerk	\$12,900/Yr.	Eff: 8/31/87
Marie Dunn	Posting Clk.	\$12,900/Yr.	Eff: 8/31/87

Center Assessor (Releases)

Jennifer S. Yeley	3rd Deputy	\$514.94/Pay	Eff: 8/31/87
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Clerk of Circuit & Superior Courts (Appointments)

Joyce Fields	Dep. Clerk	\$6.00/Hr.	Eff: 8/31/87
Christine Montooth	Bond & Fine	\$6.00/Hr.	Eff: 8/31/87
Cathy Holbrook	Dep. Clerk	\$536.59/Pay	Eff: 8/31/87
Kendra Martin	Dep. Clerk	\$514.94/Pay	Eff: 8/31/87

Clerk of Circuit & Superior Court (Releases)

Janice Dudley	Dep. Clerk	\$6.00/Hr.	Eff: 8/31/87
Helen R. Ludwig	Bond & Fine	\$6.00/Hr.	Eff: 8/31/87
Kendra Martin	Dep. Clerk	\$536.59/Pay	Eff: 8/31/87
Joyce Fields	Dep. Clerk	\$514.94/Pay	Eff: 8/31/87

Circuit Court (Releases)

Robert Saunders, Jr.	SAFE Guard	\$15,,750/Yr.	Eff: 9/2/87
Tracy L. Thread	Intern	\$5.00/Hr.	Eff: 8/7/87
Susan Terrell	Intern	\$3.35/Hr.	Eff: 8/7/87

Circuit Court (Appointments)

Dennis S. Howard	SAFE Guard	\$15,750/Yr.	Eff: 9/3/87
Todd Alan Corne	Intern	\$3.35/Hr.	Eff: 8/24/87
Patricia Walker	Nurse	\$10.00/Hr.	Eff: 8/24/87
James D. Conklin	SAFE Guard	\$5.00/Hr.	Eff: 8/22/87

Union Assessor (Appointments)

Mary Ann Bernard	P.T.R.D.	\$35.00/Day	Eff: 8/10/87
Tim Steinkamp	P.T.D.L.	\$35.00/Day	Eff: 8/10/87
Keith Kuester	P.T.D.L.	\$35.00/Day	Eff: 8/10/87

Burdette Park (Appointments)

Jon Dubber	Ext. Guard	\$3.35/Hr.	Eff: 8/31/87
Cutes Gostley	Ext. Guard	\$3.35/Hr.	Eff: 9/1/87
James Russell	P.T.G.C.	\$4.00/Hr.	Eff: 8/26/87
Laura Martin	Rink Cashier	\$5.00/Hr.	Eff: 8/19/87

Burdette Park (Releases)

Gary Kitchens	Ext. Guard	\$3.35/Hr.	Eff: 8/19/87
Shawn Stanley	Ext. Guard	\$3.35/Hr.	Eff: 7/19/87
Sally Behme	P.T.G.C.	\$4.00/Hr.	Eff: 6/15/87
Denise Strange	Slide	\$3.35/Hr.	Eff: 8/19/87
Scott Kirsch	P.T.G.C.	\$3.50/Hr.	Eff: 8/10/87
Amy Helfrich	Reg. Guard	\$3.60/Hr.	Eff: 8/17/87
Mike Gerard	Asst. P/Mgr.	\$40.00/Day	Eff: 8/19/87
Tad Powless	Slide	\$3.35/Hr.	Eff: 8/6/87
Amy Burkdoll	P.T.G.C.	\$3.50/Hr.	Eff: 9/2/87
Joeli Staley	Reg. Guard	\$3.35/Hr.	Eff: 8/17/87
Dona Barton	Reg. Guard	\$3.60/Hr.	Eff: 8/19/87
Brian Dooley	Ext. Guard	\$3.35/Hr.	Eff: 8/22/87
Angela Lawrence	Rink Cashier	\$4.00/Hr.	Eff: 8/24/87
Barb Owens	Reg. Guard	\$3.60/Hr.	Eff: 8/19/87
Jennifer Talley	Reg. Guard	\$3.60/Hr.	Eff: 8/15/87
Angela Burmeister	Slide	\$3.35/Hr.	Eff: 8/15/87
Jill McNaughton	Ext. Guard	\$3.35/Hr.	Eff: 8/22/87

There being no further business to come before the Board,  
President Borries declared the meeting adjourned at 4:25 p.m.,  
with an announcement that a Drainage Board Meeting will be held  
immediately following the Commissioners Meeting.

PRESENT:      COMMISSIONERS      COUNTY AUDITOR      COUNTY ATTORNEY

R. J. Borries	Sam Humphrey	Curt John
R. L. Willner		
S. J. Cox		

COUNTY HIGHWAY      COUNTY ENGINEER      COUNTY SURVEYOR

Bill Bethel	Andy Easley	Bill Jeffers, Chief Deputy
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EUTS      BUILDING COMMISSION

R. Zigenfus	Roger Lehman
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AUDITORIUM      OTHER

Gy Rhoads	Stewart Kershaw/Eville. Philharmonic Sherry Russell/Conrad Baker Foundation G. Nurrenbern News Media
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SECRETARY:      Joanne A. Matthews

  
Richard J. Borries, President

Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
OCTOBER 5, 1987

I N D E X

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MINUTES  
COUNTY COMMISSIONERS MEETING  
OCTOBER 5, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, October 5, 1987, in the Commissioners Hearing Room, with Vice President Robert Willner presiding.

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

RE: CSX TRAIN TRIP

Commissioner Willner said he just went on a train ride from Evansville to Vincennes. It was a part of the CSX train safety crossing. There were State, County and City Police and Fire Departments, School Teachers, School Classes, and Governmental Officials from all over the State of Indiana, as well as some individuals from Kentucky. He guesses CSX wanted those people to look at their grade crossings and updated signalization as they go through several cities between Evansville and Vincennes. It was a very enjoyable ride. They had some of the old time cars that were nice to go through and see how it used to be. They also had a very up-to-date observation car, which included telephone, video cameras and viewing screens. This was also the first time he has ridden on the all-welded tracks; CSX has all-welded tracks through the State of Indiana now. Instead of the clickety-clack it was very smooth.

Approval of the minutes of September 14th will be deferred, as the Commissioners have not yet had an opportunity to read them in their entirety.

RE: AUTHORIZATION TO OPEN BIDS RE ROLLET LANE BRIDGE & CONSTRUCTION OF NISBET STATION RD. CULVERT

Commissioner Willner entertained a motion to authorize the County Attorney to open bids received on the Rollet Lane Bridge Project and the construction of the Nisbet Station Rd. culvert.

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

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

George Landfair/972 E. Blackford Ave.: The meeting proceeded with Commissioner Willner asking that George Landfair, poor relief applicant in Pigeon Township, approach the podium. He said that Mr. Landfair requested rent assistance and the request was denied because the applicant is not on the Food Stamp Program. (Mr. Landfair confirmed that this is correct.)

Commissioner Willner asked, "You asked for rent assistance and you do rent from Lowe Realty Company?" (Mr. Landfair confirmed that this is correct.)

Mr. Willner asked, "How much is your rent?" (Mr. Landfair stated that his rent is \$200.00 per month.)

Mr. Willner then asked if this includes utilities? (Mr. Landfair stated that the \$200.00 per month does include utilities.)

Commissioner Willner then requested that Mr. Landfair tell the Board about his background. Where was he last employed? (Mr. Landfair said he was last employed by Kelly Services, a temporary employment service. Prior to that he was employed at Wabash Plastics.)

Mr. Willner asked why Mr. Landfair's employment with Wabash Plastics was terminated? (Mr. Landfair responded, "Relocation, Sir.")

In response to Mr. Willner's query as to how long he worked at Wabash Plastics, Mr. Landfair said he was there about six (6) months or so.

Commissioner Willner asked, "Before that?" (Mr. Landfair said he moved to Evansville from Detroit, Michigan. He has family here -- a sister, Gwendolyn Wakefield. He was living with her before he decided to go out on his own and he had asked the Trustee for some assistance with his shelter and utilities and they denied his application. He is asking that the Commissioners consider overruling that decision. He is 25 years of age.)

Commissioner Willner said the Trustee has stated on his application that he is not on the Food Stamp Program. He thinks that is a requirement in accordance with the Pigeon Township Trustee's Guidelines. Is Mr. Landfair making any progress toward being on the Food Stamp Program? (Mr. Landfair said they just verified and completed his certification as far as food stamps are concerned, so he is now receiving food stamps in the amount of \$87.00 worth per month). He has been unemployed since August and he has been seeking employment since that time. He is registered with the Unemployment Office.)

Mr. Willner then asked, "Your rent is due for October? That is the first month it will be due? (Mr. Landfair responded to both questions in the affirmative.) Mr. Willner asked, "You do understand that you will have to have a 30 day prior rent receipt before the Trustee will pay? (Mr. Landfair replied, "I have provided them with all the information they needed as far as the rent receipt and the other documents they had requested.") Mr. Willner said, "We're talking about October now -- this month." (Mr. Landfair said "Well, that is one of the reasons I came to the Commission to see if they would be lenient enough to advance payment for this month. As I said, I have been....") Mr. Willner continued, "Let me explain that this Board cannot be lenient. When we talk about the Township's Guidelines -- these Guidelines are not our Guidelines, they are the Township's Guidelines that are approved by the Township Advisory board and the Township Trustee and this Board is not authorized to change their Guidelines. So, they will stand. You need to be in arrears with your rent thirty (30) days before they will even consider rent assistance. But we will hear from the Trustee's representative to see if there is anything we haven't taken into consideration."

The Chair then recognized Mary Lancaster, who was representing the Pigeon Township Trustee's office. She said "We have been assisting him since July 30th. He came in at that time for assistance on a tooth extraction, which we okayed to Tri-State Family Dental Center. The same day he came back and said they could not pull the tooth, that he was going to have to go to Dr. Troyer. First, however, he needed two prescriptions to get rid of the infection -- which they issued. Then after the medicine was all gone he was to make an appointment with Dr. Troyer's office. We told him we would assist with that. After each assistance we told him that he had to be on the food stamp program. This has been going on since July. He didn't go and apply for food stamps until September 9th -- this was verified, by me, with the food stamp office after Mr. Landfair was in our office last week. As he told you, he has now applied for food stamps and I think he has already received them according to the food stamp office. Also, he provided me with a rent receipt saying

that he has paid August rent and September rent. He is paid up until the end of September. Our Guidelines state that you do have to be 30 days in arrears. He will not be thirty (30) days in arrears until October 30, 1987, at which time he can come back and make application."

The Chair entertained questions.

Commissioner Cox asked, "Mr. Landfair, the work with Kelly Services -- this is just part-time employment? And, how were you able to pay the rent in July and August? You had enough part-time work to do this? What is your address?"

Mr. Landfair responded that he did have enough part-time work to pay his July and August rent. He lives at 972 E. Blackford.

Commissioner Willner asked Commissioner Cox if she agrees with the Trustee that he will have to comply with their Guidelines, then re-apply?

Mrs. Cox said, "I do know that they do have to be 30 days in arrears before the Trustee can help you. I think he is just looking ahead; he seems like a pretty responsible young man -- one who pays his bills. Maybe his landlord will go along with him during these hard times that he is having right now."

Commissioner Willner asked, "Mr. Landfair, do you understand now what this Board has said then?"

Mr. Landfair said, "Yes Sir, Your Honor -- I mean, Mr. Chairman -- I just wanted to say that I had sought Counsel with Legal Aid and they went over a couple of the guidelines I wasn't familiar with. (Ms. Lancaster interjected, "He was told that -- I told him.")

Commissioner Willner said, "If you will follow the guidelines, then I am sure you will receive assistance. If at that point you do not, then I'm sure this office is ready to help."

Commissioner Cox said, "You understand now that at the end of this month you need to go make re-application, because you should be eligible."

Mr. Willner said, "Bring your past rent receipt that has been due thirty (30) days with you."

RE: PROSECUTOR - REQUEST FOR LEAVE OF ABSENCE FOR EMPLOYEE

Commissioner Willner said Prosecutor Robert Pigman is present for purposes of requesting a Leave of Absence for one of his employees.

Prosecutor Pigman said the employee is Mary Jo Kingon, who has been a County employee since March 9, 1977. He has already spoken to Commissioner Cox concerning Mary Jo. She is very, very ill. In fact, he was informed that she was admitted to the hospital again this morning. She is diagnosed with primary amyloidosis and is unable to continue working. There is no cure and it is terminal. In fact, it is probable that she will not ever come out of the hospital. Normally, a victim of this disease has about 20 months from the onset of the symptoms. She has had symptoms for in excess of a year, but she has only been seriously ill since the latter part of June. Because of her financial condition she tried to work throughout the summer as best she could. She is to the point now where she simply can no longer work. Even if she does survive this latest set-back, she will never be in a position to work. Thus, he is asking that she be placed on a leave of absence and that her full health and life insurance be set in so she can maintain those with just her employee contribution.

Commissioner Willner asked, "Is this the first leave of absence?"

Mr. Pigman responded in the affirmative.

The Chair entertained a motion.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request was approved for leave of absence for Mary Jo Kingon for a six (6) month period with full health and life insurance benefits -- with the County paying their share and Ms. Kingon paying the employee share. So ordered.

Mr. Pigman said he thinks this is a moot question -- but at the end of the six (6) month period (he doesn't think she will survive the six month period) -- but suppose she does -- he will probably be back and ask for an extension at that time.

Commissioner Willner said, "We've done that before in other cases and certainly we would do that for you."

RE: HEERDINK LANE - RIBBON CUTTING CEREMONY

The meeting proceeded with Commissioner Willner reading the following news release:

October 5, 1987

TO WHOM IT MAY CONCERN:

The County Commissioners will have a ribbon cutting ceremony at 4:00 p.m. on Tuesday, October 6, 1987, to officially open Heerdink Lane, a new road approximately 800 feet west of I-164, between Millersburg Road and Heckel Road.

The ceremony will be held at the intersection of Heerdink and Millersburg Road which is the north end of the one mile long road.

Commissioner Cox asked, "The State built that, didn't they?"

Commissioner Willner said, "The County built it, but the State did the work. The County furnished the funds to pay for it.

RE: REQUEST TO RE-ADVERTISE FOR TECHNICAL ADVISOR ON RE-ASSESSMENT

The Chair then recognized Attorney Mike Shopmeyer, who was present for purposes of requesting permission to re-advertise for Technical Advisor on the Re-Assessment.

Attorney Shopmeyer said he is requesting permission to again use the Commissioners Meeting to open bids for the Technical Advisor for the Re-Assessment. This is being re-bid due to substantial changes in the specs. They hope to resolve the specs this afternoon and have that ready for the Commissioners Meeting of October 19th -- if this meets with the Commissioners' approval -- or later if it cannot be brought to press the required ten (10) days in advance as required by law.

Commissioner Willner asked if Attorney Shopmeyer can provide the Board information concerning changes in the specs?

Attorney Shopmeyer said they are meeting today at 4:00 p.m. to resolve finally what will be done on the specs. What happened, the price came in and there were cost aspects (particularly tied to exempt property) and pictures which they decided to eliminate as a cost saving measure. Also, there has been some indecision as just to what extent properties will be re-assessed by the Technical Advisor -- that being residential properties in the various Townships -- and there have been changes on that which

hopefully they will resolve this this afternoon at the 4:00 meeting. When that occurs, they intend to run the notice and send the specs out today.

Commissioner Willner asked that Attorney Shopmeyer provide the Commissioners with copies of the specs.

Attorney Shopmeyer said he certainly will -- they intend to keep the Commissioners abreast of what happens there.

The Chair entertained a motion.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request to re-advertise for Technical Advisor for the Re-Assessment was approved. So ordered.

Commissioner Willner said the Board would appreciate it if notices are sent to all persons in Indiana who would be eligible to bid and not leave the newspaper article to chance.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN BROOKVIEW HEIGHTS

Commissioner Willner said that Mr. W. C. Bussing, Jr. is present today for purposes of requesting waiver of sidewalks in Brookview Heights Subdivision.

Mr. Bussing said he has a subdivision just north of Brookview Subdivision known as Brookview Heights Subdivision. He is requesting that the requirement for sidewalks be waived. The subdivision to the south does not have sidewalks. They have made preparations for a large cul-de-sac at the end of the main street -- so school buses would have no problem in turning around.

Commissioner Willner asked if designated street will ever be a thru street?

Mr. Bussing stated that it will not. None of the streets in the subdivision will ever be thru streets.

Commissioner Cox asked if the subdivision is more than a mile outside the City Limits?

Mr. Bussing confirmed that it is.

Commissioner Cox said she thinks she has come to change her point of view on the need for sidewalks in subdivisions, whether they are a mile within the City Limits or a mile outside the City Limits -- because sometimes when they are required they seem to create more problems or potential problems than when they are not there -- and just leave it up to the individuals to come in and request that sidewalks be put in.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request for waiver of sidewalks in Brookview Heights Subdivision was approved. So ordered.

RE: READING OF BIDS FOR ROLLETT LANE BRIDGE PROJECT & NISBET STATION RD. CULVERT

Rollett Lane Bridge: Attorney Miller reported that two (2) bids were received on this project, as follows:

- 1) Dave Guillaum Construction Co.: Bid in amount of \$24,930.00 -- based on latest revisions and time estimates. The bid is dated October 5, 1987.
- 2) Deig. Brothers Lumber & Construction Co.: The revised bid is dated September 25, 1987 and is in the amount of \$40,630.00.

Attorney Miller said he would point out that the Deig Brothers bid contains the following language:

"Following is Deig Brothers' proposal to complete the required work as outlined in Bids No. 1 and No. 2, but deleting the detour work and sub-base rock work as outlined in your letter of September 23, 1987."

Attorney Miller said, "Therefore, I am assuming that both of these bids are based upon a letter revising the requirements as of September 23, 1987."

Mrs. Cox said, "They were sent out that way. It says that 'Item No. 1 - the detour work will be performed by the County as this work is off the site.'....."

Attorney Miller commented, "I wanted everybody to review it to be sure that everybody was bidding on the same set of specs."

Nisbet Station Rd. Box Culvert Replacement: Attorney Miller said he only has two bids received on this project -- from the same two bidders who bid on the Rollett Lane Bridge, as follows:

- 1) Dave Guillaum Construction Co.: Revised bid in amount of \$18,912.50.
- 2) Deig Brothers Lumber & Construction Co.: Revised bid in the amount of \$20,565.00 -- and bid specifies that they propose to furnish the necessary supervision, labor and equipment, with the exception of a lifting crane to install a new box culvert, including necessary dirt and shoulder work rock installation and abandoning of the existing structure. ("All materials to be furnished and delivered to the job site by us.") *Vanderburgh County*

Attorney Miller said he believes both bids are in accordance with the revised specs.

Commissioner Willner requested that Mr. Easley review the bids and make a recommendation before today's meeting comes to an end.

RE: TRAVEL REQUESTS

Evansville Fire Chief: Commissioner Willner said that it probably seems a little strange that the Evansville Fire Chief would ask the Commissioners for permission to travel. However the Fire Chief's letter is self-explanatory:

Date: September 29, 1987  
To: Vanderburgh County Commissioners  
From: Fire Chief Douglas Wilcox  
Subject: Federal SARA III Training Session

The County Commissioners recently appointed me Chairman of the local Advisory Committee regarding the Federal SARA III Community Right-to-Know program.

There are no federal funds available to support this program but there are several requirements that this committee must meet, and there is information regarding SARA III that, as Chairman of the Committee, I should know.

There is a training session in Indianapolis on Tuesday, October 13, 1987, regarding this program. The registration fee is \$60.00 per person, and I am requesting that the County fund payment of two (2) registration fees plus meals for myself and Chief Matthew Timmel. (Matt is the head of our HazMat Response Team and the contact person for Community Right-to-Know.) We will take a city car so there will be no mileage involved.

Thank you for your consideration in this matter.

Commissioner Willner said this session is a Training Seminar for a possible chemical spill within the boundaries of Vanderburgh County -- not necessarily a Committee to do anything about chemical spills, but if one should occur, what then should transpire. He feels that the training session would be worthwhile and even though it is not a State-mandated meeting that we should pay the bill.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the travel request was approved. So ordered.

County Treasurer: Request to travel to Indianapolis on November 15, 16, and 17 to attend the Annual Conference of the Association of Indiana Counties. This is for two people (The Treasurer and Chief Deputy). Request includes registration fee for both parties, two nights hotel expense for both and mileage for one (1) will be claimed by either the County Auditor or the Treasurer.

County Auditor: Request to travel to Indianapolis on November 15, 16, and 17 to attend the Annual Conference of Indiana Counties. Request includes \$50.00 registration fee, two (2) nights hotel expense and mileage.

Also, request to travel to Indianapolis, IN on October 8th to attend the Auditor's Legislative Committee Meeting. Per diem and mileage is requested.

County Auditor Sam Humphrey said he attended last year's Annual Conference of the Association of Indiana Counties on his own. That was the meeting where he picked up the idea that he would not pay bills on Friday and Monday and we would invest our funds. Our interest budget for this current year was \$700,000.00. As a result of changing our investment policy, we already have \$969,000.00 with three months yet to go for the year. So it was a very profitable meeting -- and you never know when a good idea is going to come out of these sessions; this is the reason that both he and Pat Tuley want to go this year.

County Assessor: Request to travel to Indianapolis, IN on November 15, 16, and 17 to attend the same meeting. Requested expenses include registration fee, hotel reservations, per diem, and mileage.

The Chair entertained a motion concerning the foregoing travel requests.

Commissioner Cox said perhaps some of the other County Officials may also want to attend and she thinks they should be notified that the Commissioners will have to ask Council to appropriate the monies.

Commissioner Willner asked, "They didn't appropriate the \$2,000 requested?"

Mr. Lindenschmidt said it was approved in Finance Committee Meeting, but Wednesday is regular Council Meeting. We requested a \$2,000 appropriation -- but we are going to run out of money because the \$2,000 is going fast.

Mrs. Cox asked "What was the \$2,000 for? Because we are running short of monies to pay bills that we already have?"

Mr. Lindenschmidt said we had one bill for \$300 some odd dollars and one for \$24.0.

Mrs. Cox said, "That leaves \$1,600.00 and the registration fee is \$50.00 per person and two nights hotel expense for three people -- that is not going to be enough money.."



Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the three (3) requests were approved subject to availability of funding.

Commissioner Willner said, "We need to make sure the money is available. The Auditor may pay out of the County General Unappropriated Funds for a State-called meeting."

RE: COUNTY ATTORNEY

Attorney Miller said he first wants to report that the pending legal action between Vanderburgh County and its Sheriff on the one hand and Lt. Swain on the other has been settled without the payment of any funds by the County following a series of depositions which he and the Sheriff participated in with Mr. Swain and his Counsel. The final papers are in the process of being drafted, but Mr. Swain essentially agreed to dismiss the suit without the payment.

Lead Poisoning Ordinance: Attorney Miller said he has been following the news reports concerning lead poisoning potentials in the community. From just a very preliminary discussion with Sam Elder, it is his impression that the County outside the limits of the City represents a much lower risk situation than its precedent, the City, because of the older buildings in the City that are rented out and occupied. However, his preliminary discussion with Mr. Elder was to the effect that it would be best for the County to allow the City to take the lead in adopting such an Ordinance and then we will consider tracking that ordinance in the County. Just in case there is any jurisdictional question, the ordinances will then be the same. Therefore, he would indicate to the Board that we are aware of that, but he recommends the Board sit on it until the City takes some definite action.

Tax Sales: The Tax Sales began this morning -- with a great rush of purchasing -- and after a great rush of work by the various abstract companies who participated to assist the County and three people in his firm just about quit because of all the titles that had to be read -- they are under way. He believes they are scheduled for each Monday until November or until we are finished. He asked County Auditor Humphrey if this is correct?

Mr. Humphrey responded, "Until November 2nd."

Attorney Miller said they are proceeding very well. There was very active bidding this morning. As the Commissioners will recall, the Abstract Companies submitted bids for the work they were doing and the payment for their services is being essentially covered by additional charges that are being tacked onto the tax sales, along with the charges of his firm for review of the abstracts. They weren't really abstracts, but rather title reports. We will be receiving the claims of the Vanderburgh Abstract Company and the other abstract company in the near future. When they come through, he just wanted the Board to be reminded that those funds that are being requested are being covered by the tax sale proceeds -- they are not coming out of the General Fund or anything of that sort.

Claim/Bowers, Harrison, Kent & Miller: Continuing, Attorney Miller submitted a claim in the amount of \$19,920.00 ..He said they reviewed 365 titles in thirty (30) days. The claim is for 332 of those titles, because 32 of them appeared to have possibly been sold either before or after title work was done or something like that. They are currently checking into those to determine whether or not those are necessary and whether or not they should have caught them. But the 332 were necessary and a claim is appropriate.

Ordinance Amending Ordinance 151.31: Attorney Miller reported that the Area Plan Commission has been working on an Ordinance amending Ordinance 151.31 with respect to the placement of the

size of lots in subdivisions where sanitary sewers are not available. Mr. Elder has consulted with the APC and we have come up with an amendment that would require that where the soil is rated moderately poor to severe for septic tank absorption fields, that the County shall require a minimum of 2-1/2 acres per lot for the subdivisions and that number was arrived at between the staff of the Area Plan Commission and Mr. Elder. He has a draft of the Ordinance and they have requested that the Ordinance be advertised and placed on the Commissioners' Agenda for ultimate approval.

Commissioner Willner asked that the record so state that the First Reading was given by Attorney Miller and that the Ordinance was passed on First Reading; that it should be advertised twice, and then re-read and passed at a meeting ten (10) days after the last advertisement. A motion was entertained.

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

Tax Sale: Commissioner Cox said she has a question concerning the tax sale. A gentleman came to the Commissioners' office who had bought some property at the tax sale this morning. They went up to see what he had bought. She guesses he bought before he looked, and he didn't like what he had bought. He wanted to know about getting his money reimbursed. No one in the Commissioners' Office knew what to tell him. In case this comes up again, what is the legal procedure?

Mr. Lindenschmidt said he talked with Pat Tuley and he came back in to talk to them. It was explained to them beforehand that they would have to pay some kind of fee to get this taken off and it cost the man \$80.00, but he is out from his obligation of buying it -- but he is out \$80.00. This was explained to all of them before any bids were made.

Claim/Bowers, Harrison, Kent & Miller: Claim presented in the amount of \$19,920.00 for legal services (title search for properties). Do we have a line item in our budget to pay this claim?

County Auditor Sam Humphrey said he doesn't believe so; but he believes we can pay that claim out of unappropriated funds, because we are going to recover it. We have to pay it -- but he will check with the State Board of Accounts. He is not sure what line item that comes out of.

Commissioner Willner asked if Attorney Miller has any words of wisdom concerning this?

Attorney Miller stated, "You are correct in saying that you do not have a line item; but I don't believe you have to have one either for these or for the abstract companies."

Mr. Humphrey said, "That sticks in the back of my mind, but I will verify it with the State Board of Accounts."

The Chair entertained a motion.

Commissioner Cox asked, "What was the rate on that, David?"

Attorney Miller said it was \$60.00.

Commissioner Willner said, "That should be recovered. We should have that in the bank by now."

Attorney Miller said, "Not all of it, because we haven't sold all of the properties."

Commissioner Willner said, "But when the properties are sold we will have it."

Commissioner Cox asked for the total amount again.

Commissioner Willner said the amount is \$19,920.00.

Commissioner Cox asked, "It takes an hour to check each one?"

Commissioner Willner said, "State Law."

Attorney Miller said "It took different times to check different ones. It was a flat rate that we submitted to you and it was approved at \$60.00 per title. It was a flat rate also for the abstracts. It took three people all month."

Upon motion duly made by Commissioner Cox, the claim in the amount of \$19,920.00 for title searches on 332 parcels at \$60.00 each in conjunction with the tax sale was approved, subject to availability of funds, with a second from Commissioner Willner. So ordered.

RE: REQUEST FOR INVITATIONAL BIDS FOR HILLCREST-WASHINGTON CHILDRENS' HOME & SUPERINTENDENT'S HOME

Commissioner Willner said that Jim Lindenschmidt is going to request invitational bids for the Superintendent's Home and Hillcrest-Washington Childrens' Home.

Mr. Lindenschmidt reported that the County had an engineer prepare specs on the Hillcrest-Washington and Superintendent's Home. The reason he is asking for invitational bids on the Superintendent's Home is that these specs are now completed. The Engineer's Estimate is that it will cost in the neighborhood of \$7,000.00 and we can go out with invitational bids. Southwestern Mental Health Association is remodeling this home to make it an emergency shelter, putting offices in the garage area, and they need the air-conditioning and heating put in as they are doing the remodeling. He is requesting permission to issue invitational bids, with bids to be opened two (2) weeks from today.

The Chair entertained questions. There being none, a motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request was approved. So ordered. Commissioner Willner asked that Mr. Lindenschmidt send out three (3) or more invitations to bid. Mr. Lindenschmidt said that he will.

RE: COUNTY SHERIFF - CLARENCE SHEPARD

Sheriff Shepard said that several weeks ago he and David Miller were in the legal arena on a case. He would publicly like to commend David's demeanor and his handling of the situation. He was very impressed with his questioning and his ability as an Attorney. It worked out in our behalf for all concerned. So he's like to say that David is one heck of a good lawyer.

Firing Range: The Sheriff said that the Commissioners are aware that several months ago they approached the Airport Authority to place a firing range on the Airport property. That request was denied for various reasons. It is required that Police Officers train with their weapons and qualify with their weapons. Since then they have been in contact with numerous business people and organizations in the area to seek a means to qualify the officers on firing pistols and rifles and various other weapons.

On Friday, he sent a contract over to Attorney Miller for his perusal and legal advice. Shell Oil Company owns some property Kansas Road (roughly 8-1/2 acres) -- the old Winchester Gun Club area. They are willing to lease that to the Sheriff's Department for the sum of approximately \$250.00 per year, which is the taxes owed on that piece of property. If we maintain it (any

improvements we make) they will give us a year-to-year contract on it for that price (the cost of the taxes) and we will have to pay gas, electric and water or whatever else would be out there. The liability will be ours instead of theirs. But we are required to train the officers and this gives us 8-1/2 acres of an already established gun club which has concrete ramps, a building, and several outbuildings and necessary things so they can just walk in. If they can just get Mr. Bethel to come out there with a bush-hog -- because they went out there today and killed some snakes -- and he doesn't particularly want to go out and cut the grass with snakes out there. They have sent us a revised contract. It is a standard business contract. With Attorney Miller's approval of the contract language, they are willing for us to sign. Since the Commission is the body that has to sign all contracts for the Sheriff's Department, he would request that after Attorney Miller reads the contract and gives his approval that we act on it as soon as possible to acquire this piece of property for the training of officers of the Vanderburgh County Sheriff's Department.

Commissioner Willner asked, "Do you have the dollars in your budget?"

Sheriff Shepard replied, "For \$250.00, we can come up with it somewhere."

Commissioner Willner asked, "And the utilities?"

The Sheriff said, "We will come up with it somewhere, because we are required by our insurance carrier to train our officers. In a shooting situation, the first thing the defense asks is 'Are you qualified? When did you qualify?'"

Mrs. Cox asked, "Sheriff Shepard, are you using the City's firing range at all?"

Sheriff Shepard replied, "When it is available. They only have six positions and usually about two of them are operable. We have been going up to Red Brush, which is 25 - 30 miles up the road; and also to a place in Chandler, Indiana."

Mrs. Cox asked, "Do you pay a fee up there when you use those facilities?"

Sheriff Shepard said, "They let us use the facilities. What we would like to do, we asked for improvement of our sub-station; we need to expand our sub-station. Should we acquire this property on Kansas Road, we will be able to move our reserve unit out there. They will maintain that building as their headquarters and this will relieve us of overcrowding at the sub-station and we can make-do rather than remodeling."

Mrs. Cox asked, "When your officers go to off-site facilities for the training, what liability insurance do we have? Does the County cover that?"

Attorney Miller commented, "They are covered. The County and the Sheriff's Department are covered for activities that are engaged in by the officers within the scope of their employment. There is, however, a huge deductible, as you know, on all of these policies."

Mrs. Cox asked, "So our present insurance policy would cover the request he is making now? We would not have to make any adjustment whatsoever in our policy?"

Attorney Miller said, "That is not true. It will be the same in its coverage of the officers' activities. It will require that the Sheriff (I have not read this lease yet) -- but I assume the lease will require that the County (through the Sheriff's Department) insure the premises against any liability that would occur if somebody would be injured there. So it is one

additional facility that would have to be covered by the liability policy and I expect there will be some expense involved."

Sheriff Shepard interjected, "And it will not be open to the public."

Attorney Miller said "That, of course, is a plus -- because there theoretically will not be non-Sheriff's officials on the premises to be exposed to injury."

Mrs. Cox asked, "So it will not be rented or used in any kind of a recreational manner?"

Sheriff Shepard said, "It will be used for police officers only. Now, we may host what we call a State Pistol Match or something like that, but again, there would be no non-law enforcement officials or people out there."

Attorney Miller said, "You'd have to check with the insurer to see if you were covered for something like that. You may have to buy a special policy."

Sheriff Shepard said, "It is about a 20-page contract and I have read through it several times, but not being in the legal business I....."

Mrs. Cox interjected, "On this request, did they ask that we furnish this property coverage that David is talking about?" I'm talking about the building. What if the building were to burn down?"

Sheriff Shepard said, "We are responsible for any repairs, maintenance, or improvements to the property."

Attorney Miller said, "We have to return it in its present condition -- ordinary wear and tear....."

Mr. Shepard said, "That is exactly what they state in the contract. It has been there for a number of years and it is a fine facility and it is close. They have no future plans for it and the only reason they would want it back is that in case later on they need to put a mobile field office out there."

The Chair entertained further questions of the Sheriff. There being none, a motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request for lease agreement with Shell Oil/Turris Coal and the Vanderburgh County Sheriff's Department was approved, subject to the approval of the Commission's Legal Counsel. So ordered.

Demonstration of Total Computer System: It was announced by Sheriff Shepard that next Wednesday (October 14th) at 1:00 p.m. there will be a demonstration in Room 303 of a total computer system for the Sheriff's Department, the Jail, the Prosecutor's Office, Clerk's Office and the Court System (both Circuit and Superior, Juvenile and Misdemeanor/Traffic Courts). There is a great need in this County to coordinate our efforts of dockets, cases, jail people who are in jail (we need to track them -- there is a great need for "interfacing" as they call it on the computer system). One of the computer companies is going to show us a system. He talked to the Judges and they are in favor of implementing such a system with the the Prosecutor and the Clerk's Office and himself, so they can interface with one another and keep track of the Court cases, etc. Also due to the fact that in the basement he has a storage about half the size of the Commissioners' Hearing Room which is filled from floor to ceiling with boxes of records of his prisoners. They run better than 7,000 prisoners per year through the Vanderburgh County Jail and they are always getting requests from other institutions or

hospitals requiring medical records or prisoner records -- and they have to go down and hand-search through the boxes. They have them dated; but if you pull them out and put them back in the wrong slot -- then they are lost. So this will be a great savings to them. They feel that in the future a group will come before the Commissioners (the Prosecutor, the Judges, the Clerk the Courts and the Sheriff's Department) and request that we obtain such a system. If the Commissioners would want to see how this system is going to work, they can attend the demonstration next Tuesday.

Jail Advisory Committee: Sheriff Shepard reported that several weeks ago he told the Commissioners that they were going to re-implement the Jail Advisory Committee. They are going to meet October 15th (Thursday) at the Executive Inn for breakfast. (He is going to spring for breakfast.) He would like to invite County Attorney David Miller. Because of his office, he is now on that Committee, and the proposal that he has before the Commission today -- the Sheriff's Department and the Building Authority have gotten plans together for second floor jail office modifications and he wants the Commissioners' permission to go before Council and ask for funding for this. All of the Commissioners have been up there and they have all been involved in a lawsuit on the jail in the past, due to the fact that they have made modifications in the jail. Pointing to plans, the Sheriff pointed out the existing office and the existing drunk tank. They want to knock out designated wall and expand it to the booking office, cut a window and door in designated area and take one of the present 10-man work release cells and move those ten people out to Judge Miller's Safe House (which he is willing to do) and convert that area to a drunk tank, which will have audio and visual cameras. The booking lobby can be enlarged and there will be two consoles in designated area with a number of television sets monitoring and they will add some additional T.V. sets in designated area so they will have better visual inspection of the jail through the television sets (where the Desk Sergeants will sit) and have a better flow of traffic and record keeping, also allowing for computers to be put in designated area for the expansion of the jail. He has a proposal from Biagi, Chance, Cummins, London, Titzer, Inc. They met on Friday with the Building Authority and his people and have gone through the proposal. They can do the complete remodeling for around \$62,000.00. They have a 15% cushion as it could go more than that. So we're going for approximately \$70,000.00 to remodel the jail for the future and he respectfully requests permission to go before Council to request this money.

There were a couple of inaudible comments following which Commissioner Cox commented, "As I recall, that was the great point of contention in this one suit -- and that was that it was done in the view of other officers and....."

Mr. Shepard said, "What happened there was that we were sued by some lady who was brought up in the elevator; and in the elevator the lady was searched by a matron as she was coming up the elevator and the door opened on the elevator and two male officers were standing there. What we have done to rectify that -- we have placed a curtain on a rod in the elevator and now anytime a woman goes in the elevator the curtain is drawn. We search them in the booking lobby and also on the elevator before they reach the second floor, and the third time in the delouse room."

Mrs. Cox asked, "Where are these recommendations coming from ? Why is this necessary, Clarence?"

The Sheriff said, "Right now, the designated room is all they have for the officers. They have possibly 15 officers trying to get through an 18 inch space there -- booking in and booking out. The traffic flow here is horrendous --it's just a terrible traffic flow. They are closing off the operational part of the jail and making designated area (present drunk tank) the present

slating type area upstairs and getting out type (where they revert the property, etc. back to them) and it makes for a flow of inmates in and out plus the flow of number of court cases going over every day -- (about 60 people go to court every day) -- and everything functions through small designated area, which needs to be enlarged. They have put all of their people together; they have had numerous staff meetings concerning this and they have met with the Building Authority -- and it is feasible to do this. They have given me what I consider to be a very reasonable figure -- \$62,000.00."

Commissioner Borries asked, "Clarence, will this change the number of prisoners you will be able to hold in the jail?"

Sheriff Shepard said, "We are going to reduce the work release sections by ten (10) people. At the time we have forty (40) beds: Thirty (30) for men and ten (10) for women. Ten in designated cell will go out to the Safe House (which Judge Miller has agreed to) and allow them a drunk tank. So, in essence, it will reduce the jail population by ten (10). Basically, what we are doing is changing the current office into a more functional, smooth-flowing, better monitoring system and better ingress/egress system to a much larger area to slate 7,000 people per year. We feel it is necessary to keep current with keeping ahead of the program so to speak."

Commissioner Cox asked, "Has the Jail Advisory Committee seen these plans?"

Mr. Shepard said, "They will see them next Wednesday, October 14th. We just re-activated a couple of weeks ago and I just found a date as of today that everybody could get together."

Commissioner Willner said, "This is the first we've heard about it. If the Jail Advisory Committee has recommended it, then I . for one, say let's go \$62,000.00. This is not a big outlay of dollars. I think if we do have the money and if it is needed and will help the operation, let's do it."

Sheriff Shepard said, "We don't have to act on it today; I just wanted to make you aware of it and obtain your permission. We'll meet next Wednesday and I'd like to come back to you the following Monday and report to you concerning the Jail Advisory Committee's recommendations."

Continuing, Sheriff Shepard said what they'd also like to do on that computer system is to do their slating on it (booking in and booking out) and they will also be able to maintain medical records and any other pertinent information they need. Medical records could be blocked out, so nobody else could see them.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel presented copies of the Weekly work Report for employees at the County Garage for period of September 28th thru October 2nd.....report received and filed.

Gradall: 6850 Oak Hill Rd., Baseline Driveway, and dug out ditch on Wedeking.

Paved: Miller Rd., (not finished); Cliftwood, Bridgeview, Fisher Rd. (not finished)

Patched: Barton Rd., Rock shoulders Old Princeton, Darmstadt at Bradley, Boonville-New Harmony and Frontage Rd.

Grader: Fisher Rd., Lost Bend Rd., Old Princeton Rd., Seminary, Golden Rule and Old Henderson

Trash: S. Weinbach, River Rd. and Lynn Rd.

Mowed:                Mill Rd. and Mesker Park

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly work Report for the Bridge Crew....report received and filed.

- Repaired guard rail on Broadway
- Rip-rapped around the bridge support on Folz Rd.
- Cut trees on the side of the road on Mesker Park Drive
- Repaired culvert on St. Joe Avenue
- Repaired the guard rail on St. Joe Avenue
- Rip-rapped support on bridge on Boonville-New Harmony Rd.
- Replaced culvert on Plainview Drive

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

County Bridge Program/Presentation by American Timber Bridge: Mr. Bethel said that during the past couple of months he has been looking at some of the bridges which have been discussed that need replacing, repairing, painting, etc. He has been driving Outer Darmstadt Rd. and on the side of the road there happened to be an eagle's nest. He stopped to look at it and when he did, he noted the setting which he thought would really be something -- and that was to replace that bridge with a covered bridge. He didn't know anything about this, but he made some inquiries and found out that they do have such things in effect. Today he has with him Mr. Ralph Patton, whom he asked to prepare some drawings and provide cost estimates and specifications. At this time he'd like to introduce Mr. Ralph Patton.

Mr. Patton said he would try to make his presentation as brief as possible. They went out and looked at the area mentioned by Mr. Bethel. There is an artesian well about one quarter mile from the bridge and down the other side is an old barn. If we could get Mail Pouch Chewing Tobacco to paint that barn, he believes it would definitely be Saturday Evening Post Material there.

What his plans depict today is that not only is their structure conducive to the area aesthetic-wise, but it will handle any kind of weight with the same federal standards worked into the County roads. There is a 24 ft. firm roadway and wider if you need it and height to handle a combine -- the same thing that anything riding on a State highway would be able to pass through this area. The preliminary would be for like a 3-span and they could make the center wider if we wanted to when we get down to it to handle the water flow. Insofar as the aesthetic, they've done a fantastic job. He travels to 43 counties and if all creeks were maintained like ours are in the subject area, there wouldn't be any problems. The water has been dredged and straightened and the debris taken out of it and it is a beautiful creek. They have been building wooden bridges for a number of years in the State of Indiana. They have just started to make the covered bridges. They can adapt a covered bridge with a shingle roof and the post is open on the side and it could be raised where it can be covered up so high or come down to meet the aesthetics and the final design would be appropriate if we decide to go with it. The basic structure will be something that will handle any weight limit that we want to handle with a 200% to 300% overload and probably the kicker is that they carry a \$1 million liability



policy that covers the County before our insurance comes in. If we have trouble on the road because of a wreck and it is because of the faulty structure material-wise or design-wise, then they pick up the \$1 million liability policy before our insurance does and he doesn't believe we will find that on many bridges.

If the Board has any questions concerning his company or the bridge, he would like to answer them, if he may. Basically there is a zero maintenance program on this bridge. Its life expectancy is 75 to 100 years. To give us the background of that, wood has been around for years and years and the reason is that there has been no maintenance on it. Up in Francisco, IN they did a rehab federal aid job on a 77-78 year old bridge over the railroad pass and the State came in to find out what needed to be done to the bridge. They drilled every one of the timbers and did not replace one of them. They added two and made the road wider and they put a new deck on it after 87 years -- and that was the total rehab on the federal aid project out there at that time. So it does take the wear and tear and has a zero maintenance figure on it. You don't have to worry about freezing and thawing and concrete cracks in it. When we're doing the road this needs to be graveled and they would recommend that we come back 50 yards each way of that bridge. The roadway out there is 18 ft. and they would be designing one that is 24 ft. or wider, if needed, but that would take care of a combine, tractor, etc., width-wise (any farm equipment you would want to take over it. Should it become an industrial area, we still would have no problem with the bridge holding anything we'd want to take over it. It will take a 200% to 300% overload with no structural damage whatsoever. One of the features is that the State now reimburses the County \$500.00 per year for covered bridges for maintenance of same. There are a lot of counties (Brown County and up near Rockport in Spencer County) that are doing some new covered bridge structures now to add to the aesthetics of their area. Basically, the design could be changed -- the outer design -- to make it whatever was suitable for the area. They could add the same decoration to it that they are doing in the area out there. Insofar as the well, they could design something and supply the material for the well. He doesn't think it would be quite like the one they have designed in the picture; that is an artesian well out there which is on County property -- so it seems it would be nice to have a place where a person could stop with the idea of taking a drink out of the well if they wanted to -- it flows freely all the time. They could probably design something of rock to make a little cover over it so a person could stop and take a drink if he wanted to.

The turnaround time on construction? They are going into one of their better seasons as the other part of the industry (concrete and steel) begins to slow up now. When it gets below 35 degrees, they probably shouldn't pour anymore concrete. This, however, becomes their better season. They do more construction between November 1 and March 30 than they do the rest of the year, because they can bid in certified contractors on jobs that will do it for less money than they would do it during the summer because they are bidding all the other work and they are trying to keep their good qualified people busy and the payroll going during those months. The turnaround time (120 days) they could definitely have the total project turnkeyed in and a road. He has seen them go in with as little as 19 days and having a road closed 19 days, tearing the old road out and the machinery off it in 19 days on a 3-span bridge. So they pride themselves in being kind of self-sufficient. They can turnkey it where they can write the specs -- they write everything up and offer the bid for construction and it is bid out openly on the market and is offered up at that time

Mr. Patton distributed brochures to the Commissioners concerning some of their projects. It is not unusual to see a ribbon cutting in the winter months on a bridge. He has slides that show where they have cut ribbons and had to dig the road out with a snow plow before they got there. Construction is very good in

the winter on their type bridge, because they don't pour any concrete. The estimated project (total turnkey - engineering the bridge, materials, construction and everything would be \$150,000.00 within a 10% figure one way or the other. You could very well come out to \$135,000 or \$165,000 and you'd be less than three months or right around three months turnaround time to have the road open with the same capacity on the road like you would for State highway figures.

The Chair entertained questions.

Commissioner Borries asked, "Now this bridge, Bill, had been targeted for replacement when? This year?"

Mr. Bethel said he believes it was targeted for replacement last year.

Commissioner Borries asked, "Again, without getting into specific dollars, Ralph, you are saying that should we bid this -- well, before I get to that, Bill or Andy might be able to answer this question, what is the estimated traffic count in this area as a generator?"

Mr. Patton said, "We can order up a counter and it wouldn't cost anything. Your County may be large enough to have some. I am so used to working with smaller counties that don't have them -- but we can put a counter out there on it to see what the traffic count is in a ten day span."

Mr. Borries said, "At this point it is not a high traffic area; but I just wanted to know for my own information."

Mr. Patton said it would probably be under 100 cars per day.

Commissioner Borries said, "This would lead to my next question that if we replaced the bridge (and, again, we should according to that bridge report) you are saying that if we bid for replacement of concrete structure and that sort of thing, you are going to be significantly less than what the concrete or steel structure would cost?"

Mr. Patton replied, "If you bought the same package in a concrete design, by the time you got the engineering, the concrete, materials and everything you'd probably....."

The commentary was interrupted as the Commissioners reviewed the new Bridge Report presented to them by Mr. Easley. Commissioner Cox said Bridge #34 is the structure under discussion. The replacement cost reflected is \$181,000.00 plus \$16,000.00.

Commissioner Borries asked, "You're saying that your structure would be wide enough for two lanes, rather than the one lane?"

Mr. Patton responded, "Definitely; you have a gravel 18 ft. curved roadway out there now but, as you well know, in the next 100 years that will change tremendously and this would allow for change should industry move into the area -- and you would have enough to handle any capacity that you wanted out there. We are making the bridge longer than what is there now by about 8 ft. or 10 ft. As I said, I wish every county I did business with had the creeks that you have to work with down here, because you have a beautiful job on dredging those and keeping them clear. It is a mild shot up there clear as a bell and we aren't used to working with that. To get away from flooding, you'd have to raise the road all the way back probably a mile in each direction. But as I say, you'd be looking at less money; I'm saying \$150,000 with 10% either way, so \$165,000.00 would be the tops totally (seeded, the blacktop and everything on it when you got through).

Commissioner Cox said, "This does point up that the ADT is 10 vehicles and it also points out that the waterway adequacy is inadequate. What is the length of this structure?"

Mr. Patton replied, "Seventy-eight feet. There is 65 ft. overall here. We can raise that, Mrs. Cox -- I can put that center span at 32 ft. That would leave the waterway open even a little more."

Mrs. Cox said, "What they are recommending here if I am reading this right -- and I haven't had a chance to compare this report with the 1986 report -- they are requesting an improvement length of 200 ft."

Mr. Patton said, "The reason they have that, Ma'm, is that if the water has ever gone out over that road (and they probably checked with the Department of Natural Resources) that is how far out it would go to keep it totally out of the water. I think that if they got to looking real closely the water would go out even further than that. But they try to keep it so that if anything there ever went under water it would not be at this point. But if you are asking for a 200 ft. bridge and they are saying you can build it for \$181,000.00, I think they are whistling Dixie. I'd buy one if they could buy that in my county."

Mrs. Cox said, "I think you have to add all of those together, don't you?"

Mr. Patton responded, "I think so. This is the first time I've seen one of Burroughs' inventory books."

Mrs. Cox said, "Well, I think the idea is a very novel idea. I guess it is a modified covered bridge. The area out there is very rustic and it is certainly is a beautiful area and I did mention to Mr. Patton that we might be able to get some funding through the Parks Foundation Grants to beautify this area, because (as Mr. Bethel pointed out) there is an artesian well very closely located to this area and it could be a very nice little satellite mini-park out in the far northern part of our county. He assured me the artesian well is on County property, so the ground is there to go with."

The Chair entertained further questions or comments.

Commissioner Willner said, "Well, I certainly like the idea. I'm not sure that that is the design I want. Maybe we need to go look at some covered bridges. It also intrigues me -- is this a new law that the State will pay \$500.00 per year for every covered bridge you have in your County?"

Mr. Patton said, "Yes Sir, the law was just passed last year. The \$500.00 would let you add more rip-rap to it or a picnic table or something at a time if you'd want to do that out there. But you can see that in counties like Park County -- where they have 57 covered bridges -- it surely helped their bridge inventory money quite a bit at that point at \$500.00 per bridge."

Commissioner Willner asked, "Do you have a catalog of designs?"

Mr. Patton said, "We basically have our engineer draw up a design if you have something in mind. The reason that they have gone to this open concept as compared to what you used to see as a wooden bridge -- basically what was there before was they put roofs over them for the purpose of keeping them alive like you do your house. They didn't rot because they had a roof over them. Today, we find that if they enclose them (especially in a rural area like this -- not in a park or something) you end up getting a little bit of Anglicism -- it's a good place to take a spray can and write your name. When we eliminate that area, then the bridge stays a little more aesthetic and an eye-catcher. As you say, it would be nice if you could close the area and put some nice sized windows on each side, but I think that down the line it would probably become more of a headache to you rather than an aspect of beauty. The sides can be closed in a little more; you could bring down some scallops or close the sides up a little bit

there to meet with the aesthetics of the area. As I said, we would be happy to make it totally closed; but I don't think that that would be a good idea down the road for you. But whatever you would like to see we can have our artist go to work on and add a little more to it if that is what you would like to see out there. After going through Darmstadt a few times and seeing what they are doing with the bank and what they are doing in the shopping center and this being so close to it, that German atmosphere could be accented on the lower part of this bridge, as well."

Commissioner Willner said, "I'd like to do it."

Commissioner Borries commented, "I think it has some unique things to it. Oftentimes we are sensitive about the historical past of Indiana and this is certainly a kind of unique idea that we could consider. And I suppose that should we get to a bid, David, would be bid two ways -- request alternate bids? When you design bids for a bridge, exactly how could we bid? Could we bid concrete as well as wooden, timber or what would be the proper procedure?"

Attorney Miller said, "You could bid alternately. Or you could specify that you have decided you want this kind of bridge or you could specify you have decided you want a concrete bridge. But you would definitely have to bid and invite other competitors of this company to bid."

Mr. Patton said, "We do bids in about 70 of the 92 counties in the state -- either in bridge decking or in total bridges. Counties like Beagle County have 30 or more of our structures. In five years if they don't do it on federal aid, something that is over \$1 million they do it in wood automatically -- and what they do is accept the annual bid like they would for tires or anything else from the company -- and that gives you all the wood and then we bid the construction of building the bridge itself with those specs -- but the material part is bid like lumber (like you bid by board foot -- and what is in that bridge is what you pay for). If you design it with less on the sides and there is work put in it, then it comes a little bit cheaper. If it goes closed, it is more expensive -- but you have bid it at that point to satisfy the State of Indiana and then the construction is bid separately -- with the specs we can write and give to the Attorney to make sure they meet all of our rigid specifications as well."

Commissioner Borries queried the Board concerning their feelings. Do they want to take this under advisement for a week and think about what alternatives we have? Or, would they want to make some decisions today?

Commissioner Cox said, "I would like to see it pursued and I would like to see the possibility that since a 50 cent County tax was put on the County residents for parks that perhaps something could be worked out with the Parks Department for looking at this artesian well area to develop it into a kind of mini-park stopping point in the northern part of our County."

Commissioner Willner asked, "Could you furnish us a set of specs for this bridge for our Attorney, the County Engineer and the Commissioners to review?"

Mr. Patton asked, "A set of specs for construction of it ;or a set of specs for the bridge itself?"

Commissioner Willner said, "For the bridge itself. I don't think you'd better include construction specs, just specs for the preliminary design. I'd like to see the sides come down from the top just little bit -- maybe 3 ft. or something. Other than that, maybe the ends in a Bavarian design and then let us take a look at it."

Commissioner Cox commented to Mr. Willner, "You are really getting artistic since that train ride."

Commissioner Willner said, "Let me preface that -- just recently the Darmstadt Inn re-did their complete outside in a Bavarian design and it is beautiful. After that, seven businesses in the shopping center did the entire face of the shopping center with a clock tower and everything in Bavarian -- and it is beautiful. The Old National Bank is putting a roof on their building today and it is in Bavarian design. Rumor had it that Bauer's Grove (which has been in Darmstadt since before I was born, I guess) just recently spent over \$1 million and it is all done in a Bavarian design with flower boxes and everything -- and it is one beautiful place. So, if it is going to be in that area -- we have to have a Bavarian design."

Mrs. Cox said, "I also talked to Mr. Patton about the expense of the width of the spans for the waterway and told him that we had just looked at a bridge either downstream or upstream from this and there was concern that there be adequate space for that waterway so it wouldn't be getting clogged up with trees, limbs, etc. He assured me that a 31 ft. to 32 ft. space in there strictly unobstructed would present no problem."

Mr. Patton said that if the water was ever up for some reason or we wanted a boat to go down through there, we'd have no problem getting up and down there .

Mrs. Cox said, "I just think that it makes good sense to have the channels the same size all the way down and this would really be no problem."

Mr. Willner said, "That road does flood, so we will have to get that bridge up a bit -- so that will also help the waterway."

Mr. Patton said the approaches could be raised during the construction phase.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the Board requested American Timber Bridge to prepare specs and alternate design for a covered bridge on Outer Darmstadt Rd. So ordered.

RE: AIR-CONDITIONING PROBLEMS AT VANDERBURGH AUDITORIUM

President Borries asked whether the Commissioners had had any further information or communication regarding the air-conditioning problems experienced at the Auditorium. He knows that Mrs. Jo Merrill, a member of the Auditorium Advisory Board, is here, as well as Mrs. Gy Rhoads, Manager of the Auditorium, who have waited to see if the Commissioners have any comment on the situation. He then recognized Mrs. Merrill.

Mrs. Merrill said that maybe she should have come to last week's meeting; but she is not the President of that Board and it was not until after the meeting last week that she realized that the President was out of town. Thus, she took it upon herself to initiate something for the Board. She called everyone available and talked to them all. As she is sure the Commissioners know, they are all in agreement that we must have the new air-conditioning and we must have the new lighting. Since the fiasco with the Philharmonic a week or so ago, it has been publicized enough that she thinks the Commissioners are aware of the problem. She has been going through her notes and she finds that February 19, 1985 Mr. Borries made a comment that we're pleased with the service of Carrier, etc., etc., but he thinks it would not be profitable to re-tube at whatever the cost was. It would be more energy-wise to install new equipment. That was two years or more ago and we're still waiting for new air-conditioning equipment. She knows we have this contract, but that is simply keeping that thing going by paper clips and that kind of stuff. It has kept it going -- but nobody knows when it

is going to go off. So, how are we going to maintain our customers and keep the revenues up? -- and it had been improving -- if we are constantly going to be having these problems and never know whether it is going to be cool or hot or what. She just wants to reiterate that she just wants to add her voice to the voices the Commissioners have already heard (and they have heard her before over at the Auditorium) -- is there anything the Board can do to help? She knows the Commission has had this formally requested, have they not? According to her minutes (as she has had a chance to read them, they have.) So, what else can we do?

Commissioner Borries said, "I think there seems to be some changing of attitude on the part of some Council members -- maybe because there might be some funding available now under the local option income tax formula that was not there previously. But he would reiterate his comments, he thinks we are tending to prolong something that is not going to improve. I think what we need to do...."

Mrs. Merrill interjected, "You wouldn't drive an automobile for twenty years."

Continuing, President Borries said, "There was a rather elaborate study that I think concerned some people in terms of the expense and all of that sort of thing in terms of what kind of improvements, if any, were needed -- and you are right, I will gladly mention this problem with the lighting, which is also a very critical thing -- so critical that if there is a problem with the lighting (and there has been in the past) the panel simply can't be replaced. So I think the need to have some kind of independent engineering study here to look at what is feasible from that standpoint and get that information to the Council as quickly as we possibly can before there might be another change of heart."

Mrs. Merrill commented, "We never know about the air-conditioning -- whether it will or will not function. And we know the lighting has been bad. Those are the reasons the Advisory Committee was established, is it not, because we had so much trouble? My own personal request -- I was the one who had the request for additional bath rooms on the first floor for the handicapped and aged people who simply cannot handle the stairs. I think you all have this report from the architects, do you not? So you know what they advise; of course, they have several phases."

Commissioner Borries acknowledged that the Commission members do have a copy of the architect's report and said that they do have several phases.

Mrs. Merrill said, "All I am interested in is Phase I, so that we have the air-conditioning and the lighting and I do think we do need to think about some of the older people with arthritis (I'm old, but I can make those stairs -- but I have a lot of friends who ask when we are going to get these facilities downstairs) -- so I would ask that that be considered one of the priorities."

Commissioner Borries said, "We have recently been faced with finishing out some obligations on the Hillcrest-Washington Home and the concern is that if we simply go out again for bids without some professional expertise here, you could get everything in the world, much of which might be inadequate when it comes to serving the needs there. So I think we would need to request some engineering studies to look at what is feasible there....."

Mrs. Merrill said, "Remember though, that this should be good for the next 15 years at least -- and all those things are surely much better constructed now than they were 20 years ago -- so we should have better service from what we put in than from what we

have had. As I said, the fact that it lasted that long -- nobody would drive an automobile for 20 years -- and we don't even live in our own houses without making some renovations -- so I hope the Council will....."

Commissioner Borries said, "We would ask your support to lobby with the members of the Council."

Mrs. Merrill asked when they should be present? At Council's meeting this Wednesday?

Commissioner Borries said he thinks we are going to have to get some information beforehand, because he knows the Council will be asking how much will this cost and that sort of thing. That is his personal opinion.

Commissioner Cox said, "The only thing, while this is all fresh in our memories and we, as Commissioners, have received at least eight or nine letters from different parties regarding their concerns, is to go to the Council at their meeting this Wednesday and simply make an informal request and be there to answer any questions they might have. Mr. Borries is right, they certainly couldn't act on it -- they'd have to advertise a dollar and cent figure -- but this might show that we are definitely behind the Advisory Board and the Manager of the Auditorium in this request."

Mrs. Merrill said, "Well then, I will be there. I think Mr. Eyekamp is out of town and I don't think Mr. Hayden will be back. The rest of us will be there. I will be happy to give the time to be there. As I told you, I regret that I didn't appear earlier, but I hadn't thought it was my job and so I didn't bother. Thank you for listening."

The Commissioners expressed appreciation to Mrs. Merrill for her presence and her comments.

President Borries requested comments from the Commissioners.

Mrs. Cox said, "I believe (if I am recalling correctly) that we had a proposal for the heating and cooling and this may just need to have a small update added to it. It was rather an expensive study and rather extensive specs were prepared for that proposal. Perhaps this could be done with just a minimal amount of dollars by way of asking them to update their recommendations as far as today's cost as compared to yesterday's. We could do that. And I also believe that Kim Bitz presented to this Board a proposal for the lighting at one time."

Mr. Borries said it is in the plan that Mrs. Merrill had, where the architectural firm developed certain phases and the lighting may be in the first phase. He thinks the heating and air-conditioning study was extensive; there were several alternatives proposed -- whether it should be a type of zone heating, where you could turn off one part of the building perhaps when the other was in use, etc. There were some electrical versus chilling systems and that sort of thing. Again, I do think we need to move forward; but I think we need to get some kind of an independent professional opinion to give us some guidance as to which way we should proceed. I think Shirley is right; I think we could probably use that as a starting point -- update that and get the figures -- because that is what Council will be asking for.

Mrs. Merrill said she believes the estimates were given to the Board members at their last meeting last spring. The lighting is \$160,000.00 and the HVAC improvements \$345,000.00. This covers heating, air-conditioning and correcting certain problems in the sound as she understands it -- that interfere with the plays and the orchestra. She guesses the air-conditioner makes certain noises that interfere.



Mrs. Cox said, "I want to thank you for coming. I feel very strongly that we have a beautiful facility over there and we thank you, the volunteers, who take your time to help us make these decisions. I, personally, would like to see us bring it up to a facility that is marketable. We are concerned about the income and revenue over there and trying to cut down how much impact it has on our tax rate. But it is a very hard job for our manager to do when she has a facility that is difficult to market because of what the outcome is going to be when a production is there."

Mrs. Merrill said, "It is a beautiful facility and it is a shame to let it run down to where we can't use it. I think it's a tragedy."

Commissioner Borries said, "To the arts and a lot of community groups, it is indeed the only "game" in town. It has the large stage and it is used by all kinds of groups. It is a fine facility and it deserves to be in fine working shape. Again, we have done that with our other county facilities and I believe it is time that we move along on these things for the Auditorium. What is the feeling of the Commissioners then? Do we advertise or should we.....?"

Commissioner Willner said, "I probably differ a little bit from some of the things that were said. If we put a new air-conditioning unit in, we have to make the decision as to whether we go electric or steam, I guess. Electric is much more expensive. Also, it doesn't matter which way you go, you still have the problems of having troubles. Just because it's new doesn't mean that you aren't going to have troubles. Where I'm coming from is that we need a back-up unit. Our heating system -- we have two boilers; when one boiler goes out we just merely switch over to the other boiler and you have maybe a delay of an hour and you're right back in business. That is what we need on our air-conditioning. "New" doesn't turn me on. I'd like to keep what we have plus an electrical back-up, where you merely flip the switch like you do in your home and you're on electric. But I think we ought to keep our old system and maintain it. It's the same kind of unit that is used in some of the hospitals yet today and it is my opinion that that is the direction in which we need to go."

Commissioner Borries said, "I think it would be money well spent to get a technical, professional and independent evaluation here to see what is needed. We know we have a service contract and oftentimes it does service well, but we continue to have problems. Perhaps the back-up unit could be feasible; but, again, since I'm not an engineer I'd like more information. Again, the people who have the contract do a fine job, but they obviously are going to come from one set of values on this and it would be my opinion that we need to advertise for some engineering services and have a look at that."

Mrs. Merrill said, "If we don't make some improvement -- however we do it -- the people who want to use that facility will be skeptical and if there is anyplace else for them to go or even try to go.....there have been efforts before and I don't want them to -- but these people are our customers so to speak and if they remain skeptical, they will be trying to go elsewhere."

Mrs. Cox said, "I would like to hear more about this back-up system. I'm not at all familiar with what it is. The only thing I know from living on a farm is that when the electricity went off we had a generator that we used to turn our electricity on, but that was providing all the light bulbs were in good working order and everything like that. So I'm not at all familiar with what is being talked about with regard to a back-up for an electrical air-conditioning system -- because if a part goes bad in your chiller, will a back-up system take care of that?"

Commissioner Willner said, "It's a completely independent system."



Mrs. Cox said, "Well, then, that is a new air-conditioning system."

Commissioner Willner said, "Yes, but it wouldn't be used except when the other system broke down, because of the electricity and the dollars that it uses. It is probably three or four more times expensive to run an electrical unit than it is a steam-driven unit. No matter which way you go, you still need a back-up."

Building Commissioner Roger Lehman interjected, "Commissioners, I want to consider in requesting engineering information on this to request a life cycle cost (maintenance for the next 10 years -- what the total cost of maintenance for that period would be) for both the current system and the new system used for a back-up or something."

Commissioner Willner said, "Did you come along at the right time. Could you help us in terms of drawing up some specs?"

Mr. Lehman said he would be glad to work up some specs. He believes we already have some information."

Mr. Borries said, "Again, I'd like to look at alternatives. But I think we need some engineering expertise over there. We did this at Hillcrest -- we set that pattern; we had to look at that and I think we need to move to the next step here and advertise and have that engineer give us back-up cost versus total cost and that sort of thing.

Discussion returned to the previous study by Biagi and Commissioner Borries said he thinks we'd have to write in there that they take the previous study, update that and include the back-up. The Commissioners will provide Mr. Lehman with a copy of said study. He'd like some information so the Commissioners can get on Council call in November. Otherwise, when the iron begins to cool and the weather cools off then the problem will have been forgotten.

Mr. Lehman said if he can get a copy of that this week then he will get with Biagi -- he has to get with them on the Animal Shelter and other matters.

RE: BUILDING COMMISSION

Weeds in the County: Mr. Lehman said he wanted clarification concerning weeds in the County. The way he understands the Commissioners' policy is that if it is on private property and it is not what you call noxious plants, then it is kind of off limits. The ordinance that he deals with in the County is called "Weeds and Noxious Plants". If he could, he would like to know whether or not the Commissioners' desire is for the Building commission to handle these types of weeds and things through contractual services or if their real desire is to more or less ignore their existence. And it becomes a problem in certain areas where you get repeated complaints in some residential areas versus some out-in-the-boondock-type areas and it really puts us in a precarious position. I don't really know what to tell them -- that we don't fool with weeds in the County unless it is poison ivy or something, and then you know how many poison ivy plants do you have to have to make it a noxious situation or safety hazard? I thought maybe Attorney Miller might be able to come up with some legal interpretation for the Commissioners and for the County on what should and should not be handled and, in addition to that, if there are areas that should be handled, how we would handle the cost considerations. I currently don't have any money budgeted to let a contract to Joe Blow's Grass Company to go out and cut somebody's weeds and then try to go out and collect it on a lien or something like that.

In that same line, we also have the same situation with condemned buildings in the county. I don't have a budget to pay for demolition of condemned buildings, again filing liens and that type of thing. If I knew exactly what was expected, it would be a little bit easier for me to handle that. This is really one of the few things we don't do in the city and the county jointly. The weeds and the condemned buildings are handled in the city by the Department of Code Enforcement, in which I don't get directly involved. So really we are looking at strictly a county expenditure that is unrelated more or less to city operations, which is very different from our normal routine. I don't think this has to be answered this week, next week or the next -- but I would like to start on this next year on a sound footing so we'd have an exact policy and we'd be able to lay it all out. Some phone calls from certain people indicate they think you are not doing your job if you don't do what they think you should do. What he needs is an interpretation of whether it should or should not be handled and the funding for same.

President Borries asked for comments.

Commissioner Cox said, "I think it does need a clear understanding as to what we mean by 'noxious' plants, especially in the county where it is zoned agricultural and these people say their hay is hay and it's really just weeds. It's never been planted and the clover or whatever it is is just weeds and they may have them cut at the end of this season -- and it is really bad since we've had more development occurring in the county with subdivisions, homes, etc., and they create a problem."

Mr. Lehman said there is an individual in Brookshire Subdivision whose neighbor has a hay field in a 150 ft. lot next door to them. They do have a letter re weeds that they send out from the County to the owner of record and hope they cut them, or else. If it comes to the "or else" they just kind of sit there on their hands.

RE: COUNTY ENGINEER - ANDY EASLEY

"B" Street Underpass: Mr. Easley distributed copies of the following letter from Hayes, Seay, Mattern & Mattern concerning the "B" Street Underpass of the CSX Railroad:

September 30, 1987

Mr. R. Andrew Easley, Jr., P.E.  
County Highway Engineer  
Civic Center Complex  
Evansville, IN 47708

Re: Design of "B" Street Underpasses of the  
CSX Railroad County of Vanderburgh, IN  
A&E Commission No.. 2854

Dear Andy,

In reference to our telephone conversation on 24 September 1987 our office sent an additional three (3) sets of the Preliminary Construction Plans for the above mentioned project to the CSX Railroad in Jacksonville, Florida. In our previous discussions with the CSX Railroad these plans will be used for review by the Chicago Division who will assume responsibility of the Evansville Area upon the closing of the Evansville Division.

The at grade crossing at Claremont Avenue was also discussed with CSX officials. CSX stated that they would request that the crossing be closed but that they were not the approving authority. CSX felt the approving authority in the State of Indiana is either the Indiana Department of Transportation or the Public Service Commission. Per our discussion, you

will research who the approving authority will be for the Claremont Crossing.

If there are any questions or comments, please do not hesitate to call.

Very truly yours,

HAYES, SEAY, MATTERN & MATTERN

J. Scott Hodge  
Project Manager

cc: D. L. Houchin  
Attn: Mr. Charlie Eicher

Mr. Easley said HSM&M has again mentioned that when we receive our review comments and approval comments from CSX on the "B" Street Underpass, they feel they may or probably will recommend closing of the Claremont Crossing and he thinks we ought to ask our Legal Counsel to review what the procedure is for closing a railroad crossing and he has given a copy of the foregoing letter to Attorney Miller. With the Board's permission, he would like to have Attorney Miller tell us exactly what State agencies are involved if it comes down to that. He thinks the Board of Works is very much against it and it is his understanding that the Commissioners are against it.

Attorney Miller said since his law firm represents CSX, he will have to refer this to Curt John.. He will be able to find out what the procedure is or the intent to close or abandon the crossing -- but he believes this goes through the Railroad Division of the Public Service Commission. However, he would be unable to be directly involved in that proceeding.

Temporary Construction Easement/Nisbet Station Culvert:

Mr. Easley submitted a Temporary Construction Easement regarding the Nisbet Station Culvert project from Mr. & Mrs. Paul for acceptance by the Commissioners. This gives us permission to change the location of the ditch and it was given at no cost to the County. This is one of two or three that we need to get. We're going to change the channel of that ditch a bit.

Mrs. Cox asked whether Attorney Miller has read this and whether he approves same.

Attorney Miller responded in the affirmative.

The Chair entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the easement was accepted and signed. So ordered.

RE: ACCEPTANCE OF STREETS

Windsong Subdivision: Mr. Easley submitted copies of letter written by Jim Morley concerning acceptance of streets in Windsong Subdivision Section I. This is Bill Jagoe's development. Messrs. Easley and Bethel gave it a final inspection last Friday morning. It is now ready for the Commissioners' acceptance procedure.

Commissioner Borries requested that the Board defer acceptance for a week or so.

Commissioner Cox asked that the Surveyor review Windsong Subdivision for compliance with approved drainage plans.

Burkhardt Center: Mr. Easley asked whether the Burkhardt Center flood retention problem has been resolved? He really thinks Mr. Peyronnin will cooperate in providing additional capacity in that retention basin and he would request that the streets be accepted contingent upon their providing that capacity, which he believes they will.

Commissioner Borries asked whether Bill Jeffers, Chief Deputy Surveyor, has any comment on this?

Mr. Jeffers said that Mr. Nicholson showed him some calculations last week that indicated if the break line in the swale of Lot #8 were adjusted 50 ft. or so to the west (which would cause some water to flow to the east where it can be handled up against I-164) that the 12 inch pipe underneath the parking lot that is being constructed for Federal Express would handle the drainage from Lot #8. Federal Express is located on Lots #6 and #7. Mr. Nicholson also showed him some calculations which indicated that if Mr. Peyronnin would use a 25 ft. strip approximately 100 ft. in length along the south side of the retention basin on Lot #5, he would compensate for the area that was filled in Lot #6 -- to enable Mr. Peyronnin to construct the Federal Express sort station. If these two things were done, it is Mr. Nicholson's feeling (and the Surveyor's office agrees with him) that the drainage plan will be implemented in a manner that would be equal to or better than the original drainage plan approved by the Drainage Board. All the pipe sizes he viewed in the streets that are submitted to the Board for approval were of the proper size and the inlets and everything were constructed properly. The only question they had concerned the detention basin and the 12 inch pipe. Everything else was constructed in accordance with the street plans.

The Chair entertained questions.

Mr. Peyronnin asked Mr. Jeffers to repeat the retention pond expansion.

Mr. Jeffers said it needs to be 25 ft. wide by 100 ft. long. He asked if Mr. Peyronnin saw the plans drawn by Mr. Nicholson?

Mr. Peyronnin said he did not. He was told to be here and that everything was worked out. He didn't mention any increase in size. He doesn't have any problems with increasing the retention basin size, he just would like to check the figure. That sounds like an awful lot of area for the amount of area going in. But he has no fundamental problem with doing those changes in intent -- it's just the scope that he questions.

Mr. Jeffers said that as long as the volume he filled is compensated via additional excavation on Lot #5. He doesn't care what the dimensions are as long as the total volume is the same.

Mr. Peyronnin said he will agree to that. He can work with his engineer and work out an equal area. His recollection is that they only filled in about a 30 ft. wide stretch approximately 50 ft. long. This is where he has a problem in reconciling 25 ft. x 100 ft. -- that sounds like a lot more area. He will agree to come up with the volume.

Mrs. Cox asked, "Can you both be here at our next meeting? Mr. Nicholson was at our last meeting prepared to address the Commission and the word came that you had called in and asked for a continuance. So he did not stay to present anything to us at that time."

Mr. Peyronnin said, "I really don't understand why we need to come back. I'm agreeing to make the changes that your inspector asked for in the volume relationship and I am agreeing to change the break line. I've had to extend my Letter of Credit twice and I started on this six months ago -- trying to get approval for these streets."

Mrs. Cox asked, "When does your Letter of Credit expire?"

Mr. Peyronnin replied, "October 29th. Last week I had a \$2 million jail job bid and I thought I could make it, but those bids get a little hairy at the last moment -- so I had to beg off."

Commissioner Borries said, "For the record, Mr. Peyronnin has said he would agree to the changes. There appears to be no controversy at this time. What is the feeling of the Commissioners then regarding acceptance of Burkhardt Center?"

Mrs. Cox asked, "Does the engineer have those plans that can be submitted and put in the file?"

Mr. Jeffers said, "He showed me some plans, but he said he did not have absolute approval from his client, Mr. Peyronnin at the last meeting. Mr. Nicholson was saying that this 20 ft. or so strip of land will suffice for that cubic footage that was filled. But if Mr. Peyronnin doesn't like the configuration of that, all we're asking is that the finished basin be of the equivalent volume that it was before it was filled."

Mrs. Cox asked, "And the completed pavement surface on the street is 29 ft. wide?"

Mr. Peyronnin acknowledged that it is. It was designed according to County standards and the concrete paver had his machine set up for an extra 2 ft. -- so he should have an extra 2 ft. over and above. They did that about this time last year. He believes Andy inspected it."

Mrs. Cox said, "I know. But we did have one that was recommended for inspection that showed 29 ft. width and it was amended to 24 ft. and this one does say 29 ft. I didn't know if all the letters were alike or....."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the streets in Burkhardt Center were approved for acceptance, with the stipulation that the agreement to the revised plan for grading, detention area, and pipe size are received and filed in the office.

President Borries asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; and Commissioner Borries, yes. So ordered.

Chapel Hill Subdivision: Mr. Easley said that with regard to Chapel Hill Subdivision, he believes the developer had a copy of Bill Jeffers' comments and has been correcting some of the erosion problems. On behalf of the developers, he'd like to say that he and Bill Bethel are well aware that when there are unsold lots in a subdivision there are ditch erosion problems. When these lots are sold and built on the purchaser of the lot comes in and corrects what has to be corrected and we do not normally dwell too much on minor erosion problems. He believes the developer of Chapel Hill has extended his Letter of Credit, also.

Commissioner Borries said, "I'd like some more time on Chapel Hill.. He appreciates what Mr. Easley says, however, it is very difficult once acceptance is made of a certain street again, unless the developer continues to make those improvements -- and on this particular subdivision he is going to need more time to see if those suggested changes are made."

Oak Ridge Subdivision: Mr. Easley then asked Mr. Borries what about Oak Ridge Subdivision off St. George Rd.? This is Al Bauer's development, just west of the Olivet Presbyterian Church.

Mrs. Cox said she doesn't know whether the Board has a report from the Surveyor's office on this.

Mr. Borries said the minutes reflect that Oak Ridge Subdivision, Section A, will be forwarded to the Surveyor's office for review. He is not sure that report is ready yet.

RE: AWARDING OF BIDS ON ROLLETT LANE BRIDGE & NISBET STATION BOX CULVERT

Mr. Easley said he has reviewed the invitational bids on the Nisbet Station Box Culvert and the Rollett Lane Bridge project. He thinks they are reasonable and he believes the bidder can perform the work for bid amount. In both cases Dave Guillaum has submitted the low bid. He and Mr. Bethel would request that the Board give them permission to issue Notice to Proceed to the bidder, because the concrete elements we purchased need to be installed.

Commissioner Willner asked if the concrete elements are here?

Mr. Easley said they are still in Louisville and they need to be delivered. But we have to get a crane to unload them and set them the day they are delivered. There are four (4) 8 ft. sections (or 32 ft.).

Mrs. Cox said, I guess David Miller needs to answer this. Both of these projects are evidently going to be over \$25,000, because Nisbet Station has come in now at \$18,912.00 plus the materials we are furnishing -- and here these are invitational bids.

Mr. Easley said the amount for the work being performed is less than \$25,000.00.

Mrs. Cox said, "But the total project, Andy, is ~~less~~ <sup>more</sup> than \$25,000.00."

Mr. Easley said he is aware of this. There is no way we can go back -- this is a contract to install county-furnished materials, which we took....."

Mrs. Cox said, "I don't think that is a good idea myself and I am not going to vote to support anything like that anymore.

Motion was made by Commissioner Willner that Dave Guillaum be awarded the contract for Rollett Lane Bridge installation in the amount of \$24,930.00. Mrs. Cox said, "I will second the motion, but I want a roll call vote, please."

The Chair asked for a roll call vote. Commissioner Cox, no; Commissioner Willner, yes; Commissioner Borries, yes. Commissioner Borries said he votes yes with the stipulation that the fee will not go above this amount. He will approve only at that level.

Motion was made by Commissioner Willner that the bid be awarded to Dave Guillaum for the Nisbet Station Box Culvert in the amount of \$18,912.50, with a second from Commissioner Cox.

President Borries asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. President Borries said he votes yes with the stipulation that he wants it entered into the record at this time that he will not approve any amount beyond the \$18,912.50.

Commissioner Willner commented, "Andy, what he is saying is that if there is a change order, it needs to be approved before the work is done."

Commissioner Borries said, "That's it for me."

Mrs. Cox said, "If there is a change order, a change order is not going to be approved."

President Borries said, "I'm not going to approve it."

Mr. Easley said, "It is a lump sum and I would say that a member of the Highway Department will seek the Commissioners' full approval before we order anymore material. But this was discussed months ago....."

Commissioner Willner interjected, "You had the Board's approval."

Mr. Easley said, "I know I did. But it seems that now that it is being reviewed...."

Commissioner Cox said, "Well, there is something funny in that we get three (3) bids from the same individual and it's \$19,000; then it goes to \$31,000 and now it is back down to \$24,930.00. That is number one.

Secondly, we then have another bidder who is changing it some \$3,000 dollars. So you did have permission to buy this material -- that is true; but there is just a lot of vacillating here that is hard for me to understand."

Mr. Easley said, "The scope of the work on the detour on Rollett Lane was modified. The County Highway Department is going to rock the detour."

Mrs. Cox said she had read this.

RE: AREA PLAN COMMISSION - JOE BALLARD

President Borries said he had asked that Joe Ballard of the Area Plan Commission give the Board a report on some of the information that he received at the Indiana Conference of Cities and Towns (a State Convention which was held in Evansville). Joe has sent a memo (he is not certain the other Commissioners have had the opportunity to read the report dated October 5th, which gives information on the Economic Development Workshop).

Mr. Ballard said he has no comments other than that he does have some additional material in the APC office which was passed out at the conference. He didn't bring that along today -- but it is available if the Commissioners desire same.

Mr. Borries said Mr. Ballard has written a 3-page memo (which is very well done) covering the tax increment, financing, the County Development Income Tax, and what the Local Income Tax is all about -- so there is a lot of information for the Commissioners to read and, again, he appreciates Mr. Ballard spending the time to prepare the written report. It is a very important topic -- one that everybody talks about. If Mr. Ballard receives Additional information, the Board would appreciate his getting it to them.

Mr. Ballard said it was a lengthy workshop (about three hours) so the three page report just touches the surface.

Commissioner Borries said it is good that Mr. Ballard attended. And it is a treat for us in our part of the state (since we have to travel so much to another city to hear this) to be able to walk across the street and hear some of this material.

Commissioner Cox said she certainly wants to thank Mr. Ballard (and she doesn't know whether Chris had anything to do with it or not) for the update of Highway 41 Plan, showing the curb cuts, the median cuts in the final draft and also for providing the plat map of owners.

Mr. Ballard said he will mention this to Chris.

RE: ECONOMIC DEVELOPMENT

Commissioner Willner said he has been contacted by Messrs. Burch and Hubert of North Star and South Star Corporations in Daylight, Indiana, and they are requesting some help in their economic development. They are in the manufacture of tables at the present time and are doing some extensive advertising. At present they hire about 22 people and they intend to go up to around 80 employees. He has a meeting set up with them at 9:00 a.m. in the morning with the Department of Metropolitan Development. If any of the Commissioners would like to be there, that is north of Daylight on Highway 57. They are also going to have the State people come in to see if there are any State programs that might help these people. They are doing some exporting to foreign countries and they have a very good product -- maybe even to the point that it is ten times more durable than any product on the market -- but that remains to be seen.

Mr. Ballard said there were some changes in the law regarding bonds, etc.

Mrs. Cox asked, "So they are requesting Economic Development Bonds?"

Mr. Willner said he is sure that will be determined. I'm sure they want to see what is available and what best suits their needs.

RE: ROAD STRIPING PROGRAM

Continuing, Commissioner Willner said he has been told that there is a striping program paid for by the Federal Government -- some 100% money -- and now that we have some real good hot-mix surface roads in our County, we do need a striping program. I have asked United Consulting Engineers to check the Federal funding and provide us with a run-down on what is available.

Mrs. Cox asked, "Do you mean on reimbursement?"

Mr. Willner said, "No, I mean 100% money."

Mrs. Cox said, "That is reimbursement. Why is United Consulting Engineers doing this?"

Mr. Willner said, "They know the Federal Law and somebody will have to do the engineering."

Mrs. Cox asked, "How much are they charging us for this?"

Mr. Willner said, "I don't know; that will be part of their presentation."

Mrs. Cox asked, "Can't our local office apply for reimbursement?"

Commissioner Willner responded, "We will have to; but somebody will have to do the engineering."

Mrs. Cox asked, "The engineering for what? The striping goes down -- I think the Traffic Engineering office has done an excellent job. Almost as soon as these surfaces go down, within the next day or two they are out there doing the striping program for us. Bill really has that coordinated good. Now, what are we doing here? I think before I vote for anything I want to see a written proposal of what we are asking these people to do for us and how much it is going to cost. I'm no longer going to support something that says 'I've asked these people to do it' -- I'm sorry."

Commissioner Willner said, "I am not saying that I am asking these people to do the engineering. I'm merely asking them to give us a report on what is available. There is no cost, Shirley."



Mrs. Cox said, "I don't think this is anything new. I think we've always been able to get Federal reimbursement for some of our improvements that we've done, haven't we? Like a lot of the roads where we want white lines for safety -- and I can't remember whether it was David Gerard or David South or somebody that brought that to our attention. I don't know why we have to go to an outside firm when we've got a Traffic Engineering Department here that certainly ought to know how to get Federal reimbursement for these projects -- I would think.

RE: CLAIMS

The meeting proceeded with Commissioner Borries submitting the following claims for approval:

Floyd Burroughs & Assoc.: Claim for engineering services from 7/1/87 to 7/31/87 in the amount of \$3,096.00.

Floyd Burroughs & Assoc.: Final claim for engineering services on the Vanderburgh County Bridge Inspection project for period 8/1/87 to 9/25/87 in the amount of \$1,525.00. As we have seen today, that report is complete.

Mrs. Cox said she would like to hold up the final claim in the amount of \$1,525.00 until the Commissioners have a chance to review their work. The Commissioners just received their books today and they haven't had a chance to review same. Is that the retention amount?

Commissioner Borries said the retention appears on the claim in the amount of \$344.00. The total amount submitted was \$8,000.00 less the gross amount of previous invoice for \$7,200.00. The gross amount on this one was \$800.00 and 10% plus 10% previous retainage in the amount of \$720.00 -- so he would assume that is the retainage here. The amount due on the final claim is \$1,525.00, \$800.00 of which is the retainage.

Attorney Miller recommended the Board hold the entire final and act on the other claim. Following brief discussion, upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the claim in the amount of \$3,096.00 was approved for payment. So ordered.

Attorney Miller said the Board could have held both claims, but it seems more in keeping with the contract that only the last claim be held.

RE: EUTS

The Chair recognized Mrs. Rose Zigenfus of EUTS, who apologized for her late arrival at the meeting.

Extension of Royal Avenue: Mrs. Zigenfus reported that in a discussion earlier with the Area Plan Commission and Jim Morley regarding the extension of Royal Avenue on the east side, there seems to be some controversy. We have two developers who are willing to dedicate right-of-way and absorb the cost of construction of Royal Avenue along the property line (which is Mr. Rheinhart and Mr. Ryan) north to Oak Grove Rd. At that point, it would be a "T" intersection. We were unsuccessful in getting some property owners (namely, the Barnharts and Mr. Pretel) to cooperate in funding the road east of Mr. Ryan's property. He was going to do it with all of the property owners. Since we are not able to get several property owners involved and we do have two property owners who are willing to participate with right-of-way and construction costs -- but the plan is for that not to "T" into Oak Grove. The plan is for it to extend from the road which is now Morgan Avenue (as it goes in by the two lumber companies (Kight and Complete) -- our plan is to extend it from that point and curve it over with

an "S" curve. The problem we have is that we have no one who will absorb the cost for that short "S" curve. Two "T" intersections at that location would probably be a mistake from a transportation planning perspective. We see Royal as a major thru street for that area. Now I guess what I am proposing that the County or the Commissioners at least consider is absorbing that cost, which they estimate would probably in the neighborhood of \$30,000 to \$40,000, depending upon the size of the curve. She wonders if this is something the Commissioners can take under consideration at this time. Otherwise, she is afraid we are going to have two "T" intersections or, perhaps we won't have a project at all.

Attorney Miller asked if land is available for the construction of the street?

Mrs. Zigenfus said, "Yes, it is my understanding that Mr. Ryan is going to dedicate the land, as is Mr. Rheinhardt -- and they will provide for the construction of the street to the point to where it absorbs the "S" curve."

Mrs. Cox asked, "Who owns where the point absorbs the "S" curve?"

Mrs. Zigenfus said, "Mr. Ryan does."

Mrs. Cox asked, "And he will dedicate the right-of-way for the improvement or realignment of Royal Avenue in that area?"

Mrs. Zigenfus responded, "Yes; that is my understanding."

Attorney Miller said, "I have had some involvement with the County over the last six (6) years in attempting to get the cooperation of some of the people who would not cooperate. Those folks who are now cooperating with the County and couldn't find any reason to, they are the reason that this "S" curve is now required and I, personally, think that based upon their attitude of non-cooperation that it would serve them right to have the street where it is now going to be with the "S" curve. And I think it appropriate that it be done that way."

Mrs. Cox said, "Rose, in our imagination it is awfully hard for us to envision what you are talking about. I would like for you to bring something down to us. I believe the County should participate in making these areas productive for development and I have no problem offering my support for County funds to be used on this project."

Mrs. Zigenfus said, "I do have a map and, again, I do apologize -- but I didn't know I was going to be here until I saw Andy and we were talking about it. The immediacy can wait until next week I'm sure and I will have the map for you at that time. In the meantime, I will be glad to answer any questions, Shirley."

RE: CLAIM

Bowers, Harrison, Kent & Miller: President Borries said he has received a claim from David Miller for contractual litigation services. It is in order and concerns Elizabeth May, foreclosures, Pete Swain, Rob Hartman, County vs. Volpe, etc. The amount is \$3,633.35.

Mrs. Cox asked if we have funds to pay this and Commissioner Borries said that we do. Mrs. Cox asked, "How much did Council give us and how much did we owe on those other bills?" Mr. Lindenschmidt said he thinks they were all paid but this one.

Attorney Miller said he is not certain this is correct. Mrs. Cox is right in that there were about six (6) months in a row that the County was unable to make any payments.

Mrs. Cox asked, "What was that amount -- \$12,000.00? It was a goodly sum."

Mr. Lindenschmidt said we had \$15,000 approved and those claims were paid out of that and then we went back and got another \$15,000.00.

Commissioner Borries said, "Lest we get caught up in a numbers game there, I think that represents what our original figure was. Basically, we had been cut in half by Council last year -- less than half. So we're at a point here with litigation where it seems we've been on the run-around and sometimes it appears that there were some unusual expenses."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

RE: CERTIFICATES OF INSURANCE

Tradesman's Club: Dance in the Gold Room at Vanderburgh Auditorium on October 17, 1986.....received and filed.

The Soul Brothers Club: Dance in the Gold Room at Vanderburgh Auditorium on December 26, 1987.....received And filed.

RE: CLAIM

Rick Woods, Deputy Coroner: Claim in the amount of \$24.00 for per diem for delivering infant body to Indianapolis for an autopsy.

There was brief discussion and Mrs. Cox said, "We have no provisions for paying that. Don't they have to eat if they are here? Did he go in a County car?"

Commissioner Willner commented, "He might have had to buy some gasoline on the way."

Mr. Lindenschmidt said he asked the Coroner and he said the man had to eat.

Mrs. Cox said, "The man has to eat if he works here, too. I don't think we have any provisions for that."

Commissioner Borries said this body had to be taken to Indianapolis in terms of the advanced .....

Mr. Lindenschmidt said he had to leave at 3:00 a.m. and he came back that night.

Commissioner Borries said they will hold this claim for a week - he'd like more information.

Attorney Miller said, "I think you pay for meals when people travel overnight -- and if this person was on County business and traveling away from home, meals would certainly cost more commercially."

Mr. Linden~~X~~schmidt said that when a County employee leaves and attends a meeting and returns the same night, the employee gets mileage and per diem.

Again, Commissioner Borries requested more information.

RE: EMPLOYEE CHANGES

Co-Op Extension Service (Releases)

Roger Angermeier	Part-Time	\$31.00/Day	Eff: 10/1/87
Jana Freudenberg	Part-Time	\$35.00/Day	Eff: 10/1/87
Shavon Hardin	Part-Time	\$24.00/Day	Eff: 10/1/87
Shelle Fuquay	Part-Time	\$24.00/Day	Eff: 10/1/87

Lynn Marie Koester	Part-Time	\$27.00/Day	Eff: 10/1/87
Julie Adler	Part-Time	\$27.00/Day	Eff: 10/1/87

Auditorium (Releases)

Walter J. Weston	Custodial	\$326.00/Wk.	Eff: 9/30/87
Leslie Sanders	Security	\$35.00/Day	Eff: 10/1/87

Perry Township Assessor (Appointments)

Gerald D. Jarboe	Field Man	\$35.00/Day	Eff: 9/21/87
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Perry Township Assessor (Releases)

Carl N. Zenthoefer	Field Man	\$35.00/Day	Eff: 9/21/87
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Circuit Court (Appointments)

John H. Wiseman	P.T. Intern	\$3.35/Hr.	Eff: 9/15/87
Michael R. Kummr	P.T. Intern	\$3.35/Hr.	Eff: 9/15/87
Paul N. Aarstad	P.T. Intern	\$5.00/Hr.	Eff: 9/14/87
Frank Fleming	P.T.S.G.	\$5.00/Hr.	Eff: 9/25/87
James D. Conklin	P.T.S.G.	\$5.00/Hr.	Eff: 9/29/87
Bryan Mayhew	P.T.S.G.	\$5.00/Hr.	Eff: 9/28/87
Norman Hoskinson	P.T.S.G.	\$5.00/Hr.	Eff: 9/28/87
Mark D. Acker	P.T.S.G.	\$5.00/Hr.	Eff: 9/28/87

Circuit Court (Releases)

Paul N. Aarstad	P.T.S.G.	\$5.00/Hr.	Eff: 9/13/87
Bryan Mayhew	P.T.S.G.	\$5.00/Hr.	Eff: 9/27/87
Norman Hoskinson	P.T.S.G.	\$5.00/Hr.	Eff: 9/27/87
Mark D. Acker	P.T.S.G.	\$5.00/Hr.	Eff: 9/27/87
Dennis Howard	P.T.B.B.	\$5.50/Hr.	Eff: 9/1/87
Paul Wollenmann	Safe Guard	\$7,966/BIAN	Eff: 9/18/87
Larry Vowells	P.T.S.G.	\$5.00/Hr.	Eff: 8/30/87
James D. Conklin	P.T.S.G.	\$5.00/Hr.	Eff: 9/27/87

RE: APPROVAL OF MINUTES

The Board had awaited Commissioner Borries' arrival prior to approving minutes of September 21, 1987.

The Chair entertained a motion.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the minutes of September 21, 1987 were approved, including correction noted by Commissioner Cox (Page 12, Paragraph #7, Line #2 should read "And on your street plans your Public Utility Easement will show that it is alongside your street") and reading of same waived. So ordered.

Commissioner Borries said he wants to "Welcome Back" Mrs. Margie Meeks, who has been on vacation. Jim Lindenschmidt has done Yeoman's duty for three solid weeks in the Commission Office. He does again want to commend Jim for his sense of duty to this County. He just ordered him to transfer the phones and get out every day -- so he could at least take a walk and eat lunch -- and he's done a fine job in hanging in there while Margie was on vacation. The Board appreciates his work.

There being no further business to come before the Board, President Borries declared the meeting adjourned at 5:40 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	David V. Miller
	R. L. Willner		
	S. J. Cox		

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

Bill Jeffers

EUTS

Rose Zigenfus

AUDITORIUM

Gy Rhoads  
Jo Merrill,  
Adv. Board Mbr.

SHERIFF

C. Shepard

PROSECUTOR

Robert Pigman

BUILDING COMMISSION

Roger Lehman

OTHER

Mary Lancaster/Pigeon Twp. Trustee's Office  
George Landfair/Poor Relief Applicant  
Mike Shopmeyer, Attorney  
Bob Gulick/SIGECO  
Chuck Whobrey  
James Morley/Morley & Assoc.  
Ward Peyronnin  
W. C. Bussing, Jr.  
News Media  
Other Unidentified Individuals

SECRETARY:

Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
OCTOBER 12, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, October 12, 1987 in the Commissioners Hearing Room, with Vice President Robert Willner presiding.

RE:        APPROVAL OF MINUTES

Vice President Willner entertained a motion concerning approval of the minutes of the meeting held September 14 and those of September 28th.

Ms. Cox stated that she had no corrections on the minutes of September 14th.

Ms. Cox moved that the minutes of the County Commissioners Meeting of Sept. 14, 1987 be approved as engrossed by the Auditor and reading of same be waived with a second by Mr. Willner. So ordered.

Ms. Cox noted on the minutes of the County Commissioners Meeting of Sept. 28th, that on page 10, paragraph 6, line 3, where we are talking about the extra amount received by Evansville Cable, it should be 50 cents more rather than 50%.

Ms. Cox stated that with the correction on page 10, from 50% to 50 cents, she moved that the minutes of the Commissioners Meeting for Sept. 28th be approved as corrected and reading of same be waived. Mr. Willner seconded the motion. So ordered.

RE:        LEGAL/PUBLIC HEARING CONCERNING VACATION OF PUBLIC EASEMENT IN GREENGATE COURT SUBDIVISION

Mr. Willner announced that we had a Notice of Public Hearing which was advertised in the Legals on September 18. This public hearing is concerning the vacation of a public easement in Greengate Court Subdivision.

The Chair asked if there was someone present who would be speaking on this matter.

Kevin Messmer of Bamberger, Foreman, Oswald and Hahn Law Firm stated he is present to speak concerning this petition.

Mr. Willner stated that we have again received the copies of the petition and we have advertised. He then asked Commissioner Cox for questions at this time regarding the vacation of this public easement.

Ms. Cox stated that the only question she had was, "Do you have the correspondence in from the utilities concerning their location of any utilities in the easement?"

Mr. Messmer stated that they had received copies of their consent.

Ms. Cox stated that usually the Commissioners get these, but they have not seen them. She asked if the Commissioners could have these copies for their records.

Mr. Messmer answered affirmatively. He stated he could show these documents and provide copies for the Commissioners files.

The secretary, Joanne Matthews, noted that the signed documents are in the petition file.

After viewing the documents presented to them, Ms. Cox told Mr. Messmer that she had meant responses back from these individuals.

Mr. Messmer stated that it was their understanding that they were received by the Commissioners. He stated they had a telephone conference on Friday.

Mr. Messmer stated, "It was my understanding, sir, that by executing the bottom signature line, they then approved of the variance."

Mr. Willner stated that each of the utilities that he mentioned, Southern Indiana Gas & Electric Co., Indiana Bell, the Evansville Water and Sewer Department, each received notice of the vacation.

Attorney John said, "If you read the end of the last paragraph, it says, 'If you have no objection to the proposed vacation, please execute the copy of this letter and return the same to me' in the self-addressed envelope. Apparently they have signed that showing that they have no objection to the vacation."

Mr. Willner stated that Gary Leak apparently had signed for the Sewer & Water Dept., Ronald M. Jordan for Southern Indiana Gas & Electric, and James C. Hall, Manager of Engineering for Indiana Bell.

Ms. Cox said that she thought this was just a notice that they received it.

Mr. Willner stated that it said right there that they had no objection, so apparently by signing the document...

Mr. Messmer said that is what the letter would indicate is that there is no objection and they are consenting by signing that letter and returning it.

Mr. Willner said, "We have that clarification that has been taken care of."

Ms. Cox asked Mr. Gulick if this is the usual way, that if they have no objections, they just sign like at the bottom and send it back in?

Mr. Gulick stated that this is the first time that it has been handled this way, but they have no objection to it. "In fact, that save us a lot of time by having to write a letter."

Mr. Willner then asked if anyone is present who wishes to remonstrate or speak against this particular vacation of public utility easement in Greengate Court Subdivision, Vanderburgh County?

There being no response, a motion was entertained.

Ms. Cox moved that the request for the vacation of public easement in Greengate Court Subdivision be approved, with a second by Mr. Willner.

Mr. Willner stated that "Normally on something like this we ask for a roll call vote just for a matter of record, so we will just go ahead and ask for a roll call vote. Commissioner Cox, yes; and Commissioner Willner, yes. Motion approved."

RE: SIDEWALKS IN GREENGATE COURT SUBDIVISION

Mr. Dick Eifler stated that they were not asking to eliminate the sidewalks, but merely to move the sidewalk from the location stipulated on original set of construction plans from the east side of Greengate Court to the west side of Greengate Court. He

further explained that the reason for asking for this is that there is inadequate clearance between what would be the bottom on the sidewalk slab and the storm sewer in the southern section of that area. He explained that they would just like to move the sidewalks to the other side of the street and it would be approximately the same length and go from Lincoln Avenue back to the beginning where the lots start. It is kind of a trade off in there and Mr. Eifler presented a set of plans showing the original location of the sidewalks and the proposed location of the sidewalks.

Mr. Willner asked if this is amended?

Referring to the plans, Ms. Cox explained that this was the original and what they are going to do.....

Mr. Willner asked Mr. Eifler how many lots they had back there?

Mr. Eifler responded that they have 31.

After looking at the plans, Mr. Willner and Ms. Cox agreed that it would be better on the other side of the street because of the retention sewer and the sanitation sewer.

Mr. Eifler explained that the grade on all the drainage is very tight.

Barbara Cunningham said, "For the record, I want it noted that we did talk to the attorney for the remonstrators, since this had been a court case and this is perfectly agreeable to them."

Mr. Willner asked if Area Plan had any objections.

Ms. Cunningham answered negatively, as long as it meets the Court's criteria.

Ms. Cox moved that the request submitted to our Board by Engineer Eifler, regarding the Greengate Court Subdivision, that sidewalks be installed along the west side of Greengate Court from Lincoln Avenue to the northeast corner of Lot 31, be approved and that we rescind the previous requirement, that sidewalks be installed along the east side of Greengate Court to Lincoln Avenue to the northwest corner of Lot 1. Seconded by Mr. Willner. So ordered.

Ms. Cox asked Mr. Eifler if he could draw on the plans where the sidewalks would be now and he said that they would receive a set of the amended plans.

RE: GASLINE EXTENSION EASEMENT/ BURDETTE PARK

Mr. Robert Gulick, Southern Indiana Gas & Electric Company came forward and said, "About two months ago we came before you to get an easement for a gasline to supply Burdette Park and we have installed this gasline with the approval of Mr. Tuley. What happened was that our original easement was a bit inadequate. Where Nurrenbern Road crosses Bayou Creek there is a large culvert, and the easement that we drew up did not have sufficient room for us to get around this culvert -- so we have redrawn the easement to show a small cut-out to get around the pipe and if you have no objections, we would ask that you sign it."

Ms. Cox moved that the request for the amendment to the previous easement request for the installation of gaslines at Burdette Park be approved with a second by Mr. Willner. So ordered. Mr. Willner stated that the amendment, for the record, is shown on the accompanying map, so everything is in order.



RE: COUNTY ATTORNEY REPORT

Indiana Mental Health Foundation/Vanderburgh Co. Agreement

County Attorney Curt John said that he had received some correspondence from David Miller regarding an agreement between Vanderburgh County and the Indiana Mental Health Foundation. It involves two employees that were at Hillcrest Washington Home in an agreement regarding their entitlement (apparently, the County had entered into an agreement where they would remain as employees). Mr. Miller reviewed the agreement and has informed me, by letter, that it appears to be in order and has requested that you execute that today and return to Mr. Jerry Evans.

Mr. Borries explained that he thought the reason for this agreement was because of their terms of service, one of which has since retired on June 30, 1987 and this was to allow this particular person for the period of one month (at the time when jurisdiction for the home changed -- to allow this person to continue to receive his PERF since he was within one month of retirement. The other person is within three months of retirement. This, again, would allow this particular person to receive benefits from PERF and to the best of my knowledge, this completes any unusual situation like this. I think the rest of the employees would fit under the pension plan of the Southwest Indiana Mental Health Foundation, the operators of the Hillcrest Washington Home. This simply is a matter of getting these persons their benefits so that they would not lose anything in the transition of the facility."

Ms. Cox said, "So what is happening here is that we are contracting with the Southwest Indiana Mental Foundation in paying them a lump sum. They, in turn, are giving us these two employees' portions of the salaries back to the County General Fund for us to disperse to them so they are considered to be County employees."

Ms. Cox then moved that the agreement made between the Vanderburgh County Commissioners and Southwestern Indiana Mental Health Foundation for the services of the following County employees: Ed Zenthoefer, June 1st through June 30th, 1987 and Carolyn Kirby, June 1st 1987 through January 8, 1988, be accepted and signed, with a second from Mr. Borries. So ordered.

Practice of part-time employment while employed full time

Attorney John said that he was requested, prior to the meeting, to check on and have a report at his next meeting regarding Mr. Acker and his employment on a part-time basis through Circuit Court and his full time position he presently has with the Veterans Service. Mr. John said, "I will get some kind of varification from the Board of Accounts as to whether or not he is in line with practices throughout the state of Indiana."

Transfer of Franchise Agreement/Marble to Welbac

Attorney John continued with another matter he had regarding the transfer of the Franchise Agreement from Marble to Welbac. Mr. John continued, "I did recently receive a copy of the existing contract which does call for 3%. It also sets forth the way of transferring that franchise agreement, which would have to be done by resolution through this Board. The only prohibition regarding the transfer is that the Board cannot take into consideration the purchase price between Marble & Welbac, but it does state that you can make alterations to the agreement if it is fair and reasonable." I know that Mr. Willner had some comments on this two meetings ago and I don't know if any action is going to be taken today or not, but you would do it through resolution."

Mr. Borries said, "We have a check from Wells, Inc., I noticed, for 3%. 3% is the state minimum; however, Evansville Cable has, I guess, for the past year, submitted a 5% fee to the County and also to the City, but they also did so (as I think Commissioner Willner pointed out) when there was a rate increase. The rate increase was approved by this Body and also by the City Council, and it was our feeling to ask for some information to see if we could get it uniform in regards to the fees paid by the other companies. We are appreciative of the 3% and it is very difficult for us to communicate with the other cable companies who are in the county, but there was some discussion as to whether we should make that fee uniform -- to ask for 5%."

Ms. Cox stated, "My personal opinion is that we should be accepting the same fees from all of them. Is it simply a privilege fee for being able to operate in Vanderburgh County and I see no reason whether they get 50 cents more or 50 cents less as far as their overall charges. I really feel that the percentage fee for the franchise should be the same."

Mr. Borries asked Attorney John if he could draft a proposed ordinance to this effect?"

Attorney John answered that, "In the contract it says that you can make those changes through the resolution." He continued with, "What I would recommend is that I put them on notice that you have no reservations in allowing the transfer if the corresponding change in percentages is made, and if that is acceptable to notify me, at which point in time I will prepare the resolution along with the corresponding change in rates."

Mr. Borries said that he did believe we received a small fee from this firm, Community Cablevision. One check for \$28.00, so we have received a small fee, but it is the only one that I know of that we have received.

Ms. Cox said "We get routinely from Welbac (Wells Cable, Inc.), and we have, but the other one that you are talking about, Community Cablevision, and the only time that we ever got money in was when the complaints came in from their consumers and there was an article in the paper about it. We started getting telephone calls and I told the man I didn't even know you were operating here. We have not received any monies from you and then a check came in which was not very much."

Mr. Borries had a contract which he received today. The contract was from Wells. Marble Construction, Inc. is the agreement that he has.

Mr. Willner asked if the contract was D/B/A (doing business as)? Mr. Wasson was with Marble and he was the one that executed this contract as operator, under Marble.

Attorney John was going to look for an address on Wells Cable T.V.

Mr. Borries asked Bill Bethel for County Highway report while Mr. John was looking for more information on Wells Cable.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel presented copies of the Weekly Work Report for employees at the County Garage for period of October 5 thru Oct. 9....report received and filed.

Gradall: Red Bank and Old 460, 4620 Kasson Dr., Wedeking Ave.  
Red Bank Rd., Seib Rd., Sensemeier and Schmuck Rd.

Paved: Fisher Rd., Lost Bend Rd.

Patched: Burkhardt, Hirsch, Miller Rd.  
With Paver

Patched: Seven Hills, St. Joseph, Rosser Dr., Millersburg,  
Maxwell, Nolan and Schutte Rd.

Rocked  
Shoulders: Upper Mt. Vernon, Darmstadt

Grader: Long Rd., Seminary Rd., Upper Mt. Vernon, and  
Darmstadt Road

Weekly Work Report/Bridge Crew: Also submitted for the same  
period was the Weekly Work Report for the Bridge Crew...report  
received and filed.

- The Bridge Crew prepared Schmuck Rd. for installation of  
pipe.
- Installed pipe on Schmuck Road
- Installed three (3) culverts on Schmuck Rd.

RE: REQUEST FOR LEAVE OF ABSENCE/COUNTY EMPLOYEE

Mr. Bill Bethel, County Highway Superintendent requested a six  
(6) month leave of absence for county employee Donald Williams,  
who has had surgery for blood clots in the legs. The Leave  
necessary to recover from surgery.

Ms. Cox asked Mr. Bethel if he had the request in written form.

Vanderburgh County Commissioners  
Room #305 Administration Bldg.  
Civic Center Complex  
Evansville, Indiana

Dear Commissioners:

This is to request a six (6) months "Leave of Absence" for Donald  
Williams, necessitated by surgery and recovery."

Sincerely,  
/s/ Bill Bethel, Supt.  
Vanderburgh County Highway Dept.

Ms. Cox moved that the request from the Vanderburgh County  
Highway Superintendent, Bill Bethel, with regards to Leave of  
Absence for Donald Williams for a six months period, with full  
insurance benefits, County paying their portion and the Employee  
paying their portion, be granted, with a second by Richard  
Borries. So ordered.

Mr. Borries asked if there were questions of Bill.

Ms. Cox said, "I just want to say that I am real proud of the way  
that the County Highway's paving program has progressed and you  
are just about to get everything completed on the list. The men  
have really done a good job working out there in that 100 degree  
weather. It was not easy for them to get out there and I think  
that they are to be commended."

Mr. Bethel thanked Ms. Cox for her comments and said that he  
would convey the message.

RE: CHANGE OF VOTING PLACE/ WARD 4, PRECINCT 14

Mr. Borries announced that there was a new voting place for Ward  
4, Precinct 14. It is being changed from behind Deeg's Drug  
Store to the Alhambra Theater which is located at 50 Adams  
Avenue. This change is to be advertised.

RE: ACCEPTANCE OF STREET IMPROVEMENTS/ OLD PETERSBURG PLACE

Mr. Borries explained that they have referred the recommendations for acceptance of street improvements to the Surveyor's Office to sign off on drainage plans to see if they go along with what currently exists as we reach the point for acceptance, so we will forward these to their office if we agree on that. Mr. Borries continued, "We have acceptance of street improvements in Old Petersburg Place and there are list of streets here along with the linear feet that make up these streets to the extent of .1256 thousandths of a mile. That is Greengale Drive, Copperfield Drive, Northfield Drive, Bob Court Drive, St. Clair Drive, Petersburg Place Drive and Petersburg Road passing blister. So we will pass these along to the Surveyor to see if the drainage which would affect the roads here is in order."

Ms. Cox asked, "Is this also one of the subdivisions where we have requested sidewalks to go in? I think along Foxfire Drive."

Ms Cox further stated that "We relaxed one of them, but we kept one along Bob Court."

MOSS CREEK SUBDIVISION/SECTION A

Mr. Borries explained that the second recommendation was for Moss Creek Subdivision, Section A and this one is .130 miles and again, we will refer here for comments on the drainage, as to how it would affect acceptance on these streets.

Mr. Borries said "This will also give us time to examine it and react to the report that is developed."

Wells Inc./Welbac Cable

Mr. Borries then called on Attorney John to see if he had come to a conclusion on the Wells, Inc./Welbac Cable situation, whether it was the same company or two different ones.

Mr. John said, "It appears to him that they are different companies, Wells Cable TV is a Leonard Gries and there are several correspondences from him, and Marble is a Mr. Wasson and we have had communication from his counsel. I am going to try to track this down and see if we have had checks from Marble and if so, how they are listed. It does not appear that they are the same company."

Mr. Borries said, "We will refer that matter to you then and delay the check until we get more information."

Mr. John said, "You have accepted previous checks."

Mr. Borries said, "Yes, we have accepted checks before, but the question of their ownership probably hasn't come up until this change now that has been brought up and so obviously we need some information on that ownership."

RE: COUNTY COUNCIL MEETING/AIR-CONDITIONING AT AUDITORIUM

Mr. Borries said that he and Commissioner Cox had attended the County Council Meeting, along with other interested persons, concerning the Air Conditioning and problems at the Auditorium. He continued, "I think we had some positive response from the County Council insofar as funding the needed changes there and we will be waiting to hear from Roger Lehman, the Building Commissioner, who is reviewing some previous studies. It is our concern that we do not have to re-invent the wheel on this particular item. We feel that the Auditorium has been studied enough and now it is time to make some decisions regarding funding. So, Roger is getting some information on the studies to see if there is a way that we can quickly update them and then present a report to the County Council for funding. We will keep people informed as soon as we get that information and we hope

that by next week Roger will be able to provide us with this information. He should be at our meeting next week; that will, however, be an evening meeting."

Mr. Borries was informed that Roger will not be at the meeting next week. He said, "I still hope that we will still be able to get a report from him."

RE: SCHEDULED MEETINGS

Indiana Association of Counties (for Southwest Division)----Jasper, Indiana, Wednesday, October 14, 1987 at K. of C. Hall at 811 Main St. at 6:30 p.m.

Association of County Commissioners (Orange County)---October 21, 1987.

RE: CLAIMS

The meeting proceeded with Commissioner Borries submitting the following claims for approval.

David L. Jones: For contractual litigation services rendered in some continuing claims in the amount of \$235.00. These were foreclosure cases and a \$1.00 item on Jo Ann Reed vs Vanderburgh County (a short statement to end these cases).

Ms. Cox moved that the claim to David Jones, in the amount of \$235.00 for the cases aforementioned, be approved, with a second from Mr. Willner. So ordered.

Floyd E. Burroughs & Assoc: Mr. Borries mentioned that last week a claim had been held on Floyd E. Burroughs & Assoc. for final claim in the amount of \$1.520.00. This is final claim on the Bridge Report.

Ms. Cox said, "I still have not gotten completely through their Bridge Report. I have found, for example, if this is Bridge 1 or Bridge 6, but, there is a pretty big discrepancy. It looks like the bridge fixed itself in a year's period because the rating is not nearly what it was a year ago and I know that we have done no maintenance on it, so I would like to continue to hold this until we have reviewed this." "If there is an error in it, give them a chance to correct it, but there may not be."

Mr. Borries said, "I have a question about their rating procedure. It doesn't seem to be spelled out insofar as to how they arrive at those ratings and I have one bridge in mind, the Ohio Street Bridge, that I would like some information on, so we will hold that." Mr. Borries continued, "They have a rating system; but then when we received some correspondence from the State of Indiana that indicated that there were some bridges for Federal State Funding requests turned down and that the sufficiency rating was high, and I have not been able to determine how and exactly what their criteria is insofar as those sufficiency ratings are."

Rick Woods: Mr. Borries continued, that we have a claim from Mr. Rick Woods for per diem for delivering an infant body to Indianapolis.

Mr. Lindenschmidt said that this claim had been withdrawn.

RE: EMPLOYEE CHANGES

Circuit Court (Appointments)

John H. Wiseman	Part-Time	\$3.35/Hour	Eff: 9/15/87
Michael R. Kummer	Part-Time	\$3.35/Hour	Eff: 9/15/87
Paul N. Aarstad	Part-Time	\$5.00/Hour	Eff: 9/14/87
Frank Fleming	Part-Time	\$5.00/Hour	Eff: 9/25/87

Circuit Court (Releases)

Paul N. Aarstad	Part-Time	\$5.00/Hour.....	Eff: 9/13/87
Bryan Mayhew	Part-Time	\$5.00/Hour.....	Eff: 9/27/87
Norman Hoskinson	Part-Time	\$5.00/Hour	Eff: 9/27/87
Mark D. Acker	Part-Time	\$5.00/Hour	Eff: 9/27/87

Clerk of Circuit & Superior Court (Appointments)

Susan Heberer.....	Court Clerk	\$536.59	Eff: 10/12/87
Raenna Hendricks	Dep. Clerk	\$514.94	Eff: 10/12/87

Clerk of Circuit & Superior Court (Releases)

Linda Webster	Court Clerk	\$536.59	Eff: 10/12/87
Susan Heberer	Dep. Clerk	\$514.94	Eff: 10/12/87

Sheriff (Appointments)

James A. Tucker	Civ. Jailer	\$15,065.00	Eff: 9/23/87
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Sheriff (Releases)

Steven W. Lockyear	Civ. Jailer	\$15,065.00	Eff: 9/22/87
Robert W. Hahn	Civ. Jailer	\$15,065.00	Eff: 9/22/87

Circuit Court (Appointments)

James D. Conklin	Part-Time	\$5.00/Hour	Eff: 9/28/87
Bryan Mayhew	Part Time	\$5.00/Hour	Eff: 9/28/87
Norman Hoskinson	Part-Time	\$5.00/Hour	Eff: 9/28/87
Mark D. Acker	Part-Time	\$5.00/Hour	Eff: 9/28/87

Circuit Court (Releases)

Dennis Howard	Part-Time	\$5.00/Hour	Eff: 9/1/87
Paul Wollenmann	Safe Guard	\$7966/BI AN	Eff: 9/18/87
Larry Vowels	Part-Time	\$5.00/Hour	Eff: 8/30/87
James D. Conklin	Part-Time	\$5.00/Hour	Eff: 9/27/87

Burdette Park (Released)

Roger Willis	PT GRD Crew	\$4.00/Hour	Eff: 9/05/87
John Bippus	Reg Grd	\$3.60/Hour	Eff: 9/21/87
Elizabeth Borries	Reg Grd	\$3.60/Hour	Eff: 9/21/87
Bob Hayes	Ex Grd	\$3.35/Hour	Eff: 9/08/87
Cliff Harth	Reg Grd	\$3.60/Hour	Eff: 9/21/87
Bark Bain	Cashier	\$3.35/Hour	Eff: 8/28/87
Karen Williams	Cashier	\$3.75/Hour	Eff: 9/08/87
Shauntrece Crider	Ex Grd	\$3.35/Hour	Eff: 9/20/87
Randy Seidehamel	RegGrd	\$3.60/Hour	Eff: 8/30/87
Christy Eichoff	Cashier	\$3.35/Hour	Eff: 9/21/87
Jeff Ludwig	Slide	\$3.35/Hour	Eff: 9/21/7
Sarah Embry	Slide	\$3.35/Hour	Eff: 9/21/87
Stan Angermeier	ExGrd	\$3.35/Hour	Eff: 8/24/87
Larry Jourdan	Slide	\$3.35/Hour	Eff: 9/21/87
Dan Julian	Slide	\$3.35/Hour	Eff: 9/08/87
Karla Hormuth	ExGrd	\$3.35/Hour	Eff: 9/14/87
Brooke Ranes	ExGrd	\$3.35/Hour	Eff: 9/21/87
Carol Owens	ExGrd	\$3.35/Hour	Eff: 9/20/87
Robert Kirk	ExGrd	\$3.35/Hour	Eff: 9/21/87
Kevin Seidihamel	ExGrd	\$3.35/Hoür	Eff: 9/14/87
Ali Minton	ExGrd	\$3.35/Hour	Eff: 9/21/87
Kendra Stinson	ExGrd	\$3.35/Hour	Eff: 9/20/87
Kelly Seikman	ExGrd	\$3.35/Hour	Eff: 8/31/87
Matt Caton	RegGrd	\$3.60/Hour	Eff: 9/20/87
Dan Durbin	ExGrd	\$3.35/Hour	Eff: 8/23/87
Jon Dubber	ExGrd	\$3.35/Hour	Eff: 9/14/87
Cutee Gostley	ExGrd	\$3.35/Hour	Eff: 9/02/87
Greg Bruce	PT Grd Crew	\$4.00/Hour	Eff: 9/16/87
Beth Howerton	PL HD Grd	\$37.00/Day	Eff: 9/07/87
Greg Topper	AsstHdGrd	\$35.00/Day	Eff: 9/13/87

Scott Buedel	PT GrdCrew	\$4.00/Hour	Eff: 9/08/87
Robin Temme	ExGrd	\$3.35/Hour	Eff: 9/20/87
Doug Kieffner	ExGrd	\$3.35/Hour	Eff: 9/05/87
Michael Pruitt	ExGrd	\$3.35/Hour	Eff: 9/21/87
Jeff Braun	ExGrd	\$3.35/Hour	Eff: 9/14/87
Shari Mossberger	ExGrd	\$3.35/Hour	Eff: 9/08/87
Brad Gerard	ExGrd	\$3.35/Hour	Eff: 9/08/87
Holly Wade	ExGrd	\$3.35/Hour	Eff: 9/08/87
Ben McCarthy	ExSlide	\$3.35/Hour	Eff: 9/20/87

Sheriff (Appointments)

Steven W. Lockyear	Prob.Ptrl	\$19,247.00	Eff: 9/23/87
Robert W. Hahn	Prob.ptrl	\$19,247.00	Eff: 9/23/87
Derrick C. Johnson	Prob.Ptrl	\$19,247.00	Eff: 9/23/87

Vanderburgh County Election Office (Appointments)

Charlotte Shetler	Dep.Clk	\$4.85/Hour	Eff: 10/05/87
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Center Assessor (Appointments)

Marie Coursey	Off Dep	\$35.00/Day	Eff: 9/18/87
Marilyn Drake	Off.Dep	\$35.00/Day	Eff: 9/18/87
Jennifer Yeley	Fld Dep	\$35.00/Day	Eff: 9/21/87
Angela Jo King	Off Dep	\$514.94	Eff: 9/14/87

Center Assessor (Releases)

John O. Dixon	Fld Man	\$35.00/Day	Eff: 9/17/87
Angela Jo King	Off Dep	\$35.00/Day	Eff: 9/17/87
Marie Coursey	Fld Dep	\$35.00/Day	Eff: 9/17/87
Marilyn Drake	Fld Dep	\$35.00/Day	Eff: 9/17/87

County Auditor (Release)

Janice Decker	Part-time	\$35.00/Day	Eff: 10/8/87
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Center Assessor (Appointments)

Shirley Stucki	ResSupv	\$35.00/Day	Eff: 9/18/87
James Ritter	RE Fld Dpt	\$35.00/Day	Eff: 9/18/87
Charles W. Gulledege	RE Fld Dpt	\$35.00/Day	Eff: 9/18/87
John O. Dixon	RE Fld Dpt	\$35.00/Day	Eff: 9/18/87

Center Assessor (Releases)

Shirley E. Stucki	RE Dep	\$35.00/Day	Eff: 9/17/87
Deborah Lee Toon.....	REOffDep	\$35.00/Day	Eff: 9/12/87
James L. Ritter	RE Dep	\$35.00/Day	Eff: 9/17/87
Charles W. Gulledege	RE Dep	\$35.00/Day	Eff: 9/17/87

There being no further business to come before the Board,  
President Borries declared the meeting adjourned at 3:32 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERSm</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R.J. Borries	Sam Humphrey	Curt John
	R.L. Willner		
	S.J. Cox	<u>COUNTY HIGHWAY</u>	
		Bill Bethel	

AREA PLANNING  
Barbara Cunningham

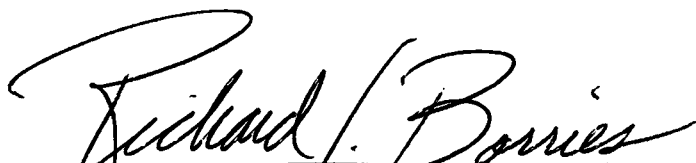
OTHERS:

Mr. Robert Gulick  
Mr. Dick Eifler  
Mr. Kevin Messmer

SECRETARY: Joanne Matthews  
(Transcribed by Bettye Miles)

COUNTY COMMISSIONER  
October 12, 1987

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Richard J. Borries, President

  
Robert L. Willner, Vice President

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Shirley Jean Cox, Member



MINUTES  
COUNTY COMMISSIONERS MINUTES  
OCTOBER 19, 1987

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, October 19, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

President Borries said the Board needs to approve the minutes of the Commissioners Meeting held on October 5, 1987. He asked if Commissioner Cox has any questions on subject minutes? Mrs. Cox said she has questions and she would move that any action concerning the minutes be deferred until Commissioner Willner arrives.

RE: AUTHORIZATION TO OPEN BIDS

It was noted by President Borries that there are two (2) sets of bids to be opened this evening. As a matter of legal procedure, these are referred to the County Attorney (who should be joining the meeting momentarily). If Commissioner Cox agrees, he will entertain a motion to turn the bids over to the County Attorney upon his arrival for his examination. The first set of bids concerns a Technical Advisor for the Re-Assessment (there were two bids received on this -- one from Mid-America Appraisal Services, Inc. and the other from Simon Governmental Services, Inc.).

The second set of bids concern the heating and air conditioning for the Hillcrest-Washington Superintendent's Home. Two bids were also received on this project. (One is from the A. C. Tilley Company, Inc. The other one has just been stamped "Received" but he cannot tell from whom the bid came; it is sealed and the envelope does not identify the sender. Mrs. Cox suggested that she and Mr. Borries simply initial the sealed envelope.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the two sets of bids were referred to County Attorney David Miller for his perusal (he had just entered the meeting). So ordered.

RE: REZONING PETITIONS

VC-20-87/Petitioner, Wayne & Dennis Hargett (1st Reading): The common address is 2121 W. Mill Rd. The requested change is to M-2 zoning and the existing land use is Agricultural. The Chair entertained questions or comments. There being none, a motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, VC-20-87 was approved on 1st Reading for forwarding to the Area Plan Commission. So ordered.

VC-21-87/Petitioner, Jack Rogers (1st Reading): Common known address of property is 103 S. Red Bank Road. Current zoning is designated as Agricultural and requested change is to C-4 (General Commercial). The Chair entertained comments.

Mrs. Cox said, "This must be an additional acreage adding onto the present C-4 zoning out in that area, because we previously approved one at that same address. From the site map, it looks like that is why the request is here. Is that correct?"

Ms. Beverly Behme of the Area Plan Commission confirmed that this is correct. They think this may be the same developer who owns the other C-4 section; it is right adjacent to what was rezoned last year.

The Chair entertained further questions or a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, VC-21-87 was approved for forwarding to Area Plan. Mrs. Cox abstained. So ordered.

VC-22-87/Petitioner, James & Victoria Plummer (1st Reading): Mr. Borries said the common known address 6909 Copperfield Drive. Current zoning is listed as R-4 and R-1 and requested change is to change R-4 that portion which is currently zoned R-1.

Commissioner Cox said, "President Borries, I don't understand this petition. It says the present existing land use is single family residential and proposed land use is single family residential. Would there be an explanation from Area Plan?"

Ms. Behme said the zoning goes right through the middle of the lots. The front part of the lots is zoned R-1 and the rear part is zoned R-4. They are petitioning that the entire lot be zoned R-4. You can build single family residences in R-3 and R-4 zoning.

Commissioner Borries asked, "What about the ones next to designated area? Lot #44? What about the ones on Lot #46 and the rest of them?"

Ms. Behme said they have all have 25 ft. setbacks. The designated lot is the only lot involved. When the Commissioners get the Staff Field Report, it will be explained.

Mrs. Cox asked, "Why did they request that it be zoned R-1?"

Ms. Behme said she thinks the house is already there; rather than go for a variance they chose to rezone it so they can have a 25 ft. setback according to the Zoning Code. The Subdivision requirement is still 25 ft. Thus, they have the option of asking for a variance or requesting the rezoning. They chose to go the rezoning route.

Mrs. Cox asked, "Say they don't build these single family residences as they submitted, can the developer go ahead and build apartments in there without coming back here?"

Ms. Behme said it is Old Petersburg Place Subdivision and she thinks most of it is already built. This is to correct a problem.

There being no further questions, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-22-87 was approved for forwarding to the Area Plan Commission. So ordered.

VC-17-87/Petitioner, James E. Loehr (3rd Reading): It was noted by Commissioner Borries that this matter has been continued to November 16, 1987.

VC-18-87/Petitioner, Heflin Oil Company (3rd Reading): This petition has been withdrawn and will not be heard this evening.

VC-16-87/Petitioner, George & Thomas Cissel (3rd Reading): The Chair recognized Attorney Richard D'Amour, who said he is here in behalf of the Bill and Tony Cissel. They are presently shareholders of a business group known as Cissel Construction. Cissel Construction has been in Evansville for some ten (10) years and during the last five (5) years has specialized in what is known as "post frame buildings". He has some photographs to give the Commissioners some idea of what they're talking about, which shows the post frame buildings in various phases of construction. The second photo shows NAPA Auto located on Washington Avenue.

The business is currently leasing space in Daylight, Indiana on North Green River Road, just south of where it intersects with Highway 57. The reason they are here tonight is to seek a rezoning of a 6.5 acre plot at 11401 N.Green River Road from Agriculture to M-2. The reason that the Cissel brothers are seeking this rezoning is for purposes of constructing trusses and warehousing of some of their post frame materials. Up to this point they have been purchasing their trusses from Mr. Hobgood, who is located just north of Highway 57 on North Green River Road. But they have decided they wish to construct these themselves and they also wish to store some of their equipment and materials. So they are presently on Green River Road and, as they will point out, they don't think this will cause any addition of traffic problems for North Green River Rd.

Attorney D'Amour requested that Mr. Bill Cissel explain to the Board just basically what his plans are.

Mr. Cissel proceeded to explain that he would like to build a 40' x 100' area to build his steel trusses in (designated area) and then his warehouse for his steel doors, windows, etc. in the other designated area. He would store posts in another designated area and leave yet another designated area "agricultural", and it will be farmed by a local farmer.

Mr. D'Amour pointed out that while Mr. Cissel is purchasing the entire 12 acres, only 6.5 acres is being rezoned. He said they have several pick-up trucks they work out of right now.

Mr. D'Amour asked that Mr. Cissel give the Commissioners an idea of the longest trusses.

Mr. Cissel said the longest trusses would be 7 ft. and they manufacture the 6 ft. truss. They presently purchase those from Mr. Hobgood, who lives up Green River Rd. off Highway 57.

Mr. D'Amour said he would like to present to the Commissioners a petition stating no opposition, as follows:

"We, the undersigned individuals and/or businesses, have no opposition to Cissell Construction Company obtaining a rezoning of 11401 North Green River Rd. from Agricultural to an M-2 zoning for purposes of establishing a business for the construction of trusses and post frame building materials."

Continuing, Mr. D'Amour said the foregoing petition has been signed by eighteen (18) individuals or businesses who all live within one (1) mile of the property proposed to be rezoned. He would point out that there is an auto repair service, '84 Lumber, Daylight Tires, SUNOCO Station, Southwestern Trucking Company, an excavating firm, Young Trucking, Millen-McCutchan Trucking, Scott Township Fire Department and Scott Township Trustee, and Raymond Young (a farmer) who have agreed to put their name on this petition stating that they have no opposition to this proposed change. He would also point out that there has been no objection (and he does not see them here in the audience tonight) from the immediate abutting landowners. Mr. Young is here and he would ask him to speak. Messrs. Ziliak and Fehd have expressed no opposition at all to this rezoning. As was stated, no heavy machinery is intended to be stored on this property.

Now, what is the other side of the coin? There are remonstrators here, I know. I see them out in the audience and I'd like to basically tell you what they are going to argue. They are going to tell you that they live in a residential area and because they live in a residential area they don't want you to allow this business to come in. The individuals I am talking about (as far as I believe) live in the Green River Rd. area north of Highway 57 and I believe they will argue, "Please, this is a residential area; don't allow commercial businesses in." The purpose of the

graph illustration is to show you that it is already there, ladies and gentlemen. As that petition shows, all of those businesses are within one (1) mile of this proposed site. To the east there is a coal mine; to the north is the Southwind Trucking Company; and a little further up toward the intersection in Daylight we have the SUNOCO Station, the tire business, the Fire Department -- and all of those other ones that are on the petition. To the west of this property we have '84 Lumber, which intersects at Old Boonville-New Harmony Rd. and I-57. Just 5/10 mi. away is a big National Hardward & Lumber Company. And South (just next to these people who are going to get up and speak to you tonight) is the Christmas Tree Ranch and also Puppy Love dog grooming and a sawmill -- just 3/10 mi. away from the property we're talking about, and right next door to the individuals who are going to get up and tell you we shouldn't allow this. These people will argue that the drainage is a big concern of theirs, as is most of the property on the east side of Evansville. I think everybody has concerns about drainage and things of that nature.

Mr. D'Amour then proceeded to ask Mr. Young (the owner of the property who is selling it to the Cissels) to explain about the drainage for this particular tract of land.

Mr. Raymond Young of 5046 E. Boonville-New Harmony Rd. identified himself and said that not one drop of water off this property runs to anyone here that objects to this rezoning. All of their water runs his way. Water doesn't run uphill. He has spent between \$2,200 and \$1,300 cleaning two ditches (one on the south side some 600 ft. from where Mr. Cissel wants to buy and one ditch immediately on the north side). Each of those two ditches that he maintains take all of the water from the people who are protesting the rezoning. This is all he has to say. The water runs from the west to the east and not the other way; it does not run uphill.

Mr. D'Amour asked, "You are saying, Mr. Young, that the water off of this property will run directly east?" Mr. Young said it will run east and possibly a little bit south; but it will not touch one property owner except himself.

Mr. D'Amour said, "Lastly, an argument will be presented to you tonight regarding the traffic. As I said earlier, this business was already located on North Green River Rd. and he doesn't operate any heavy machinery and the only additional traffic that they will put on North Green River Rd. is the transportation of these trusses, which they say is a maximum 60 ft. trusses. I point out to you that Mr. Hobgood is already out there operating a business -- selling trusses -- up on I-57 and Mr. Cissel told him that the other day he saw four of those trusses going down North Green River Rd. and I can't say that I've read or heard where this is causing great problems for traffic in the area. Let me point out to you that Old Boonville-New Harmony Rd. hooks into Highway 57 no more than 3/10 mi. away, so it will be very easy for these trusses to be put onto Highway 57. And what about I-164? That's supposed to hook right in when it is completed. So we don't think it is going to produce anymore traffic than is already there -- even the same kind of traffic (truss traffic) -- and we'd ask that you consider that. Again, we are not talking a large volume of traffic. The Cissel brothers are not going into the truss business. They are going into building trusses for their business -- for the buildings they are going to build. They are not going to sell these nationwide or throughout the area -- that is not what they are seeking to do. At this time I've completed my presentation."

Mr. Young said he's like to add one thing.

Commissioner Borries said these minutes will probably end up being around 30 pp. long, so Mr. Young should again identify himself and state his address.

Mr. Young identified himself and said he resides at 5046 E. Boonville-New Harmony Rd. -- on nine (9) acres. He said his property adjoins the Hobgood Construction property -- all across the back. Every time he looks out back he sees Hobgood Construction Company. They are wonderful neighbors and he'd take them over any housing project in Vanderburgh County. There is nothing wrong with having a business (they are not immediately at his back door, but this is not immediately in those peoples' back door either. They will have to hunt it to find it -- it is not across the road from them -- and Hobgood's is just as close to him and they are wonderful neighbors -- and they hire people -- and that is what it is all about.

Commissioner Cox asked, "The petition that Mr. D'Amour presented to the Board doesn't have a date. Were these signatures obtained after (and I assume, although this hasn't been pointed out that the petition was amended down by at least half of what it was when he went before the Area Plan Commission, which I thinks speaks in your favor.) But were these signatures obtained after the amendment?"

Mr. D'Amour said they were obtained afterwards. To explain why they sought the amendment, some of the remonstrators here were afraid this would become an Industrial Park and it was our intention to show that we have no intention of making this an entirely industrial area; therefore, the back 6-1/2 acres will remain agricultural and will be farmed. We're just asking to rezone the front which will allow for some expansion of their post frame business.

Mrs. Cox then asked the Cissels, "You stated you are leasing land somewhere else and you have your present business. Are you going to move that present business onto this land then? That is your plan?"

Mr. Cissel's response was affirmative.

President Borries asked if there are other persons who wish to speak against the petition or make comments in favor of the rezoning?

Mr. Jerry Carnahan was recognized by the Chair. He identified himself and stated he resides at 10930 N. Green River Rd. He has lived there approximately two years. This is just about 1,500 ft. south of the proposed site. He said, I, too, have a petition and it reads as follows:

"We, the undersigned residents or property owners of the North Green River Rd. area approximately one (1) mile south of Daylight do not want the property in question (approximately 12.7 acres, or part thereof, presently zoned Agricultural to be rezoned to M-2."

Mr. Carnahan said there are twenty-nine (29) signatures on the petition.

President Borries asked that the record reflect that the petition was received.

Mr. Carnahan said, "As has been pointed out, we are concerned about this being rezoned from Agricultural to an M-2 zoning. We are concerned about the decrease in our property values and the decrease of the quality of life in that area. It is now a residential and agricultural area and if it is M-2 it could be manufacturing. We now have what they consider a country setting. I think a lot of the businesses mentioned were north of this piece of property in the Daylight area. We are immediately south of that area.

The drainage is a concern of ours. On the maps I have it shows that that area is also in the flood plain area, which means that it would be considerably lower.

We are also concerned about the additional traffic. We feel that if this company does prosper (which most people hope their business will) -- they would want to expand and possibly purchase their own equipment, which would mean additional traffic in the Green River Road area (which is now considerable). It is posted at a 10 ton limit (which is not necessarily enforced)

Another item of concern is that there are a number of school buses that travel that road and they also have a lot of students in there which means additional traffic would be a safety problem.

We are concerned that even though they are scaling this down that they would still want to enlarge it and we are concerned about the effect that would have at some future date."

Mr. Carnahan said he doesn't know whether or not this is spot zoning, but he doesn't think this rezoning is desirable. As pointed out, some of the properties (such as the Christmas tree ranch) are zoned agricultural, which would be nothing other than farming projects. "I guess we're a little concerned as to why they would want to locate in this particular area when we have industrial parks all over Evansville and Vanderburgh County, which are already zoned for that purpose. And it is my understanding that the reason we have industrial parks is to keep the industrial and commercial businesses out of the residential areas. I think one reason that maybe some of the landowners who abutted this property did not object was because their residence is not there. I would like to ask if there is anyone else with our group who opposes the rezoning if they have something to say."

President Borries thanked Mr. Carnahan and asked if anyone else wishes to speak?

Mrs. Cox asked Mr. Carnahan, "The petition that you submitted is dated October 12, 1987 (which would have been last week). Was that petition circulated prior to the request for amending the total acreage -- it says 12.7 acres?"

Mr. Carnahan said, "No, we had no knowledge of the fact that was going to be scaled down."

Mrs. Cox asked, "So it was submitted on the total 12.7 acres?"

Mr. Carnahan responded in the affirmative.

Mr. D'Amour said he would comment briefly on Mr. Carnahan's remarks if he might do so. He expressed concern about the decrease in property values if an additional business goes in. However, he is woefully lacking in any evidence that he has presented to this Board tonight that would show how all these other businesses that are already here have in any way affected the property values to this point. He can't say for instance, that since Puppy Love came in that his property was re-assessed and he is down \$10,000. Mr. D'Amour offered further comments but they were inaudible due to other conversation among the Commissioners. He concluded by saying there is no real increase in traffic here. And, lastly, the point he made that Mr. D'Amour would also like to make is that just as we have industrial parks for businesses, we have subdivisions with restricted covenants where people can settle in an area where there are no businesses. People who live in the country are gambling. They are gambling that no businesses are going to come out there. On North Green River Road that is a bad gamble. We've seen the way business is growing and that is the idea. What if this Board had taken that approach 15 years ago when Washington Square was a cornfield? Where would we be? And I think we all agree that although we may not like the traffic at Christmas time in front of Eastland Mall, but it has been a good and a positive thing for the City of Evansville's growth. This is what this is all about -- the

growth of commercial and capital enterprises -- and that is all these people are asking. These people very easily could have gone to a subdivision -- Lant Manor, Old Petersburg Place, etc., -- where nobody is going to build a business right next to them. But they chose to build out in the country and I don't think they can expect that businesses aren't going to grow. As you can, they are already starting to circle them. I would ask that you consider all the arguments that have been made tonight, particularly those we have made and we would ask for the approval of the rezoning.

The Chair recognized Ms. Edna Morris of 6817 W. Mill Rd. She said, "What they are talking about, the water does get on that side of the road. Another thing, the businesses he is talking about -- some of them have been there for years and years and years. There is nothing below Boonville-New Harmony Rd. except the one trucking company."

Commissioner Borries expressed appreciation to all parties who had offered comments concerning this rezoning. If the Board has no further questions, he would ask for a decision by the Commissioners.

Mrs. Cox said she just wants to make a comment on the presentation of the rebuttal concerning the property values and will point out (and this may be an error and the Area Plan Commission representatives are here and they can tell us different), but when Mr. D'Amour gave his presentation concerning the development along the area and why did people buy there rather than in a subdivision, according to the Area Plan Commission's Staff Field Report, it says the 1985 Comprehensive Plan shows this area to remain rural and agricultural. So that may very well be why they purchased in that area -- thinking that it would remain that way. And I cannot -- on my map here that shows the designation of commercial rezonings that you point out (which would be to the west of North Green River Rd. immediately across from and south of designated area) -- they do not show as being zoned any other than agricultural. So a tree farm, I understand from Area Plan, may operate in agricultural. So that zoning is still intact there, remaining agricultural. The other two I don't know about; I can't speak as to why those two do not show. My concern here is that we have a large amount of land (it is smaller now than it was) and people who live out there do have concerns as to how the area is going to look. Some of them haven't been out there too long. She wants to commend the Petitioner for scaling down this request from the large acreage to the 6.5 acres and putting in a site development plan (an amended development plan) what they plan to put in there. Because, when we set up here as a Board, you talked about the traffic, Mr. D'Amour, and if we don't know what is going in there we can't make good decisions about how to control the traffic or how much traffic is going to be along there and that certainly helps us to control the traffic. I think the other concern is just the term "M-2"; once this M-2 is granted, there are quite a number of things that could go into this M--2 designated area. So I would like to ask the Cissel brothers if they would be willing to make the zoning a conditional zoning that they would pledge that what they say is going in there on this site plan is definitely what is going to be there, rather than just giving the M-2 zoning to you as a blank check to do as you please. I know the area is a growing area; it is right for development; it is in an area that is very close to a lot of things that are going on. You pointed out the I-164, but we also have residences around there. I guess what I am concerned about is, are you going to have a green space in front of your building that you're putting there? Your office building? A green space between the building and Green River Road and around your proposed warehouse type building? I know people can stack things neatly in a storage area or they can be a bamboozle of anything. You've got a large area -- perhaps some three (3) acres back there wide open.. If we could have something like some trees around the area to help landscape it a bit and take away the impact -- because some of the businesses and



developments have been beautifully done and they do fit in with the residential nature of the area. I guess what I am asking you is would you willing to agree to those concerns. My next point, I guess I'm sorry that there wasn't an opportunity for you to get together with the neighbors that are up here tonight to relay your amended request -- that you were going to do this. I imagine this comes as a surprise to all of the people who are sitting here in this room tonight. And it comes as a surprise to our Board, because of the way it had previously been presented."

Mr. D'Amour said the buildings his clients are going to build are very attractive buildings. Obviously, his clients have to meet the setback requirements (which he believes is 60 ft. in that area) and these are reflected in the drawing. It is up to his clients as to whether they are willing to agree that if the zoning is granted it would be subject to an enterprise going in there that would be involved with the manufacture of trusses, and post frame building materials.

Mr. Tony Cissel said that ever since they have been putting up these post frame buildings they have always done their best to put up the nicest buildings. All of their work is quality work. In the ten years they have been in business, they have never had any customer have a problem. If there were problems they were only minor problems and they were corrected right away. Their intention has always been to put up a very nice looking buildings with office space in the front and warehouse for trusses in the back -- to show people (especially other businesses) that they can walk in and say, 'Gosh, I didn't know you could do this with a post frame building!' -- because the log buildings are much cheaper and they can look as good as any business anywhere -- so that is their point. They are going to put up a nice building; they will keep their lumber in the warehouse, mainly to keep it out of the weather -- to keep it in good condition, because it cost them money if they leave them lay out in the weather. Both buildings will be nice buildings. It will be a showplace; the driveway will be kept up. He intends to plant trees. But they need a spot to show what they can do. He thinks that is a good point; they are better off advertising their own building out there on North Green River Road which is beautifully built and landscaped. It wouldn't make sense to put up a rickety building. He thinks the Commissioners can be assured it would be A-1 and meet with the aesthetics of the area.

Mr. Young again approached the podium and said he'd like to comment that this property which he has offered to sell to Mr. Cissel is the same property that he purchased from the very people who are here in the audience tonight. On January 23, 1980, with no restrictions whatsoever, Mrs. Kiegel (the Administrator for her father's estate) -- and all these houses of the people who are here complaining tonight are on the same estate. And they divided it up when he died into parcels. Each child got a parcel. "I purchased 2-1/2 parcels which came to a ditch. He paid Mr. Kiegel to straighten out the ditch and this is the same property, the same man's name is on his abstract that is on mine and there were no restrictions. When I bought it I paid good money for it and they were glad to see my money. And it is poor taste their being here trying to keep me from my rights. I have a right to also sell the property and Mr. Cissel has the right to use it just as they have their rights. And we are not interfering with their rights."

Commissioner Borries thanked Mr. Young and entertained further comments. There being none, a motion was entertained.

Commissioner Cox asked if the Board doesn't have to first vote on the amended request?

Mrs. Behme said, "When it came before Area Plan Commission it was still 12.7 acres and they denied it. Probably to accept the amendment would be a good idea, but you may want to check with the County Attorney."



Commissioner Borries said Commissioner Cox has raised a question. The rezoning which has been advertised and was to be considered this evening has now been amended. The original request called for a 12 acre plot and there were drawings to verify that particular request. They have now downsized it this evening. The question is, do we amend the petition at this time or vote on the original and then vote on the amendment?

Mr. Miller advised that as long as the amendment is seeking a downsizing of the property he thinks the Commissioners can grant the request for the amendment without any further action by the Area Plan Commission, and then just vote on the downsized request. He doesn't think any action is required by any other governmental body.

Commissioner Borries asked, "You would say that we could specify or indicate in our motion that this petition has been amended and vote on the amended petition?"

Attorney Miller responded, "I think it would be appropriate if this Commission would vote to grant or not grant the request to amend. Assuming the request to amend is granted, then you vote on the 6 acre request. If you vote not to grant the request, then you have to vote on the 12 acre request, as originally submitted."

In response to query from Commissioner Cox, Ms. Behme said the amended request was filed with the Auditor on October 13th.

Commissioner Cox moved that the request for the amended acreage (12.70 acres amended down to 6.5 acres) on VC-16-87 be accepted. A second to the motion was provided by Commissioner Willner.

Commissioner Borries asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Willner, Yes.

Commissioner Borries then entertained a motion that VC-18-87 be approved, as amended.

Motion to this effect was made by Commissioner Willner.

Mrs. Cox asked, "And include in the motion that the site plan, as submitted, be approved?"

Mr. Willner responded, I am not sure I want to restrict them to exactly that site plan. The fact is, I'd rather see them move it back just a little bit."

Mrs. Cox asked, "Back where, Mr. Willner?"

Mr. Willner said, "Back usually means to the back of the property. They are pretty close to the setback line and I'd like to see it back about 20 ft. or 30 ft. further than that. It just makes the lot and the buildings look a lot nicer and if you do that, that is all I would ask. I will make that a part of my motion then, that the buildings be set back 30 ft. to the rear of the property."

Mrs. Cox asked, "Thirty feet to the rear of the property?"

Ms. Behme said, "Thirty (30) ft. farther back; 30 ft. farther to the rear."

Motion was seconded by Mrs. Cox.

Commissioner Borries then asked for a roll call vote: Mrs. Cox, yes; Commissioner Willner, yes; Commissioner Borries, no. Motion passed with two affirmative votes.

VC-19-87/Petitioner, Corr Wood Manufacturing (3rd Reading):  
Common known address of property is 10501 Highway 57. Requested rezoning is from Agricultural to M-2. Land is currently vacant. Proposed land use is light manufacturing/warehouse.

Commissioner Borries asked if the Board hasn't discussed this petition previously?

Commissioner Willner said, "Yes, we gave him permission to come back without the one (1) year time delay."

Commissioner Borries said he wanted this entered for the record. He then asked if anyone was present who wished to speak either for or in opposition to this rezoning? There was no response. Commissioner Borries then entertained questions from the Board. There being none, a motion was entertained.

Motion was made by Commissioner Willner to approve VC-19-87 upon 3rd Reading, with a second from Commissioner Cox.

The Chair then asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. Commissioner Borries said the motion was unanimously approved.

RE: READING OF BIDS RE TECHNICAL ADVISOR FOR RE-ASSESSMENT

The meeting proceeded with President Borries asking County Attorney Miller to read the bids received on the Technical Advisor for the Re-Assessment.

Attorney Miller reported that two (2) bids were received, as follows:

- 1) Mid-America Appraisal Services, Inc. (Beech Grove, IN):  
He said there is a good deal of written material describing the details of the proposal. "Basically, as I read this proposal, it contains a bid for the service as Technical Advisor for the Re-Assessment of COMMERCIAL REAL PROPERTY; Commercial - 8,453 parcels for \$182,172.00.

There is then an ALTERNATE BID for RESIDENTIAL parcels that the bid dependent upon the number of Residential parcels to be appraised. Now, since we are talking about a "Technical Advisor" rather than an "Appraiser", there is some question as to how many of these parcels will be affected by this bid. So I think it's something that requires further examination. However, my understanding is that there are just short of 70,000 RESIDENTIAL parcels in Vanderburgh County, and the contractor's bid per parcel in this bid is for between 60,000 in one and 70,000 RESIDENTIAL parcels is \$8.77 per parcel and for 70,000 parcels that would mean a bid of \$613,900.00 for the RESIDENTIAL parcels to be added to the \$182,172.00 for the COMMERCIAL parcels for an approximate total of \$796,000.00.

That very brief analysis assumes that the Technical Advisor would be paid for services in connection with each of the roughly 70,000 RESIDENTIAL parcels that I understand are part of the Vanderburgh County Re-Assessment.

The bid is properly executed; there is a Bid Bond submitted for \$9,108.00, which is 5% of the \$182,172.00 bid and, technically, the bidder is in compliance with the Bid Bond requirement to the extent that the primary bid of this bidder is only \$182,172.00.

- 2) Simon's Governmental Services, Inc. (Jeffersonville, IN):  
The bid is properly executed; there is a Bid Bond included that makes reference to a line of credit at

Mutual Trust Bank of New Albany, NY. However, there is no Bond and there is no Check. The authorization to withdraw might be honored by the bank and it is in an amount equal to 5% of the following bid:

The bid is \$513,000.00 and includes (according to my brief analysis of this document) ALL RESIDENTIAL AND COMMERCIAL work.

Each of these bids indicates that thirty (30) days of services in hearings before the Board of Review are included.

Each of these bids creates either a per diem or an hourly rate for services with the Board of Review in addition to that thirty (30) day period. The Mid-America bid is for \$300.00 per day for all days in excess of thirty (30). Simon's bid is for \$40.00 per hour for work before the Board of Review in excess of thirty (30) days.

One other aspect of the bid that will require further examination is that each of the bids would add an additional charge for establishing grade and design standards required under Paragraph #6. (Without having Paragraph #6 of the bid specs in front of me, I don't know how to analyze which of those would be a higher price, so I have to leave that to the examination of someone else.)

But the base price of Simon's bid is \$513,000.00 and does include all work in connection with all parcels -- other than that grade and design."

Commissioner Cox asked, "And there is no breakdown on the residential and commercial? It's a lump?"

Attorney Miller said it is a lump sum bid.

Continuing, he said, "I have some concern about the bid bond of Simon's, inasmuch as we have no assurance that the bank would authorize a demand on this line of credit. That is a New Albany bank -- And that would have to be something that anyone who examines into this bid would have to assure themselves of and perhaps replace it with a Certified Check."

Commissioner Borries said, "We have used this meeting then to open these and we will turn them over to Mr. Schopmeyer and the Re-Assessment officials who are here this evening; and it is my understanding that they then will have to reach some kind of decision as to what direction you will pursue."

RE: READING OF BIDS FOR HEATING & AIR-CONDITIONING AT  
HILLCREST-WASHINGTON CHILDREN'S HOME

Attorney Miller said that two (2) bids were received on the heating and air conditioning for the Hillcrest-Washington Children's Home, as follows:

- 1) Schmitt Refrigeration & Air-Conditioning, Inc.:  
Commissioner Cox asked that Attorney Miller identify the front of the envelope for the Board. "Does it have initials on it, please?"

Attorney Miller said the sealed envelope had two sets of initials on it (SJC and RJB).

Commissioner Borries explained that the Commissioners could not identify the envelope -- that is why they signed off on it.

Continuing, Attorney Miller said the bid is properly

executed and contains the appropriate Bid Bond. Bid is in the amount of \$6,990.00.

- 2) A. C. Tilley Co., Inc. (Evansville, IN): Bid amount is \$125,622.00. The bid is not accompanied by a Bid Bond and the Non-Collusion Affidavit is not signed. Therefore, the bid from A. C. Tilley is not in all respects complete. There are no other bids.

Commissioner Borries asked if the Board has an Engineer's estimate on this?

Mr. Lindenschmidt responded, stating that the estimate is \$7,000.00.

Commissioner Borries asked, "Was part of the bid that we awarded to this engineer then to give us a final review over any bids that we received on air-conditioning to see if they met his specs? In other words, the Attorney has given us validity legal-wise on the Schmitt bid. I do have some problems and concerns regarding the A. C. Tilley bid, but from a technical standpoint, will this engineer give us a recommendation?"

Attorney Miller said, "He probably would. On the other hand, this....."

Mr. Borries asked, "You are saying that the A. C. Tilley bid is incorrect?"

Attorney Miller replied, "The A. C. Tilley bid really should not be accepted as a bid because it does not contain a Bid Bond and the Non-Collusion Affidavit is not signed. I am sure it was an oversight, but, in fact, it wasn't done. In any event, it is twice as high. The Schmitt Heating/Refrigeration bid specifies that the work is to be done according to the plans and specifications prepared by the T.E.C. Consulting Engineers. If you contract with that company (Schmitt) on that basis, then they are bound by these specs."

Commissioner Borries said, "Okay, what is the decision of the Commission for this evening?"

Commissioner Cox said, "I would like to have some input from Jim Lindenschmidt; he has been working very closely with this -- if that is all right."

Mr. Lindenschmidt stated, "I have reviewed the bids and one being twice as high and due to the urgency of getting started with this, I would like for you to award the bid to Schmitt Refrigeration & Air-Conditioning."

Mrs. Cox asked, "And the engineer's estimate is \$7,000.00, Jim?"

Mr. Lindenschmidt said, "From T.E.C. Consulting Engineers."

Mrs. Cox said, "I thought so."

Commissioner Borries entertained further questions. There being none a motion was entertained.

Motion was made by Commissioner Willner that Schmitt Heating & Air Conditioning, Inc. be approved to do the work at Hillcrest-Washington Home in the amount of \$6,990.00, with a second from Commissioner Cox. President Borries said the motion has been made and approved; so ordered.

Attorney Miller asked that the record show that apparently the correct name of that corporation is "Schmitt Refrigeration & Air Conditioning, Inc."

Mrs. Cox said, "And I had 'Heating' on my other notes."

Continuing, Attorney Miller said, "On the other side of this page it is typed 'Schmitt Refrigeration, Air Conditioning & Heating, Inc.'."

Mr. Lindenschmidt interjected, "It is at 200 S. Governor -- Robert Schmitt -- so we've got the right one."

Commissioner Borries said this has been noted for the record.

RE: CHAPEL HILL SUBDIVISION

The meeting proceeded with President Borries asking if Rick Broerman is present with regard to Chapel Hill Subdivision?

Mr. Broerman approached the podium and said he is here to request the acceptance of Chapel Valley Court and Chapel Hill Drive in that subdivision. What he'd like to do is to review the inspection performed by Bill Jeffers. It says the shoulders are not 6 ft. wide and the channel bottoms are not 2 ft. wide. It was a very hot summer and they didn't go in and do any grading along the new section of road because if they did any grading, dirt work, or planted grass or spread straw, the first good heavy rain would have washed it all away before it got a chance to come up. So they planned to wait until this fall to do that. They have done this now and he believes they have come up with 6 ft. shoulders in most of the practical areas.

Another area he points out is that there is a 30 inch corrugated metal pipe being undermined and they have corrected that by installing rip-rap around the pipe.

There is another 30 inch pipe with the same problem and they have also installed rip-rap around it.

The report said there is another corrugated metal pipe that is silting closed because of the erosion in the upstream lots. It is very difficult to control erosion until you have individual property owners who are taking care of that by planting grass. They plan to plant wheat this fall and clover next spring to control erosion as much as possible.

Another point was that there is a ditch which has been replaced with a pipe in order to cover the ditch up and not make it so deep and make it more maintainable by the property owner and 12 ft. of that pipe was uncovered. The rain had washed the dirt away. They have gone back in and covered that and seeded and strawed all of it, and they have now installed rip-rap.

On Lot #9 the ditch has silted shut. That is again due to the erosion since there is no property owner. They plan to go in and plant wheat and clover in that area also and that ditch has been re-dug, seeded and strawed, and rip-rapped.

There is the same kind of problem on Lot #11 and the same solution.

On Lots #7 and #3 the drain water has started undermining the pavement. That again is caused by their not putting dirt up against the pavement during the summer. They have done that now and seeded and strawed it -- so he thinks that problem is fixed.

On Lot #4, on the cul-de-sac there was water ponding along the road. That problem was caused by the Water Department. They came in and installed the water lines and piled the dirt up alongside the road and created a dam and there was no place for the water to go. He called them a couple of times to come out and fix it, but they never did. If he can get that graded, seeded and strawed, he believes that problem will be solved.

Mr. Broerman said he lives right at the end of this subdivision. People are going to be buying these lots and his neighbors and friends will be in (designated area). He wants to make this

subdivision as good looking as possible, but he doesn't want to have to answer to their problems all the time. He wants it nice for himself as well as these people. He has spent a considerable amount of time and money trying to meet the standards set forth by the county and he would like for the Commissioners to accept this road for county maintenance.

Commissioner Borries expressed appreciation to Mr. Broerman for his comments and then entertained questions or comments from the Commissioners.

Commissioner Cox addressed Mr. Broerman and said, "Rick, you said you worked very hard trying to meet the specifications as set forth by the county, and when your plan was submitted to us the plan called for the side ditches (not rolled curbs and gutters). Yet, somewhere along the line those plans were revised and I don't remember them coming back specifically. But I have a question on Item #3, where there was erosion around the drop basin that was in there. I did look at that. I don't know what kind of drop basins those are."

Mr. Broerman said the road was eroding right around those drop basins. The pipes that went into the drop basins did not have concrete on them and they've gone back and done that now so the problem should be solved.

Mrs. Cox asked, "What are they hooked up to?"

Mr. Broerman said that is a 12 inch pipe that runs down to the drainage easement that runs east and west.

Mrs. Cox said, "Also, when I was out there I asked you to explain about the cul-de-sac that goes to the west off Chapel Hill Drive."

Mr. Broerman said, "That is right next to/in front of my house and the plan there on Section "B" was to end the road and the plan in Section "C" was to continue that road on to the cul-de-sac. I saw a problem with somebody driving off that road and running into a pile of dirt or mud and getting stuck in the winter, so we decided to go ahead and put a cul-de-sac in. It was put in according to county standards. When we were paving we went ahead and paved the whole thing; so we now have a completed road and a place for people to turn around."

Mrs. Cox continued, "And then I did talk to you about some chunks out of the pavement on Chapel Valley Court that were just taken out of the asphalt pavement near and around the cul-de-sac -- the one that would go south."

Mr. Broerman said that again this is where they didn't have dirt pulled up against the side of the road and the water ran off the side of the road. This has only happened in a few places. They need to go back in and seed and straw that to solve the problem.

Mrs. Cox asked, "And you did point out that the pipe is exposed and this is a plastic pipe. Did you come to an answer as to why it was exposed? What had caused it to wash out?"

Mr. Broerman said the pipe does carry a lot of water away but there was an open end and the water runs over the hill and takes the dirt with it. They have gone back in and filled that with dirt and installed rip-rap.

Commissioner Borries asked, "Is this plastic pipe in our right-of-way or in right-of-way that would be dedicated to the county?"

Mr. Broerman responded, "Yes, it is."

Mr. Borries asked, "Whose responsibility would it be to replace that then should something happen to it?"

Mr. Broerman replied, "Since it is in the county's right-of-way, I guess it would be the county's responsibility. That plastic pipe is planted deep and it shouldn't crack unless somebody digs it up."

Mr. Borries said, "Well, I don't know that, Rick, because I'm not an engineer. Secondly, because while it might be of sufficient strength, if it cracks, I don't know whether we even have plastic pipe available at our county garage at this time."

Mr. Broerman continued, "The county wouldn't be accepting the storm sewers."

Mrs. Cox interjected, "Oh yes you do -- if you're in the right-of-way, you do."

Mr. Borries said, "I just don't know....."

Mr. Broerman said, "These pipes are in such a deep ditch where they are that the maintenance problems ...."

Mr. Borries said, "If there is construction in there, it might be on that site; there can be a contractor or someone with a truck crack that pipe and, frankly, I just don't think I have enough information to make a decision on that. I did drive out this afternoon to look at the subdivision. I saw the seed and the straw and feel that those things are in order. Of course, we had already waived curbs and gutters; but I will say to you again that -- at least on the rolled curbs -- that will be the last time for me. The ordinance says we have to have it and it is in our ordinance and this is something that we have decided before. But I do have some concerns about that plastic pipe. This is something that I'm going to need some information on, because I'm aware that it is being used; I am not aware if it is in our ordinance. Yours is not the first subdivision where it has apparently been used and I suppose that if you, as a developer, want to use it on your private property you can -- and I understand that in some cases it doesn't corrode -- I understand all of that and I know there are advantages to it. But I don't feel I have enough information concerning what happens during severe weather. What happens concerning the weight load and what the weight load would be? What happens if a contractor cracks the pipe? I just don't have that information."

Mr. Broerman said, "Under Section 3-a,4-d it says, "Therefore, although it appears to be an improvement " -- that was written by Bill Jeffers; so apparently he thinks it is acceptable. He may not agree with the methods by which it was installed, but he says it appears to be an improvement."

Mrs. Cox said, "He is talking about the three concrete pipe bell end sections, isn't he?"

Mr. Broerman said, "But those are tied together with plastic pipe and they are tied from there to the ditch with the plastic pipe."

Mrs. Cox said, "But here is what he was talking about; the three concrete pipe bell end section drop basins."

Mr. Broerman said he said the drop basin allows the flow line of the ditch to be raised approximately 4 ft., so the only way to raise it was to put that plastic pipe in it.

Mrs. Cox said, "Well, therefore relieving the county or property owners from having to maintain the deep and unsightly ditch." But that is what he is pointing out there. I don't think that this (d) gives an endorsement to the use of plastic pipe by the inspecting body. See, that is the problem we have when we don't have the rolled curbs and gutters and the controlled drainage, with drop basins every now and then along the street, and an opening to go out to the natural swale in the area. You've got

these ditches. And the minute people start building their homes they want to fill these ditches in. Or, they don't want to buy a lot that has a deep ditch. And we've got to think of carrying the water and protecting the roads when we sit up here -- and that is a concern and there has been a lot of washing. Evidently the water does -- and you have so indicated -- carry a lot in that area, enough to even wash some of the shoulder out from under the pavement and cause it to crumble.

In "b", he points out that "Subsequent to the plan to use open roadside ditches, which plan is indicated by both the Biggerstaff plan and the street plans from Easley Engineering, the developer apparently decided to install the bases as indicated on Attachment 3-b."

Commissioner Borries said, "In my observations today, you have made some changes. I saw the rip-rap, the seed and the straw -- I just don't have the information that I need on this pipe and I suppose if it is going to be used in this county somewhere or the other in right-of-way -- (turning to Bill Bethel, he asked, "Do you have any plastic pipe out there at all?)

Mr. Bethel responded, "I don't use plastic pipe."

Continuing, Mr. Borries said, "Again, I am saying it may be superior -- I can't say; but I don't feel that I personally have enough information to make a decision on that until I can get more information in relation to that plastic pipe. Plastic pipe really doesn't fit into our ordinance -- it is not in our ordinance."

Mr. Broerman said Andy Easley's office is the one that approved using the plastic pipe and Mr. Easley is a licensed engineer.

Mr. Borries said, "I understand that."

Mr. Broerman said that Mr. Easley is as qualified as anybody to render an opinion and, based on that, the Commission could make a decision. If they want him to take the pipe out, he needs to know. What he needs to do is get this resolved so he can get his Letter of Credit released that he has to keep getting reinstated every two weeks.

Mr. Borries said, "I am aware of Mr. Easley's qualifications, but I have stated to you my concerns in relation to the ....."

Mr. Broerman interjected, "You tell me what to do and I'll do it."

Commissioner Cox said, "Well, first, go out and look at that new Heerdink Lane out between Millersburg Rd. and Heckel Rd. This is a comparable road, although it is going to carry more traffic than your subdivision. But if you want to see how your 6 ft. side ditches and your drainage are supposed to look, that is the way a road is supposed to be built that doesn't have rolled curbs and gutters."

Mr. Broerman said, "The area we're talking about right now -- there is no way to put a side ditch in there unless you fill in the whole lot...."

Mrs. Cox interjected, "The way it is, our ordinance says you either have rolled curbs or gutters or you have the comparable side ditches -- one or the other, Rick, that is what it says."

Mr. Broerman said, "If you're building on the side of the hill, you let the drainage go down the hill just like it did before -- you don't build a ditch and then let it go on down the hill."

Mr. Borries said, "My feeling, Rick, would personally be that again I am not qualified to judge on the plastic pipe."



Mr. Broerman asked, "Do you want me to take it out? Will you approve it then? Then I'll do that and you'll have a nice deep ditch. If that is what you want, that is what we'll do. But somebody who is going in there is probably going to build a driveway and they are probably going to put 3 ft. of dirt (or more) over the top of that pipe from the road to get to their house (a 12 inch plastic pipe that is 4 ft. to 5 ft. in the ground).

Mr. Borries said, "Maybe, I don't know. Again, I am not qualified to give you any kind of an answer on the strengths of plastic pipe versus the other. I just am not qualified to do that. The other improvements that you have mentioned I have seen and verified -- but on that one I am going to need more information before I personally could give you an opinion on it."

Mr. Broerman asked, "How about if you accepted maintenance of the road and then talk to whatever experts you need to talk with and then whatever they say I need to do I will do. If they say take the pipe out, I'll take it out. If they say it is all right, I'll leave it like it is."

Commissioner Borries asked the other Commissioners to express their feelings about this.

Commissioner Willner said, "Let me say that I think we ought to get it off dead center, so I will move that Chapel Hill be approved -- to get it on the road."

Mrs. Cox said, "I will second the motion - to get it on the road."

Commissioner Borries said it has been moved and seconded to approve Chapel Hill. The only way he thinks he could consider Mr. Broerman's suggestion at this time is to say that any approval he would give would be subject to information that he can obtain regarding the strength and durability of that plastic pipe. And he would say that since it is not in the county ordinance, he doesn't have any basis for comparison. What he is saying is that whatever outcome this vote might be would be subject then to information that he can obtain on the plastic pipe. At this point he just doesn't want to commit this county to making repairs on that plastic pipe. We haven't done so in the past. We may need to do so."

Mrs. Cox said, "I think the difference here is being in the right-of-way and running across peoples' property. Sometimes it runs across peoples' property and if it does, then that is the property owner's responsibility. To satisfy me, all I would like for you to do is get your shoulders along the side of those roads and get the pavement of the sides of those roads fixed so they are not going to wash out again. And, Rick, I have no assurance -- I've been out there and I saw the seeding and the strawing, that is true -- but I have no assurance that the drainage system that is out there is going to work any better than it did before the washing out and it is going to affect our roads again -- and that is my concern. You do not have the proper shoulders and the side ditches and the slopes necessary to protect the roads. Those are my concerns, plus the fact that I did notice on the first section (I think I talked to you about that and there was a disagreement on what that really was) -- you felt like it might be a tire track. I felt like it was some cracking of that first section of Chapel Hill Drive that we previously approved -- that comes off Peerless Road (on the west side of the road) -- and I don't know what caused it. But it has alligator cracking all up and down that side for almost the entire length."

Mr. Broerman said that is not alligator cracking; that is where a tractor tire went right along that edge. Apparently somebody was mowing or it was done when they installed the water lines.

Mrs. Cox said, "Well, I know there has been some damage to that, which down the road -- with the freezing and thawing -- and the water getting down in there, we're going to have to do some repair along that shoulder and we have already accepted that area. You see, once we accept these roads (and you've got all these big concrete trucks and everybody coming in that is going to be driving on these roads and doing the same thing along the shoulders, we are going to have to come back and repair them). so I just think Mr. Borries is exactly right. We have nothing in the ordinance that addresses plastic pipe and if we're going to use it then it should be put in there and be accepted before people go out telling you that it is all right to do it that way and then you run into problems. That is where it is -- that the ordinance has again been ignored and not followed (as in other instances). And I am getting the impression that people are coming in and they are submitting their drainage plan to us with these ditches to carry the water and then after we approve them and they get out there and for some reason or the other they feel the lot is not going to look that good with it there, then they try to find something different to make it sell to people, which is not right. If it is going to be better, then it should be presented to us up front here -- in front of that podium -- and before a decision is made to approve it one way and then when it comes in to be approved we find all of these changes have been made -- and that isn't the proper way to do it at all."

Commissioner Borries said, "We have a motion and a second; I'll ask for a roll call vote at this time: Commissioner Cox, no; Commissioner Willner, yes; Commissioner Borries, yes -- again, subject to the information that he will get on the plastic pipe and I will reserve then the idea -- I would hate to do it, you've been very patient -- but at your expense you may have to remove that so we can properly maintain it, to which you have said you agreed."

RE: COUNTY ATTORNEY - DAVID MILLER

The Chair called upon County Attorney David Miller, who advised he has nothing to report at this time.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of October 12 thru October 16, 1987.....report received and filed.

Gradall: Wedeking, Sensemeier, Schmuck Rd., Upper Mt. Vernon Rd., West Franklin, Debbie Lane and Orchard Lane.

Paved: Miller Rd and Schmuck Rd.

Patched: Schutte Rd., Debbie Lane, Creamery Rd., Maxwell, King Rd., Olmstead, Burkhardt, Old State, Railroad approach, and Plainview.

Grader: Schmuck Rd. (Pull shoulders), Happe Rd., King Rd., Hickory Ridge, Cemetery Rd., Lyle Rd., and Bridgeview.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Built drop box on Schmuck Rd.
- Raised manhole cover at 6951 Arla Jane Drive and filled hole with dirt in preparation for repair.
- Repaired Ohio St. Bridge and cleaned culvert at 798 Douglas Drive

- Repaired drop box at 1003 St. Joe Rd.
- Moved wall on Seminary Rd.
- Delivered one (1) 12 x 40 ft. pipe to Nisbet Station Rd. on David Guillaum job.
- Moved old pipe from Schmuck Rd.
- Prepared Bayou Creek for installation of pipe.

Weekly Absentee Reports: Also submitted for the same period were copies of the Weekly Absentee Reports for both employees at the County Garage and the Bridge Crew.....received and filed.

Commissioner Cox asked, "What does move wall on Seminary Rd. mean?"

Mr. Bethel said there was an old culvert there that had to be removed.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Bernardin, Lochmueller & Assoc.: Claim in the amount of \$2,219.96 for work on Boonville-New Harmony Rd. plans for the previous month. It is in accordance with their agreement and a progress report has been attached.

The Chair entertained questions.

Mrs. Cox asked, "I think we each received a copy of that progress report."

Mr. Borries said this claim is for work through September. Most of their work looks 100% complete on the field survey, design and study report. And this roadway design is partially what this billing is for and then that will be 95% complete. The bridge design is 95% complete. There is still retainage there. A motion was entertained.

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

Darmsadt Rd. Curve Project: Mr. Easley said he believes Mr. Willner is probably aware that the striping is complete on the curve north of Darmstadt. (Mr. Willner said it looks very good.) Mr. Easley continued by saying he believes they may have one more sign to erect. He has been driving this route going to and from the Nisbet Station Rd. project and it rides very well. The main structure is in on Nisbet Station Rd. and it will probably be another day before the asphalt is done and they have to finish excavating the ditch.

Heerdink Lane Project: Commissioner Willner said he wants to be the first to say that Heerdink Lane is a very nice, drivable road and he wants to thank Mr. Easley for his participation in this project; he knows he carried it through from start to finish.

Darmstadt Rd./Princeton Rd. Intersection: This is very nice and Commissioner Willner has been getting nothing but good reports from the neighbors. He said Mr. Easley did a very good job on this project and he wants to express his thanks to him at this time.

Mr. Easley said he thinks the Commissioners are to be commended for recognizing the need for such a project and going ahead and putting their money into it. He had the pleasure of doing the engineering on this project and he thinks the Commissioners should keep their eyes and ears open, so if there are other curves that are dangerous maybe every couple of years we can program a project like that.

RE: SPENCER ROAD

Commissioner Borries said Mr. Spencer is here again this evening.

Mr. Spencer said he was here previously trying to get a designated section of Heerdink Lane changed back to Spencer Lane. He brought photos with him to share with the Commissioners. The Spencers have maintained Spencer Lane for years.

Commissioner Borries asked why this section was then called Heerdink Lane?

Mr. Spencer said the roads don't compare at all. He continued by approaching the Commissioners' table and pointing to the roads being discussed.

Commissioner Borries asked, "Mr. Spencer, there isn't any entrance on Heerdink Lane -- on what we're calling Heerdink Lane -- to your business, is there?"

Mr. Spencer said there is not.

Mr. Borries asked, "How do you get to your business?"

Mr. Spencer said you go to Heckel Rd. and turn left.

Mr. Borries asked, "Isn't there a new road back in there? Couldn't we call that Spencer Lane?"

Mr. Lindenschmidt interjected, "That is what he is talking about -- the new road."

Mr. Borries asked, "You mean that the new road goes to your business?"

Mr. Spencer said, "Yes; it goes right in front of it."

Mr. Borries asked, "Is there an entrance to go into your business there?"

Mr. Spencer said, "Yes, off the new road there is. It goes to my home, my business and also my brother's business. But it has "Heerdink Lane" on it.

The Chair entertained questions.

Mr. Lindenschmidt submitted a copy of Mr. Spencer's abstract and title from the Court.

Mr. Borries asked, "What does the Court say?"

Mr. Lindenschmidt said, "They ordered a 10 ft. right-of-way width off the north side of the northeast quarter; 10 ft. off the west side; 20 ft. width off ...."

Mr. Borries interjected, "Did we purchase any land from you?"

Mr. Spencer said, "No; Paul Gerhardt purchased the ground for the road because he wanted it to go through there (as did the Spencers)."

Mr. Borries asked, "But your land was not affected by this?"

Mr. Spencer said, "We gave just a little bit of right-of-way."

Mr. Borries asked Mr. Easley if the County purchased any land from Mr. Spencer?

Mr. Easley responded, "I think we got some temporary easement from him. You know, this whole thing may be a lack of communication or misunderstanding. He said the Spencer Lane

shown on the big map in the Commissioners' Hearing Room does not exist...and Heerdink Lane on the big map is a black line the same width as Millersburg Rd. That road may have existed on paper as a 20 ft. easement, but it certainly wasn't an improved road as it is represented by the black line."

Mr. Borries said, "There is one off Pollack Avenue that doesn't exist."

Mr. Easley continued, "And I don't go back far enough to know about this Spencer Lane. I think maybe it should be turned over to a committee for a recommendation or something."

Mr. Borries said, "If we turn it over to a committee, we'll get a recommendation -- you can believe it." Continuing, Mr. Borries said he is lost on this one and apparently other people are lost on it as well. Maybe the Board needs to get the County Attorney to.....he knows the Spencers are concerned about this. He asked the Board what they want to do on this?

Commissioner Willner asked, "Why don't you have the Area Plan Commission make a detailed map and a study of the area and bring it back to the Board? They have done that once and it came back with 'Heerdink', but I don't know how much detail they did have. Nonetheless, they have all of the old maps back to at least 1957, and they are the people charged with the name recommendation."

Mr. Lindenschmidt said that Joe Ballard of the APC is the individual who provided him with the map and abstract he has for the Spencers.

Commissioner Borries advised Mr. Spencer that the Commissioners will work with him, but he surely can't make any promises that this is going to work out. The wall map in the Commissioners' Hearing Room is not right -- everyone agrees on that. He asked Attorney David Miller if a title search would help in any way?

Attorney Miller said he doesn't believe it would. It would, essentially show grants of right-of-way. It wouldn't bind anybody to any names or anything of that sort.

Mr. Borries said the new Heerdink Rd. and old Heerdink are not perfectly aligned, but you can see the other road. (It is kind of like Boeke Rd. and Covert Avenue, where they have all kinds of accidents. Boeke Rd. is not properly lined up either. There wasn't enough right-of-way on the south end of Boeke/Covert area and you've got to jog over a bit.

Commissioner Cox said, "Mr. Spencer, I want to ask you -- when you said the roads were not aligned (that is what you said, you didn't say 'combined'. you said 'not Aligned'?)

Mr. Spencer said he said they are not "combined".

In conclusion, Commissioner Borries said the wall map is not correct. It does show a Spencer Road, but it acknowledges that there is a Heerdink Lane there on that road -- and, again, he knows the Spencers are concerned about it. He is sorry. The Commissioners are not trying to make light of this. If it is agreeable, the Commissioners will ask Area Plan to look at this one more time. He also urged that Mr. Spencer talk with the Area Plan Commission. He is sure they would be willing to listen to Mr. Spencer's arguments -- and we'll see what can be worked out. It doesn't make any difference to him and if the APC wants to change it, it is okay with by him. The point is that it does have to be done right. He appreciates Mr. Spencer's presence tonight and the Commissioners will send a letter to the Area Plan Commission, asking them to look at this whole situation, and then we'll see what we can come up with. (The Commissioners returned the photos to Mr. Spencer.)

RE: EUTS - ROSE ZIGENFUS

Contracts for Four (4) Railroad Projects: Mrs. Zigenfus said she has agreements between Vanderburgh County and the Indiana Department of Highways on four (4) railroad projects which need to be executed by the Commissioners, so they can be forwarded to the IDOH. These are for signalization on CONRAIL Crossings on Oak Hill Road (behind the Airport), St. George Road, Red Bank Road and Boonville-New Harmony Road at Highway 57. Federal Funds have been allocated and made available to the State in conjunction with the above projects. The Railroad will perform the preliminary engineering phase and the construction phase for the railroad crossing and/or signals or gates involved in the named projects. These projects will be paid for via 90% Federal funds and 10% Local Funds and they will be applying to the State Transportation Department for the 10% reimbursement. These are four of the railroads that we had filed applications for last February.

The Chair entertained a motion.

Motion to approve and execute the agreements was made by Commissioner Willner, with second from Commissioner Cox. So ordered.

Commissioner Willner asked, "It is my understanding that we will have to pay 10%, is that correct."

Mrs. Zigenfus said this is correct, then we will apply for the reimbursement.

Mr. Willner said that someone told him the other day that the 10% reimbursement was no longer obtainable.

Mrs. Zigenfus said, "Well, evidently, they have run out of money, but they tell her that they are asking for an additional appropriation.

The Chair entertained questions.

Construction Engineering/Boonville-New Harmony Rd. Project: With regard to proposals for construction engineering on the Boonville-New Harmony road project, Mrs. Zigenfus said proposals were received from Bernardin, Lochmueller and Veach, Nicholson, Griggs Associates. It is EUTS recommendation we select Bernardin, Lochmueller.

Motion to name Bernardin, Lochmueller was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Eickhoff-Koressel Project: Ms. Zigenfus said that with regard to the Eickhoff-Koressel project, she would like to delay this because of funding issues and present them next year. If we go ahead at this time, we are going to be competing for urban funds. If we tie up approximately \$230,000 to \$240,000 in urban funds for this project, we may be.....(inaudible). Therefore, she would like to check further on this before taking any action.

Extension of Royal Avenue: Mrs. Cox asked if Mrs. Zigenfus has an update on the Vogel Rd. and Royal Avenue Extension, which she presented conceptually and was going to bring a proposal; (with maps) back to the Board of Commissioners?

Mrs. Zigenfus said, "The problem is that there are two developers who are willing to construct the alignment. But the Master Plan approved by the County and the City differs from what they want to do. (Other inaudible comments)....but we expect to have the extension by next year."

RE: LETTERS FROM U. S. ARMY CORPS OF ENGINEERS RE PIGEON CREEK

Commissioner Borries said he has two letters from the U. S. Army Corps of Engineers dated the same day. In the interest of time, he won't read them in their entirety. But when he read them, he was concerned enough that he thought he should bring the matter before the Board at this meeting. The letters concern Pigeon Creek and state that "..... In March of 1985, at the request of officials in the City of Evansville and Vanderburgh County, we initiated studies on the flooding problems on Pigeon Creek in Evansville and Vanderburgh County." Then it says that ".....On April 20, 1987, Mr. Harry Ross of our Planning Division Staff discussed by telephone the findings of these studies with Messrs. Dick Eiffler and Andy Easley. The study on the creek resulted in the conclusion that an economically feasible project cannot be identified. I understand that during the April 20th discussion no additional information surfaced which might impact on the finding of these studies which were accepted by both the City and County Engineers. Accordingly, a recommendation that no Federal action be taken at this time was forwarded to our Ohio River Division Office and that has been reviewed and approved." Then it says ".....I regret that we were not able to provide assistance to the City of Evansville and Vanderburgh County in reducing problems on Pigeon Creek." (Then there is a name to call if we have any questions.)

The second letter was also from the U. S. Army Corps of Engineers, but it was from a different person. This one was signed by Robert L. Oliver, Colonel, Corps of Engineers, District Engineer. This letter says that "....Over the past several years this office has coordinated with you and other county staff members regarding our budget requests for Federal funds to initiate Pigeon Creek reconnaissance study authorized by the Committee of Public Works by the U. S. House of Representatives, adopted June 1, 1961." And this says that ".....It contains provisions by de-authorization of study (such as Pigeon Creek) that have not received an appropriation in the previous five (5) years. The Act calls for de-authorization unless funds have been approved for study prior to the 90th day after the list of eligible studies has been submitted to Congress and the Pigeon Creek Study was included in the list of studies submitted to Congress by the Acting Assistant Secretary of the Army on September 17, 1987. Funds were not included in the President's budget request for Fiscal Year '88 or or in the House Appropriations Bill of June 17. It is therefore likely that the Pigeon Creek Survey Study will be de-authorized on or about December 17, 1987. If local interests in Vanderburgh, Warrick and Gibson counties continue to desire a survey study by the Corps of Engineers to address flood problems throughout the entire Pigeon Creek Drainage Area, new study authority will have to be obtained. The study discussed here has potential to address flood problems basin wide as compared to the recent Section 205208, etc., etc.". It says, "I regret that we are apparently unable to obtain funds for addressing flood problems in the Pigeon Creek Drainage Area." This is from Neil Jenkins, Chief of the Planning Division. Do we want to respond to this? Do you want to take it under advisement for one week?

Mrs. Cox said, "I read that. Are you certain on the location of what they are talking about? I wasn't sure what they were specifically....."

Commissioner Borries said, "It would be my opinion that it includes an area not only in Vanderburgh County, but Warrick and Gibson counties, and apparently without any request being submitted at this time they are not going to include any funds for any study at this point."

Commissioner Willner said that is the way he read it. It would be useless to do anything else except to make a new request.

Commissioner Borries said he is just concerned about the funding phasing out.

Commissioner Cox said that we really need some participation from them to clean out under that Pigeon Creek bridge on Stringtown Road. That is really a mess under there; there's a bad log jam.

Mr. Borries asked, "Wasn't this project where they built the levee there by First Avenue and all along there -- wasn't that all part of a flood project?"

Mrs. Cox said, "That is what I thought. And I thought they were going to go in stages; they went from place to 5th Avenue; and then from 5th Avenue to 1st Avenue; and then from 1st Avenue to Stringtown -- I thought. Do you mean to tell me they are dropping that? That bridge is bad. The next time you go out there, look at it. That waterway is really restricted and we paid money to get Pigeon Creek cleaned out up above (we participated with Warrick County) and removed log jams and didn't pay particular attention to this area, because I felt the Corps was going to help do this. But it is getting very bad under that bridge. There are even trees going out of the log jam trees that are there."

Mr. Borries said he will give these letters to Andy Easley and see if he can obtain more information as to exactly what is going on. He'd like to see a study continue on the northern part of Vanderburgh County.

In response to query from Commissioner Borries, Commissioner Willner said he believes their participation ends at Highway 41.

Mrs. Cox said, "That is what I thought; but evidently they don't have the funding now to do this."

Commissioner Willner remarked, "That is what it says."

Commissioner Borries said he'd like more information on this, and Mrs. Cox echoed his request. She said that needs to be done. What we've done up above is just going to dump more water down into that area and we are going to cause problems for people on North Kentucky Avenue, Stringtown Road, Cardinal Drive and all around that area.

Commissioner Willner noted that we haven't had much rainfall; but if we have a real soaker it might wash some of that on down.

Mrs. Cox said, "Bob, it is not going to wash that down."

Mr. Borries handed the letter to Mr. Easley and suggested he might want to call maybe even Congressman McCloskey's office to see if they can get some information for us. But he does have concerns there and he'd like to find out why it wasn't approved. Simply because we didn't have a project on board? Or, is it funding? Or whether or not there was no need -- because he thinks there is a continuing need to look at flooding problems along Pigeon Creek.

Mr. Jim Morley said perhaps he can shed a little light on the subject. The construction of the levee project is slated to go out for bids in February to continue from Stringtown Road all the way to Highway 41. They won't be doing any work along the bank of the creek whatsoever. He thinks this letter responds to a request of a few years ago for funds to assist in removing log jams from the creek and at that time they expressed some reservation about doing that. Yet, since the time that this was originally turned in as a request, I know that they have funded a major project on the Patoka River (they called it grubbing and snagging) and they pulled a tremendous amount of log jams and everything else out of the Patoka River as a part of a major project. They pulled them up in piles and strapped them down with cables so they wouldn't go away. Yet they've never done anything about the Pigeon Creek project. I don't know, but perhaps if you suggested a little inquiry through your Congressman to determine why they can't fund Pigeon Creek.....



Mr. Borries asked, "So you think it is a log jam removal?"

Mr. Morley said, "Yes; and I do remember that this Commission started that some five or six years ago. It has been a long time. At that time there was a question as to whether they could do that with the levee, and he made some inquiries in that regard and found out that you could -- it was totally separate. But I do know they have funded it for somebody else since that time."

Mrs. Cox asked, "What did you call that?"

Mr. Morley responded, "Grubbing and snagging."

Mrs. Cox said, "Then that is what we should call it; don't call it removal of log jam."

Mr. Morley said, "It may take some work on the part of your Congressman to get some consideration from the Corps. Sometimes they will tell you they can't do things and they turn around and say that anything that gets Federal funds they can gladly do."

Mr. Borries said, "Well, it just wasn't clear and we are concerned enough that we would want the levee project to continue and a snagging problem on a creek that size is a continual one."

Mr. Borries said if Mr. Morley can obtain some information, maybe we'll write another letter expressing some interest.

Mr. Easley said we all agree there will continue to be log jams in Pigeon Creek unless a major bank clearing operation is funded. The Board may want to consider adopting a Resolution that they continue this and maybe the Board's counterpart in Warrick and Gibson Counties would be willing to do the same. Perhaps our Congressman can use this to good advantage.

Mrs. Cox said, "I believe that Warrick County has already participated with Gibson County along Little Pigeon Creek and Pigeon Creek all the way down. They did some channel dredging and cleaning all the way down. We met with their Commissioners about four to five years ago and they did it with Drainage funds. They went ahead, because we didn't know at the time whether the Courts had jurisdiction or what -- so they have already done a lot of work on that area and that is just going to make more water come down on us, because that is where it is all coming from. The only way it can get out is to go out by the Mead Johnson Terminal if it doesn't spill over the bank."

Mr. Easley said that when he and Jim Morley went on a helicopter ride with Brian Hass of McCloskey's office and Harry Ross, they very slowly flew over the creek. Unfortunately, they could not find any log jams (we'd already taken out the major one) and he thinks they used that for a justification that there wasn't any imperative need.

Commissioner Cox suggested they fly the helicopter through the channel under the bridge!

Commissioner Borries said that where the creek meanders just north of Diamond Avenue he would say there has been a log jam and there is wood all over that part of the bank.

Mrs. Cox asked, "Do we have jurisdiction then under the Stringtown Road bridge?"

Mr. Easley said that we do.

Mrs. Cox said Mr. Easley may want to take a look at that. Some of it looks as though it's been there since.....

RE: AGREEMENT WITH P.I.C

President Borries submitted the Agreement among Local Elected Officials with the Private Industry Council of Southwest Indiana for the implementation of the Job Training Partnership Act. He emphasized that there is no change in the Agreement, itself. This is just for purposes of obtaining a signature update.

Motion to sign the agreement was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: COUNTY APPOINTMENTS (LIBRARY & LEGAL AID

Library Board: Commissioner Borries said Mrs. Rebecca Bunner was appointed in January 1984 and her term is due to expire in December. She has only served one term, so she can serve another four year appointment. She has indicated she would be willing to do so. A motion was entertained.

Motion to re-appoint Mrs. Bunner was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Legal Aid: A letter from Legal Aid indicates a vacancy will be created on the Board of Directors of the Legal Aid Society by the resignation of Mrs. Jane Beckam, effective December 31, 1987. They recommend and request the appointment of Mrs. Lee Ann Cook, Director of Quality Assurance Systems at Bristol-Meyers. Mrs. Cook is an Evansville native and joined Bristol-Meyers in 1968. She is recommended by Bristol-Meyers attorney D. Johnson and Director of Public Affairs, Rolland Eckels. Bristol-Meyers has been helpful to Legal Aid, being the largest single donor toward the purchase of Word Processing Equipment. If Mrs. Cook is appointed, it is hoped she can attend the November meeting and talk with Mrs. Beckam at that time, thus creating a smooth transition. The appointment would be for a three year term. A motion was entertained.

Motion to appoint Lee Ann Cook was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: ACCEPTANCE OF CHECKS

Welfare Rent: Check submitted in the amount of \$11,503.92 for October rent for the Welfare Department. Motion entertained.

Motion to accept the check, endorse same and deposit into the County General Fund was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Southwestern Indiana Mental Health Assoc.: Check submitted in the amount of \$65,009.65 for fees collected in the 3rd quarter of 1987 for Hillcrest-Washington Home. Motion entertained.

Motion to accept the check, endorse same and deposit into the County General Fund was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Mrs. Cox said she would like this information sent to the County Council. (It was subsequently noted, however, that copy of the letter enclosing the check had been sent to Mark Owen, Council President.) It was also noted that this is the first check the County has received since the Mental Health Association took over the operation of Hillcrest-Washington Home.

RE: BUILDING COMMISSION

Commissioner Borries said Roger Lehman, Building Commissioner, is not present tonight. However, he did submit the following letter:

To: County Commissioners  
From: Roger Lehman, Building Commissioner  
Date: October 19, 1987  
Subject: 16930 Highway 57 North

New owner now has possession of property by deed. Conversation 10-15-87 with new owner indicates demolition in approximately 90 days. Recommend Commissioners require new owner to provide suitable barricades to access (i.e., cable, chain, piles of dirt, etc.) across drives within seven (7) days.

The property is zoned C-4 and can be used for gas station-convenience store or the like.

Commissioner Cox said, "I thought he was going to tear that down immediately. Now he wants ninety (90) days. I don't know how deep that pit is, but with the little girl who fell down the well shaft in Midland, Texas, I think we'd better get something done out there."

Commissioner Borries said, "I think we definitely need to act on his recommendation here to require suitable barricades to access all along there. And we'll continue to receive reports from him."

He reported to me that he'd gotten a call and that some door or something was off the front of the building. We just may be messing with a very, very serious situation and that has been going on for a long time. This just buys another ninety (90) days. What if, in the meantime, this buyer sells it to somebody else? It is unsafe property -- that is what it is."

Commissioner Borries asked, "Do we want to recommend that they have barricades to the access and to assure that all precautions are taken then? Do we want to set a deadline of ninety (90) days and say that all precautions will be taken during this time to ease any kind of hazards?"

Motion was made by Commissioner Cox that the new owner be informed that we expect him to demolish the structure as previously indicated to this Board and within a thirty (30) day period.

Commissioner Willner said, "I think he ought to have ninety (90) days. Did the memo say thirty (30) days?"

Mrs. Cox said, "No, it was reported to us that the new owner had agreed to go in and remove the building immediately. That is what was reported to our Board. And this has taken much longer time than what we felt immediately was going to be; but finally the sale was negotiated."

Mr. Borries said, "I think he reported the last time that they were going to demolish it."

Mrs. Cox said her notes show, "Monday, October 19th -- the Board was due a report on this matter. It's in the September 28th minutes."

Mr. Borries cited the following excerpt from subject minutes: "Got the abstract cleared up, passed back and forth and approved and they are in the process of obtaining finalized papers and then he would have ownership and then begin razing the building. He did say today that he would take one of his supervisors or foremen out there and seal the building back up. There was some traffic through there on Labor Day." So he did say in here that he would begin immediately.

Commissioner Borries said it has been moved by Commissioner Cox that demolition of the building begin within thirty (30) days and Mr. Willner says that is fine -- so he interprets that as a second. So ordered.

RE: DARMSTADT SEWER SYSTEM

The following letter with regard to the Darmstadt Sewer System was also submitted by Mr. Lehman:

October 15, 1987

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

Enclosed are two letters from the Town Board of Darmstadt and Easley Engineering concerning the new installation of the sewer system in the Darmstadt area. It is evident that the Town does not believe we have permit or inspection jurisdiction in this situation. As long as the Board of County Commissioners is in agreement with this philosophy, our office will not issue permits or make inspection on any aspect of this system. This currently means that approximately 400 sewer connections and 75 electric meters (for pumps) will be installed, inspected and maintained by the Town of Darmstadt and/or its designated contractor/engineer.

All current and future questions, comments and complaints concerning this installation or operation will be referred to the Town of Darmstadt.

Sincerely,

Roger Lehman  
Building Commissioner  
Evansville-Vanderburgh Co.

cc: Town of Darmstadt  
Easley Engineering  
Mayor Frank McDonald II  
Peyronnin Construction Co., Inc.  
Campbell Electric  
Evansville Utility Board  
SIGECO/Electric Meter Dept.

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September 17, 1987

Mr. Roger L. Lehman, Building Commissioner  
City of Evansville  
310 Civic Center Complex  
Evansville, IN 47708

Dear Mr. Lehman:

As you are aware, the Town of Darmstadt is constructing a sanitary sewer collection system to serve the residents of the Town. The system will be owned, operated and maintained by the Town and includes the pressure mains, pressure service lines, pump stations, gravity lines from septic tanks to the pump stations and septic tanks.

The Town received a construction permit from the Indiana Department of Environmental Management and the project is being constructed by Peyronnin Construction Co., Inc., and all work is being inspected by the Project Engineer, Andy Easley Engineering.

As this project consists of community wide improvements/modifications to sewage disposal systems and not to an individual's plumbing, we do not believe that this work falls under the jurisdiction of your office. Also, all future connections to Darmstadt's Sanitary Sewer System will be approved and inspected by the Town.

If you have any further questions or comments, please feel free to contact the undersigned.

Sincerely,

TOWN BOARD OF DARMSTADT

Roger Steinkuhl, President

It was noted that an identical letter dated October 9, 1987, was received from Michael V. Fitzsimmons, P.E., of Andy Easley Engineering.

RE: SCHEDULED MEETINGS

Oct.	20, 21 & 22	Tues.-Thurs.	Election Instruction Mtgs. (Room 301) - 10:00 a.m.
Oct.	20	Tues.	Election Instruction Mtg. (Room 301) - 6:30 p.m.

RE: COUNTY TREASURER - MONTHLY REPORT

President Borries submitted Monthly Report from the County Treasurer for September.....report received and filed.

RE: ALEXANDER AMBULANCE SERVICE, INC. - MONTHLY REPORT

Also submitted was the Monthly Report from Alexander Ambulance Service, Inc. for September, 1987.

RE: CLAIMS

Alexander Ambulance Service: A Claim for 3rd Quarter in the amount of \$38,465.04 from Alexander Ambulance Service was also submitted. A motion was entertained.

Motion to approve the claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Cindy Ewing-Lutgring: Claim in the amount of \$114.70 for deposition re Swaim vs. Vanderburgh County was submitted. A motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

St. Mary's Medical Center: Claim in the amount of \$132.50 for refund due for parking was submitted. Commissioner Borries said he is sure this has something to do with the Auditorium. He asked that Mr. Lindenschmidt explain this one. Mr. Lindenschmidt said St. Mary's paid for parking and the Auditorium personnel did not open the gates, so they couldn't get in to park. Thus, they are refunding the parking fee. Commissioner Borries commented, "As I have always said, we can put men on the moon, but we can't get those parking gates to work!"

Mrs. Cox asked, "Who did St. Mary's pay? Ms. Rhoads has to work on what information is fed to her."

A motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Floyd E. Burroughs & Assoc.: Mr. Borries said he is still holding a claim to Floyd E. Burroughs & Assoc. pending some additional information.

RE: OLD PETERSBURG PLACE

Mr. James Morley was recognized by the Chair. He said he was here because he did not know whether or not Old Petersburg Place would be on the agenda. Mr. Jeffers finished his drainage report and brought it to his office today, and he submitted copies of same to the Commissioners. (Mr. Jeffers could not reproduce it because the copier was inoperable.

The Board asked that Mr. Morley allow them one (1) more week to review this. He believes the developer has over \$1/2 million riding out there. Mr. Morley said he had asked the Commissioners several months ago to kind of log things in so we didn't lose the requests. If they are going to have Mr. Jeffers report to them, why doesn't he work concurrently with the County Engineer so these don't come in so late? Why not just log them in and then inform both Messrs. Easley and Jeffers. Mr. Jeffers said that last Friday was the first he'd heard about it.

Mrs. Cox said, "That is probably true."

Mr. Morley said, "Well, if it was logged in -- I turned it in quite a long time ago. I could make carbon copies for everybody (the Commissioners, one to Andy and one to Jeffers, if that is the way you want it done). I'd like to be able to speed up the process so these guys can work together at the same time. Rather, Andy goes out and looks at his and then Bill goes out and looks at it."

Mr. Borries said, "What we're wanting here though is information that things are done as they were originally approved on the drainage plans. What we're finding is that this is sometimes not the case; so it does take time."

Mrs. Cox interjected, "What you are saying is, that when they are logged in here -- before anybody goes out and takes a look at them, they should come here to go on record. At that time, we instruct the Surveyor to go out and look at them. At the same time the Engineer can look at the streets and then we get a report in here. I have no problem with that. But they will have to come in here first, because the Surveyor doesn't ordinarily go out and do this unless our Board directs it. Are we keeping a log in there?"

Mr. Morley said, "Margie has started a log."

Mrs. Cox said, "Then, whenever they are logged in, she ought to go ahead and put it on the agenda that these have been received."

Mr. Morley said this would be great. He'll have the developer work on what Bill Jeffers mentioned this week and, hopefully, next week we can have it on the agenda.

Mr. Borries expressed appreciation to Mr. Morley for his comments.

RE: EMPLOYMENT CHANGES

Center Assessor (Appointments)

Rita Gullledge	Field Deputy	\$35.00/Day	Eff: 10/16/87
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County Highway (Appointments)

Dennis E. Dooley	Mechanic	\$8.58/Hr.	Eff: 10/1/87
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County Highway (Releases)

James E. Josey	Part-Time	\$3.35/Hr.	Eff: 9/7/87
Arthur W. Baker	Part-Time	\$3.35/Hr.	Eff: 9/18/87
Steven D. Brown	Part-Time	\$8.58/Hr.	Eff: 10/1/87

Circuit Court (Appointments)

Darren Newman	P.T.B.B.	\$5.00/Hr.	Eff: 9/6/87
Paul Wollenmann	Mileage	\$360/Yr.	Eff: 9/21/87
Paul Wollenmann	Prob. Counsel	\$1,123/Yr.	Eff: 9/21/87
Hugh B. Nicholas	Safe Guard	\$7,966/Yr.	Eff: 9/21/87
Paul Wollenmann	Prob. Counsel.	\$19,936/Yr.	Eff: 9/21/87
James D. Conklin	P.T.B.B.	\$5.00/Hr.	Eff: 10/12/87
Frank Flemming	P.T.B.B.	\$5.00/Hr.	Eff: 10/12/87
John Bushrod	P.T.B.B.	\$5.00/Hr.	Eff: 10/12/87
Dennis G. Hudnall	P.T.B.B.	\$5.00/Hr.	Eff: 10/8/87
Michael K. Lotz	P.T.B.B.	\$5.00/Hr.	Eff: 10/8/87
Lisa Ann Winnecke	P.T. Intern	\$4.25/Hr.	Eff: 10/5/87
Weston A. Heinrich	Dir./Medical	\$200/Wk.	Eff: 10/12/87
Daniel L. Huck	P.T. Intern	\$3.35/Hr.	Eff: 10/12/87
Anthony Sullivan	P.T. Intern	\$3.35/Hr.	Eff: 10/12/87
John N. Wiseman	P. T. Intern	\$3.35/Hr.	Eff: 10/12/87
Michael Kummer	P. T. Intern	\$3.35/Hr.	Eff: 10/12/87
Paul N. Aarstad	P. T. Intern	\$5.00/Hr.	Eff: 10/12/87

Circuit Court (Releases)

Robt. L. Saunders	Safe Guard	\$15,750/Yr.	Eff: 9/2/87
Cynthia Sue Jones	P.T. Intern	\$ 3.35/Hr.	Eff: 8/20/87
Jonathan Parkhurst	P.T. Intern	\$4.00/Hr.	Eff: 8/21/87
Justus T. Hurd	P.T. Intern	\$5.00/Hr.	Eff: 8/16/87
Michael Mattingly	Prob. Counsel.	\$19,936/Hr.	Eff: 9/18/87
Michael Mattingly	Prob. Counsel	\$1,122/Bi-An	Eff: 9/18/87
Michael Mattingly	Mileage	\$360/Yr.	Eff: 9/18/87
Hugh B. Nicholas	P.T.B.B.	\$5.00/Hr.	Eff: 9/19/87
James D. Conklin	P.T.B.B.	\$5.00/Hr.	Eff: 10/11/87
Frank Flemming	P.T. Safe Guard	\$5.00/Hr.	Eff: 10/11/87
John Bushrod	P.T. Safe Guard	\$5.00/Hr.	Eff: 10/11/87
Daniel L. Huck	P.T. Intern	\$3.35/Hr.	Eff: 10/11/87
Anthony Sullivan	P.T. Intern	\$3.35/Hr.	Eff: 10/12/87
John N. Wiseman	P.T. Intern	\$3.35/Hr.	Eff: 10/12/87
Michael Kummer	P.T. Intern	\$3.35/Hr.	Eff: 10/12/87
Paul N. Aarstad	P.T. Intern	\$5.00/Hr.	Eff: 10/11/87

Voters Registration (Appointments)

Amelia Tornatta	Ext. Help	\$35.00/Day	Eff: 9/8/87
Casey Randolph	Ext. Help	\$35.00/Day	Eff: 9/8/87

Voters Registration (Releases)

Amelia Tornatta	Ext. Help	\$35.00/Day	Eff: 9/8/87
Casey Randolph,	Ext. Help	\$35.00/Day	Eff: 10/5/87

Election Office (Appointments)

Gerald Wohlhueter	Ballot Assem.	\$4.85/Hr.	Eff: 9/14/87
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IV-D Support Releases)	\$18,631/Hr.	Eff: 10/12/87
Mary Jo Kingon	(LOA w/Benefits - Commissioners' Approval)	

Sheriff (Releases)

Kevin J. Young	Patrolman	\$20,247/Yr.	Eff: 9/11/87
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Commissioners Jail (Appointment)

Kimberly H. DeWitt	Civ. Jailer	\$15,065/Yr.	Eff: 10/14/87
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Burdette Park (Appointments)

Perry Gostley	Rink Guard	\$4.35/Hr.	Eff: 9/10/87
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Burdette Park (Releases)

Perry Gostley                      Pool Mgr.                      \$48.00/Day                      Eff: 9/30/87

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 10:30 p.m.

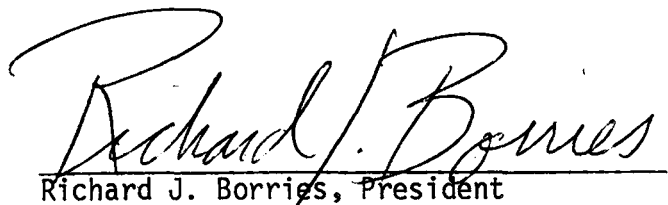
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Borries	Cindy Mayo	David Miller
	R. L. Willner	(Chief Deputy)	
	S. J. Cox		

<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
Bill Bethel	Andy Easley	Bev Behme

OTHER

Richard D'Amour, Atty.	Helen Sandefur
Tom Cissel	Hal Bean
Bill Cissel	Robt. T. Dorsey
Raymond Young	Charles Simons
Jerry Carnahan	Steven Spencer
Ms. Edna Morris	Penny Cissel
Rick Broerman	Jane Cissel
James Morley	George Cissel
Harvey Putnam	Edna J. Kiegel
Harry Tornatta	Betty Kiegel
Joan Carnahan	Peggy Shelton
Ron Pierson	Debby Pierson
Andy Broerman	

SECRETARY:              Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

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Shirley Jean Cox, Member



MINUTES  
COUNTY COMMISSIONERS MEETING  
OCTOBER 26, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, October 26, 1987, in the Commissioners Hearing Room, with President Richard Borries presiding.

RE: APPROVAL OF MINUTES

Mr. Borries entertained a motion for approval of the minutes of October 12.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, the minutes of the meeting held on Monday, October 12, 1987, were approved as engrossed by the County Auditor and the reading of same waived.

RE: REQUEST FOR COUNCIL CALL FOR JAIL EXPANSION

Commissioner Borries stated that Sheriff Shepard was in the meeting today, requesting to go on Council call for jail expansion.

Sheriff Shepard said, "I gave the Council a brochure and some drawings for the jail, remodeling the second floor office to accommodate better facilities, also to remodel it to accept the computers that were open to put in there and computerize the jail. You tabled it a couple of weeks ago until I had time to meet with the Jail Advisory Committee. Since then, we have met and have forwarded a letter to each of you. I hope you received them, and I would like, for the record, to read that letter:

October 19, 1987

Dear Commissioners:

The Jail Expansion Advisory Committee met at the Executive Inn on Thursday, October 15, 1987 at 7:00 a.m. In attendance were Sheriff Shepard, Captain Moers, Walter Smith, Steve Utley, Mark Owen, Bart O'Conner and Harris Howerton.

The proposal for the remodeling of the second floor office in the jail was discussed at length and all present agreed it was necessary.

Harris Howerton discussed the possibility of remodeling the Work Release Section to some degree to allow privacy and quietness for that area of the jail. This was agreed on by the entire committee and that part will be done by Work Release personnel.

It is the consensus of opinion by the Committee we proceed with the request for remodeling of the Vanderburgh County Jail and seek your approval and permission to request funding from the County Council in the amount of \$75,000.00.

Respectfully submitted,

/s/Clarence C. Shepard  
Sheriff of Vanderburgh County  
101 Civic Center Complex  
Evansville, IN. 47708  
812-426-5307

After that meeting, we went to the jail and did an inspection of it and agreed on a number of things that needed to be done, so the entire Committee, the seven out of the ten that were there, agreed that this needed to be done, so at this time, I am seeking your permission to go on Council Call for \$75,000.00 to remodel the jail.

So moved by Commissioner Willner.

Ms. Cox asked, "Sheriff, I thought that when you appeared before us, you estimated the cost at \$62,000.00, where did the other \$13,000.00 come from?"

Sheriff Shepard responded, "In that prospectus, you will see that it says, 'Cost estimate by engineering firm was \$62,000 with a 15% cushion. That would be about \$68,000 and about \$2,000 to buy us desks and chairs and file cabinets and things that we need for the computer system. The additional \$5,000 is for the remodeling of the Work Release section. They plan to tear out the walls, re-do the doors and put in five (5) new beds.'"

Ms. Cox said that she thought this was all included in the initial proposal.

Sheriff Shepard answered, "No, not the Work Release section. That is for our part. Harris Howerton and Judge Miller decided they would like to add the time to tear out everything to remodel their section (if we had time to tear out everything). They figure they can do it for \$5,000 or less, so the Committee put it altogether."

Mrs. Cox asked, "Shouldn't that come out of their budget then?"

Sheriff Shepard said, "It's our jail."

Mrs. Cox said, "No, it's our jail."

Sheriff Shepard responded, "That is what I said -- it is our jail."

Mrs. Cox asked, "Well, don't they get money? They get money for funding their Work Release. I've seen them out on a lot of private jobs in Vanderburgh County. Where does that money go?"

Sheriff Shepard responded, "You'll have to ask the Judge."

Mr. Willner commented, "That goes back to sustaining them. They have to feed them, clothe them, insurance, hardhats and I think they even pay them a salary, do they not?"

Sheriff Shepard said that he did not know how that fund works over there. It comes under Judge Miller's jurisdiction.

Sheriff Shepard continued, "On a total picture, we put this together and figured (at that time I was not including the remodeling of the work release section) but since we are going to tear ten beds out, we thought they would have some privacy up there, so we would have to put a solid steel wall up for the drunks in the drunk tank, so they wouldn't keep them up all night. You said at that time they could put five beds in without taking ten out, if we remodeled the work release section, by moving two walls and doing some remodeling, they would furnish the manpower, from the Halfway House out there, to do that. They estimated that the cost would be \$5,000.00."

Ms. Cox asked if this was for material?

Sheriff Shepard answered affirmatively.

Commissioner Borriers asked if there were other questions of Sheriff Shepard.

Being no further questions, Mr. Borries stated that Mr. Willner moved to request that Sheriff Shepard go on Council call for the jail expansion, and asked for a second. Seconded by Ms. Cox. Mr. Borries stated that it had been moved and seconded and he would say so ordered at this time.

Sheriff Shepard said this would have to be next month because the Finance Committee meeting was Wednesday and they were too late for that meeting.

Commissioner Borries thanked Sheriff Shepard.

RE: PROPOSED FRANCHISE INCREASE/WELBAC CABLE TV

Mr. Borries asked if Mr. Mike Tanck of Welbac Cable TV was present to speak on proposed franchise increase.

Mr. Tanck was not present, so Mr. Borries said they would skip him for the time being and see what transpired.

RE: COOPERATIVE PURCHASING/STATE DEPT. OF ADMINISTRATION

Commissioner Borries recognized and welcomed Charlene Jacobs from the State Department of Administration.

Ms. Jacobs was to make remarks on cooperative purchasing.

Ms. Jacobs stepped to the podium and introduced herself. She stated that she was from the Department of Administration of the State and said, "I would like to talk to you a little bit on the Intergovernmental Cooperative Purchasing Program. I don't know how much you have used this, I failed to check before I left to see if you have used it at all, but I am finding out when I go around to some of the counties, that they do not quite understand it if they are using it, it's very little, they are sort of afraid of it, afraid that there is a lot of red tape someplace, they are not reading into it and that is why I am going around and talking to the Commissioners, and one of my first jobs, by the way, is that I keep minutes for the Commissioners, so I have been on that side of the table." Ms. Jacobs continued, "After being in purchasing for sixteen years, they asked me if I would take this program and it's the first time I have ever seen legislature pass a bill that saves the taxpayer money, so I said I would be very happy to do it. As you know, the state buys in large quantities and when you buy in large quantities, you should be able to save some money, so they have enabled all subdivisions to buy on the state contracts now. Not all contracts, but most. First of all, what is a political subdivision? That's a city, town, public school, or any county or local government. So we call our contracts, QPAs. (Quantity Purchase Award) You will notice as you leaf through here on the left hand column, it has a QPA number that stands for the Quantity Purchase Award, then it gives you the items available. Some of them will not have the pricing, that's because there are several items (This is our mailing list), anytime there is anything on there that you are interested in, all you have to do is call or write to me and I will send you a complete set of specifications and then in your next column is your Contact Person (the Vendor) and their phone number and the right hand column it tells you when that contract expires. If there is something you are interested in, you contact that person on there and tell them you are interested in the State Contract and give them that number. Always check and see when that contract is up. One thing I want to make you aware of too, is that if a Vendor comes in and says, "Oh, I'm with the State, I can sell you," don't get carried away, I will tell you a little incident that happened up in the northern part of the state, I was talking to the Commissioners and they said, "Oh, we used your contract to buy our State Police cars and we got them through our local dealer"....Whoa, no you didn't, because Jerry Alderman has the contract. They said, "Well our local dealer said they had a letter from Ford Motor Company saying that they could furnish them to us at almost the same price as buying

them through them." I said, "What that letter said from Ford Motor Company was that they were going to give them a price within \$200.00 of what the state contract was, for bidding," and they had purchased \$48,000 worth, thinking that they were buying off of this, so beware of anything that is not on this. Always check. It could be a new contract, so call me and I will let you know if someone does have a new contract. I had a school superintendent that called me last week on fire extinguishers. It turned out the man had a new contract which was not listed yet. We send these to the Commissioners secretary. In some counties it goes to the Auditor if the Commissioners do not have a secretary and we send a complete mailing to you twice year and then I send supplements. You will notice that there are no vehicles on here right now. We are getting our vehicle bids in order. Most of them opened last week, the rest of them open this week. So, we will have 1/2 ton, 3/4 ton pickups, vans, police cars, all types of vehicles will be available and just as soon as those are available, I will be sending your secretary the listing of what is available. Again, do not hesitate to call for specifications (even if you do not want to use the contract).if you want specs so that you can compare apples to apples to see if you are getting something good from your local dealer. Also, I might add, we are not trying to drive any local people out of business, so don't let them say that. If they want to bid the State all they have to do is call and I will send them a Vendor's application and then we advertise all large bids in the Indianapolis Commercial Paper. All they have to do is ask to bid. The more bidders we get, the better price. Again, the bottom line is to save the taxpayers some money. It is a real simple program. The last year, on vehicles, we sold 330 to the political subs...That, using a conservative figure, saved the taxpayers in the State of Indiana \$660,000. You say, "How do you know that?" I might want to add, when you do order off of this, please send me a copy of your order. You deal direct with the Vendor, but send me a copy of the order. A lot of them would send me copies and say, "Oh, we saved \$1,500, or we saved up to \$5,000 per vehicle." So, using a conservative figure of \$2,000, I was easily able to show that we saved the taxpayers \$660,000, just this past year and 'that ain't hay!' So, I just wanted to explain to you how easy it is. Now, road salt is completely different. If you want to be included on road salt, I send you a letter at the beginning of the year, telling you to send me a letter telling me the approximate tonage, the contact person, the drop site, and the contact person's telephone number, but you will be getting that from me. Then, you are included in the road salt bids and we send the bids all to you, then you make the contract with the salt field. They are completely two different colors, so to speak. They have to be humored I guess. Salt changes so often or something. Then, vehicles we bid each year naturally, because of model changes, but every other contract practically runs for a year and is renewable each year and must be re-bid, so always check the expiration date on the right hand side, and always send me a copy of your order. That's the only request that I have....I would encourage you to inform your Department Heads, your County Highway and anyone that does your purchasing, I would encourage you to send them a list and let them know that this is available. You do not have to bid. The bidding process has been done for you under this new law as long as you buy off of these state contracts, you do not have to go out for bids. If you spend \$100,000, it doesn't matter. That bidding criteria has been met under this new law, so that is the beauty of the new program. I might tell you that Kentucky and all of the surrounding states have had this in force for a long time, so Indiana was kind of dragging their feet. The state of New York has had it going since back in the 50's and finally Indiana got smart and decided to give it a try, and it is really helping. We showed last year that we saved over \$3,000,000 dollars to the taxpayers in the state, so it is a wonderful program and not because I am heading it up, but it is I think a good thing and as I said before, it's the first time that I have ever heard of anyone trying to save us a little money. Usually

it is spend our money, and the state buys everything from soup to nuts. I was giving a talk the other day and I asked one of the secretaries have you had anything unusual to buy recently and she said, "Oh yes, we had to buy bull semen and the next week we had an order come in for a crackfiller with legs." So, we do have all sorts of crazy things. There are a lot of pharmaceuticals on there. Those are for the county homes, county hospitals, so you will find a lot of pharmaceuticals available. Now, I have rambled on here and I want to know if you have any questions. Do you understand how simple it is?"

Ms. Cox questioned why the expiration dates different?

Ms. Jacobs answered, "Because we are bidding contracts every week to the state, so every contract comes in at different times."

Ms. Cox asked if they were usually for a year.

Ms. Jacobs said the sheets would tell the expiration. It could be renewed, and they would keep you updated.

Ms. Cox said, "Say we do want to order, say cleaning supplies, "

Ms. Jacobs said, "You can contact me if you want to see the complete listing, then deal directly with the Vendor, but always talk about the QPA number so that they will know it is a State contract and they will give you the state price or talk to you then about the state contract. Then you deal directly with them. You pay them direct. We have nothing to do with it only I do like to have a copy of the order so that I can show the state legislators that you have appreciated it."

Ms. Cox asked Sheriff Shepard if he used it?

Sheriff Shepard said they buy automobiles every year on the State Police bond. They do not get the bid package until usually January or February.

Ms. Jacobs said that she had been pushing real hard, but they could not go out for bids until all of the vendors had their factory prices, at least that is the excuse they are giving and bids did open last week and they are pushing the buyer that handles those.

Ms. Jacobs said that "State Police bids opened this week, but all of the motor vehicle bids opened last week, and I have already been down to the buyers office twice, and he is going to start throwing rotten eggs at me, but I said, my cities and towns run on a calendar year instead of like our fiscal year, so they have to get their orders in before December to get it spent in this years budget. So that is why I am trying like everything to get those things out. Hopefully by the middle of November I will have them to you and I would say get your orders in right away. I learned something this morning before I left the office that kind of upset me, I had a city call me and said they ordered a Police car months ago and had not received it yet, so I called. It was Jerry Alderman that had it this last year, for Fords, and he said, "I know Charlene, what happened was that Ford ran into trouble. They over sold 7,000 police units and he said they have 261 that they owe to the state of Indiana. Then, they had to stop production because of their call backs on that ambulance deal in their engineering department and they are not going to be manufacturing police cars until the first week in December. All of those back orders will be getting an 88 at 87 prices, just because of Ford Motor Company."

Sheriff Shepard said, "We bought nine of them up there and he told us they would be getting 88 models for 87 prices."

Ms. Jacobs said, "So you are one of them too?"

Sheriff Shepard said, "No, we went up and got ours and he said that we were the last ones to get them. They cut off right after that."

Commissioner Borries said, "In talking with Sheriff Shepard I notice that we use quite a lot of medicines for various purposes in our jail. How does this work? Are many of these generics that are supplied directly from the vendor?"

Ms. Jacobs answered, "Both. Anytime that you want all of those, we can ship them to you or you can contact the vendor, and again, always mention that this is a State Contract and they can tell you exactly what is available or we will be glad to send you the complete set, this is just for mailing purposes so that you can see what is available from the state contract."

Mr. Borries said, "If we would request specific kinds of pharmaceuticals that would be available on these state contracts, we could have Sheriff Shepard get that information."

Ms. Jacobs answered, "Yes, we will send you the price that they give us. Some of them may be a percentage off or something. There are so many pharmaceuticals I would hesitate to say exactly, but don't hesitate to call and ask for any specifications. That's what we are there for. If I am not there, my secretary will take the information and ship them right out to you...But, as you can see the large mailing it would be if we tried to send specifications along with these listings, especially when we keep adding to it all of the time."

Ms. Jacobs asked if there were any more questions and if not, she would like to thank the Commissioners for their time.

RE: COUNTY ATTORNEY/ DAVID MILLER

County Attorney Miller stated that he has some good news.

"Finally one of our insurance companies, Imperial Casualty, has assumed responsibility for the cost of defending one of the lawsuits filed in Gibson County. It is the lawsuit filed by one William George against Sheriff Shepard and one of his officers (William Droll) and the Sheriff's Merit Board. If you recall, that's a defamation action that was filed by Mr. George, who is a State Trooper, approximately a month and a half ago; and you will have perhaps received a statement from our office that has some work on it on the George Case and the insurance company has agreed to pay that -- and so I have instructed my Bookkeeping Department to send you an amended bill with an amended claim, deleting anything that has to do with the George action. If by chance a check has already been issued, we will just give a credit on the next bill for that amount against some other work that we are doing. In any event, the Imperial people hired our firm separately to defend that and so the County will not pay that expense any longer or any of it from the past."

Attorney Miller added, "Other than that, it has been a pretty quiet week."

Mr. Borries thanked Attorney Miller for his report.

Mr. Borries asked for questions of David.

Ms. Cox asked, "David, how come they decided to take this one?"

Mr. Miller answered, "This one they say is covered under the terms of their law enforcement liability policy. There is another one that I am reasonably certain that they will take...If you will recall, a man named (I forget his name), but his identity was mistaken on three occasions and he was arrested a couple of times. This same company has that policy and I have notified them in a kind of short cut manner, to make sure they

get notice on that one as soon as possible, and they have given me a preliminary acknowledgement that they will assume responsibility for the defense of that one as well."

Mr. Miller continued, "Your question is a valid one Mrs. Cox, but what has happened here is that we have many different policies relating to many different aspects of the operation of the County. This Imperial Casualty only has the Law Enforcement liability policy. It doesn't relate to the County Commissioners actions with respect to zoning for instance, that is a different kind "

Ms. Cox said, "There have been other suits that involved the jail that the county has paid the full cost on, because I have seen the claims come through. So, that's what I want to know, what is the difference?"

Attorney Miller explained, "It is a matter of what they maintain is covered under their policy and what isn't."

Ms. Cox said, "So it is just like your insurance at home, if something breaks, you have to call the company to see if you are covered or not."

RE: COUNTY HIGHWAY/ BILL BETHEL

Work Performed from October 19 through October 23, 1987:

Gradall: St. George Rd., for the City, Schmuck Rd., Mann Rd. and Wedeking Ave.

Paver Schmuck Rd. (not finished), Nisbet Station Rd. will finish today)

Patched: Whetstone Rd., Woodridge, Mill Rd., Happe Rd., Darmstadt Rd., and Bartel Lane

Grader: Schmuck Rd., County Line West, Outer Darmstadt Rd. Number 3 School Rd., Upper Mt. Vernon, Trapp Rd. Emge Rd., Buente Rd., Massberg Rd., Bixler Rd. and Montgomery Rd.

Mower: St. Joe Road

Trash Yard

Pug Mill Mixed Winter Cold Mix

Work Performed from October 19 thru October 22, 1987 -  
Vanderburgh County Bridge Crew

Rip rapped & placed culvert on Schmuck Road

Cut weeds and trees from Smith Diamond Road Bridge

Hauled scrap to junk yard

Cut tree and weeds from Ohio Street Bridge.

Cleaned Maryland Street Bridge.

Mr. Bethel apologized for not having bridge numbers down. He explained that the Bookkeeper was not there as she had lost her husband.

RE: REQUEST FOR COUNCIL CALL/BILL BETHEL HIGHWAY DEPARTMENT  
BRIDGE FUND

Mr. Bethel said, "I would like permission to go on Council Call to start this Bridge Fund out, for the covered bridge and also to bid for the lumber."

Mr. Borries asked for questions of Bill.

Mr. Willner asked Mr. Bethel what kind of dollars he was talking about for this Council Call.

Mr. Bethel said, "We are going to ask for \$100,000 right now to start off and total as we go along. I will be back for more."

Mr. Willner asked, "And this is strictly for the lumber?"

Mr. Bethel answered, "No, this is to start the bridge. The man will be here next week with a complete rundown of the bridge. He was not here today, but he will have it finished next week."

Ms. Cox said, "I thought he was going to have the sketch here today Bill. How long is that bridge?"

Mr. Bethel responded, "I think it is 66 feet."

Ms. Cox asked, "Does his work include the approaches?"

Mr. Bethel answered affirmatively.

Ms. Cox said, "So we are talking about a 66 foot structure and 500 feet on both sides, and \$100,000.?"

Mr. Bethel responded, "I think his bid was \$160,000. It was plus or minus 5%, but all we want now is enough to get started because it would have to be encumbered back then to the first of the year if we didn't get it spent."

Ms. Cox questioned, "This \$100,000 is for engineering and construction?"

Mr. Bethel again answered affirmatively.

Mr. Willner said, "I would not say construction. I would say engineering and materials. Right?"

Mr. Willner explained that we do not even have the plans. The construction will have to be advertised for bids. This would be for material and engineering.

Mr. Bethel explained that the contract said "engineering" and "construction" for \$160,000. That is material and construction.

Mr. Willner asked, "But you are only asking for \$100,000 right now?"

Mr. Bethel answered, "Yes, because if we don't get it all used we will have to encumber it all back in and therefore we will tell them that we will be back for more."

Ms. Cox said, "But Bill, it really isn't any problem to encumber the money. All you have to do is send Sam a letter of contract."

Mr. Willner stated that they were not a constructing company. They will not construct it. We will hire another firm to bid on the construction after the materials are bid.

Mr. Bethel said, "He said he would be there all the time the bridge was being constructed."

Attorney Miller said, "I kind of understood him to say that they would give us a turnkey package and that they would engage the contractor and our contract with them would be for the entire package."

Mr. Willner said "That could be too."

Mr. Miller said, "That is the way I understood it. Now, we obviously have different .."



Mr. Willner said, "They will bid that out and any company in Vanderburgh County may want to bid on the construction."

Ms. Cox said, "In order to do this now, wait a minute, what you are saying here does open some different doors because aren't we going to have to advertise?"

Mr. Miller said, "Oh, sure. We have to bid based upon the plans and specs that they are going to provide us with a drawing."

Ms. Cox asked, "Are we going to invitational advertise?"

Mr. Miller said, "No, this would be a public notice for invitation for bids and their competitors would be permitted to bid. I would not expect that we would receive more than one bid because I do not think that there are many people in the publication area that would have the expertise. That is why they came to us in advance, essentially a price, to see if the County was interested in it. It does have to be advertised as an invitation to everybody in the public to bid on this particular job, but we have to get some specs first and the only place that we can get the specs is from a company like that and he said that he is going to provide us with those and then based on those, we can issue the invitation with the public notice. That is the way I understood him. Now, Mr. Willner apparently has the understanding that they were only going to sell..."

Mr. Willner stated, "We have two other bridges in Vanderburgh County now and I was here when we put them in and it is my assumption that American Timber Bridge sold us those. They sold us the product."

Mr. Willner then added, "We bid them out for construction; and if I am not mistaken it was Valley Coal Company that built the bridges for us. Now, when they give you a price, I think in the back of their minds they have a contractor who will build this bridge for that price, but you still have to go on the market for it."

Mr. Miller asked, "You are saying that you have to go on the open market for the labor?"

Mr. Willner answered in the affirmative.

Mr. Miller added, "I don't think that we do. If we go on the open market to them as a package, then it becomes their contract at that price. But once we see the specs, we may want to give notice of the bid only for engineering and materials, with the idea in mind that we may save some money on a separate contracting package and that is apparently what was done in the past. But as I understand it, their proposal to Bill was \$165,000 in round numbers to put the bridge in place. Is that right?"

Mr. Bethel responded, "To put the bridge in place and put the approaches up."

Ms. Cox asked, "That was the total cost?"

Mr. Miller said, "That is right."

Ms. Cox questioned, "The materials and everything?"

Mr. Willner asked, "What figure would we then put in, the cost of the bridge at the present time?"

Mr. Bethel added, "The total estimated cost of the bridge was \$165,000 plus or minus 10%."

Attorney Miller explained, "When you advertise for bids, we can have our engineering people to look at it and we can advertise for bids in the alternative. We can advertise for bids for

materials only, and materials and construction and construction only, and we can get different sets of bids and match them up, and if we can save money on the construction part of it, Well... Because you know, as Bob said, their people are not going to bid it, they are going to sell it to somebody, and if they can sell it to somebody for a fixed amount of money, maybe we could get a better price. So, when we advertise, as I understand we are going to advertise, we can advertise for these alternate combinations and see what the lowest bid is."

Mr. Borries said, "Okay, his request then is to go on Council call, so if there is no further discussion, could we have a motion to that affect to give Bill approval to do so?"

Ms. Cox said, "The total amount should be asked for -- the package -- if we can do it anyway that we want to; look how we are doing on Rollett Lane. I mean we are buying materials -- and there are about three different entities that are participating in that project. But I would rather ask for the total amount than to alert the Council we are going to have to come back after the first of the year and ask for some more."

Commissioner Willner made the motion "That we place Bill on the Bridge Crew agenda of the County Council for \$165,000." Seconded by Commissioner Cox. So ordered. Clarification of Bridge number, the correct Bridge number is #34.

RE: COUNTY HIGHWAY ENGINEER/ ANDY EASLEY

Mr. Easley stated that he had just given the Board a copy of a letter that he had received from a Chief of Division of Traffic in the State Office Building in Indianapolis.

Re: Intersection of Boonville/New Harmony Road and State Road #65

Mr. Easley asked, "Do you remember many months ago I was requested to contact Vincennes to do something about the safety problems that Mrs. Betty Koester was concerned about and the Commissioners and the Highway Department considered the State Highway Department as being the prime agency out there since it is a state highway intersection. They said that they had made a study and they are going to make some improvements out there. They have asked us to, the second paragraph from the bottom to refurbish some painted word messages and stop ahead signs on the Boonville-New Harmony approaches, which I will ask the Traffic Department to do."

Mr. Borries asked for questions on this matter, and stated that it looks like we need to communicate with our Traffic Signage Personnel regarding the intersection on the county portion of the Intersection to refurbish the "Stop Ahead" signs.

Mr. Easley stated that he would have them to do that.

Re: Street Acceptance/ Old Petersburg Place

Mr. Easley said, "The Commissioners have before them, there are several subdivisions that are up to have their streets accepted. I believe that I was advised that the Commissioners may be ready to act on Old Petersburg Place."

Mr. Borries stated that they received that last week and also received a re-inspection sheet by Bill Jeffers and we tried to allow them a week for persons to get some input and also to enter any comments.

Mr. Borries then asked for comments in regard to Old Petersburg Place in relation to Bill Jeffer's report?

Bill Jeffers asked to be recognized. He said, "I just want to clarify that the two page report that I turned in is the official copy and the previous report that I forwarded to Morley and Associates should only be considered background information, if you happen to have it."

Mr. Borries said, "In regard to erosion control or any summaries then, does not appear to warrant any specific objects of concern in relation to the original drainage plan submitted and how this drainage plan is being implemented at this time."

Mr. Borries then said that Phil Garrison, Developer on Old Petersburg Place I, was in the meeting to answer any questions.

Mr. Garrison said he would like to make a short statement on the Punch List, "All of those items have been taken care of with the exception of the tree that is in the north ditchline. You may recall that we granted a 50' right-of-way to the north in order not to landlock the neighbor to the north when the subdivision to the west of us put their ditch in. They did not go ahead across that 50 feet and that takes about 15 minutes worth of backhoe work. We just have not had a chance to get to it. Just one little tree needs to come out. All the rest of the items are done. The grates are changed, concrete is out of the pipe. We did clean the inlet out on Copperfield."

Mr. Borries entertained a motion if there were no more questions.

Ms. Cox said, "You did say that, I am referring to page 2 of the Drainage Report (the amended one) where they speak of the 11 grade grate with the openings or the veins facing downstream to the flow of guttered water, you have changed those?"

Mr. Garrison answered that they had changed all of those around.

Mr. Jeffers stated that this was a new type of drain they were starting to use and they did not realize that they had to be turned a certain way.

Ms. Cox stated that she had a note on her paper about little bridges going across the waste ditches or the creeks, about their being too low and they might get washed away. She asked if this was one of Mr. Jeffers extraneous comments.

Mr. Garrison answered, "I think it was and Bill made a suggestion to me that I send a letter to the folks that have built little bridges across the back end of that and we are in the process of drafting a letter to that (they really shouldn't be there to begin with); but there again, if something does wash it away, they are responsible for it and nobody is going to be responsible for the bridge in the event that something does happen to it. I imagine that those will take care of themselves as soon as we start on the commercial part because we are setting the building to the back, so I imagine that will take care of the bridges."

Mr. Jeffers added, "The reason that I considered that extraneous and left it out of my report is because after I thought about it, they are private property, they are located on private property, and I just wanted to make sure that the County didn't assume responsibility for any damage to them or any damage caused by them, and I will say, unofficially, if one of them were my bridge, I would simply raise it up on some blocks a little higher above the bank and then securely strap it down like you do a mobile home, secure it to the ground, so that if you did get a rush of water down through there, it wouldn't get washed off of the foundation."

Ms. Cox questioned, "But it isn't obstructing the flow of the water?"

Mr. Jeffers explained that they have 2x6 or 2x8 stringers that they have built them on and just the stringer part is setting down inside the cross section of the ditch maybe 6 or 8 inches, and that would only affect a pretty severe headwater flood.

Mr. Jeffers stated that he was more concerned about the people losing the bridges than he is about the bridges blocking the creek.

Mr. Borries asked if there were further questions.

Mr. Willner moved that the Old Petersburg Place be accepted.

Ms. Cox asked if they had the cover letter on that with the number of miles and the names of the streets

Mr. Borries answered that the streets are entered and there are portions of Greendale Drive, Copperfield Drive, Northfield Drive, Bob Court Drive, St. Clair Drive, Petersburg Place Drive, and Petersburg Road passing Blister. The total amount is 1.256 miles.

Ms. Cox asked for the width of the streets.

Mr. Borries responded with "50 feet right-of-way and 29 feet wide streets."

Mr. Borries then asked for other comments. Being no further questions or comments, Ms. Cox seconded the motion made by Mr. Willner. So ordered.

Mr. Easley added. "The minutes should reflect that we are accepting Phase I and he also has a letter in for Phase II which is also completed. It is a separate letter."

RE: OAK VIEW SUBDIVISION

Mr. Borries said that in regard to Mr. Fuquay's subdivision (Oak View), "He was to get back in touch with us and I have talked with him once expressing some concerns that we had concerning the original information that we had and he said that he would be back in touch with us, so I have not heard anything from him at this time."

Ms. Cox questioned Mr. Willner as to whether he had heard anything from Mr. Fuquay.

Mr. Willner said, "His letter of credit was extended until 10/31/87. He was quite concerned about the amount of time that it is taking to get it accepted, but I don't know what the problem was. I couldn't answer his question."

Mr. Willner asked what we were asking him to do.

Ms. Cox said, "For one thing, you asked him not to use Andy Easley anymore, when he stood right up here at this room and the other thing was the plastic pipe in the right-of-way for maintenance."

Mr. Borries said, "I am not sure that we had the as-built plans. Those are the only two things that I was aware of."

RE: WINDSONG SUBDIVISION

Mr. Easley asked, "Has Windsong Subdivision been inspected? Are there any corrections to be made on this?"

Mr. Jeffers answered, "He called Thursday and said the corrections had been made, which amounted to sealing two cracks and some concrete around the grate."

Mr. Easley asked, "In your opinion, is it ready to accept Windsong?"

Ms. Cox stated, "It would be very helpful if we could have an agenda of what we are actually going to talk about as far as these street acceptances are concerned. You never know until somebody steps up to the mike what we are going to be talking about. It is very hard to be prepared and this spur of the moment things, just like two things were dropped on me today in the office and one was Royal Avenue Extension where meetings had been held last week. Well, I tell you, I can't get prepared that quick on these things....And, I don't think it is too much to ask to have a written agenda of things that are going to be presented to us. I think that we have asked for that before."

Mr. Borries stated that he would like another week on Windsong so that you can check on it.

Ms. Cox stated that they had been out to check on Windsong and that it had been two weeks since the report came in on that.

Mr. Borries said, "We will put that on the agenda for the next meeting."

RE: CLERK OF THE CIRCUIT COURT/ MONTHLY REPORT

President Borries presented a report from the Clerk of the Circuit Court for period ending September 30, 1987 to be received and filed.

RE: CERTIFICATE OF INSURANCE/GOLD ROOM

Mr. Borries presented a Certificate of Insurance for the use of the Gold Room by the Vanderburgh County Democratic Central Committee on October 31, 1987 at the Vanderburgh Auditorium.

RE: REQUEST/ HONEYSUCKLE DRIVE BE OPENED TO WOODLAND HILLS DRIVE

President Borries read a letter from Bob Harris, Trustee of Scott Township, as follows:

October 23, 1987

County Commissioners  
Vanderburgh County  
Civic Center Complex  
Evansville, IN. 47708

Dear Commissioners:

As a result of my conversation with Commissioner Cox, I am requesting that Honeysuckle Drive be opened to Woodland Hills Drive. By opening Honeysuckle, Valley View residents would have a second entrance and exit. In the winter it is difficult for the residents of Valley View to enter or leave the subdivision because of the steep hills on Schlensker Road.

The residents of Valley View have also been told by the Scott Township Fire Department that it would be difficult if not impossible for them to make a fire or emergency run into our subdivision if Schlensker or the south end of the subdivision were snowy or icy. They would have a better chance of being able to enter from Woodland Hills Drive. A letter from the Scott Township Fire Chief should be forthcoming.

Thank you for your consideration of this matter.

Sincerely yours,

/s/ Bob F. Harris  
Scott Township Trustee

Mr. Borries stated that he had not received any correspondence from Scott Township Fire Chief.

Mr. Borries said, "If the Commissioners could go this week to look at this particular request, I would ask them to do so." He continued, "I am sure that right-of-way has been dedicated in that area, but I am not at all sure about the length or just what request is being made at this time."

Mr. Bethel said he has looked at this several times.

Mr. Bethel further said, "Several times I have started to bring it up, but I don't know about all of the neighbors out there, whether they all want it. It is my opinion that some of them want it and some of them don't. It would certainly be a benefit to have it and the Highway Department could put it through there very easily. In a couple of days we could have it in there."

Mr. Borries said, "I am sure the right-of-way has been dedicated, hasn't it?"

Mr. Bethel confirmed that the right-of-way is there.

Mr. Borries said, "We need to check on that and then the Commissioners could look at this request. We will take this under advisement at this time and see if we can get more information from the standpoint of whether or not this is a valid request, and something that we can do. Then, Bill, you might want to also prepare some kind of information about what the cost of this thing would be."

Mr. Bethel stated that the cost would not be much.

Ms. Cox said, "I did talk to Mr. Gwinn. When the problem was referred to me I went to the Engineer's Office and he was nice enough to make a copy of the subdivision plat and I drove out there and looked at it and I thought that the road coming off of Schlensker Road then made a turn and went around. I thought the extension of that was a person's driveway and it really isn't. It is a road that goes back there and I thought it would be like 200 feet that was going to have to be extended and I was totally wrong. It is not very far. There are only a couple of trees in between the end of that and then you can see Woodland Drive. So it is just a little bit." Ms. Cox continued, "Since Mr. Bethel brought the question up about the neighbors out there not wanting this, do you think we ought to ask Mr. Harris to send a petition in?"

Mr. Borries said he thought it would be important. He further stated that he knows some residents in that area as well. He said that he is familiar with the area, but he wants to go look at it again, so if each of the Commissioners could go look at it, he thinks we need a little wider base of support here since it will involve some expense.

Ms. Cox stated that she had looked at the area and there wouldn't be very much expense, if the County can bear it or if it is going to be a shared expense.

Ms. Cox further stated, "I will be glad to call Mr. Harris since he did talk to me about it and ask him to get a petition of support. He did tell me that he thought everyone out there would be amenable to it except the two people who are now using that right-of-way as a kind of private little park area, that they would be the only ones to object, but if the petition is the proper way to do this, I would be glad to convey that to him."

RE: LETTER OF RESIGNATION/ROBERT HAYDEN

Mr. Borries stated with regret he had a letter addressed to Robert Willner, as follows:

October 22, 1987

Robert Willner  
County Commissioner  
Vanderburgh County Commissioners  
305 Civic Center Complex  
Evansville, Indiana 47708

Dear Mr. Willner:

I respectfully submit my resignation as a member of the Vanderburgh County Auditorium Advisory Board effective November 1, 1987.

Thank you very much for the opportunity to serve in this very needed and worthwhile volunteer position.

Sincerely,  
/s/ Robert Hayden  
Chairman

Mr. Borries said, "We accept this with regret. Bob has done a fine job on that Board and he has really served well, so we will write him a letter expressing our gratitude and the other Commissioners may want to think about finding a replacement for him on that Board. There will be five members on that Board and that may be Commissioner Willner's appointment."

Mr. Willner confirmed that it was his appointment.

RE: INTER-DEPARTMENTAL MEMO/MARSTON FOWLER, JR., P.E.

Mr. Borries said that there was an inter-departmental memo from Marston Fowler, Jr., to be signed. He explained that this is an Engineer's Report on recommendation for acceptance.

Mr. Borries said, "I do not have enough information on here as to what they want acceptance on. The road is from I-164 to Oak Grove Road....Entire Contract."

Mr. Borries told Andy Easley that they would need some more information on this. It was not clear.

Mr. Easley said, "It may be the Olmstead Section. I will have to call it in because they don't put a good description here."

Mr. Willner said that he did travel Olmstead yesterday and that it is open and repaved and a very nice job.

Mr. Easley said, "Last Friday morning I did meet with State Engineers. Bill was unable to meet with me, he had to cancel, on Boonville-New Harmony Road, the Interchange with I-164. The Boonville-New Harmony Road is now open over I-164. Bill and I are going out to look at it tomorrow morning and they gave me a piece of paper to sign. He and I have been signing these as representatives of the Highway Department. The State, I understand will really be maintaining that Boonville-New Harmony Road structure and the pavement down to where their right-of-way stops, where the fence is."

Mr. Willner said there is some question on the southwest side. Some property belonging to Ziliak.

Mr. Willner continued, "I did talk to Lee about it and he said the state will be giving that property back to the County. So you may give us your opinion as to whether to continue that road on around. The Ziliaks want that frontage road to come to their property."

RE: REQUEST TO TRAVEL/AREA PLAN COMMISSION

Commissioner Borries submitted a request to travel from Barbara L. Cunningham, Director of Area Plan, to attend the Planners Workshop to be held at Indiana University, Bloomington, Indiana on Thursday, November 12, 1987 for two (2) employees. The expense will be registration (\$20.00 each), meals and gas.

Mr. Borries said it would have to be "subject to available funds."

Ms. Cox asked if they had any money in their travel budget.

Ms. Cox moved that the request be granted subject to availability of funds, with a second from Commissioner Borries. So ordered.

RE: OLD BUSINESS

Commissioner Borries called for old business.

There were no comments, so the Board passed on to scheduled meetings.

RE: SCHEDULED MEETINGS

Auditorium Advisory Board - Tuesday, Oct. 27 at 4:00 p.m.

County Council Personnel Committee - Wednesday, Oct. 28  
at 2:00 p.m. - Room 303

County Council Finance - Wednesday, Oct. 28 - 2:00 p.m.  
Room 303

Mr. Borries stated that he had not heard from Roger Lehman. Mr. Lehman was trying to set a time when he could meet with Biagi regarding the last report that was made on the air conditioning and the heating and air-conditioning specs at the auditorium.

Mr. Borries continued, "Hopefully we will push to get some kind of action on that sometime yet this week so that we can communicate back to the Council what Roger has found out. He did indicate that he would work with us to develop specs to update that report to avoid any kind of additional expense on that report. I will contact him this week to see what he has been able to find out from Biagi."

RE: CLAIMS

Ashby Rauscher Agency - (Indiana Insurance):\$25,000 bond as Clerk of Circuit Court for Helen Kuebler.....\$88.00

Commissioner Cox moved that the claim be approved, with a second from Commissioner Willner. So ordered.

RE: AUDITOR REPORT/SAM HUMPHREY

Mr. Humphrey was recognized by President Borries.

Mr. Humphrey said, "I have a report that I would like to make you aware of and it is in connection with the tax sale. We have incurred costs of, (for Title searches) \$67,400 and for the Legal Review of \$19,920 for an overall cost of \$87,320. We have received an income to this point of \$48,200 for repayment of abstract fees and \$14,460 for repayment of legal fees. For a total of \$62,660. That leaves us short - \$24,660 to date. We have one more week of tax sale that has been advertised. We had no sales today. I don't think we will have any next week either. So that means that the Tax Sale has cost the County, in out of pocket title search and legal fees, \$24,660.



Attorney Miller said, "Mr. Humphrey, we had contemplated, at our meeting, that there was a possibility of "no sale" on several of those parcels and I am sure I said at the previous meeting and I will reiterate here, that we are prepared to forego any portion of those fees that are not collected from the taxpayers or from the ultimate sale of the property as surplus County property. If two years from now the property is sold by the County, we would expect to be paid then, but we will forego any fees. This is not true and is not the contract of the Abstract Companies. The Abstract Companies will have to be paid in full, but their contract does say, I believe, that they will be paid within one year. It seems to me that the County has a year to pay on any parcels that are not sold at the sale."

Mr. Humphrey continued, "The reason that I brought this up is, that we, in our office, are accumulating these monies in two separate accounts and erroneously, one of the abstractors was paid out of our Cash Cards, but only one and we have these claims to be signed and I am curious as to what the Commissioners want to do. The Auditor was ordered to have this tax sale and the first claim of the Legal Fees have been ascribed to your files. That is \$133.61, which is Legal/Commissioners; but we can change that and put it under the Auditor's. I would prefer that the money be appropriated and paid out so that we have a complete audit record of all of our costs and receipts. The funds that we receive, just quietus them back into the account; but that is up to you. If you want to carry it in the Commissioners, it makes no difference to me. We are mandated by the State Law to do it."

Mr. Willner said, "Why don't you appear before the County Council and get appropriation. Get your line item and take care of that. That would be my recommendation."

Ms. Cox said, "Sam, I think you are to be commended for bringing us a report on this and it is unpleasant to find that it is costing us \$24,660 to get rid of our properties."

Mr. Borries said, "This is not true. It is not going to cost us anything."

Ms. Cox said, "Now wait just a minute....what he just told us...the properties that they have sold to date have only brought in X number of dollars."

Mr. Humphrey explained, "This is just the portion ascribed to the title search and legal fees. This is not taxes and penalties and etc. We are way above that on those features. These are only the items ascribed to the title search and legal fees incurred in selling the properties."

Mr. Borries said, "Let me take a crack at it Sam. There is a certain tax bill associated with each one of these properties."

Ms. Cox interjected, "Wait a minute, let me finish here. I think I am right. He is telling us on the properties that they sold that paid this \$80 or whatever the fee was, ( \$200 title search and \$60 for legal fee) Then we are short collecting those monies. Isn't that what you are saying?"

Mr. Humphrey responded, "Yes, only inasfar as the title search and legal fees are concerned, we are short \$24,660. We are not short in the overall collection of taxes, but in recapturing those costs we are short."

Ms. Cox said, "We still have property to sell, but we are not going to sell it....Supposedly. So we are not going to recover the legal fees that have been paid to do that."

Mr. Miller added, "There have not been any legal fees paid to do that yet."

Ms. Cox said, "Well, there will be because we have the claims here. That is what he is asking for."

Mr. Miller explained, "Those properties can later be sold as surplus property by the County after the County takes title to it. So that property ultimately will bring the County money."

Ms. Cox said, "My other point was, why is it necessary that we do this in the first place and how much has law suits that have been filed against the County cost us to resolve, and there have been several of them, so we may not be coming out as badly as what you are saying. The \$24,000."

Mr. Miller added, "There has been one lawsuit pending since I have been County Attorney growing out of a mistake that was made in the sale of property at tax sale. One lawsuit that I know of; however, in answer to your other question, the reason that this had to be done is that in 1985 there was a United States Supreme Court decision that held that a mortgage holder who had not received notice of a tax sale could not have his lien extinguished by the tax sale because the mortgage holder had an equitable interest in the property and he was entitled to notice. and so all of the tax sales that were held in that particular state and I believe in that particular instance, that tax sale was voided. It happens to be an Indiana tax sale that went to the United States Supreme Court and then Indiana passed a law, the Legislature passed a law that required that this procedure be followed. That there be a title search on each piece of property and then an opinion to the County Treasurer from Council. That's why it was done."

Ms. Cox explained, "I understand all of that. My point was that we may have gotten more suits and more settlement out of that than what this is costing us. That was my total point for even bringing it up and I am sorry that I have used 10 minutes for even bringing it up."

Mr. Humphrey said, "There is another side to this coin. I have been to a meeting in Indianapolis on Legislative Committee for the AISC to address this problem and at that meeting, we were told that Purdue is conducting a study of all of the counties in Indiana and the problems contingent upon this tax sale. They are going to compile that and then compare it with tax sales in every other state to see how they have resolved similar problems and perhaps come up with a package for the long Legislature which will be two years from now. Every county is having a very difficult time with this and they really don't know how to resolve it at this point."

Ms. Cox said, "What the county is seeing is just what you are seeing. You are seeing the initial impact, but we don't know what the impact is going to be from this court suit. Do we?"

Attorney Miller answered, "No, we don't, we have some exposure because this property, in this particular suit, was sold for taxes after a time when apparently the taxes had been paid, but not posted and this kind of exercise that we are going through here may or may not remedy those situations. That was simply a clerical error that occurred. He brought his quiet title action and the quiet title action was opposed by the previous owner that he thought had forfeited title and that the previous owner came forward with proof of payment of the tax, and Indiana law protects counties from large judgement and I believe that we have filed a motion for summary judgement in that case because there is an Indiana law that says that the maximum recovery for somebody who buys at a tax sale is the amount they paid in taxes for the property, because tax sales or essentially a 'windfall' to the buyer and the State does not propose to allow a buyer at a tax sale to have a 'windfall' at the State's expense, when all the state is trying to do is collect its' taxes....So, there is a statute that protects counties from large judgements and we have filed a motion for summary judgement invoking that statute and we should win that. It is before Judge Dietsch right now."

Commissioner Willner said, "Now, let me take a crack at it....If we follow our past experience, this will not cost Vanderburgh County one red cent, right? Is that correct? Right now we have no surplus properties on the books to be sold and if we continue that, we will not owe one cent! Now then, the only time that we will be out any money whatsoever is when a piece of property is unsaleable for any reason. Is that correct? So, we are not talking about any money here."

Mr. Miller said you could wind up with a few pieces of property nobody is going to buy.

Ms. Cox said, "I didn't think we sold all of that at our last tax sale. I think Rick was the auctioneer at the last one we had and we did not sell every piece."

Mr. Willner said it should be ongoing every monday then. It is supposed to be a continuous sale until it is gone.

Ms. Cox asked Sam to check on this.

Ms. Cox said,. "I say we have lost \$24,000, so let's just go on from there."

RE: EMPLOYMENT CHANGES

108 Prosecutor (appointments)

Jerry A. Atkinson      Dep.Pros      \$16,020/Yr      Eff: 10/26/87

There being no further business to come before the Board,  
President Borries declared the meeting adjourned at 4:30 p.m.

PRESENT:	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R.J. Borries	Sam Humphrey	David Miller
	R.L. Willner		
	S.J. Cox		

<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
Bill Bethel	Andy Easley	Bill Jeffers, Deputy

OTHERS

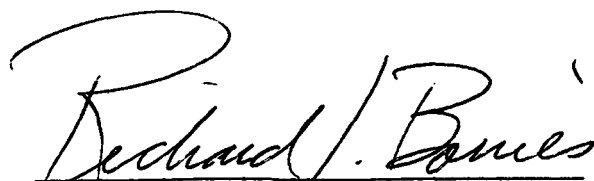
Charlene Jacobs  
News Media

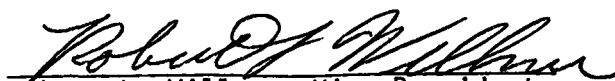
SECRETARY:      Joanne A. Matthews


Transcribed by:      Bettye J. Miles

Proofed by:      Margie Meeks

Edited, Corrected & Indexed by:      Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 2, 1987

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MINUTES  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 2, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, November 2, 1987, in the Commissioners Hearing Room, with Vice President Robert Willner presiding. He advised that Commission President Rick Borries should be arriving momentarily.

Since this was the first meeting of the month, Sheriff Shepard opened the meeting and declared the Board of Commissioners in session pursuant to adjournment.

RE: AUTHORIZATION TO OPEN PROPOSALS RE CARANZA DRIVE  
SANITARY SEWER PROJECT

The meeting began with Commissioner Willner entertaining a motion to authorize the County Attorney to open proposals received re the Caranza Drive Sanitary Sewer project.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the County Attorney was authorized to open the engineering proposals received on the Caranza Drive sewer project. So ordered.

RE: SURPLUS PROPERTY

Commissioner Cox said she has a report concerning her question of last week. Since the Commissioners do not yet have their minutes, it is not yet on record. But concerning the sale of surplus property, County Auditor Humphrey called her and gave her a complete report. At this time we do not have any surplus property on the board. It has all been disposed of.

RE: PETITION FOR VACATION OF PORTION OF EAST TENNESSEE STREET

Commissioner Willner recognized Attorney John Stacer, who was present for purposes of requesting vacation of portion of East Tennessee Street.

Mr. Stacer said he is requesting November 23rd hearing date re vacation of a portion of East Tennessee Street. They want to vacate East Tennessee Street from Green River Rd. eastward to the Industrial Foundation Subdivision. In 1984, we vacated that portion of East Tennessee Street which was included in the Industrial Foundation Subdivision and now the other property owners are requesting that we vacate from Green River Rd. eastward to the part that has already been vacated.

The Commissioners spent several minutes going over the petition and the map. Commissioner Willner asked if there are any utilities of any kind in that easement?

Attorney Stacer said there may be a utility with SIGECO. He has written SIGECO's attorney (as well as SIGECO) and he has given SIGECO a copy of the petition.

Commissioner Willner entertained questions.

Mrs. Cox asked, "You said, Mr. Stacer, that you had contacted SIGECO. Would you also contact Indiana Bell, the Evansville Water & Sewer departments and obtain letters from them. I can't see any reason to hold up the hearing. If there is any report

due from EUTS or any of the utilities, that will come out at the public hearing."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the Board set the Public Hearing for 2:30 p.m. on November 23, 1987, and authorized advertisement of same.. Said Public Hearing will be held during the regular Commissioners Meeting.

In response to query from Commissioner Willner, Attorney Stacer said the Petition for Vacation only has to be advertised once. He has already advertised this (October 29th). He checked the State statute and it requires that the petition be advertised once at least ten (10) days before the Public Hearing. (The Statute does not prohibit advertising prior to the hearing date being set by the Commissioners.)

Commissioner Willner asked that the secretary provide Rose Zigenfus of EUTS with a copy of subject petition when she arrives at today's meeting.

RE: MARBLE CONSTRUCTION CO. RE CABLE T.V.

The meeting proceeded with Commissioner Willner recognizing Mr. John Wasson of Marble Construction Co.

Mr. Wasson said he is requesting that the Commissioners provide him with a Resolution that transfers his operating authority as Marble Construction Co./Wells Cable T. V. to Welbac Cable T.V. To answer any questions the Board may have, in reading previous minutes of Commissioners meetings, he sees there have been several meetings where he has not been present to answer questions. If the Board has any questions, he'd be glad to answer same.

Commissioner Willner asked Attorney Curt John if he prepared a Resolution?

Attorney John responded that he prepared one several weeks ago and apparently it was not satisfactory. What he would recommend is that since there may be some discussion on this matter, that the other two Commissioners wait for Commissioner Borries if they intend to take any action at this time. He knows that Commissioners Cox and Borries had a discussion at meeting where Commissioner Willner was not present and it is a matter of great importance to Mr. Wasson that this matter be concluded as quickly as possible due to his pending sale. He thinks Commissioner Borries should be present when the matter is discussed.

Commissioner Willner said he talked with Mr. Borries at noon today and he had no problems with the transfer. The Board did talk to Mr. Wasson about the percentage being paid to the County for use of right-of-way and that was not the case in this particular matter. Attorney John confirmed that this is correct; there are no County right-of-ways in use in this case.

Continuing, Commissioner Willner said that in all fairness to everybody, Mr. Wasson is paying 3% just as a courtesy (if his information is correct) -- Mr. Wasson doesn't even have to do that.

Mr. Wasson interjected, "And to keep ourselves in the public eye."

It was the consensus that discussion on this matter should be deferred until such time as Commissioner Borries arrives.

RE: PROPOSALS RE CARANZA DRIVE SEWER PROJECT

Attorney John said three (3) proposals were received, as follows:

- 1) Biagi, Chance, Cummins, London, Titzer, Inc. (Evansville, IN)
- 2) Veach Nicholson, Griggs Associates (Evansville, IN)
- 3) Beam, Longest & Neff, Inc., (Indianapolis, IN)

It was the recommendation of Attorney John that the proposals be referred to the appropriate County official for review and establishing meeting schedules.

Commissioner Willner said the proposals will be forwarded to County Engineer Andy Easley for his expertise and advice, with request that he get back to the Commissioners next week.

Mrs. Cox asked for her copy of each proposal.

Attorney John said only one envelope contained three (3) copies of the proposal. The other two envelopes just contained one copy.

Commissioner Willner requested that the secretary make copies for the Commissioners prior to forwarding the proposals to Mr. Easley.

RE: COUNTY ATTORNEY - CURT JOHN

The Chair called upon Attorney Curt John, who advised he had nothing to report at this time, other than that which he has already reported concerning his conversation with Mr. John Wasson of Marble Construction Co., Inc..

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report or employees at the County Garage for period October 26 thru October 30, 1987.....report received and filed.

Gradall: Ward Rd., St. George Rd., Red Bud Rd., Mann Rd., New Rd., and Wedeking Rd.

Paved: Old Lower Mt. Vernon Rd., Schmuck Rd., and Seminary (not yet finished)

Patch Crew: Scott, Upper Mt. Vernon, Oak Hill, Mill, Schmidt, Sheridan, Farmington, Red Bank and Ashwood

Grader: Burdette Park Rd., Nisbet Station, Wallenmeyer, Armstrong, Maasberg, Lutterbach, Cypress Dale, Roth, and Shore Rd.

Mower: Darmstadt Rd. and Mill Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Cut weeds and trees out of guard rail on all roads in Union Township
- Cut out log jam and burned same at Old Henderson Rd. Bridge #113

- Installed culvert at Ward Rd. and St. George Rd.
- Cleaned out culvert at Old Henderson Rd.
- Painted guard rail at Oak Hill Rd. and Lynch Rd.
- Cleaned culvert and drop box at Marx Rd. and Old 460

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for Employees at the County Garage and the Bridge Crew.....reports received and filed.

In response to query from Commissioner Willner as to how the road paving program is coming along, Mr. Bethel said that very little remains to be done -- they are just about finished. They were able to pave a few more miles than they had hoped and they managed to put in a few extras here and there. They still need to pave the Sheriff's parking lot (but he will pay for that). The Chair entertained questions of Mr. Bethel.

Commissioner Cox asked, "Bill, is there any further update on Streuh-Hendricks, West Franklin, Schroeder...?"

Mr. Bethel responded, "Yes, I got a call from their attorney last week and he told them again that we expect that road to be paved over and he said he would get back to our attorney. I told him I wasn't going to step into this, as we have an attorney talking for us -- but that I will not be satisfied unless the entire road has a coating over it."

Mrs. Cox asked, "We did get the insurance check for Streuh-Hendricks?"

Mr. Bethel said, "We got some money for Streuh-Hendricks Rd. I will quietus that into our account and we will take care of that ourselves."

Ms. Cox asked, "You will repair Streuh-Hendricks yourself?"

Mr. Bethel responded in the affirmative.

In conclusion, Mr. Bethel congratulated Commissioner Cox on the arrival of her new granddaughter.

RE: ACCEPTANCE OF CHECK

A check from Evansville Cable T.V. (United Artists Communications, Inc.) in the amount of \$23,834.00 for franchise fee for the 3rd quarter was submitted. Motion to accept the check, endorse same and deposit into the County General Fund was made by Commissioner Cox, with a second from Commissioner Willner. So ordered. Commissioner Willner asked that Mrs. Meeks send an acknowledgment letter.

RE: COUNTY TREASURER - MONTHLY INTEREST REPORT

Also submitted was the County Treasurer's Interest Report for period ending October 31, 1987.....received and filed.

RE: CLOSING OF COUNTY OFFICES

Commissioner Willner announced that all County Offices will be closed on Tuesday, November 3, 1987 for the Election. He urged that everyone get out and vote.

RE: CLAIMS

David Guillaum: Claim in the amount of \$18,812.50 for work on Nisbet Station Rd. Bridge (invoice is attached). The original bid was for \$18,912.50; there is a \$100.00 deduction, leaving a total due of \$18,812.50. Mr. Guillaum also requested that he read the following letter:



October 23, 1987

Vanderburgh County Commissioners  
Civic Center  
Evansville, IN 47708

Re: Nisbet Station Bridge

Having completed the first of our two projects, the Nisbet Station Bridge, I wish to reflect on a couple of points. First and foremost, we are very proud of the final product; the job was well designed and executed. All the people involved (inspectors, engineers, our superintendent and field personnel) agree this is a quality structure which the county can be proud of.

Secondly, this project was completed for less than our bid price. We gave quote which clearly said total maximum bid we meant just that. We fully expect to deliver the same quality product on the Rollett Lane Bridge.

In times of negative thinking, we feel the best answer is to produce with actions rather than words. We sincerely appreciate the opportunity to provide the county with quality projects such as this.

Sincerely,

/s/ Dave Guillaum

Commissioner Cox said she drove out and looked at the bridge and it is a large structure. She didn't know it was going to take something this big to replace a culvert that was there. She asked if it is customary to hold any retainage on these projects for a period of time? Do we have a final inspection report?

Commissioner Willner said he doesn't think there is any retainage since this wasn't a bid item. If it is bid, he knows we do hold the 5%.

Mrs. Cox said, "This was an invitational bid."

Commissioner Willner said he believes the blue claim was signed by the inspector and Andy Easley.

Mrs. Cox asked, "Who was the inspector?"

Mr. Willner responded that it was "Pinkston". The county crew is supposed to do the rip-rapping.

Mrs. Cox said, "Counselor, is it customary that we pay the total amount, or should we withhold a retainage?"

Attorney John replied, "Normally, anytime there is a retainage it is called for by contract or the agreement. I am not aware if there was any agreement in this case. But if there is something that calls for retainage, then, yes, it should be withheld. If not, I don't believe the Board has the authority to withhold it."

Mr. Willner noted that the bridge has been inspected and accepted.

Mrs. Cox said, "Based upon the opinion of the County Attorney, I will move that the claim be approved for payment."

Mr. Willner provided a second to the motion. So ordered.

RE: APPOINTMENT TO AUDITORIUM ADVISORY BOARD

Commissioner Willner said the Commissioners have received resignation letter from Mr. Robert Hayden indicating he no longer can serve on the Auditorium Advisory Board. He believes this was

his appointment and he would like to replace Mr. Hayden with Joe Halburnt, Jr. (1809 E. Virginia Street). He currently is a realtor with Garrison Realty and has indicated he would enjoy serving on the Auditorium Advisory Board.

Mrs. Cox said she nominates Joe Halburnt, Jr. to fill the vacancy created by Mr. Hayden's resignation. A second to the motion was provided by Commissioner Willner. So ordered.

RE: APPOINTMENT TO BOARD OF HEALTH

Commissioner Willner said he has the following letter from the Health Department:

To: Mr. Richard Borries, President  
Vanderburgh County Commissioners

From: Jane M. Hoopes, M.D., Health Officer

Date: October 28, 1987

Re: Mrs. Betty Jane Hopkins

I am writing to the County Commissioners to acknowledge the expiration of the term of Mrs. Betty Jane Hopkins, 3930 Eastbrooke Drive, your appointee for the past four years to the Board of Health.

We have enjoyed having Mrs. Hopkins as a Board member and during her past term she has served as President and Vice President of the Board. Mrs. Hopkins has been an excellent Board member and has served faithfully and well. Her educational background and experience in the teaching profession has been very helpful in our educational programs.

I can heartily recommend her appointment for a four year term beginning January 1, 1988.

Commissioner Willner said he has no reason not to reappoint Mrs. Hopkins to another four year term.

Motion that the recommendation of Dr. Hoopes regarding the reappointment of Betty Jane Hopkins to the Board of the Health Department for a four year period beginning January 1, 1988 be approved was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: CONTRACT ON SOUTH GREEN RIVER ROAD

The Chair recognized Mrs. Rose Zigenfus. She said she has a contract between Veach Nicholson, Griggs & Associates and the Vanderburgh County Commissioners to complete the design and preliminary engineering design work for the South Green River Rd. project. The contracts have been reviewed and will be forwarded to the Indiana Department of Highways following execution by the Commissioners. The amount of the contract is \$57,712.98. We did budget enough money to cover the local share and she is asking that the Commissioners execute the contracts today. Mrs. Zigenfus entertained questions.

Commissioner Willner said, "I guess that particular project was created by the I-164 project and along with Boonville-New Harmony we are not planning on this outlay of funds, but since this new highway is coming we need to go ahead with this contract and finish it. I guess that is the only one we have left created by the I-164 project."

Mrs. Zigenfus said, "This will provide for four (4) lanes of travelway between the Interchange at South Green River. It will extend from Pollack Avenue South to the Interstate. I don't have a timetable on the I-164 project in that area, but it looks like the entire project will be complete prior to 1992, so it is timely and we need to move forward with it."

Mrs. Cox asked, "What was the engineer's estimate on their time for design, Rose?"

Mrs. Zigenfus responded, "You're looking at 120 days or four months."

Mrs. Cox asked, "Four months? They can do that in four months?"

Mrs. Zigenfus said, "It is a relatively short project -- there isn't a whole lot there."

Mrs. Cox moved that the contract with Veach Nicholson, Griggs & Associates concerning the South Green River Rd. project be signed, with a second from Commissioner Willner. So ordered.

Commissioner Cox asked, "Are we going to have stoplights there?"

Mrs. Zigenfus said, "There better not be."

RE: REQUEST FOR VACATION OF PORTION OF EAST TENNESSEE STREET

Commissioner Willner advised Mrs. Zigenfus that the Commissioners also have a copy of a request for vacation of a portion of East Tennessee Street. He requested that Mrs. Zigenfus review same and offer comments at a later date. A Public Hearing will be held on Monday, November 23rd. at 2:30 p.m. (during Commissioners Meeting).

RE: SCHEDULED MEETINGS

Wed. Nov. 4 2:30 p.m. County Council Meeting

Wed. Nov. 4 6:00 p.m. Area Plan Commission Mtg.

RE: EMPLOYMENT CHANGES

County Board of Review (Releases)

Jeanette Rueger Clerk \$35.00/Day Eff: 10/16/87

Prosecutor (Appointments)

Jerry A. Atkinson Dep. Pros. \$16,020/Yr. Eff: 10/26/87

Sheriff (Appointments)

Bruce N. Crider Corporal \$21,534/Yr. Eff: 9/28/87  
John B. Ellsworth Corporal \$21,534/Yr. Eff: 11/3/87

Sheriff (Releases)

John Crosser Corporal \$21,534/Yr. Eff: 11/2/87  
Bruce Crider Patrolman \$20,247/Yr. Eff: 9/27/87  
John B. Ellsworth Patrolman \$20,247/Yr. Eff: 11/2/87

Election Office (Appointments)

Doris E. Cato Dep. Clerk \$4.85/Hr. Eff: 10/26/87  
Doris H. McGlothlin Dep. Clerk \$4.85/Hr. Eff: 10/16/87  
Casey E. Randolph, Jr. Bal. Assem. \$4.85/Hr. Eff: 10/29/87  
Janice N. Dudley Dep. Clerk \$4.85/Hr. Eff: 10/23/87

Pigeon Township Trustee (Releases)

Allen A. Purdie Supv. \$19,454/Yr. Eff: 11/3/87

Circuit Court (Appointments)

Dennis Hudnall PT Intern \$5.00/Hr. Eff: 10/26/87  
Mary M. Lloyd PT Intern \$5.00/Hr. Eff: 10/26/87  
Laura M. Pate PT Intern \$3.35/Hr. Eff: 10/26/87

Russell P. Sumner	PT Intern	\$5.00/Hr.	Eff: 10/26/87
Rachel Maasberg	PT Intern	\$5.00/Hr.	Eff: 10/26/87
Janet Hamer	PT Intern	\$3.35/Hr.	Eff: 10/26/87
Lisa Ann Winnecke	PT Intern	\$4.25/Hr.	Eff: 10/26/87

Circuit Court (Releases)

Laura M. Pate	PT Intern	\$3.35/Hr.	Eff: 10/23/87
Russell Sumner	PT Intern	\$5.00/Hr.	Eff: 10/23/87
Rachel Maasberg	PT Intern	\$5.00/Hr.	Eff: 10/23/87
Mary M. Lloyd	PT Intern	\$5.00/Hr.	Eff: 10/23/87
Janet Hamer	PT Intern	\$3.35/Hr.	Eff: 10/23/87
Dennis G. Hudnall	PT Intern	\$5.00/Hr.	Eff: 10/23/87
Lisa Ann Winnecke	PT Intern	\$4.25/Hr.	Eff: 10/23/87

RE: ENT ACRES II SUBDIVISION

The Chair recognized Mr. James Morley of Morley & Associates, who submitted the following letter:

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

Re: ENT Acres II  
Our Project #87-1432-4

Dear Board Members:

On behalf of the developer, we are hereby requesting that construction of sidewalks, curbs and gutters within this development be waived.

The reason for this request of waiver is because this is a private crushed stone roadway. ENT Acres II is only two lots that are 2-1/2 acres in size and they are on the extension of a private roadway constructed with crushed stone. The proposed private roadway construction details are included in the enclosed letter to Dr. Bizal.

Your cooperation in this matter is appreciated.

Yours truly,

/s/ James Q. Morley, P.E., L.S.

cc: Dr. John Bizal  
File

Mr. Morley continued by saying that ENT Acres Subdivision is a subdivision on the west side of Darmstadt Rd. just south of Mt. Pleasant Rd. that has a private roadway on it maintained by a Homeowners' Association and Dr. Bizal has taken plans to the APC to expand that by two (2) lots to the west -- and Andy Easley went out and looked at it. Mr. Morley said he wrote a letter to Dr. Bizal with Andy Easley's comments concerning the continuation of that crushed stone road. The right-of-way is sufficient for public roadway, so it meets that criteria in the Subdivision Ordinance; but Mrs. Cunningham said he needs official clearance from the Commissioners not to put curb and gutters on the gravel road for two lots (one on each side of the road for 300 ft.). It is not a public road -- it is privately maintained.

Commissioner Willner said he knows where this is and he has no problem with the request. He asked if they intend to.....?

Mr. Morley interjected, "This is the one subdivision, Bob, where they had that covenant on there that said that no more than three (3) more additional homes could access this road without that triggering the updating of the entire roadway to hard surface roadway. Dr. Bizal, who owns all of the property, tells him that no, it is not -- the right-of-way is there. He is pretty much

following Rose Zigenfus' guidelines -- make it available, so that if we ever wanted to we could -- the right-of-way is there to do it, but the intention is not to do it. They do have other access in along the railroad track. They own quite a lot of ground in there, so it is quite possible that something would develop in the future. But at this time Dr. Bizal said no, that is not going to happen. Mr. Morley said he can only relay to the Commissioners what Dr. Bizal tells him -- so the protective covenants are there completely with the plat and it is a private road. They would request waiver of curb, gutter, and sidewalks on this 300 ft. extension."

Commissioner Willner asked Commissioner Cox if she has questions.

Mrs. Cox said, "I do have questions. This is the first time that I've seen the request and I will refer to a letter that is attached that Mr. Morley wrote to Dr. John Bizal on October 28th, as follows:

October 28, 1987

Dr. John Bizal  
7000 Darmstadt Rd.  
Evansville, IN 47710

Re: ENT Acres II  
Our Project \*87-1432-4

Dear John,

The Area Plan Commission discourages but will accept a private roadway in a subdivision as long as it is constructed to "County Standards".

The County Engineer has visited the site and said that he would agree to reduce the required roadway width from 24 feet as shown on the attached standards to 15 feet, assuming the County Commissioners have no objection.

The "County Standards" for a rock road are 10 inches of #53 stone compacted to 95% density. For a 15 ft. wide roadway this would require 285 tons to pave the 317 feet of common frontage between Lot 6 and 7 and 138 tons to pave the 150 ft. from Romick's driveway to the new lots. The #2 stone you have placed approximately six inches thick and nine feet wide would amount to 154 tons; therefore, the additional stone required is 269 tons. This #53 stone should be placed in two lifts and be compacted to the required density with a vibratory roller.

The six foot wide earth shoulder along the roadway should not be reduced to less than two feet on each side making a minimum cleared and graded width of 19 ft. to the top of side ditch slope.

The roadway crown slopes one quarter inch per foot from the centerline profile grade. The roadway profile grade should not exceed 10 percent so you should check the first steep grade to verify that it is not steeper than 10 percent.

The first 12 inch culvert is within the subdivided lot area and will have to be extended to accommodate the 190 ft. wide road and shoulder width plus the bank slopes which must not be steeper than 10 percent.

The first 12 inch culvert is within the subdivided lot area and will have to be extended to accommodate the 19 ft. wide road and shoulder width plus the bank slopes which must not be steeper than 3:1.

The estimated cost to complete the private road as described above is as follows:

Grading - 10 hrs. @ \$10	\$ 500
Compacted Stone - 269 tons @ 10	2,690
Culvert Extension - 10 ft. @ \$12	120
Contingency - 5%	<u>152</u>
Total	\$ 3,462

The plat of Lots 6 and 7 may be recorded as soon as the work is completed and inspected by the County Engineer or as soon as a letter of credit is filed with the Area Plan Commission.

Yours truly,

/s/ James Q. Morley, P.E., L.S.

cc: Area Plan Commission/Ms. Barbara Cunningham  
Mr. R. Andrew Easley  
File

Mrs. Cox said she does not know what is being voted on here.

Mr. Willner said, "Just curbs, gutters and sidewalks."

Mr. Morley commented, "The request is curbs, gutters, and sidewalks and, at the same time, if you wish to offer comments on this private roadway (it is a separate item), Shirley, the first part of that letter was a quotation that Barbara made to me, which I do not understand. There is nothing in any standards in any ordinance -- either the Subdivision Ordinance or on your design-detail sheet -- concerning standards of construction for private roadways. The first sentence of the letter is a quotation from Barbara (Cunningham) ....I don't know what that means since there aren't any. But I repeated the quote to Dr. Bizal."

Commissioner Willner said, "There aren't any imposed County standards on a private road anyhow."

Mrs. Cox asked, "Then why does he have to come to us to get a waiver of sidewalks, curbs, and gutters -- if this is a private road?"

Mr. Morley, "Because Barbara (Cunningham) said I couldn't record the plat if I didn't come down here. We took the money and the plat over to be recorded and she said we didn't have a waiver of curbs, gutters, and sidewalks. I said it is a private gravel road and she said that doesn't make any difference "

Commissioner Willner said, "The reason I don't think it's proper -- what if you would come back next year and say you want to pave the road?"

Mr. Morley responded, "Then we'd have to widen it out."

Mr. Willner said, "Then you'd need the waiver."

Mr. Morley said, "I think that is probably correct. At that time we would be talking County Standards and then we'd want to discuss what they were going to do -- whether they were going to go curbs and gutters or whatever."

Commissioner Willner asked, "Would a motion that we waive sidewalks, curbs, and gutters until such time as the road is upgraded to a hard surface road and they need to come back suffice? Is that possible?"

Mr. Morley said, "I guess what you are saying is that if the decision is ever made to bring this road up to County Standards, that the waiver of curbs, gutters and sidewalks will be reconsidered at the time of that request."

Mrs. Cox said, "I don't understand it at all and I don't see why Mr. Morley has to come before our Board and ask for this permission -- it is private and I just don't understand it."

Mr. Morley said, "All I know is that Dr. Bizal wants to record the plat and Barbara says this is what I have to go through -- so here I am."

Commissioner Willner said, "Let's see if we can resolve it before we call somebody else in. Would you be acceptable to .....?"

Mrs. Cox interjected, "Can Mrs. Cunningham come down and cite us ordinances or something that requires that a private road has to have curbs and gutters and all this stuff waived?"

Attorney John said, "I think what he is saying is that they want to record the subdivision plat and she is not allowing the recording of that plat unless there is a determination regarding curbs and gutters."

Mrs. Cox said, "I know what she is saying -- he has made that perfectly clear; but I want to know by what authority? If there is authority in the ordinance that addresses that? It says here the County Engineer has visited the site and he would agree to reduce the required roadway width from 24 ft. to the attached 15 ft. I just don't understand."

Commissioner Willner said, "I understand; a gravel road is 15 ft -- that is what he is saying."

Mr. Morley said, "By the same token, Shirley, she said 'Well, how do I know this is private? Since it is private it has to be done according to County Standards.' I asked, 'What do you mean by that?' She said, 'I don't know, it is up to the Commissioners to interpret.' I said, 'Well, I'll have Andy go look at it.' He looked at it. The existing road is 15 ft. or 16 ft. and has shoulders on each side and they have their Homeowners' Association and they maintain it and everything, and this would be a continuation of that."

Mrs. Cox said, "I don't know where he is getting the standards for the rocked road, because I have a copy of our road standards and they are not in here."

Mr. Morley said, "The rocked road is in there. "At one other time (and I don't remember whether it was before this Board) the question was brought up that we ought to make sure that the surface is substantial enough (even though they are private) so that if they want to make it asphalt -- and we ought to advise them that it ought to be 3 inches thick, even though it is not a full 24 ft. wide. But in a way, I don't even know where the authority for that comes from -- but it is not a bad thought, so I told Dr. Bizal we'd need this many more tons of rock."

Commissioner Willner said, "I really don't think the rocked road is going to last very long. The homes in this subdivision are \$300,000 plus and they have a nice coat of white dust on them. Why somebody would stand for that is beyond me."

Mr. Morley said, "They tell me that as soon as the homes are built on two designated lots that the Association is going to blacktop the road. But one thing is for sure, every person on there read it on the plat; no one is in there by mistake or naively wondering. It is very clearly stated right on there."

RE: EASTSIDE INDUSTRIAL PARK

In response to request from Commissioner Willner for a report on Eastside Industrial Park, Mr. Morley said that in 1978 Industrial Contractors designed a plan for nearly 80 acres (on Cullen and East Park Drive) and in 1986, they wanted to replat some lots on the north end of that subdivision because of marketing. As the

Commissioners may or may not be aware, several people had come back in and wanted to divide some of those lots and make replats into half lots. They wanted to take the larger lot and divide it smaller. The subdivision was designed as a 24 ft. wide pavement (just like Highway 57) with wide shoulders and then go drainage swales down each side and that was where all the storm water storage was computed to be. So, all of the streets out there are 24 ft. wide with the shoulders and this replat shows a little stub off to turn around as an extension in designated places and the request was to continue those two stubs the same as the rest of it out there. If you would not, the Drainage Board approved the roadside swale storage. (Mr. Morley then showed the Commissioners the original plan or original concept.) Industrial Contractors are ready to construct out there and they officially need confirmation in order to record this one also. But this is the way it was always conceived and originally presented and has always been presented."

Mr. Willner explained, "Shirley, what he is saying is that they did roadside ditches to hold the 100 year flood, so if they have curbs and gutters it would defeat their purpose."

Mr. Morley said, "That would eliminate our storage. Curbs and gutters work really well in residential streets, because you have neighbors come and visit and they don't have parking in driveways. In Industrial Parks, they are required to have all that off street parking. Normally, the two lane roads in an Industrial Park are relatively high speed; people don't park on the road in an Industrial Park. You have the wide shoulders so they can get off the road and all the off street parking. Our standard sheet doesn't address any differential between an industrial park and a residential subdivision. Basically, we don't address any Industrial Parks at all. But that is the request, to go ahead and finish what was started there. And they are ready to go to work as soon as confirmation is obtained."

Mrs. Cox asked, "How much of this is completed?"

Mr. Morley pointed to designated area.

Mrs. Cox continued, "It seems to me I've gotten calls from people who are out in that Industrial Park at this time and they have had problems with those drainage ditches and water standing."

Mr. Morley said, "Some of those in there have been filled. There may even be some inlets that are high in some areas that don't drain real well, but what we're talking about is designated area, with two cul-de-sacs on the end. We had problems with some of the people filling them in...."

Mrs. Cox said, "I know they do; so you can't just say this is industrial and people aren't going to do that, because they do it and they create problems for their neighbors."

Mr. Morley said, "I think the Building Commissioner's office is pretty well on top of that and it hasn't been continuing. It has been some time ago and I think they have pretty well resolved this."

Mrs. Cox said, "I have no problems with the sidewalks and I will move that the request for sidewalk waiver in Eastside Industrial Park be granted."

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

Mrs. Cox said she does, however, have a problem with waiving curbs and gutters.

Commissioners Cox and Willner agreed to await Commissioner Borries' arrival prior to making a decision concerning curbs and gutters.



Mr. Morley asked,. "I suppose if we go curbs and gutters that I would have to bring the drainage plan back again and have that approved. Would that nullify the previous Drainage Board approval?"

Mr. Willner said, "I think it would."

Mrs. Cunningham entered the meeting and Mr. Morley explained that the Commissioners were questioning the first part of his letter concerning "constructed to County Standards" or whatever -- and where that comes from.

Mrs. Cunningham said, "As the Subdivision Ordinance states, the Plan Commission discourages private roads. It has been the policy in the past that they will accept a private roadway which has been approved by the Commissioners in a subdivision if it is constructed to County Standards. Now, we don't interpret County Standards; however, the Plan Commission has insisted that the right-of-way be there and it is up to the Commissioners to determine if a variance is granted on road width on a case-by-case basis, since they are the Body that accepts roads. Is this what you wanted?"

Mrs. Cox responded, "No, we were questioning why, if this is a private road, do we have to waive curbs and gutters and sidewalks?"

Mrs. Cunningham said, "We treat a private road the same and..."

Mrs. Cox interjected, "But you said it was office policy; there is no ordinance..."

Mrs. Cunningham said, "The ordinance states that we discourage private roads."

Mrs. Cox said, "I know, but it doesn't say 'prohibit'; it says, 'We discourage private roads' -- right?"

Mrs. Cunningham said, "Right' but we insist upon a 50 ft. right-of-way or a 45 ft. right-of-way, depending upon whether it is a cul-de-sac, and what we ask, too, as we stated in the April 13th County Commissioners Meeting (I think on this same property) that public or private, they still have to either put the improvements in and be approved or have financial security."

Commissioner Willner said, "Suppose we waive the sidewalks, curbs and gutters in ENT Acres now and next week or next year or five years from now they come back and pave the road (not to County standards) and the curbs and sidewalks have been waived. We really don't want to do that now. We'd rather do that when they put a hard surface road in."

Mrs. Cunningham asked, "Could you not waive them with the condition that at such time as they were brought to County Standards that they would have to be installed?"

Mr. Willner said, "That was my suggestion."

Mrs. Cox said, "There is no basis for requiring sidewalks, curbs and gutters on a private road. We don't have anything in the ordinance that says they have to have sidewalks, curbs and gutters on a private road. That is my concern, too, that somewhere we have enough things that get lost through the cracks now -- and if this is granted, then they come back in and put their road in with no sidewalks, curbs or gutters."

Mrs. Cunningham asked, "Are we talking about ENT Acres?"

Mr. Morley responded in the affirmative, saying there are two lots -- 2-1/2 acres.

Mrs. Cunningham offered comments, but she was behind the Commissioners table and her comments were inaudible. Continuing she said, "To me, a road is a road and that is why we asked that a private road should be installed the same as a public road. I think the only time you really have a private road is if you have a gatehouse on it to make sure you do have a private road."

Mr. Morley said, "I see nothing wrong with a motion that would waive the curbs and gutters and if this roadway is ever presented to the County Commissioners for approval that the issue of curbs, gutters and sidewalks would be reconsidered at that time. They have the right-of-way, so theoretically it could happen."

Mrs. Cox queried Mr. Morley concerning right of way and he said it is 50 ft.; there is no waiver of right-of-way. So if these people ever wanted to do it, they have the ability to upgrade the road and he thinks it would be good if the Commissioners reserved their right to decide on that if they do want to bring it to County standards at that time.

Mrs. Cox said, "I find it unbelievable that we do not accept county gravel roads, yet we have standards to build county gravel roads. It's been said more than once during the 6-1/2 to 7 years I've been here that we don't accept gravel roads -- you have to bring them up to County Standards. Then here all of a sudden we have a standard for a County gravel road -- and I'm sorry, but I cannot see it."

Commissioner Willner said, "That is because we have some gravel roads in the County."

Mrs. Cox said, "And we maintain them -- we've been maintaining them a long time; that is what I can't understand. And then reducing the 24 ft. width to 15 ft. width....."

Mr. Willner said, "Well, I'm not going to do that for sure, because I am sure this one is going to be updated very soon."

Commissioner Willner declared a fifteen (15) minute recess.

The Commissioners reconvened at 3:55 p.m., when Commissioner Borries arrived. He apologized for being late. He said that discussion with regard to Mr. Morley's request for waiver of sidewalks, curbs and gutters in ENT Acres II and Eastside Industrial Park will continue.

#### ENT ACRES II

Mr. Morley said that this is a private roadway and is an extension through two (2) lots period. There is an existing crushed stone private roadway maintained by an Association. Their request is to extend it on to this two-lot subdivision. The APC says it cannot be recorded until the County Commissioners grant a waiver of curbs and gutters -- or some similar statement. He said he guesses a similar statement that as long as this is a private roadway that curbs and gutters and sidewalk waiver is not required.

Commissioner Borries said, "I guess that is my feeling. I am reluctant to grant a curb and gutter waiver due to -- certainly no problems that concern Mr. Morley -- but, in general, this has been part of our ordinance and it would be my feeling that if this is a private road that there would be no waiver granted simply because the developer of ENT Acres II can do as he wishes. No waiver is required."

Mr. Morley commented, "No waiver would ever be required if this were brought to County standards."

Mr. Borries said, "That is correct."

Mr. Morley said that some kind of wording or amendment to that effect would let them get the plat recorded.

Mr. Borries said, "It is a private road and it is subject to this road being paved and brought up to County standards and a request being made at that time for inclusion into the County road system for maintenance -- at that time we would have to consider curbs and gutters. But at this point, since it is a private road and not paved, I don't believe (speaking personally) that a waiver is required for that."

Mrs. Cox said, "I would concur with Mr. Borries."

Commissioner Borries said he would be glad to forward this to the APC by way of sending them a copy of the Commissioners Minutes.

EASTSIDE INDUSTRIAL PARK

Mr. Morley said this is an Industrial Park out on Cullen Avenue; it is nearly all developed. Altogether there were some 60 acres and on the north end of the subdivision were four (4) very large lots. The market has been that many of these have been divided into one (1) acre parcels and Industrial Contractors desires to put this stub in (they're doing a short stub on each of the designated streets) and making these lots smaller in dimension, which is where the market has been on these lots. He brought the Drainage Plan (as originally turned in) for the Commissioners' review. They were storing all of the water beside the roadways. It is a 24 ft. wide road with shoulders, and then down to the storage swales on the side. The request is to complete those. Since it is a replat, it comes back up again. This has been approved once as is. All the roadway plans and everything else were approved; now we've got the cul-de-sac additions to make and the request is to finish out the subdivision as originally designed -- which is 24 ft. wide with the side ditches.

Mr. Borries said, "Would you have at least 6 ft. width for side ditches?"

Mr. Morley responded in the affirmative, saying there is a little in excess of that. Yes, there is 60 ft. of right-of-way plus an additional 20 ft. on each side -- probably 100 ft. of right-of-way easement for storage in that subdivision.

Commissioner Borries said, "And I understand that the previous part of this Industrial Park was approved and is in place without curbs and gutters."

Mr. Morley responded that it is in place without curbs and gutters and the swales are being used for water storage -- and the Drainage Board approved the drainage plan for the replat. The original drainage plan of 1978 (which the Commissioners have) and the replat of June 2, 1986 -- and this is the completion of this subdivision. It is not an extension, it is a replat of the lots at the north end only -- so there are two stubs that would be constructed the same as the rest of the subdivision.

Mr. Borries asked, "What do you think the approximate length would be?"

Mr. Morley said they would be 500 ft. long each. One of them is an extension of Cullen and the other is an extension of East Park Rd.

Mr. Borries asked if this would complete the replat of this?

Mr. Morley said, "That is all of it -- that is all of the property. From there, as you go north, you begin to drop down into the flood plain area that essentially is not developable. The land falls off into that Little Pigeon Creek basin up there."

Commissioner Borries asked the other Commissioners for their comments.

Commissioner Cox said, "President Borries, I did have several calls from people who were located in this Eastside Industrial Park (it's been several years ago) about drainage problems in ditches and people filling up these ditches -- covering them over and putting tiles in -- the tiles being stopped up and not at the right angle and some water backing up if the tile wasn't put in correctly. It was backing up in some of these side ditches. This is completely different area down at the bottom of it; I don't know how they would tie it in other than into the existing ditches. But I have no problem with the request to waive sidewalks in Eastside Industrial Park. I do have problems with the request for the waiver of curbs and gutters."

Speaking to Mr. Morley, Commissioner Borries asked, "Jim, to address Commissioner Cox's comments, if there is some tile being placed or some problems, this is not how the original drainage plan was -- so how do we address these concerns?"

Mr. Morley said, "That is correct and the Building Commissioner's Office got with me a few years ago when this issue first came up. One of the buyers out there began filling that in and we worked on the elevations of the ditch along the front of that and the Building Commissioner's Office then sent letters to them directing that the elevations to the ditches were to be preserved. As I understand it, since that time they have been requiring that everyone who submits a site plan for development in there must show the drainage in front and show what they are doing. There was one request to put additional parts of the ditch in a culvert (instead of just a driveway crossing) and the Building Commissioner's Office then responded. "Well, if you do, prepare us a plan showing where you are putting the additional ponding area and we will consider that request." Well, it didn't come back -- they simply dropped it when they learned that they were responsible for that amount of water storage on their lot and it either could go in front or they could build it somewhere else. Barbara is here now; I don't know whether she has heard of any additional problems, but as I understand it, most of those problems on drainage now -- the Building Commissioner's Office has them under control and have adopted a method of requiring that these industrial developers show on their site plan what it is they are doing with drainage."

Mr. Borries asked, "Have you heard of any additional problems, Barbara, on Eastside Industrial Park?"

Mrs. Cunningham said she has not.

Mrs. Cox asked, "Why have a messy ditch? I don't know how large a ditch it is going to take back there -- and why create problems for the developers have to show what they are going to do there? Why not just go ahead and put in the rolled curbs and gutters in the first place and eliminate misunderstandings or problems down the line? That is my feeling."

Mr. Morley said the reason is water storage -- they needed to store water on the site.

Mrs. Cox asked, "So water is supposed to stay in those ditches?"

Mr. Morley responded, "Temporarily, yes it is."

Mrs. Cox asked, "How temporarily?"

Mr. Morley replied, "Hours -- it should be gone in a day; there should be no problems with storage for more than a half day or a day. As far as anything staying any longer than that, it would be problems of a contractor flooding a ditch for some reason. That shouldn't happen. That shouldn't be a problem. I submit to you that a rolled curb street is not necessarily the best thing in the world for an industrial park development. We've adopted the rolled curb -- fine; everybody has their driveway out there and they bump up over that. You can't run a commercial truck

where you are bumping up over a curb all the time; the proper thing is nice smooth transition driveways for the semis and everything else you deal with in an industrial park. They have a wide drive and they have to have smooth inlet. If you put the rolled curb on, I don't know whether you encourage parking on the street or not -- but certainly with the shoulders you do not. It becomes essentially the same thing as a highway. The intention is to keep them off the street and not park on it. I don't really see from a traffic standpoint what is gained by adding curbs. As I said, the drainage plan was turned in this way and I would have to re-submit the drainage plan or find additional storage if we take them out. The drainage plan was approved by the Drainage Board on June 2, 1986."

Mrs. Cox said, "In response to some of the things you've said, I've seen heavy concrete trucks go up over rolled curbs and gutters and they haven't crushed those. Our main concern here, Jim, is the roads and the preservation of the roads, and keeping water off the shoulders and the edges of the roads and prevent its getting down underneath. And if everybody covers their ditches in and the tiles are improper sizes or they get blocked then, of course, the water runs right down the side of the shoulder of the road and this is where you get your erosion."

Chief Deputy Surveyor Bill Jeffers was recognized by the Chair. He said, "I think you know I am a proponent of curbs and gutters and I think you know that in our office we don't really care for subdivisions without curbs and gutters. But in this case, Mr. Morley is accurate when he says the drainage plan is designed to not have curbs and gutters -- and that was to eliminate the need for a substantial area like one lot to be set aside as a lake. So, they are storing the water in the swales alongside the right-of-way. The drainage plan was approved and it would be damaged by the addition of curbs and gutters. The street would not drain properly with curbs and gutters. It was designed to drain by sheet drainage off the streets. The experience in Eastside Industrial Park Section I that people are having with improper drainage is almost totally due to individual lot owners filling the swales that were not supposed to be filled and installing pipes at improper grades because they apparently didn't utilize the skills of licensed engineers or surveyors to set the pipe grades. I've inspected all the complaints that have come in from this and every one of them has either been someone unauthorized filling the ditch or setting the pipe at a bad grade or letting the rip-rap fall down from the pipe (this is real flat ground). In order to give the County some enforcement ability on the Phase you are now considering, they added a notice on the plat that anyone who fills a swale in Section II will have to compensate by excavating an equal size storage facility on their lot. That is on the plat that will be -- or is -- recorded. So, if you grant a waiver of curb and gutters and someone fills with an unauthorized fill these side swales, you can go out and force them to either remove the fill or dig a ditch or storage facility on their lot -- which, by that time, will probably be covered by hard surface and they won't be able to find a spot so they will have to dig the ditch back out -- and then the drainage plan will operate properly. And Mr. Morley has said he will have to come back in with a new drainage plan if you do not waive curbs and gutters. That is accurate, too. And it will probably require a lake somewhere on that site, and that would be a waste of valuable industrial ground."

Mrs. Cox asked, "Just what does it say on the plat? If the people who buy these lots know they are going to have a ditch in front of their house and the purpose of that ditch is not only to convey the water but to store the water and it has to stay there -- then, you know....."

Mr. Morley interjected, "It is on the plat." Mr. Morley asked if Mrs. Cunningham has a copy of the plat so Mrs. Cox can see it.

Mr. Morley said because of the concern about the people who had filled it in before, he wrote it all out very specifically on the plat and he thinks this now gives us all kinds of powers. The ditch is dug first; they don't buy the property and then somebody digs the ditch. The ditch is there when they purchase the property.

Mrs. Cox said, "I know it is; but the first thing they want to do -- they don't like the water standing in there all the time. This is what they have told me. But you're saying there is a plan now that before anyone can put a driveway back into that and start to develop, there has to be an approved plan submitted to whom and approved by whom?"

Commissioner Borries said, "Well, as Commissioner Cox has voiced, we have a lot of concerns. However, as Bill (Jeffers) has pointed out, in an Industrial Park like this I believe there could be some considerations here that we would simply not make in a residential subdivision. And if this were a new request, I don't think I could consider it, simply because of our concern here for drainage on the east side. As growth continues there and in all parts of the county, these drainage concerns are going to have to be set this way. These seem to be finishing out again an existing subdivision. I respect your opinion here on what you say -- that this will work. What kind of streets are these?"

Mr. Morley replied, "Concrete streets. If we were starting from scratch, I would have had the opportunity to satisfy the lake and I would have had the opportunity to set it out. But now, since I am only replatting four (4) lots on previously approved plans, I don't have that choice."

Mr. Borries said, "Bill Jeffers, to the best of your knowledge right now, are the problems that have been experienced in this other one -- are they under control at this time? Of do we need to look to see if the drainage program as originally approved is not being followed there? You have mentioned that there would be some penalties now that have been mentioned on this new section. What would be your feelings now regarding the older section where there may be some problems? Are these being addressed now?"

Mr. Jeffers said, "Have those streets in the old section been accepted by the County?"

It was the concensus that they have.

Mr. Jeffers said, "I would say that if the problem is in the right-of-way and the County has accepted the streets -- they can go out there and fix those ditches up with a gradall -- most of them are very minor problems. You get these major complaints (I know what Mrs. Cox is saying) -- when they call in they are major complaints; but when you go out there to check them, all it is is a little rip-rap sitting in front of a pipe, someone not mowing their ditch, someone who has over a period of time let the situation stay that way until grass has grown on top of the silt and now it looks like it is three or four inches higher than the pipe -- just silly things like that that a little maintenance would take care of.....a little homeowner maintenance.....I mean, I sweep the leaves out of my gutters. I know it is a County street, but I am not going to call the County Garage to sweep leaves off my gutters or my inlet. I clean my inlet. I'm sure Mr. Morley did when he owned the house before I owned it. Everybody in my neighborhood does it. So these are the types of complaints that there are. And you won't find cars parked on these shoulders either. I've never seen a car parked on any of these shoulders in this industrial subdivision, because of the APC requirement that you have sufficient parking for your employees. I imagine most of those offices out there have a heck of an office party at Christmastime and the lot wouldn't be overflowing. These shoulders are strictly designed to allow the water to drain off the streets and into the storage swales, which largely are in a drainage easement. As I said, problems occur

only when individuals who obviously in some cases are looking for a quick entrance to their industrial lot plop a pipe down in there and cover it up with rock....and they don't take time to set the grade properly. But I haven't seen anything out there which I don't think can be corrected."

Mrs. Cox said, "It says on the plat that if a swale is filled, an equivalent storage area must be excavated on the lot and the plan approved by the Vanderburgh County Drainage Board. It says that any pipes placed in swales for driveways shall be 36 inches in diameter, which pretty well pins it down. I would think that when they come in for an alternate plan for equivalent storage, they will also have to show their driveway ditch and how they intend to address that -- because if they don't, if it says any pipes placed in swales for driveways shall be 36 inches in diameter, they can get any Tom, Dick or Harry to put in a 36 inch pipe. So it's got it pinned down that it is going to come to the Vanderburgh County Drainage Board and if that is a fact, I certainly will reconsider my previous comments about the waiving of the rolled curbs and gutters."

Mr. Jeffers said, "That was written that way intentionally, so if some Tom, Dick or Harry sticks a 12 inch pipe in there, as the Drainage Board you have the right to say 'Out -- 36 inch pipe' -- and if someone goes in there and takes it upon themselves to pipe the whole ditch in front of their lot....."

Mrs. Cox said, "I don't know how many more are out there, Mr. Jeffers, that we're going to have to live through, but I totally agree with Mr. Borries, henceforth I am not waiving any curbs or gutters in any new thing submitted to us -- because we have nothing but headaches. And this is because people do not read or follow what they are supposed to do."

Commissioner Borries entertained a motion.

Upon motion duly made by Commissioner Cox, the request for waiver of curbs and gutters in Eastside Industrial Park was approved, purely because of the information printed on the plat concerning the excavations in these drainage ditch areas, with a second from Commissioner Willner. So ordered.

Mrs. Cox then commented that the Board earlier approved waiver of sidewalks in Eastside Industrial Park.

RE: ENT ACRES II

Commissioner Borries said, "Barbara, I know you came in after we had considered the other -- I am just reluctant at this time to -- we think it is a private street and should at any time they request that this street become a part of the County maintenance system, we would request curbs and gutters. But at this time, as a private street, we are saying that the request just doesn't really have any merit."

Mrs. Cunningham said, "I don't at all disagree with your waivering of sidewalks, curbs and gutters, but according to the Subdivision Ordinance, we did not differentiate in any part between private and public streets. Therefore, you would have the necessity of a waiver -- if not just a temporary waiver, a waiver condition....."

Mr. Borries said, "Maybe it is a matter of semantics, but I don't see how the Subdivision Ordinance can address a private street if we do not maintain that street. I see the role of Government limited. I just don't see how we can make...."

Mrs. Cunningham interjected, "Then every street in Vanderburgh County will be a private street if they don't have to bond or if they don't have to...."

Mr. Borries commented, "No, no...."



Mrs. Cunningham continued, "They certainly will. They will all come in, because that will be an 'out' -- to call them a private road. Right now, what we ask for is that private roads be treated the same in regards to right-of-way width, sidewalks, curbs and gutters -- that they all be treated the same as any public road -- and, in fact, the ordinance states that private roads conform to the thickness standards of streets. Now, if the Commissioners wish to waive the width standards to allow private road and they are not expecting a public road -- that is up to you."

Commissioner Borries said, "It seems to me that if we vote to approve a road or include any road or any request of a road into the County's maintenance system that it must conform to the County's maintenance standards. So I, for one, would not want to approve any road that has been built that was not built according to County standards. As I understand it, this one is a mere gravel extension of a small area that at this time is not going to be paved. I'm not so sure about the right-of-way, but I would think that should it be paved and should a request be granted, it would have to conform to all County standards or I wouldn't approve it."

Commissioner Willner said, "We do have standards for gravel roads -- County standards."

Mrs. Cox said the gravel road is not wide enough to meet County standards.

Mr. Willner said, "It is wider than it needs to be...."

Mr. Morley said, "The existing County road detail sheet approved 12 years ago (that has never been changed) says 24 ft. for a gravel road. This existing gravel road coming back through the subdivision, which was approved 15 or 16 years ago) is maintained by the Association. Andy looked at it and said he thought they ought to extend it the same width."

Mrs. Cox said, "He is making our requirements amenable with what is out there now."

Commissioner Willner asked how wide the easement is for the road width now?

Mr. Morley said it is 50 ft. The roadway meets the County standards -- it is 50 ft. The gravel pavement is 15 ft. and 15 ft. wide, running all the way back to where (designated) two lots are. They were wanting to make it 10 ft. wide and Andy took a look at it and said they should make it 15 ft. or 16. ft. wide, just like the rest of it. Mr. Morley then said, "I don't want to place Barbara's authority in any kind of jeopardy here by my interpretation."

Commissioner Borries said, "I don't intend to do that, but I again I think it is a matter of semantics on how we would interpret that. I understand what you are saying -- a road would be built, but then should the developer want that to be maintained by the County, it must be built according to County standards."

Mrs. Cunningham interjected, "That's right."

Continuing, Mr. Borries said, "Otherwise, we would not want to approve it. For purposes here, we could include a temporary waiver here and say if the Commission agrees that if it is built then in the future to be a paved road and and turned over to the County....would the Commissioners agree to that?"

Commissioner Willner said, "Yes."

Mrs. Cox asked, "Who gave the okay to build the 15 ft. roads out there now? And how did they get it recorded then? How did they get that part recorded?"



There were comments by Beverly Behme of Area Plan, but she was speaking from behind the Commissioners' table and her comments were inaudible.

Mrs. Cunningham said, "This was before roads even had to be looked at.....around 1979."

Commissioner Borries said, "It surely doesn't make sense to me to require curb and gutter for a gravel road. I think that would change should the developer want to pave the road and request that it be turned over for County maintenance."

Mrs. Cunningham said, "Then you can make that part of the motion at such time as...."

Mr. Borries said, "I would want to do that."

Mrs. Cox said, "No, because this is what we are going to be faced with. We're talking about a problem here now and down the line when they come back in and there is nothing -- I don't how you get it finished -- you've already waived the sidewalks, curbs and gutters -- they've already been waived."

Mrs. Cunningham said, "Not if they have been put on...."

Mrs. Cox interjected, "I'm sorry, Barbara, but I can't agree with you. You don't need to waive things twice -- and if we waive it now, there is no need to waive it down the line. That is the way I look at it. I mean there is no need to waive it down the line because it is already waived. We've granted our permission to waive the sidewalks, curbs and gutters. You've already gotten that. If we do that today, you'll already have this."

Mrs. Cunningham said, "Not if you give it conditionally -- and that would be reflected on the...."

Mrs. Cox said, "I don't know, are 'conditionally' things acceptable?"

Mrs. Cunningham offered a comment but, again, it was inaudible.

Mrs. Cox said, "Like Jim said, the engineer is saying make this a little bit wider -- then this other part that is running up there, which absolutely makes no sense to me."

Mr. Morley said, "No, Andy's suggestion was to continue it just like it is -- 15 ft."

Mrs. Cox said, "Oh, I thought you said make it a little bit wider."

Mr. Morley said, "No, 15 ft. He said Dr. Bizal wanted to make IT narrower, because it is only serving two lots. But Andy said he thought it ought to be 15 ft."

Commissioner Willner asked, "Can this condition be recorded on the plat? Let me make a motion that the curbs and gutters in ENT Acres II be waived until such time as there is a hard surface road installed in that subdivision and then they would need to come back to this body for a waiver of curbs and gutters again, and that this be recorded on the plat."

There was brief conversation which took place among the Commissioners, Mr. Morley and Mrs. Cunningham regarding the exact wording, following which Mrs. Cox said, "They will never petition for acceptance."

Mr. Morley asked, "Then who cares?"

Mrs. Cox said, "I don't."

Mr. Morley said, "I mean, in reality, who cares? If they never petition for acceptance, who cares? They've got their Association. You have no problems and they would have no problems, because they have their Homeowners' Association."

Mrs. Cox said, "They usually submit plans and then we waive curbs and gutters on them -- so I don't know. Isn't that the usual procedure?"

Mr. Morley said, "If they ever wanted to bring this road in for your acceptance, there would have to be a complete set of design drawings brought in for your approval, which had the curbs, gutters and sidewalks -- or the replat for waiver or whatever -- at that point of time in the future. And until they did it, you would never accept this road."

Commissioner Borries said, "I think Commissioner Willner's motion states that they must come back, that this is a gravel road -- that it is a private road -- that we are waiving at this point at least what the Subdivision Ordinance requires. O.K. I will second the motion."

Mrs. Cox asked, "Is that proper procedure -- for you to get your plat recorded?"

Mr. Morley said, "If that is all right with Barbara."

Commissioner Borries said, "It will be on the plat."

Mr. Morley said, "In the meantime, perhaps I can work with Barbara a little bit and clarify the wording on this private road situation. There is a gap; we don't cover it and we don't properly word things in our ordinances."

Commissioner Borries said, "We need to address the situation because, again....."

RE: MARBLE CONSTRUCTION CO. - CABLE T.V. - JOHN WASSON

The meeting proceeded with Chair recognizing Mr. John Wasson, who said he is a representative of Marble Construction Co. and an officer of Wells Cable T.V., as well. He said he noticed from earlier minutes of Commissioners' meeting where he was present when the Board discussed Cable Television and the transfer of the franchise from Wells and/or Marble (which was which) to Welbac, the intended buyer. Simply stated, Marble Construction had two employees (Leonard and Randall Griesse) and they worked with him side by side in the trenches (so to speak) and as a compensation he encouraged them to start their own company. They located Wells as a place to build a cable system and he told them that was a good way to get into business and he said he'd help them keep the books. So, he kept their books -- it was a not for profit situation; he helped them get started in business. So that is who Wells Cable T.V. actually is. They were -- and one of them still is -- an employee of his. He knows it has been a tax benefit to them and he knows it has been of economic benefit to them. But he obtained the franchise in the name of Marble Construction because that is how all of his contracts are worded with all of the supplier of cable programming, such as the ESPN, CBN, CNN, WTBS, etc. That was six years ago. The cable business was good for small cable operators then and at this point there is a consolidation in the field going on. Thus, I am attempting to transfer my franchise pursuant to the agreement I have with your Commission that states for 15 years I have a 3% franchise fee. 'At the end of that time, you are free to renegotiate' or if I bring any matter to you, you would be free to renegotiate. This is just a transfer. I have transferred all of my other franchises. Five (5) other franchises have been transferred with no hitches or blitches to the buyer. So I am simply asking for a transfer to Welbac Cable T. V.

Commissioner Borries said, "For our record, Mr. Wasson, this Wells franchise serves only a small segment, right? It is not on County right-of-way as such?"

Mr. Wasson confirmed that it is not on County right-of-wy. It is entirely contained within Harry Wells Town & Country Estates.

Mr. Borries asked, "This was undertaken because at the time I suppose that there was not going to be other cable service provided to this area?"

Mr. Wasson said, "If the Commissioners can recall I think they perhaps checked with Mr. Ossenberg of Evansville Cable to verify that they had no intention of servicing this area. So we serviced the area. On the far side of this transaction, I spoke with Mr. Ossenberg in July of this year and said I am going to sell my cable systems and asked if Evansville Cable was interested. He said they were not. So he had an opportunity to participate. In fact, he directed me to Welbac Cable T. V., the buyer -- so they are known to Evansville Cable, as well."

Mrs. Cox asked if Mr. Wasson has a copy of his franchise agreement with him?

Mr. Wasson responded that he does not.

Commissioner Borries asked Mr. Wasson if he would be able to estimate the amount of income in relation to what fee he pays the County at this time?

Mr. Wasson replied that, "We obtained the franchise in 1984, and we have paid the County \$1,510.97, approximately \$400.00 per year for each complete year.....the first year not being a complete year."

The Chair entertained further questions of Mr. Wasson.

Mrs. Cox asked, "He says at this time he is not operating on any County roads, but the franchise does not restrict him only to this private area of Wells Mobile Homes. I mean, he may go out and use the County roads if he so desires."

Mr. Wasson said, "Every line extension is subject to your approval -- every line extension. Everytime I want to go down a County road a new easement, in effect, is required with the County. I had hopes when I built this (there is a platted subdivision due east of Harry Wells Town & Country Estates that was never developed. I had hoped they would build a home or two")

Mr. Borries said, "Well, we did discuss this before and it is my intent and goal to get some uniformity into this rapidly changing business. However, because of your contract and also I do not believe (and I am speaking personally) what our goal would be in the future with the owner should things change (and they are changing in the Cable T. V. business as they are everywhere else) that this would be a pre-condition for the sale. In other words, you should be able to sell your business, which is what you want to do. Should things change at some point and this new group want to either have a rate increase or extend their service, it would be up to them to petition this County if they wanted to negotiate further with them in regards to some uniformity here."

Mr. Wasson said, "That would be within the contract we signed in 1984."

Mr. Borries asked, "I guess this County will be provided with the information then, should you proceed with your sale, as to the new owners and that sort of thing. Will we receive some sort of notice that this is taking place?"

Mr. Wasson said, "Yes; I am at the mercy of the Commissioners. The sale is contingent upon your approval tonight. There will be no sale tomorrow. The buyers are willing to abandon Wells Cable T. V. But, as a business man, I am not willing to abandon my two partners -- the gentlemen I encouraged to get into business and led them into this transaction. I can't do that."

Mr. Borries said, "That has not been any intent of mine. We have a goal here -- at least I feel we need to have a goal here -- but my goal is not to prevent you from selling the property."

Mrs. Cox asked, "Does it say specifically in the contract that if it is extended outside the confines of Wells Mobile Homes that permission to use the County right-of-way must be obtained? If it does, I have no problems with it."

Mr. Wasson said, "It doesn't say 'just outside of', it says 'all extensions'."

Mrs. Cox said, "All right, if that is what it says, then that covers it, I would think."

Mr. Wasson said, "By the way, that franchise agreement is a scaled down version of the one that is in force in Indianapolis -- that is where I obtained it. I obtained it from the Indianapolis Franchising Authority."

Mrs. Cox said, "For your information, it is for 25 years with a ten year option."

The meeting continued with Attorney John citing portions of the agreement. Mr. Wasson said he thought that following the paragraph about each line extension was subject to the Commission's approval.....

Mrs. Cox asked, "Is the company to whom you're selling agreeable to that? Do they have an understanding?"

Mr. Wasson said, "I can't speak for the buyer."

Mrs. Cox asked, "Do your other contracts with the companies that this agency is buying -- does it say in those contracts that further extensions are subject to the approval of the County Commissioners?"

Mr. Wasson said, "I am sure that in some instances that that is the language in other contracts I have in other counties."

Mrs. Cox asked, "But in these specifically?"

Mr. Wasson said, "If your attorney in his brief reading can't find it, then I suppose it isn't there. I have six of those contracts and they are very, very similar. But apparently that wording has been left out and I apologize."

Mr. Borries said, "I would say that if there were any question about the extension that they would have to come before this Board and request an extension, so I don't think there would be any problem. I would think that Evansville Cable, for one, would object if there was any extension made into another area of service without this Commission approving that."

Mr. Wasson said, "That is correct."

Mrs. Cox said, "Evansville Cable always sends us a letter notifying us of their extensions. What does their contract say? That is why I asked this gentleman what his contract says, and he says they can't extend without our approval. If that is the case, I have no problem with...."

Mr. Wasson said, "I mis-stated that, excuse me." At that time, General Electric (Evansville Cable) did not serve this area because it was uneconomical to serve. They didn't want to buy it from me because they considered it uneconomical for them to extend. They haven't extended their line to compete with me (and that is completely legal for them to over-build me, because, once again, it is uneconomical for them to serve it. I have a very small basket of eggs here."

Commissioner Borries said, "I certainly think that you obviously want to -- and should be able to -- pursue your own decisions in regards to the sale."

Mr. Wasson said, "I'm not benefitting a penny from this sale. I have no stock in Wells Cable T. V. This is something I did for the benefit of my cohorts, or whatever you want to call my employees -- that I wish to see in a higher plain."

President Borries asked, "Is it agreeable then that we would approve Mr. Wasson's request at this time?"

Commissioner Willner said, "I think we already have, but I will so move."

Mr. Wasson asked if he can make one further request from the Commissioners. Is there some way -- is there some document or something I can get to convey to the buyers so that they understand the intent of your Commission?"

Commissioner Borries said Attorney John was going to prepare a Resolution.

Attorney John said he had about five (5) Resolutions, but he thinks he ditched them. But he will draft another one, with permission from the Commissioners today that it be approved, not subject to the -- that the transfer be approved as of this day and date. In the interim, a letter from the President should suffice, but he will have another draft of a Resolution (passed today) to be executed -- possibly by next week.

Mr. Wasson said the letter from Commissioner Borries would let him execute the sale and finalize the deal.

Mrs. Cox said, "I don't know what to do. I just wish it could be subject to operating in the same manner as this has been operating -- then I'd have no problem with it. I think it should be able to be re-negotiated if it does extend out of its present confines. Because, what we are giving is a blank check to these people and I mean when he came in here, he sold us on the fact that nobody was out there and this was what he wanted to do -- to provide cable T. V. to those people out in Wells Mobile Homes which I think is great. They wanted T. V. And this is what we gave him a contract to do. But now we're giving him a blank check. He is no longer wanting to be involved; he is selling this and we are giving them a blank check to operate all over the territory. So I don't even know what kind of company this is that he is selling to -- I don't know their background; we don't have an agreement with them, and I think we need to have an agreement with them."

Commissioner Willner said, "I don't think he was limited to Wells Mobile Homes in the first place -- on the first contract."

Mrs. Cox said, "No, he isn't limited; that is right. But he came up here and he even had a misunderstanding as to what it said in there. And I will have to be the first to agree (I try to read those things, but evidently I don't read all that I should) and he thought it said extended - and it doesn't say that. So I remember him coming up here and telling us that is what he wanted to do -- and that is fine. And as long as that is what they want to do, that is fine. But I think if they go out to our County, in order to treat all business enterprises fairly, we cannot charge one 5% and one 3% -- I'm sorry."

Commissioner Borries said, "I agree with that; but I think the other step is what Mr. Wasson is here today to say is that he is simply selling what he has there today. And I do think we have the right or retain the right to negotiate."

Mr. Wasson said, "Excuse me, but every utility has a mileage charge. If you live in St. Wendel, I'm sorry, but it cost you more pennies per minute to talk on the phone to the next county over. And I'm serving a truly rural, isolated area out there. There is not a high concentration of phones. So that is an argument for the differential of charges. We do need a little bit of regulatory -- you do nothing for your 3% -- there is no cost incurred in the County, it's just simply a licensing fee."

Mrs. Cox said, "At this time."

Mr. Wasson said, "At any time ever -- there is no fee. Evansville Cable has crossed the county or the town and it has never cost you any money. What dollars have you spent for Evansville Cable to administer?"

Mrs. Cox said, "Well, there has been some right-of-way we've had to recover and re-do and subdivisions and stuff like that."

Mr. Wasson said he didn't want to argue.....

Mrs. Cox said, "I don't want to argue the case either; but we had a talk on the phone and I can't go back on the way I explained to you that I feel. If these people come in here and talk with us -- we want to know where they are going and what they are going to do -- I have no problem with that."

Mr. Wasson said, "I'm sure that will be the case; they are corporate citizens -- they won't be hiding out or extending without talking with you."

The Chair said he will second the motion at this time and say that the Board will provide Marble Construction a letter stating at this time that the Commission has approved the sale. He requested that Attorney John dictate a letter for his signature.

RE: NOTICE TO BIDDERS ON WOODS ROAD BRIDGE

Commissioner Borries asked Bill Jeffers if we have both sets of bid specs -- the Board may need to work with him to get bid specs developed in terms of what Dan Hartman has done on plans for the Woods Road Bridge. Can we advertise for alternate bids -- in terms of the three span?

Mr. Jeffers submitted Notice to Bidders for Woods Road Bridge for the Commissioners' perusal and approval. (Notice to be published November 13 and 20th, with bid opening scheduled Monday, December 7, 1987.)

President Borries asked, "Mr. Jeffers has prepared Notice to Bidders.....we do not have to specify at this point the spans?"

Mr. Jeffers said, "I don't think we would; he has given you a plan for an 80 ft. single span and a 96 ft. triple span and those would just be made available through the Bridge Department."

Mr. Borries asked, "The contractors could just pick those up at the time they bid?"

Mr. Jeffer said, "The interested contractors could pick up the specs which could be worded so they could bid on as many alternates as the Board would like to see -- as long as the Commissioners tell him what to fill in in the blanks between now and the end of the week -- and those can be added."

Mr. Borries queried the other Commissioners as to what they want included in the alternates for the Woods Road Bridge over Pond Flat Main?

Mr. Jeffers apologized, saying the alternates wouldn't have to be in the Notice to Bidders, just in the specs they pick up.

Commissioner Willner commented, "Just a one span versus a three span -- and I think the plans are already done -- they speak for themselves. I think we do need to sign the plans before we let them out for bid, do we not?"

Mr. Jeffers said, "Your signatures should appear on the Title Page."

Commissioner Borries asked, "If an alternate is going to be in there, how can we approve?"

Mr. Willner responded, "We approve both plans and then we select one when the bids are in."

Mr. Jeffers said, "That's right; when they process the specifications, the specs and special provisions would just say 'All bidders are required to submit a bid on Alternate "A" and Alternate "B" and both plans would be available to all bidders.'

Mrs. Cox said, "We've already seen a dozen plans on this bridge or heard a dozen explanations, haven't we?"

Mr. Jeffers said, "I think Mr. Willner is saying you need to sign the Title Sheet."

Mrs. Cox asked, "Do we sign three approved plans here? Sometimes we do and sometimes we don't -- they are not here. Well, I would like to see us go ahead and get this bridge built myself and not hold it up any longer."

Mr. Willner said, "I have seen two sets of plans."

Mrs. Cox said, "I have seen two sets of plans, Bob. Have you not seen any at all?"

Commissioner Willner said, "It doesn't matter whether I saw them or not -- you've got to sign that you approve of them."

Commissioner Borries asked, "Do you know where they are?"

Mr. Jeffers said, "I think I know where Dan keeps his work."

Mr. Borries requested that Mr. Jeffers retrieve the plans so the Commissioners can see them prior to signing them.

Mrs. Cox said, "We've given other people permission to advertise for bids from just seeing conceptual design. I never saw anything on the Nisbet Station Bridge project until after it was advertised for invitational bids two or three times -- and then it came in."

Mr. Jeffers said, "That was peanuts, though."

Mrs. Cox said, "Well, it's pretty big peanuts."

Mr. Jeffers said, "It is, but it still is peanuts compared to a bridge."

Mrs. Cox said, "Well, it's more than a culvert and it's listed now as a bridge, I guess."

Commissioner Borries said the Board wants to move forward on the Woods Road Bridge project. He asked Attorney John, "We're going to propose alternates, one that would be a one span and another

that would be a three span bridge. The question is, do we have to sign both sets of plans here today? Or, can we go ahead and proceed without signing the bridge plans?"

Attorney John asked, "You mean that you approved them?"

Mr. Borries said, "No, we haven't approved them...."

Mrs. Cox interjected, "We haven't signed them. We have one plan that was brought in and shown to us -- and Mr. Ellison was down here and looked at them; he's seen both plans as far as I know."

Both Commissioner Borries and Commissioner Cox acknowledged that they had seen two sets of plans.

Mrs. Cox asked, "When will both sets of specs be ready for the bidders, Bill, do you know?"

Mr. Jeffers said, "State Law dictates that you advertise once, wait seven (7) days and advertise the second time, and wait ten (10) days and then open the bids. The plans and specs actually don't have to be available to the bidder until the second time you advertise."

In response to comment from Mrs. Cox, Commissioner Willner said the Commissioners' minutes do not show that anything has been approved -- so the plans need to be approved by at least two of the Commissioners, whether they have seen two, three or four plans.

Commissioner Borries said he has only seen two (2) plans.

Mrs. Cox said, "There was even talk at one time or a proposal concerning a steel bridge; but I've never seen any plans for that."

Mr. Borries said the only two he has seen were for concrete bridges.

Cox said she thinks the Commissioners' paperwork needs to be caught up and in order -- but let's be consistent on everything we do -- that we make sure it goes by the book.

Commissioner Borries said the Board will defer approving the plans for a one week period.

In conclusion, he offered congratulations to Mrs. Cox on the arrival of her new granddaughter (her first grandchild).

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

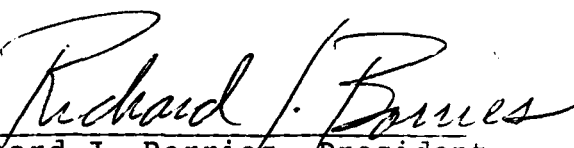
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	Curt John
	R. L. Willner		
	S. J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	Bill Bethel	Andy Easley	Bill Jeffers
			Chief Deputy
	<u>AREA PLAN</u>	<u>EUTS</u>	J. Stacer, Atty.
	B. Cunningham	Rose Zigenfus	James Morley
	Beverly Behme		John Wasson
			News Media



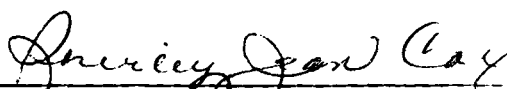
COUNTY COMMISSIONERS  
November 2, 1987

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SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

Robert L. Willner, Vice Pres.

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 2, 1987

ADDENDUM

RE: REQUEST FOR WAIVER OF SIDEWALKS IN COUNTRY TRACE  
SUBDIVISION, SECTION II

Mr. Sam Biggerstaff of Associated Land Surveyors and Civil Engineers, Inc., was recognized. He had submitted the following letter to the Commissioners:

October 29, 1987

Board of County Commissioners  
Room 308 - Civic Center Complex  
Evansville, Indiana 47708

Re: Waiver of Sidewalks/Country Trace  
Subdivision, Section II

Gentlemen & Mrs. Cox:

We are asking that you grant a waiver on sidewalks in this section of Country Trace. To the best of our knowledge, the walks were waived in the first section of this subdivision.

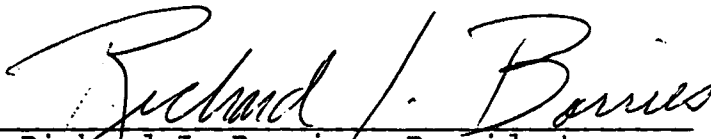
A copy of the original preliminary plat, the recorded plat of Country Trace Part One, and the proposed plat of Country Trace Part Two are enclosed.

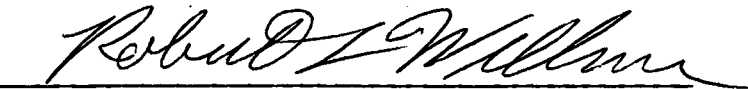
Very truly yours,

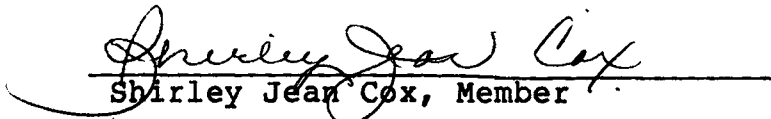
/s/ Sam Biggerstaff

It was the consensus that sidewalks had already been waived in Country Trace Section I. Following a review of the various plats for Country Trace Subdivision and a brief discussion with Mr. Biggerstaff, President Borries entertained a motion.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request for waiver of sidewalks in Country Trace Section II was approved. So ordered.

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

Note: This action took place immediately following Employment Changes and prior to discussion on ENT Acres and was inadvertently omitted from the minutes.

SECRETARY: Joanne A. Matthews

MINUTES  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 9, 1987

I N D E X

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MINUTES  
COUNTY COMMISSIONERS MINUTES  
NOVEMBER 9, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, November 9, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

President Borries started by announcing that he would like to recognize several special occasions that have gone on, "Commissioner Cox will not be with us today, she is a grandmother for the first time, so she is out of the city; Commissioner Willner celebrated a birthday yesterday (we won't say how many.); Mr. Lindenschmidt and Mr. Tuley also had birthdays over the week-end, so it was a real special occasion."

Commissioner Willner and Commissioner Borries constitute a quorum.

Copies of the agenda are available at the door.

The only item on the agenda that will be delayed until next week is in regard to Tall Timbers Subdivision.

Mr. Borries entertained a motion for approval of minutes of meeting of October 19, 1987. Mr. Willner moved the minutes be approved as engrossed by the Auditor and dispense with the reading. Seconded by Commissioner Borries. So ordered.

RE: VANDERBURGH COUNTY VOLUNTEER FIRE DEPARTMENT

Commissioner Borries recognized persons from the Volunteer Fire Department. These persons are here on two (2) matters, one being Item 3 on the agenda in reference to burning and Item 4 also involves Mr. Jess Roberts, who is the Chief of Scott Township Fire Department, regarding a letter on Valley View Subdivision and comments on Emergency number, 911.

Mr. Borries asked if there was any one spokesman in regard to Item 3, regarding burning.

Mr. Jess Roberts, Chief of Scott Township Fire Department said, "The Vanderburgh County Fire Departments, which are composed of the Fire Departments outside the City limits of Evansville would like to bring a problem to the Commissioners, that has existed over the past week, due to the nature of the dry conditions, that being, we would like to see if there is any way the Commissioners could come up with an ordinance, some kind of a level type thing, where we can ban open burning in the County when we have these dry conditions. As everyone knows, the County Fire Departments, in this county, as well as the entire Midwest, and the Southeastern part of the United States, due to the draught conditions, have been swamped and it is taxing our manpower and taxing our equipment....Residents are not cooperating to their fullest and there is really no leverage that we have on these people to stop this open burning. Every fire that we had last week and the ones over the weekend were attributed to someone burning trash, leaves or whatever, that got out of hand and turned into large acreage fires. In the Scott Township area we had one that was a \$10,000 loss in a small area, due to a building that was involved, some rare trees and a camper that was involved. We would like to see some kind of ordinance. We don't know what can be done. We are asking for your help."

Mr. Willner said, "We did issue a notice last week to all radio and TV stations, asking the people not to burn. I feel that it did some good, might not have done the job perfectly. I don't

mind an ordinance in such dry conditions that we have had this last year. I am not sure that we would be faced with that every year, but possibly one could be drafted that would take an act of this Body to trigger the ordinance. We would have to let the Attorneys check the statutes and see (I imagine it would be under Home Rules) I would be in agreement to let the County Attorney check an ordinance of this type and come back to this Body."

Mr. Borries said, "Jess, we mailed out on November 5th, the Vanderburgh County Commissioners were asking that all county residents refrain from burning, due to the dry conditions until we have a substantial rainfall, we are 10 inches behind our annual rainfall, which makes this request necessary. We are asking your cooperation in lieu of passing an ordinance which would impose a penalty. However, based on what you have said, and I think Commissioner Willner's comments, we might want to look at various stages, Curt. Obviously there are certain conditions and certain times of the year when burning needs to be banned and I would be supportive of that too. Perhaps we can look at some ordinances from around the state that might address this problem."

Mr. Borries continued, "I have noticed that Joan Shelton of the EPA is in our audience today. We might ask her input to the extent of what would be reasonable in this area, but I know it has taxed the Fire Departments very, very, very hard and I know that there are many residents out there that are grateful for what you do, but we will certainly ask the Attorney, and have done so today, to look into this matter."

RE: SCOTT TOWNSHIP FIRE DEPT./VALLEY VIEW SUB & EMERGENCY  
NUMBER 911

Chief Roberts said, "First of all, on the Valley View Subdivision, I was requested by the residents of that area, and I believe there are 11 homes, to write a letter to the Commissioners to see if we could have Honeysuckle Drive opened up to Woodland Hills Drive, due to the fact that three years ago we had a fire in there at a time when we had icy roads and we could not get our Fire equipment into the subdivision because we had to come up the hill and to get to the homes at the top of the hill, you have to come up quite a steep grade at both times, and if we had that cut-through, we could come in off of Woodland Hills Drive and slide down the hills to the homes at the bottom, but it would make it easier to get in and out of that subdivision for us and I am sure the residents would like to have another access road also. Fire wise, it would help us tremendously."

Mr. Borries said, "We have heard from one resident in that area, Mr. Bob Harris, and we are seeking some documentation to make sure that there is support for this. Since dollars are always scarce....We appreciate this and we will add this into our file and perhaps we might be able to work on that next year when construction season gets back in."

Mr. Willner stated that the Board was looking for a plat on that Valley View Subdivision and could not find one. Do you know where there is a plat?

Barbara Cunningham stated that they have one.

Mr. Willner asked if this property belonged to the Commissioners."

Barbara Cunningham said the right of way is dedicated to the public.

Re: 911 Issue

Mr. Roberts read a statement:

It is of great concern to the representatives from the Suburban Firefighters Association and the Vanderburgh County Medical Society appear before this Board today. Recent events in the Scott Township and German Township areas once again raise questions about the emergency communications for the residents of Vanderburgh County outside the Corporate limits of Evansville. It is very apparent that there is something wrong with the way in which residents can summon help in a time of emergency, when in less than six months, two incidents have occurred within one half mile of each other. In both cases, the confusion on which emergency number to call to summon help seems to be in question. It appears to us that it is time to make a commitment to the residents of not only Evansville, but those living in the rural areas as well. Having attended meeting after meeting on the subject, and after being involved in many discussions, it is time that we get the universal 911 Emergency number into all of the telephone exchanges in Vanderburgh County. If you go into any home or business in Vanderburgh County, and pick up a telephone directory and open the directory to the inside front cover, 911 looms at you in three inch numbers. The only problem is that it does not work in the entire county, thus creating confusion. When the person using it does not need any confusion, they need help! A T & T tells us that they intercept these calls and within minutes have them to the proper agency in a time of emergency. The only problem is, how long does it take for that call to go through once it is placed? Should this call not terminate in Evansville where Emergency Operators who know the area can get it to the proper agency? With our schools teaching the use of the 911 Emergency Number, does it not make sense that we should make the installation of this service a Number One priority in Vanderburgh County? We all know that the technology is available to have a system that when someone calls at a time of emergency, that the caller's address appears on a screen in front of the person receiving the call. We know that in order to place this system into operation at the present time, takes 19 to 24 months. We know that there are budget restraints that the Board must consider for such an enormous project, but it is time that we quit having meetings and talking about having 911 in place Countywide and let's get it put into place so that we can end this confusion over what number to call at a time of Emergency.

In 1979, we appeared before this group along with the County Council to address the problem of lowering the fire insurance rates in Vanderburgh County, but upgrading the radio equipment and manpower in the Sheriff's office. This week the County Fire Departments will be installing approximately \$8,000 worth of computer equipment in the Sheriff's office to have computerized dispatch. This equipment, once again, will reduce the time required by the dispatcher to get the appropriate units dispatched. The only problem is, the equipment is not much good if the dispatcher cannot get the emergency call..

What we are asking of you today is to set a deadline date of when the residents of Vanderburgh County are going to have the total use of the 911 Emergency Number. We know that once this is in place, the confusion will stop and we will have a communication system that will match the needs of Vanderburgh County. We all have worked with each of you on many problems. We know your concern for public safety. So, please make the commitment to place the 911 Emergency Service countywide."

Mr. Roberts continued, "We have the support of Clarence Shepard, County Sheriff, on this; The Vanderburgh County Medical Society is present today and also a representative of all three hospitals and the Fire Departments, as you well know, are behind this 100% and I think that we are all aware of the events that have taken

place recently and over the past few years due to the confusion of the number and we would really like to see a commitment made to getting this into operation."

Debbie Stroessner, Executive Director of the Vanderburgh County Medical Society asked to be recognized and came forward to the podium and stated, " I am Debbie Stroessner, Executive Director of the Vanderburgh County Medical Society and I am speaking to you today on behalf of the 400+ physician members of the Vanderburgh County Medical Society, The EMS Council, which is an organization formed in 1978 of hospitals, all providers and other agencies including the County Fire Departments. We would urge that the County Commissioners support the immediate implementation of countywide access to 911 and then strongly further consider the implementation of enhanced 911 at a later date. Physicians recognize that pre-hospital care is often the difference between life and death. The importance of prompt response in an emergency situation is well documented. Our emergency medical services in this area are first rate. Our physicians, our EMTs, our paramedics are all well trained and continuing medical education requirements are stringent; however, response time to an emergency call paramounts and in this case a total loss as a result of a fire in other cases, the loss of a life all because of the lack of 911 service and the difficulty in making connections to the appropriate emergency agencies. Our citizens are educated to dial 911 in emergency situations. Our children, and I have a particular problem with this, because mine is one of them, is taught as a drill to use 911 in the event of an emergency, yet, living a short distance away from the school, he can't access the 911 system. These same citizens work in Evansville and they support this economy in this community, yet they do without the services residents of Evansville enjoy and are denied access to the one service that could mean their life or their death....911 Emergency Access. The physicians of Vanderburgh County treat these people in Evansville hospital emergency rooms and the lack of immediate response diminishes their ability to provide quality health care to those residents who live in these areas without 911 access. The incidents of the problems that county residents dialing 911 when they do not have access are well documented. It doesn't matter who is at fault. It only matters that a solution is readily available and that is the installation of countywide 911 access. Our physician members of the Medical Society, EMS Council and myself, as a person, urge you to support 911 access countywide and there really is no better use of tax dollars."

Mr. Borries thanked Ms. Stroessner and asked for questions.

Mr. Willner stated that he had several questions. "First of all, the home that, I guess, triggered a 911 number is in the town of Darmstadt. They would also have to be apprised of using the 911 number. This body does not have jurisdiction at that particular location. So, I think what we are talking about is the areas that are outside any incorporated town, and I think that we should do that, of course, dollars available, and the question I would have is 'does anybody know what we are talking about in dollars?' I heard the fact that we had a lot of meetings (I have never been to a meeting) and the fact is that at one time the 911 number was not available for the County.

Jess Roberts said, "What is taking place, we attended a meeting at the Sheraton sometime in September and there were representatives from the County Council there and we asked the question, "How much was this going to cost?", and the only thing the telephone company could tell us was based on what had been done in other parts of the state with the same population. It was somewhere in the neighborhood of \$40,000 for the installation and then the maintenance of the system thereafter. The Legislators last year voted down the bill to put that on as part of the phone bill for the residents of Indiana. So, I guess they are going to try to introduce it again in the next legislature to see if they can get it through; but, I would say until you could

do anything, you would have to have the phone company quote on the area and I think, like you said, the town of Darmstadt is an incorporated town, but they should also participate in the program because they do have quite a concentrated area population and I think that getting a quote from the phone company, and I am sure they can tell you right down to the subscriber, of how much it is going to cost per home to have this system implemented countywide. They have always said that the problem was with switching equipment in the St. Joe exchange and McCutchanville exchange and I understand that in McCutchanville they have done a \$1.2 million dollar update and they are supposed to cut over St. Joe sometime this month also which is going to put everybody into the electronic switching equipment and I don't see that there is going to be a problem. This is what they always said why it wouldn't work, why it wasn't available, but I think the quotations would have to come from whomever will it be....Indiana Bell, AT & T, I don't know who does what."

Mr. Willner said, "I have no problem with carrying it through and finding out what the cost is."

Mr. Borries said, "This all too often happens, I suppose, when tragedies occur like this, we are reminded of what the needs are out there and we appreciate all of you here today to express those concerns. Following the report of this incident, I did make several calls and received several calls on this matter and have talked to a Mr. Jerry Larrison, from AmeriTech Indiana Bell, who has agreed to come down on November 18th and again, give us some information regarding the E911 system. I think to emphasize a bit of what Jess said, I also called Kentucky and the County of Henderson has recently undergone an upgrade of their system. They call their's a Sally System, which is for areas of less population than what we would have; however, they, as Jess pointed out, the state of Kentucky has allowed them to somehow charge a nominal fee, something like 25 cents a month to each county resident subscriber to have this service and that is one thing that did not make it through the Indiana Legislature last year. There may have been some confusion some people feel, that one of the reasons it did not pass, was because that there were some people who were worried about the measured service issue and that sort of thing, but the AmeriTech officials told me that that was not the case at all. This has nothing to do with measured service in anyway. It would simply be one way of financing this system. This enhanced 911 system, as I understand, is going to be implemented in the city of Hammond within the next few weeks and next March the county of St. Joseph and South Bend-Mishawaka areas, which are all part of St. Joe County, will activate the E911 system as well. I believe Sheriff Shepard is here. Sheriff, if you would say a few words about this.....Jess, I would also want to say that there is always some concern about duplication of services since there are some county residents living in the city that already have access to 911 system, they might say, I don't want to pay again. These residents that are out in the county, the need is there, they are going to have to pay for this expense; however, the E911 system has features on it that do enhance and are an improvement in the whole emergency system of services and Sheriff, if you could explain a few of those, I would appreciate it."

Sheriff Shepard came forward in response. "For the last two years there has been a series of meetings between Police, Fire and Ambulance Service for countywide provisions, with a computer aid dispatching system, which would incorporate enhanced 911, which is E911, on the new screens. We have met and had a feasibility study. It is feasible for Police, Fire and Ambulance service to be combined for the county of Vanderburgh. The County and the City paid \$15,000 for a study. We had representatives come in from Michigan and we have their report and it looks very feasible. The next phase will be to go to each of the three respective departments, Police, Fire and Ambulance, determine the needs of that department as far as equipment goes, and then draw



up the specs, have a pre-bidding conference to let all of the vendors know what the cost would be, what equipment is needed, and then bid it out and build it."

Mr. Borries questioned, "You are talking about a Central Dispatch?"

Sheriff Shepard answered affirmatively, and further explained, "There is a computer on the Dispatchers console. When a private phone, a business phone, or a coin phone calls 911, it comes up on the screen. It has the subscriber's name, address and the type of phone it is. If it is a coin phone, it will say 'Coin Phone-Riverside & Main, so we know where the call is coming from, even if that person calls up and says my house is on fire and hangs up, the image will remain on the screen, we can call back or see where the help is needed. It is a very modern system and we talked to Jerry also on this. Their estimate for a county this size is about \$1.00 per subscriber, initial cost with about 50 cents a month cost to the individual to maintain this type of system. That is just for E911, that is not with the cad system itself. I am in favor of having the E911. If we are going to start a system, let's make it countywide for Police, Fire and Ambulance service and let's go with the E911, so if a small child or a person who is excited calls, hangs up, we still know where it is coming from. We support the Fire Department and Ambulance Service on this Volunteer Fire Department. They are, tomorrow morning, bringing down a new computer. They paid for it. They are putting it in our office. If we have a fire in the county now or need an ambulance in the county, we just punch up the address and it tells us the nearest location, who the people are, which company to call first, which company to call second for 1st, 2nd and 3rd response. It is a credit to the Volunteer Fire Department and the Ambulance Service that we are improving our service to the community especially with this new computer system. We need to update our systems is what it amounts to and hopefully in our County, Harold Elliott was with us in this meeting in September (Jess was there) and we have sold most of the County Council on it, I think."

Mr. Borries said, "We have many joint agreements and I think that once we are able to enact an overall cost to this particular feature and program that we can allocate it according to what could be done and I think that looking at the Indiana Legislature may be another solution in the long run for this."

Sheriff Shepard added, "I think there are now 14 or 16 states that have mandatory billing on your phone for the 911 service, and we need to do that for Indiana too."

Mr. Borries said, "This meeting, according to Mr. Larrison and Sheriff Shepard will notify all of the departments as to the exact location, but we will have the meeting on Wednesday, November 18, 1987 at 3:30 p.m. It might be in this room and it might be in the Council Chambers, just on the same floor. We would like to encourage the public to attend this meeting so that they can see these enhanced features and Jess, you also pointed out, having talked with some local AmeriTech officials that they have instituted that electronic on the 867, which is in the Darmstadt area and they seem to feel some immediate improvements would take place and I am sure that the residents will see those improvements as these electronic features go into place. We will certainly work with you on that and encourage you to attend or have your members attend on the 18th and we will get the information to you. We will try to move this as quickly as we can to improve the services in that area."

RE: COUNCIL CALL/VANDERBURGH AUDITORIUM/APPROPRIATION FOR  
HEATING & AIR CONDITIONING & MEMBERSHIP TO TRADE  
ORGANIZATION

Gyneth Rhoads, Manager of Vanderburgh Auditorium requested to go on Council Call for appropriation for heating & air conditioning and membership to trade organization.

Ms. Rhoads said, "I will just go right into the request for appropriation for the heating and air conditioning unit. Due to the present age and reliability and cost of maintaining the present heating and air conditioning system, an appropriation of \$395,000 is requested for replacement as expediently as possible. This \$395,000 is based on an indepth assessment by Mr. Biagi and it includes a 15% design and contingency fee, which have not been added in before. The other request is for membership in the I.A.A.M. Auditorium Managers Association for \$400.00."

Mr. Borries stated that he had a copy, for the record, that he would give to Joanne Matthews regarding the statement on the request for appropriation on the heating and air conditioning.

Mr. Borries continued, "Gy, in regards to the International Association Auditorium Managers, this fee would be probably a good network in relation to availability of conventions and trade shows and that sort of thing."

Ms. Rhoads answered affirmatively and stated, "I think Kim belonged to it previously, but I am unable to use his membership or initiation fee."

Mr. Borries asked for questions.

Mr. Willner said, "I don't mind the trade organizations. I am not sure that I would want to spend \$395,000 and I'm not sure that I would want to spend over that or under that because I have not seen the study yet. Are we going to install a separate system or are we going to do away with the system that we have? I need some more input before I am ready to go on Council Call for that."

Mr. Borries said, "I am going to try to talk to Roger Lehman, our Building Commissioner tomorrow and also to update that Biagi study, I think there was some concern that we don't have to re-invent the wheel over study that had been rather comprehensive several years ago and did mention very specifically the kind of things that go on. I would share your feeling in terms of always being watchful of dollars, but I think we are dealing with a twenty year old system here that is not going to improve with age. Machines just wear out and right now I think our County is available to (or at least has funds I should say) fund improvements and I am concerned that if we don't begin to make and update those plans now, we are going to go through another heating and cooling system season and not really have anything in place that would improve what we have over there. So, I felt at least a talk with Ms. Rhoads to get it put on Council Call since we might not be able to do that for another month, which would put it after the first of the year and then discuss, hopefully, we would have some updated statistics for them."

Ms. Rhoads said, "When I appeared before the Council last week, the Council did vote and asked me to write up a request for appropriation and therefore I am doing it. I did talk with Mr. Biagi late last week about the figure involved in this and on his suggestion, I added another 15% to the figure that had been previously done."

Mr. Willner said, "Okay, then maybe you need to answer my question. What kind of unit are we going to put in?"

Ms. Rhoads responded, "In talking to Mr. Biagi, he referred me to the previous study that he had done. In this appropriation that I handed in, I referred to that booklet. You do have a copy of that?"

Mr. Willner questioned, "So we are going to tear out the one that we have and put in a new one?"

Ms. Rhoads said, "In this study, he had suggested that a building be put out behind, the housing be put out behind the Auditorium, because of the noise in the Auditorium and on the stage during performances."

Mr. Willner said, "That's for the blower system."

Ms. Rhoads said, "He suggested a centrifugal air conditioning system. Some of the system could be used. Specifically the cooling tower, which has just been replaced at the cost of \$26,000 and part of the other system could be used, but the update is what we were waiting for as far as specific recommendations."

Mr. Willner said, "I am really not prepared at this time to go on Council Call. I don't know what we are asking for."

Mr. Borries explained, "I think, as she pointed out, asking for new equipment. If you prefer to wait a month, that is what we will do."

Mr. Willner answered, "I don't think that we have to wait a month. If we have a plan of what we are going to spend \$395,000 for, I would like to see it, because I don't know."

Mr. Borries said, "It's essentially going to be the same system. He is not going to charge again to re-invent the wheel. He is talking about a centrifugal system. He is saying that he thinks in the long run it's going to be more energy efficient, it could be zoned."

Mr. Willner asked if this was one unit or multiple units.

Mr. Borries answered he thought it was for multiple units.

Mr. Willner asked how many units.

Ms. Rhoads responded that it would be three zone units.

Mr. Borries explained that the advantage being that when the building is not in use at some points, Gold Room not being used, Auditorium being in use, you would have those cooling capabilities and have office areas under another unit.

Mr. Willner asked if there would be a back-up unit.

Mr. Borries said, "I think that is something that we would want to look at or some kind of generator system in case one of the units would fail."

Mr. Willner said, "These are some of the things that I would like to know. I don't mind going on Council Call, but the Council is going to ask these same questions. What kind of system are we going to have in there? What back-up units? And if we can't tell them, then I don't think that we should go on Council Call yet."

Mr. Borries said, "I think Mr. Biagi's study indicated several alternatives. We will have Mr. Biagi there. He has the kind of firm that would be able to answer those technical questions that you raised, but again my concern is that we are going to be (since we have to get on Council Call by the 15th) waiting after the first of the year to have any funds appropriated, in order to improve this system or to change the system."

Ms. Rhoads said, "I understood that you were meeting with Mr. Biagi today."

Mr. Borries said, "No, I am going to talk to Roger Lehman tomorrow and might be meeting with Mr. Biagi if Roger is able to schedule it in his calendar, but I am to call him tomorrow, so I am not sure exactly what time we will be meeting."

Mr. Willner asked if Mr. Borries thought \$395,000 would be sufficient.

Mr. Borries said, "I am not sure. I think that is the best estimate at this point that we can look at in terms of updating a study that I think called for around \$350,000 when it was originally done, and that was about three years ago (1983)."

Mr. Willner moved that we go on Council Call for \$395,000 for the air-conditioner at the Auditorium. Seconded by Mr. Borries. So ordered.

RE: E.U.T.S./DESIGN CONTRACT SUPPLEMENTAL ON EICHOFF KORRESSEL

Mr. Borries recognized Mr. Clifford Ong from E.U.T.S.

Mr. Ong came forward and said, "What I have before you as far as the two letters (both the same letter), they need to be signed. What they would in effect do, is supplement the agreement on Eichoff-Korressel contract that we have with United Consulting of Indianapolis. That contract currently states that United Consulting will write an environmental assessment for the Eichoff-Korressel Road as a two lane highway. It is a supplement to the agreement to study to make Eichoff-Korressel a four lane divided facility. We would still be proceeding with going to a two lane road at this time, but would have the environmental done for a four lane road so that in the future if we ever wanted to widen to a four lane divided facility, we would have the necessary documentation."

Mr. Willner moved that the agreement be signed, with a second by Mr. Borries. So ordered.

Mr. Borries said, "I think the Eichoff-Korressel is of growing significance as we look at our extension or transportation plan into the west side area of our county, particularly with the growth of the U.S.I. area and I think one of the difficulties; however, that we are encountering, from the state level, is that we are not getting very much encouragement in regard to availability of matching dollars. We do want to move forward with this and I think this is a good contingency."

RE: VACATION/ TENNESSEE STREET

Mr. Ong said, "This is for the Tennessee Street Vacation. I am speaking for Rose. Only in the context that I have is the memo that she sent you, where E.U.T.S. does recommend that the proposed street vacation be approved, and that the approval is predicated that the land fronting the proposed vacated strip have access onto Oak Grove and that no access be permitted on Green River Road."

Mr. Borries said, "For purposes of explanation, we are talking about an area that is Tennessee Street location or vacation of a location which would be on the far East Side of the County, East of Green River Road."

Mr. Willner said, "On your diagram you have an area that says 'Already vacated.' Does that include that portion of Cullen Avenue?"

Mr. Ong responded, "I don't know, other than it was vacated on March 24, 1984."

Mr. Ong continued, "As I stated previously, this is Greek to me. I came in this morning and found this on the agenda, so what I recommend is that if it is possible to hear all parties speak on it and postpone it to next monday."

Mr. Willner said, "I think that we should go ahead and have the hearing, but without more information I am not ready to go ahead and vacate this. We do have facilities in that right-of-way? Does SIG&E Co. have any there?"

Mr. Borries ask Barbara Cunningham to look at the plan and see if she could offer input.

Ms. Cunningham clarified that the one portion they were discussing, the name was William Earl Harp.

Ms. Cunningham said, "We were not asked to look at this, but Ms. Zigenfus did give it to me. This is a rapidly growing commercial area and Area Plan Commission is not in favor of vacating this valuable property at any time, perhaps later. The land has not been developed completely in this area and we are of the opinion that we are not ready to give away 30 feet of right-of-way of an area that we might need at some time. I wish that the other property had not been vacated, but there is a possibility that this could go to Cullen. I just think that the road plans are changing rapidly in there and Area Plan Commission is not in favor of the vacation."

Mr. Willner asked who requested the vacation?

Ms. Cunningham responded that she did not know, she did not see the paper.

Mr. Borries said there are four groups here, "Colonial Bakery, Citizens National Bank (Trustee for 2 and owners of one parcel)."

Mr. Borries continued that he had a copy of the ad that appeared in the Courier & Press on October 29.

Mr. Borries asked Curt John, "Is it your opinion that we want to consider rescinding that date until we have more information or should we proceed with the hearing?"

Mr. John asked if there was anyone in attendance to speak on the hearing.

Mr. John continued, "You can take any information you want to today, but I would not advise any action be taken until November 23rd which is the date that the hearing is set for."

Mr. Willner said, "We cannot continue with the hearing today. There is no one here. It has not been advertised. It is advertised for the 23rd."

Mr. Borries said, "We have entered this matter into the record to be continued on November 23rd."

RE: AREA PLAN COMMISSION/AMENDMENT TO SUBDIVISION  
ORDINANCES/FINAL READING

Ms. Cunningham, representative of Area Plan Commission said, "I have brought back-up on the Subdivision Ordinance. Mr. Bauer, President of the Planning Commission, is here to address it and Mr. Elder is here to address the changes or to answer any questions that you might have. The Ordinance is to amend the Amending Ordinance #151.31 and it deals with septic systems and it states in two places in the ordinance, Section 151.31 and also 151.33B1, that what we are interested in doing, (it is partially for clarification purposes), we are requesting that the Ordinance be changed, and it comes with Plan Commission's recommendation, to install a private sewage disposal system on individual lots of a minimum lot size that is determined to be of sufficient size from a review of soil types and topography as interpreted by the Vanderburgh County Health Department from soil maps and survey information provided by the Soil Conservation Service. A minimum

of 1 acre is required; however, on soils rated moderate to severe for septic tank absorption fields, as denoted in the U.S. Department of Agriculture Soil Survey of Vanderburgh County, a minimum of two and one-half acres shall be required. Subdivisions approved and recorded prior to the date of this Ordinance and existing lots which were of record prior to 1957 shall not be required to meet the above stipulations, if such property has suitable land for a private sewage disposal system, provided that such determination shall be made by the Vanderburgh County Health Officer with any tests, plans and specifications, the Health Officer may require to be submitted before approval of the application. This also comes with the recommendation of the Subdivision Review Board, as with the Planning Commission Board."

Mr. Borries recognized and welcomed Mr. Al Bauer, Jr. and Mr. Sam Elder from the Vanderburgh County Health Department.

Mr. Elder said, "The State rules that become part of the law on stream pollution states that, in essence, soils with severe or moderate limitations that septic tanks not be installed unless these limitations can be overcome and I am convinced, and the Health Department is convinced that we cannot overcome these on an acre lot. It's too densely built up. We have a number of subdivisions where in the spring, we are having problems with and we don't have any solutions to and I would urge you to give serious consideration to increasing the lot size, but only on lots that have soils, as classified with the Federal Soil Agency, as having severe or moderate limitations for septic tanks."

Mr. Borries then called on Mr. Bauer.

Mr. Bauer said, "One of the things that I would like to add, as a developer myself, is that we are concerned with providing more than adequate sewage treatments, to be able to treat affluent which comes from our developments in our subdivisions. Therefore, most of the developers that I have had a chance to talk with and also talk about various trade problems, we don't seem to be too much involved with subdivisions that do not have sanitary sewers which are available. In fact, we are encouraged to try to find spots for sanitary sewers available, but because of the problem of our swales in this area, it seems as if everyone likes to have a minimum number which they can always fall back on, that's what you found in this area, because the Ordinance has stated that we can approve a minimum of one acre, there has not been much done to try and go for anything more severely than that. Mr. Elders is always confronted with the problem of "well it says one acre" and he always responds, "well, this is severe soil in this area and it is not going to work," and they always point their finger to this. So, what we are asking for is that this one acre aspect still be in the ordinance, but only on soils which are capable of handling it and therefore, a minimum of two and a half be required for what we consider to be moderate or substandard soils and as a developer and also a builder, I feel like this is something that should be done for the residents of our county basically from a health standpoint."

Mr. Borries explained, "So, again it is a matter of clarification where we are talking about more scrutiny in regard to the soils. We are not eliminating the acre requirement, but saying that if (and our County is growing and a lot of development going on in the north side now and it will be moving into the westside), So, you are saying that in areas where that soil is substandard is where this ordinance, the two and a half acre, would go into effect."

Mr. Jerry Nord of S. & N. Homes was recognized by President Borries and came forward to say, "The question I have is the extremes from a one acre site to a two and a half acre site, seems to be quite a bit difference on the amount of land required and I sometime question whether or not the extra acre and a half or so is going to be that much beneficial in solving the problem."

There could be other solutions I think, concerning any water that would be discharged, like over the grounds during adverse weather conditions, such as maybe a chlorinator or something like this that some locations we possibly use these items. That makes quite a bit of difference, especially if a person is wanting to build a house. Not everybody has the capabilities of wanting to take care of two and one half acres. What we are doing here is that we are trying to solve a problem, but I don't know whether or not we are using a cannon to fight a mole or something like that. So, that's my comments really. Where is the degree, if it is not accepted for one acre, is two and one half acres going to be the mandatory amount or is there something that could be acceptable in between?"

Mr. Borries said, "I don't think so according to this Ordinance. That's why I was asking for some information for clarification. You do understand that if the soil permits, according to the tests that would be provided from the Soil Conservation Service, that is not eliminating the acre, but it is saying that if there are soil problems there, then the second part of it would take affect."

Mr. Bauer questioned, "What kind of situation is going to arise, like if you have a number of lots, it's possible, depending on the slope of the ground, depending on if there are trees present, because trees absorb a lot more water than if it is just barren ground with no kind of drainage other than just going as run-off. So, a lot of those things are going to be problems that I can see down the road, that you are going to have to face. It is not going to be just looking at subdivisions and saying 'yes,' but you are going to have individual sites that maybe could accommodate a septic system in one location and in the subdivision maybe a situation that would not accommodate in another location, which would present some problems. Maybe I am looking at this as being too complicated, but I can just see that as far as the development, where we are looking at, is areas that need to have sanitary sewers and I am in an area right now that it is apposition. Being in the westside, in University Heights. We have always been supportive of having sewers extended out there by the City but as of this point, there has no kind of action. All of the development is occurring in the Eastside and a lot of this ground that is owned by individual farmers over the years is being really penalized because of this kind of situation. Just beause of the lack of expansion in that area."

Mr. Borries said, "I can think of no other area rather than the extension of sanitary sewers that is as vital to the growth of the County and I will assure you that we have reached a limit on the Eastside. You can see Warrick County from where the development is. I would say that within the next five years, the development on the Eastside, if this County is going to grow, it is going to have to grow in areas on the Northside and the Westside because that is all there is in this County."

Mr. Nord said, "Not being an expert in sewage treatment or septic system, if you have an acre of ground or you have two and a half acres, if the ground is not of the right nature, a two and a half acre, over a period of time under adverse conditions, you will probably have the same kind of fill as you would in a one acre, and I was just wondering whether or not there was any other options that might be looked at as far as the septic system, as a back up, like in Posey County, which we are not allowed to use in Vanderburgh County, the aerator system which has chlorinators in the event that the system would malfunction, any water that would be discharged would be treated and in fact their's is open discharge once it leaves the system, but as another possibility, I am sure on the design part, that something like that could be addressed where we are not looking at two and a half acres in order to solve the problem that could possibly be remedied with a smaller parcel of ground, again going back to the situation, that not everybody wants to become a land barron, and two and a half acres of grass to cut on Saturday afternoon, you are probably



talking about two days and expensive equipment. Whether or not that is going to be a solution to the problem is all that I am bringing up."

Mr. Borries asked for comments from Mr. Elder or Mr. Bauer.

Mr. Elder commented, "He brought up the point about discharge. You could still do that, but you would have to go to the State Stream Pollution Board and the only thing I know that they would even consider approving, First, it would have to be designed individually and the cost on it would be prohibitive for a home, and in Posey County, they don't do aerobics anymore. That was written out of the State Law in '77, but they continued to approve them, but they were ordered along with all of the other counties, by the State Commissioner, about a month ago, that he would press charges against them if they continued to violate the law."

Mr. Elder continued, "You can put in an individual sewage treatment plant and discharge off of it with the permission of the State Stream Pollution Board. The last one that put one of those in, in this area, was the Sisters Home on Old New Harmony Road and just the equipment for that for 50 residents, cost in excess of \$70,000. That didn't count the sewers, the building, or anything else. It is not economically feasible according to the architect to put in any of these systems that will meet the State Stream Pollution Board approval. I agree with you, too, that you are not assured that it will work on two and a half acres anymore than you are on one acre, but, what we are trying to do is encourage the extension of the sewers into these areas. I think that your subdivision that runs along the last eight lots of Division is approved without the sewer and if it holds true to what the other subdivisions in that area are, we have made ourselves another problem. I think that this will be a step toward eliminating anymore problems."

Mr. Willner said, "You are beginning to see here in subdivisions where they would have area lots and if the soil was not just the best or if it is just not perfect, in some cases, what would be the average life span perhaps of a septic system and field bed in roughly an acre lot at this point?"

Mr. Elder said, "I have seen some people where it didn't last a month. Even if you have a two and a half acre lot in a subdivision, this does not assure you a building permit. The Engineer that lays it out has to certify it that a system that complies with the state law can be put in. That is his responsibility."

Mr. Bauer said, "The only other thing that I would like to add is that at least the policy, I think now, of the Utility Board, is that the brunt of extending the majority of sanitary sewers in this County is on the developers. At least, when it comes to a lot of the residential activity, which is what we are talking about here, and the cost of doing that....there are some costs that have to be paid by the Developer in extending sanitary sewers and the Utility Board now has undertaken a policy which is helping us in some respects, in recouping some of our expenses, but even with that there still can be some costs which are excessive and therefore, if we don't do this, then it becomes economically more advantageous for us not to extend sewers and to continue accepting subdivisions of one acre because it is cheaper. Just because it is cheaper is not really the way to look at it. We have to be concerned about the public welfare and safety of these failing systems and I think, that if anything is being done, the increasing to two and a half is making extending sanitary sewers more advantageous for developers and even this is an economic consideration which is really having the most affect on it one way or the other. I think that Sam has indicated that this does not necessarily solve the problem, but from an economic standpoint it might be more advantageous to bring the sewer in if



this is the requirement. Once again, if the soil is not acceptable or suitable for these absorption fields, then it doesn't change whatsoever."

Mr. Elder commented, "Well in excess of 90% of the lots platted, all in the northside practically, are on the sewer. All of the large subdivisions in the McCutchanville area and all out in that general vicinity they are all sewers."

Mr. Borries asked for further comments on this amendment.

Mr. Willner moved that the amendment be approved. Seconded by Mr. Borries. So ordered.

RE: REQUEST TO TRAVEL/AREA PLAN

Request to travel to attend annual Plan Advisory Committee meeting for the Indiana Department of Natural Resources to be held in Indianapolis on Thursday, November 19, 1987. There is no registration fee. The only expense will be one night's lodging, meals and gas.

Mr. Willner moved to approve this travel request, with a second by Mr. Borries. So ordered.

RE: SPECS AND ALTERNATE SPECS ON WOODS ROAD BRIDGE PROJECT

Mr. Borries introduced Linda Freeman of the County Surveyor's Office.

Ms. Freeman said, "I think you have looked at this last week and now I have a complete set of specs and I need your signatures. We have two alternates, one is the 80 foot single span and Alternate B is the 96 foot span."

Mr. Borries said, "We have only the one original copy and there are several other alternates that they have proposed...One would be Alternate A, the 80 foot single span and Alternate B is the 96 foot triple span. All work would be done between January 1 and May 15th, and we would expect that if we could move forward on this that the road would open somewhere around May 15th. We will have to require some right-of-way and we will have to have notice to bidders."

Mr. Willner said, "We are talking about higher than the existing bridges? How many?"

Ms. Freeman answered, "Approximately 5 feet. Each block is 2 and one half feet. Total span 94 and the center span is a little less than 32 feet."

Mr. Borries said, "For our record, this Project is one that we have worked with the Big Creek Drainage Association to correct some drainage problems in an area where the closure for the creek would be, and the width of drainage would be widened here and would be a significant improvement for that region."

Mr. Willner moved to sign Title Sheets and Specifications for Woods Road Bridge and Two Alternates. Seconded by Mr. Borries. So ordered. Motion approved.

RE: COUNTY ATTORNEY/CURT JOHN

Lease /Shooting Range

Mr. John said the first thing that he had was a lease given to him by Attorney Miller for some land to be used as a shooting range.

Mr. John continued, "The Sheriff is here and probably can describe the details more accurately than I can, but Mr. Miller says that he has reviewed the agreement; there have been some revisions in its' present state, it has met with his approval as to legality."

Sheriff Shepard said, "A couple of months ago we instituted a negotiational process with the Shell Mining Company, who has mining options in this County and they own a property known as the Old Winchester Gun Club on Kansas Road. It is approximately eight and a half acres. We have been negotiating this back and forth and we are both in accord now that we can have a one year lease with seven years of renewable contracts with Shell Oil Company. Their subsidiary is Turriss Coal Company, who owns the land and it is a very good contract. It costs the County nothing, other than pay the taxes that they pay here. We will use this as a Training Facility and also for a firing range or any field training that our officers might need. We feel that it is very beneficial to the Vanderburgh County Sheriffs Department to continue our firing practices for shot guns and pistols and also to use it as a training session for our regulars and our reserve officers. There are two buildings on the property. Their only request is that we maintain the property up to standards of codes of electric and roadway and things of this nature. We can take immediate possession of the property and start improvements on it and make it a valuable part of our training program for the Sheriff's Department, which we need desperately."

Sheriff Shepard added that he had the original contract and if they would sign it and get it back to David, they could take immediate possession of the property, as of November 1st.

Mr. Willner moved that the contract be approved, with a second by Mr. Borries. So ordered.

Resolution/Cable TV Franchise Agreement

Mr. John said, "Last week, John Wasson with Marble Construction Company was here in regard to his proposed transfer of this cable TV franchise to Welbac Cable TV and at that time you approved it. I have the formal resolution which will back up the letter which was sent last week to allow the transfer to be made. This does not need to be advertised, just the signing of it should suffice. I would recommend that the secretary send a copy of this to Mr. Wasson as well as to Mike Tanck at Welbac."

Mr. John stated that this was all he had at this time.

RE: COUNTY HIGHWAY/ BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of November 2 thru November 6, 1987.....report received and filed.

Gradall: Happe Rd., Volkman Rd., Barton Rd., Frontage Rd.

Paved: Camp Ground Rd., and Scott Trail in Burdette Park  
Old Lower Mt. Vernon, Repaired Streuh-Hendricks,  
Intersection of Sheridan and 12th Avenue.

Patch Crew: Ashwood Drive, Sheridan, Heckel, Delaware St.  
Bridge

Trash Crew: River Rd., S. Weinbach

Grader: Sensemeier, Nuebling, Old Lower Mt. Vernon Rd.  
at W. Franklin

Front  
Loader: River Rd., S. Weinbach

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew....report received and filed.

- Burned log jam in bottoms
- Rip-rapped Nisbet Station Road
- Installed rail at Nisbet Station Road
- Cleared log jam under Old Henderson Rd. Bridge
- Repaired washout at side of road on Baseline between Hwy. 41 and 57
- Cleaned and painted bridge ends.

Mr. Bethel has informed the bridge crew not to burn anymore.

Mr. Borries asked if there were questions of Bill.

Weekly Absentee Reports: Also submitted for the same period were copies of the Weekly Absentee Reports for employees at both the County Garage and the Bridge Crew....received and filed.

RE: COUNTY ENGINEER/ ANDY EASLEY

Mr. Borries stated that Andy had several Street Acceptance requests.

Mr. Easley said, "Some of these have been pending for several weeks.

Street Acceptance Requests:

- Moss Creek Subdivision/ Section A

Mr. Easley explained, "This is a portion of the streets in Section A. (presented map at this time). This is a cul de sac and a short section coming off of #6 School Road. Bill Bethel and I have looked at it and recommended that it be accepted for maintainance. This subdivision was platted and recorded before the current Subdivision Ordinance came into effect. It was not subject to curb and gutter requirements, or sidewalk requirements."

Mr. Easley said it was all platted before the Subdivision Ordinance came into effect and it was confirmed by Barbara Cunningham. There are 72 acres and it was recorded prior to the Ordinance. It was not subject to the financial guarantees.

Mr. Easley explained to Mr. Willner that they have rocked more of the streets south of there, but have not paved with asphalt. It has about 3 inches of asphalt on about 7 inches of stone base.

Mr. Willner asked how many lots this would eventually include.

Mr. Easley responded that the total it would serve was about 26 lots. They average about 2 lots per acre.

The width of the road is 24 feet and the right-of-way is 60 feet.

Mr. Willner asked, "What do we have in the plat of this subdivision about drainage?"

Ms. Cunningham said, "I doubt if we have anything on drainage. It was prior to the Subdivision Ordinance."

Mr. Easley said it was built in accordance with the drainage plans.

Mr. Willner asked, "Is there anything on the plat that says that the property owners cannot close up any of the ditches?"

Mr. Easley said he did not know about that.

Mr. Easley stated that he thought 4 to 6 lots had been sold. They were recorded about 4 years ago.

Mr. Willner, after much discussion, moved that the street be accepted. Seconded by Mr. Borries. So ordered.

- Windsong Subdivision-Phase I

Mr. Easley said, "This is the subdivision that Jagoe Construction has."

After discussion it was agreed that none of this had been accepted.

Mr. Willner, Mr. Borries and Mr. Easley reviewed the street plans.

While reviewing plans, Mr. Willner said, "You want us to accept this and not this? I won't do that and asked, this is the only way in, isn't it?"

Mr. Easley answered affirmatively.

Mr. Easley said, "It is a technicality. It is all paved."

Mr. Morley said, "Where Industrial has to correct the streets is on the South part. To my knowledge, the marks of correction are all down here (showing map) and so I wrote the letter requesting acceptance of all of this (showing map). I know that you have looked at the new part. The new part is in good shape. I have looked at it and it is in excellent shape. I know there is repairs done in here (shows map). I thought this was acceptable also, but if he is not sure, fine, we can accept the new part only and that would get this (shows map) approved. If you looked at it, you saw all of the brand new street and it is in good shape. I don't know of any problems here, but if there are, just delay and that is fine. Why not accept the new part of Shoshoni in conjunction with this and then you have solved the problem of having complete connection to Covert."

Mr. Easley said that the map would have to be amended.

Mr. Willner asked, "This was built in '85 and has not been accepted? How come?"

Mr. Morley said, "Because repairs had not been made on the part to the South and they still haven't. They are painting it out there now."

Mr. Morley said, "The original part of Indian Woods was this P.U.D. that may be in the city."

Windsong will be delayed one week.

- Oak Ridge Subdivision - Section A

Mr. Easley said, "Oak Ridge is a subdivision off of St. George Road, Al Bauer is the developer, it has 3/5 mile of road in it, all concrete streets with rolled curbs, and a couple of cul de sacs. I don't believe there are any sidewalks. Very gentle grades, nothing steep."

Mr. Willner said, "I move that Oak Ridge Drive, Oak Shire Drive, Turnberry Lane and Fieldstone Court be approved in the amount of 1,608 feet."

Seconded by President Borries. So ordered.

- Oak View Place Subdivision - Section A

Mr. Easley said, "Oak View Place is a subdivision off of Oakhill Road, Jim Fuquay is the developer, and Sam Biggerstaff is the surveyor."

Pat Shoulders addressed the Board, representing Jim Fuquay. Mr. Shoulders said, "I am here because Jim Fuquay cannot be here. After an earlier meeting which you had, I think an issue had arisen because, not for the streets, which I think to anyone's observation are done quite well. I can quote from your meeting of September 14th, where Mr. Jeffers says, 'I did not notice even a hairline crack in the street surface', and quoting him, 'Someone did a damn good job of putting those streets in.' It appears that the streets are fine. The issue that slowed down the acceptance, it took Mr. Fuquay some time to roll over his irrevocable line of credit, had to do with the drainage system. You approved side ditches. Sometime after that approval, Mr. Fuquay, due to his responsiveness to the people out there who requested those ditches, something else be done, because they were close to their front yard and they weren't very pretty, he asked for approval for something different, spoke to Mr. Easley the County Engineer and Mr. Easley suggested, and approved the use of PVC corrugated plastic pipe and peagravel. It was installed at additional expense. This is not a situation where we have a developer trying to slide something by, save a little cash on the side. He put in this pipe at his additional expense, installed it quite well and then the streets were here for your approval. There seemed to be a debate as to whether or not your code allowed the use of plastic pipe. I have read them, Mr. Easley has read them, Mr. John certainly will comment here, but I did not find anything in the old copy or the new subdivision code which prohibits the use of plastic pipe. What it does say is that drainage must be approved by you. If there is any snafu here, and let's put it right on the table, it was to who was to approve it and when. The developers sought approval from who he thought the appropriate person was and acquired that approval. That, we don't think should hold up this developer's approval of these streets. You have been provided information concerning the use of plastic pipe. It is not new, it is not an experimental procedure. Plastic pipe is used and has been approved in states throughout the United States of America, including Indiana. You, the Commissioners, have used plastic pipe on an Old State Road project yourselves. I am giving you here information I received from PVC Plastic Pipe representative, who would have been here, except SIG&E Co. broke a gas main at his house today, so he could not be here, but let me share with you that this plastic pipe is approved by the state of Indiana. It is, as we speak, being installed right out here on Division Street. Corrugated plastic pipe is here to stay. Jim Fuquay did not invent it and was not the first one to think of it. The State Highway Department and the State Highway Superintendent, Mr. Eisenberger, are using it throughout the state of Indiana. In fact, if there's a concern here on behalf of the users of its' durability, I am authorized, on behalf of Mr. Fuquay, to tell you that we will stand behind the workmanship and the product, the plastic pipe out in the subdivision, for ten years. If that is something that would make this easier for you to swallow. We are simply asking that before he has to roll over his \$120,000 line of credit, that the street system be approved there and I am here to answer questions."

Mr. Willner said, "I think a point that should be added is that in certain instances plastic pipe is approved. In certain instances it is not and if you have an inch or two of cover, you are not going to get by with plastic pipe. You cannot make me understand that. If we have two foot of fill over top, it will probably last 50 years, so I think that we have to qualify the plastic pipe and say it is good for some installations and in others it's not."

Mr. Willner said, "I guess my question is then, if it is not addressed in the code, it is not prohibited, so therefore we could move to approve it."

Mr. Morley said, "I think we did approve the plastic pipe. I agree with Mr. Willner, but on the County Design Sheets for Subdivisions, it doesn't have very much facts. There is not very much on it, but there is a statement on that sheet that is in accordance with State Highway standards, so anything that has been traditional, anything that was not covered on the sheet, such as details of the compaction testing and all other things like that, you referred back to the State Highway Specifications Book; and so, therefore, it would seem to me that your question about 'is it okay', all you really need to do is bring in the State Highway Standard Specifications and if it is approved by the State Highway for say one foot of cover or whatever it is, then it is approvable on this job."

Mr. Willner said, "If I am not mistaken, Mr. Borries and I approved this Oak View Place, subject to this piece of plastic pipe being approved. The Gentleman said if that was what was going to hold it up, he would take the plastic pipe out and replace it with nothing."

Ms. Cunningham said that this was Chapel Hill that Mr. Willner was referring to.

Mr. Borries said, "I want to sympathize here, I think Mr. Shoulders has been up front in relation to concerns of his client. Have we addressed this matter at Subdivision. Have we ever talked about it in terms of Subdivision Review at Area Plan? Has the issue ever been discussed?"

Mr. Borries continued, "I am only pointing these questions out here to end some of the confusion. The issue was raised and we have to deal with the issue. Now, to move forward to the next square is, how do we end this confusion as to the durability of plastic pipe?"

Mr. Easley said, "If you instruct me to amend the sheet that has our street standards, we can put it on there and put a date that the Commissioners have approved and allowed, if properly installed under proper loading conditions, but something could go on that. That's our only hand-out."

Mr. Borries stated, "I understand that, but all things change and I think that we have to address this, because we get bogged down. It is a new product, I needed more information, I am not an engineer. I am not saying that it won't work. I have asked mainly to see if it can be approved today, but I think, with all new things, we may need to address this somewhere in order to end the confusion over whether or not it will work and what the County's obligations are to this."

Mr. Bauer said, "I would like to add, we would not really specifically address the types of materials in Sub Review. Various experts that we have representing the different agencies would tell us if something is available and approved, that could solve this particular problem. I think the logical step that a developer would take would be to first submit a drainage plan and have a street plan too, specifying what he needs to use before it is built and you either accept it or reject it at that point and then you proceed with building it with what you have already accepted....That is the step and I guess ...Is the problem, were the plans accepted or not accepted or what concerning the drainage on this particular one?"

Mr. Borries explained, "There have been some modifications. The plastic pipe would be in the county's right-of-way. The question was then raised about the durability and the responsibility, since this would be on county right-of-way, should the acceptance be done? We had asked for more information. That is why I asked

to see whether or not the Ordinance addresses the pipe. Our County Attorney says if it is not there, then that may settle the issue. It has not prohibited it either."

Mr. Bauer said, "I feel a little uncomfortable with that. The developers need to know ahead of time what we can use and cannot use in the way of materials."

Mr. Borries agreed with Mr. Morley.

Mr. Nord responded, "The issue here, as Mr. Bauer said, in a normal situation, a street and drainage plan is submitted to with the materials and you approve them. What happened here was that you approved something and there was a change, the developer thought that the approval needed for the change had been secured, so that is why we are talking about whether that material is any good. In the future I don't think it will be any problem, because you will have the specifications you will approve at the time. If it is a problem, if you are concerned with a County right-of-way here, my solution for that is to allow the developer simply to stand responsible for a reasonable number of years and the County won't be on the hook if we should find the plastic pipe is not suitable."

Mr. Bauer said, "The Ordinance mainly discusses the submission of the plans, and this is addressed to the Drainage Board, which is in essence the professionals, and for your approval that the plans and specifications will provide adequate storm and water system. I don't see where it addresses what the materials can be, how deep any ditch has to be, basically, it just states that if the plan is sufficient to handle the problem, the Board has the authority to accept it. It is my understanding, I guess, that these plans that were submitted do not conform to the way it was done. Is that correct?"

Mr. Willner said, "We have an addition, that they meet the standards, plus. They did not like the unsightly open ditch, so they closed it."

Mr. Bauer asked, "Does the job, as it has been done, qualify or meet the needs out there?"

Mr. Borries stated that the County Engineer says it does.

Mr. Bauer said, "Then I think the change in the plans that have been submitted will have to be approved by your Drainage Board, and then accept the streets if everything meets the requirements. This is a quick answer to what may be a complicated problem, but I have a copy of this and I don't see anything wrong with that. I can appreciate the situation that Mr. Fuquay is in. I don't think that they have a problem. I am not the expert, the County Engineer is the expert. What would you tell a new developer, if he was in front of you today, asking to do something on material?"

Mr. Borries said, "I think this is a valid question."

Mr. Easley asked, "Do you want to address it by amending the requirements as they exist today or putting additions in there?"

Mr. Borries asked Andy what the requirements say. Not the material...How as a technical person, are you going to answer Mr. Bauer's question?"

Mr. Easley answered, "If Mr. Bauer's engineer would ask, 'May we use corrugated, polyethylene pipe?' My answer would be, 'If it is installed in accordance with the manufacturer's specifications and I am looking at it, it gives a minimum cover, (it says, if the soil is properly compacted in a trench or open ditch it will take an H20 load, which is a ready-mix truck with 12 inches of cover.) We certainly could test it.'"

Mr. Borries said, "But you see....and not to belabor this point, because Mr. Shoulders has raised this question and Mr. Bauer, in the sense of what we need to do here is develop a plan, rather than after-the-fact. That's why all of this confusion has been caused right now....is because we did not know how to address it at the time."

Mr. Willner asked what kind of coverage this pipe had over it.

Mr. Easley responded that the coverage was in excess of 12 inches.

Mr. Willner questioned the size of the coverage.

Mr. Easley once again responded that it was 12 inches.

Mr. Easley added that this would hold up the weight of a 20 ton truck, which was the same weightload that they use to design bridges.

Mr. Willner moved to approve Oak View Court in the amount of 1,152 feet. Mr. Borries seconded the motion, "Subject to, as Mr. Shoulders would point out, his willingness to participate and I want to address this problem in order to answer any future comments. I want some specs developed that are going to address this, should other developers use this. I think that we need to approach it in a more orderly fashion other than after the fact."

Mr. Easley said, "I will develop some. There are two different varieties of corrugated polyethylene pipe. There is a glue-in 12 that I gave you a green brochure on and it is tougher. It is smooth on the inside."

Mr. Borries asked, "Where these materials are normally introduced and approved for County maintainance?"

Mr. Easley answered, "I have never had anybody come in to me to submit a new material. We don't have a testing laboratory and Mr. Morley never asked if we could use it. A great many homeowners asked for permission to put it in their ditches in front of their houses and Steckler said he thought it was a better choice than corrugated steel and he said it was certainly a lot cheaper than aluminum. Now, he is a man that has used a lot of it in the drainage business. He is our gradall operator and I have a lot of respect for him."

Mr. Borries said, "I have a lot of respect for him too, but he does not develop the technical specs and I am not asking Mr. Steckler for his technical recommendations here."

Mr. Easley said, "I will prepare some specs. If you want to approve them or have them on file."

Mr. Morley asked to add an additional comment: "My concern about the plastic pipe, and here is one that may be a Pandora's Box, near my house on Old State Road, I know of three people that have closed in the ditches completely across the front of their lot, with corrugated plastic pipe. I know of one of them that was crinkled in, collapsed. I know of another one where the end floated up on it. It does take critical care and apparently, I don't know if it has been going on in other locations in the County or not, but I do happen to know that a half mile from my home, three people that have completely enclosed your roadside ditch on Old State Road in front of their house by just buying this stuff and rolling it in. They didn't prepare anything. They covered it up and I wonder how good of job is there and if we don't have ( I guess there is no way of policing here), but I know that as this continues to happen (in one instance they put enough dirt on it that all of their yard drainage runs into your pavement and you no longer have a side ditch at all, nor do you have a curb to take care of) It simply diverted the water and it is cutting a groove right along the edge of the asphalt all the way down the road. They recently put some patching in along the



side because of what they had done. They didn't like that deep ditch so instead of leaving a swale, they just ponded it out in the edge of the road and it is cutting right down the edge of the asphalt."

Mr. Borries said, "It had nothing to do with the pipe that they used? It would have done it if they would have used concrete."

Mr. Morley answered affirmatively.

Mr. Borries said, "We obviously need to talk to the State of Indiana on this. If they are using it on Division Street, they must have some kind of criteria, some kind of standards that they have developed for that and I would like to know what those are and that might perhaps provide a start as to how we address this."

Mr. Easley said, "When someone discusses with me about drainage, I tell them we want a swale, preferably 8 inches below the shoulder of the road, put inlets over their pipe, and I go out and look at it, and we may go along with it. We tell them how it has to be done and if the guy says we still have to have a swale there, I won't fill the ditch then. I try to talk them out of it because I think it makes our roads last longer. If we have a nice ditch, I suggest that they have the ditch regraded and resow grass on it."

Mr. Nord added, "One other thing, as a developer, I would like to question is, if you are not using this plastic pipe as it comes up to form an inlet which water is drained in to, how would that be constructed, because we have been talking about certain amounts of cover that has to be over this in order to make it approved, I am just curious as to what type of mechanism would be used to actually funnel water down into the pipe before it is used to transport out? There would have to be some kind of standards there as to what to build to handle it. You would have to use both concrete and plastic?"

Mr. Easley answered affirmatively.

- Harmony Woods Subdivision - Sections A and B

Mr. Easley said, "Harmony Woods Subdivision which consists of a hair under 3/10 of a mile of streets, that are composed of 3 inches of asphalt on 6 inches of aggregate base. Mr. Nord is the developer."

Mr. Borries asked what was said in relation to the street itself. What is the issue in terms of curb and gutter here?

Mr. Easley said that they were waived sometime ago.

Mr. Borries asked what material was used here.

Mr. Easley said, "Three inches of asphalt with six inches of compacted Type P Aggregate. It has been inspected. It has six feet shoulders and Mr. Bethel and I looked at it again this morning."

Mr. Borries asked if it met with Mr. Easley's approval. Is all the seeding and strawing and everything done?

Mr. Easley said he did not see any erosion. It all looked very well.

Mr. Easley said, "I think Mr. Nord's financial guarantee is up on Wednesday. He would like to see this accepted."

Mr. Willner moved that Harmony Woods Lane Sections A and B be approved for County maintainance in the amount of 1,572 feet, with a second from Mr. Borries. So ordered.

Mr. Easley asked a question of Joanne, "Did we ever find where they had signed a letter on Chapel Hill?"

Mr. Easley continued, "I would like this added to the minutes file. This was accepted two weeks ago and they failed to get a signed letter on it."

- Rollett Lane Bridge

Mr. Easley said, "On the Rollett's Lane Bridge, they poured the north footing Friday and it looks very good and they are working on pouring the south in the latter part of the week. They are trying, tentatively, to set the big culvert a week from tomorrow, if they can haul them from Louisville and we can get the big crane."

Mr. Borries asked when they expect this to be completed.

Mr. Easley said, "They are probably going to be, on the wing walls, could be another 10 days of work, but there will be another three weeks of work."

RE: OLD BUSINESS

Mr. Borries read a memo from City of Evansville, Board of Public Works, regarding a claim for the County's Share of Construction Engineering on Covert Avenue Extension. This includes Construction Engineering from 1986 thru August 1987:

Gross Cost.....\$163,000

Federal participation.....\$122,000

Local cost.....\$40,971.97

County Share .45% of that figure....\$18,437.38

Mr. Willner moved that this be approved, with a second from Mr. Borries. So ordered.

- Floyd E. Burroughs & Associates

Mr. Borries said this claim was for bridge inspection which the Board had some questions on.

Mr. Easley said, "Two years ago the Bridge Inspection report had that bridge rated at 2 ton load limit and the Federal guidelines say that if it won't carry 3 tons, it should be closed, so they raised it to 3 tons."

Mr. Borries questioned which bridge they are talking about.

Mr. Easley said, "The one on Montgomery Road just off of Mann Road. I have been under it and it is just about 19 foot span."

Mr. Borries said, "One of them we just put there 2 or 3 years ago. We bought it from Union Township, Old Henderson Road and moved it out there. I know a truck goes across it. I will say 26 to 28 tons. I thought Commissioner Cox had a question on one that the factor on it actually increased and said the bridge was in better shape than it was 2 years ago. There is one structure that we were holding up on because there were questions on it (Boonville-New Harmony Road). What is not clear on this is that we were denied 2 or 3 claims. One for some participation State and Federal One over Ohio Street was denied because of some sufficiency rating. The State said that Ohio Street and a couple of others could conform to (a few percentage points). How do they figure what their sufficiency rating is?"

Mr. Easley explained, "They use the formula that the Federal people have developed and I am in the process of correcting (EUTS and I are sending in two revised sheets called SIA sheets) this.

I am going to send in on Ohio with my recommendation on it and I am lowering the condition evaluation on it and it will be under 50 because I talked to Mr. Christian and he agrees that maybe they were a little too optimistic. This happened to one a couple of years ago on Fulton Avenue. I pointed out the difference between some of these things we are looking at and the condition of them, the work that would have to be done is rather slight. "

Mr. Borries said, "I would prefer to have more time on this for reviewing that whole bridge report."

- Jones & Wallace/Contractual Litigation

Mr. Borries said, "This is for litigation fees for services that have been going on for a length of time on some condemnation/foreclosure cases, Evans vs Vanderburgh County; Combs/Unfried vs Kuebler on legal matter; and JoAnn Reed vs Vanderburgh County. The amount is \$582.00."

Mr. Willner moved that this claim be approved. Seconded by Mr. Borries. So ordered.

Mr. Willner suggested the Board request the attorneys to give them a separate sheet on where these cases are now.

Mr. Borries said "Some are the old backlog and it's hard to tell where they are now."

- Bowers, Harrison, Kent & Miller/General Representation

Mr. Borries explained that these are cases he has been briefed on. They are continuing cases that are not concluded at this time.

The amount requested now is \$2,177.05.

Mr. Willner moved that this claim be approved. Seconded by Mr. Borries. So ordered.

RE: SCHEDULED MEETINGS

No scheduled meetings this week.

E911 meeting November 18 at 3:30 p.m.

RE: CLAIMS

No claims presented at this time.

RE: EMPLOYMENT CHANGES

Vanderburgh County Board of Review (Appointments)

Jeanette Rueger Clerk \$35.00/Day Eff: 10/16/87

Vanderburgh County Board of Review (Releases)

Jeanette Rueger.....Clerk.....\$35.00/Day.....Eff: 10/30/87

Treasurer (Appointments)

Jeanette A. Rueger P/T \$35.00/Day Eff: 11/04/87

Melody Todd P/T \$35.00/Day Eff: 11/04/87

Georgiana Harris P/T \$35.00/Day Eff: 11/04/87

Vanderburgh County Election Office (Releases)

Casey E. Randolph, Sr. Bal. Assem.. \$4.85/Hr. Eff: 11/5/87

Janice Dudley Dept. Clerk \$4.85/Hr. Eff: 11/5/87

Gerald Wohlhueter	Bal. Assem.	\$4.85/Hr.	Eff: 11/5/87
John Lee Jones	Bal. Assem.	\$4.85/Hr.	Eff: 11/5/87
Mary Lee Bassemier	Dep. Clerk	\$4/85/Hr.	Eff: 11/5/87
Sylvia Loviscek	Dep. Clerk	\$4/85/Hr.	Eff: 11/5/87
Charlotte Shetler	Dep. Clerk	\$4.85/Hr.	Eff: 11/5/87
Doris McGlothlin	Dep. Clerk	\$4.85/Hr.	Eff: 11/5/87
Doris E. Cato	Dep. Clerk	\$4.85/Hr.	Eff: 11/5/87
Carol J. Primm	Dep. Clerk	\$5.70/Hr.	Eff: 11/5/87
R. Warren Thompson	Bal. Assem..	\$5.70/Hr.	Eff: 11/5/87

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

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Borries R. L. Willner	Sam Humphrey	Curt John
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Bethel	Andy Easley	Bev Behme B. Cunningham

OTHER:

Clifford A Ong  
Linda Freeman  
Mike Cates  
Bud Wimpelberg  
Kert S. Kahre  
Debbie Stroessner  
Joan Shelton  
Paul W. Harper  
Patrick A. Shoulders  
Sam Elder  
Al Bauer Jr.  
Jerry Nord  
Jess Roberts  
Stephen F. Moser, Sheriff

SECRETARY: Joanne Matthews  
Transcribed by Bettye J. Miles

*Richard Borries*  
*Robert Willner*  
*Debbie Stroessner*  
*Joan Shelton*  
*Paul W. Harper*  
*Patrick A. Shoulders*  
*Sam Elder*  
*Al Bauer Jr.*  
*Jerry Nord*  
*Jess Roberts*  
*Stephen F. Moser*

MINUTES  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 16, 1987

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MINUTES  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 16, 1987

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, November 16, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

Commissioner Borries then welcomed Commissioner Cox back, stating that she is now a "Grandma"!

RE: APPROVAL OF MINUTES

The meeting proceeded with President Borries entertaining a motion concerning approval of the minutes of October 26, 1987. Motion to approve the subject minutes as engrossed by the County Auditor was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: AUTHORIZATION TO OPEN BIDS FOR OTHER CULVERTS & BRIDGE MATERIALS

The Chair entertained a motion to authorize Attorney Jim Casey (who was sitting in for County Attorney David Miller) to open the bids received on other culverts and bridge materials.

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

Attorney Casey said he has noted that the bid appears to have been received in a timely fashion. Only one (1) bid was received.

RE: REZONING PETITIONS

VC-18-87/Petitioner, Heflin Oil Co. (3rd Reading): There will be no action on that petition this evening. This rezoning is continued for the second time (he assumes until next month's evening meeting) the explanation being that no withdrawal letter has yet been received. He asked if anyone was present who wished to speak to this rezoning? There was no response.

VC-20-87/Petitioners, Wayne & Dennis Hargett (3rd Reading): This rezoning will not be heard, as it has been withdrawn.

VC-21-87/Petitioner Jack Rogers (3rd Reading): Requested zoning is C-4. The owner of record is listed as Ethel R. Hamilton and common known address is 101 S. Red Bank Rd. Commissioner Borries then asked if anyone was present who wished to speak to this rezoning? Mr. Rogers is present for tonight's meeting. There being no response, The Chair recognized Mr. Rogers.

Mr. Rogers said he has a visual aid prepared. What we're looking at is the intersection of Red Bank Rd. and Highway 62. The L-shaped piece of property seen in solid orange is property that was rezoned about a year ago. He then pointed to the property being discussed tonight. This property probably should have been rezoned at the same time as the property shown in solid orange area. However, at that time the owner was not sure she was going to be relocating from that property, as her personal residence is located on that property. Thus, they are back in here requesting that this area be rezoned to conform with the surrounding property. He previously submitted letters of support for this rezoning at the Area Plan Commission Meeting. Mr. Rogers then entertained questions.

Commissioner Cox asked, "Mr. Rogers, at the time the rezoning for the other parcel of property was granted, you had no specific idea of what you were going to do with the development -- do you have a specific idea at this time as to how you are going to utilize this property?"

Mr. Rogers responded, "Not specifically; we do have some generalized ideas; we have been working with the people in EUTS to make sure we are in conformance with their request."

Mrs. Cox continued, "And there are some drainage problems. There is a ravine that goes around and down in the area and we've had a lot of problems on down Red Bank Rd. and underneath the road and into Schmadel's Lake, and additional clearing of the area is going to create more run-off down into that area. And, as you said, that is a very highly used intersection at this time. I do note on the Staff Field Report that they state here that the site plan submitted for the rezoning is inadequate for issuance of a permit. 'At the time of development, the petitioner will present a specific detailed site plan for Site Review -- which you said that you will do. And that will include the drainage and the traffic pattern, traffic flow and perhaps frontage road or one entrance or whatever?'"

Mr. Rogers responded in the affirmative.

Mrs. Cox then asked, "Are you planning to utilize the sanitary sewer for this development in that area?"

Mr. Rogers said, "To the best of my knowledge there is no sanitary sewer currently in any immediate proximity to that."

Mrs. Cox said, "Well, I know there is one that goes out Highway 62 to serve USI, and I just noted it said 'Sanitary sewer available -- no septic.'"

Mr. Rogers said, "To the best of my knowledge, the sanitary sewer goes to serve USI; I believe it does so, generally, going west along Broadway."

Mrs. Cox said, "Part of it is served by that; but there is also a part that goes out along Highway 62."

Mr. Rogers said, "Well, if there is one there I'd be delighted."

Mrs. Cox said, "And the Shopping Center is on sanitary sewers -- so it should..."

Mr. Rogers asked, "Is that not a private sewer in the Shopping Center?"

Ms. Behme of Area Plan said, "It is a City sewer."

Mr. Rogers said, "I guess I am mis-informed; I had always assumed that that was a private sewer there."

Ms. Behme said that Mr. Rogers can check it, but she believes that was purchased by the City.

Mr. Rogers said he appreciates Ms. Behme's bringing this to his attention.

Commissioner Borries asked if there is anyone in the audience wishing to speak for or against VC-21-87? There was no response.

The Chair then entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-21-87 was approved on 3rd Reading from A to C-4.



President Borries then asked for a Roll Call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. So ordered.

VC-22-87/Petitioners, James & Victoria Plummer (3rd Reading): Request zoning is R-4 and R-1 to R-4. Mr. James Morley is present to address this rezoning.

Mr. Morley said this is a lot in Old Petersburg Place Subdivision. Old Petersburg Place and the adjoining subdivision (Greenbriar Hills) are all in a zoning classification of R-3 and R-4, with a 300 ft. wide strip of R-1. The lot in question is Lot #4 and on the drawing all of the front part of the entire subdivision is in an R-1 zone. The problem is that the house is constructed at the 25 ft. setback and the house is in complete compliance. However, the house has a porch. The Plan Commission has said that the porch has to fall within the same 25 ft., which means that they now either have to take the front porch off or if they simply rezone the front of it to R-4 (as is all the rest of the lot) then the front yard setback would be 20 ft. and that would remove any problems insofar as compliance with the Plan Commission. So, the request is only to bring the entire lot into the same zone and eliminate the need to tear off the porch.

Commissioner Borries said he doesn't think he has ever had one like this. Maybe he doesn't want to ask why this was necessary; he thinks he remembers.

Mr. Morley said porches are defined in the Ordinance; we have balconies, patios, etc. If it were a balcony it would be legal; but we don't cover porches -- so we count them the same as houses. Anyway, if we make it R-4, we don't have anything to worry about. All of the area is single -- there is no R-4 development in the area. It is a totally newly developed subdivision -- all new, single family homes.

Ms. Behme said, "The subdivision setback is still 25 ft."

Mr. Morley said, "The subdivision setback is 25 ft; however, the zoning setback becomes 20 ft. by rezoning it to an R-4; this eliminates concerns re a violation as far as the APC is concerned and then if any of the neighbors still don't like it -- then they could deal with it individually. But,....."

Ms. Behme said, "If this were reversed (If the R-4 were in the front and the R-1 in the back,) then we wouldn't have this problem."

Mr. Morley said, "We are here only because of the R-1 on the front of the lot and not on the back of the lot. So it is a strange situation, but this cures the problem."

Mr. Morley asked if this is the only one we'll have like this?

Mr. Morley responded in the affirmative, saying all of the rest of them are in compliance. All of the others that have porches on them that extend farther forward than 25 ft. fall in what is already an R-4 zone. Thus, you can kind of understand perhaps how a mistake was made by the contractor, because they added it on. There are three other porches that extend over the line to varying degrees; but they fall in what is the R-4 zone so they don't have a problem insofar as compliance is concerned. By making this change we can eliminate the problem.

Commissioner Borries entertained questions of Mr. Morley.

Commissioner Cox asked, "Do the Plummers live there, Jim? Is this their own residence?"

Mr. Morley responded in the affirmative, saying this was a home built by Phil Garrison of Garrison Development and subsequently sold to the Plummers.

Mrs. Cox said she noted it says on the Staff Field Report, "Turned into Area Plan as a violation." So there must have been some complaints out there in the area.

Mr. Morley said following a question concerning a house on Greendale (which the house was located close to the street) the Building Commissioner's Office requested that he go to the site and make surveys of all of them that appeared to be over the line (they gave him a list of about eight and he found five that were over the line by varying degrees). He made survey measurements of all the houses and porches and turned it into the APC and it turned out that this was the only one that was in violation.....

Ms. Behme said, "There were two; one needed a variance for three inches and the Board of Zoning Appeals granted that variance."

Mr. Morley said, "That's right; and the choice on this one was to rezone this one so it would fit here. But I did follow up on their request to investigate all of them and I turned it all in to the Plan Commission."

The Chair entertained further questions. There being none, President Borries asked if there is anyone who wishes to speak for or against VC-22-87? There being no response, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-22-87 was approved on 3rd Reading.

Commissioner Borries then asked for a Roll Call Vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. President Borries declared the petition is approved by unanimous vote.

VC-23-87/Petitioner, Garrison Development Corp. (1st Reading):  
Mr. Borries said the requested zoning is from A (Agricultural) to a PUD (Planned Unit Development). The location is 330 Eisler Rd., which is near Old State Rd. He said he believes this is east of Old State Rd. This is a residential PUD. He then asked if anyone is present who wishes to speak for or against this petition?

There being no response, a motion was entertained. Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-23-87 was approved on 1st Reading for forwarding to the Area Plan Commission. So ordered.

RE: STOP SIGNS & SPEED LIMIT SIGNS IN EASTLAND PLACE

The meeting continued with Commissioner Borries reading the following request from Officer Mike Jones (whom if he understands correctly was sent out to Eastland Place to observe the traffic flow and submitted a report re same) given to him by Sheriff Shepard:

Re: Traffic Control

Request the below changes regarding the traffic flow in the area of Eastland Place:

- (1) Tennis Lane - request STOP signs on both ends. Namely, the intersections of: Tennis Lane & Plaza East Blvd. and Tennis Lane & East Virginia Street.
- (2) Lowering the present SPEED LIMIT (not posted county road 45 mph) to 30 mph because of the high traffic volume.  
Namely: Plaza East Blvd.  
East Virginia Street  
Tennis Lane  
Vogel Road

- (3) Review of lowering the present SPEED LIMIT in all county residential subdivisions to 30 mph.

Mike Jones  
Investigating Officer

Commissioner Borries asked if the Board wants to take this under advisement and forward to EUTS for their review and recommendations. It was the consensus of the Board that this should be referred to EUTS.

RE: REQUEST FOR ACCEPTANCE OF STREETS IN GREENBRIAR HILLS, SECTION III

Commissioner Borries said the Board has received a request for acceptance of streets in Greenbriar Hills, Section III.

Mr. Jim Morley noted that this is the first request and the Board will refer the matter to County Engineer Andy Easley to place on the Commissioners' meeting agenda. To avoid delays, he would like this entered into the record at this time.

RE: REQUEST FOR ACCEPTANCE OF STREETS IN COUNTRY TRACE SUBDIVISION, SECTIONS I & II

Mr. Sam Biggerstaff asked if the Commissioners have his letter identifying those streets to be accepted in Country Trace I and II? The letter read as follows:

November 13, 1987

Board of County Commissioners

Enclosed are plats of the subject subdivision with the streets requested for acceptance colored in yellow:

<u>Part I:</u>	Rose Lane	135 L.F.
	Squire Lane	775 L.F.
	Country Lane	500 L.F.

<u>Part II:</u>	Country Lane	220 L.F.
	Shady Hollow Trail	665 L.F.
	Holly Berry	260 L.F.

These are constructed with 6 inches of Portland cement, 29 feet back to back of curbs. It is my understanding that Mr. Pfingston was on the job when the streets were paved by Concrete Pavers.

In Mr. Easley's letter of March 24, 1987, to Clements Construction Company, he requested a culvert under Country Lane at Burkhardt Road. I have enclosed a profile of Burkhardt Road which shows a bee hive inlet approximately 420 ft. south of the center of Country Lane. This bee hive shown on the drainage plan and a culvert was not shown on the street plans as approved.

The purpose of the design was to keep the water along the west side of Burkhardt Rd. from continuing North along the flat terrain North of our subdivision.

Very truly yours,

ASSOCIATED LAND SURVEYORS  
& CIVIL ENGINEERS, INC.

Sam Biggerstaff

Mr. Biggerstaff said that Messrs. Easley and Bethel looked at these streets and questioned the fact there was no culvert on Country Trace at Burkhardt Rd. The original drainage plans approved had no culvert. There is a beehive inlet some 400 ft.

south of that intersection and the ditch along the west side of the road drains to that beehive culvert. The reason for that was to take this drainage and run it to the west into the ditch and instead of having it flow north (where the ground is very flat and it would be very hard for them to carry on from there)....and the Board should have a letter from Mr. Jeffers explaining that, too. But they would say that they'd like to have these streets accepted and if the Board at some time sees that the water ponds there and a culvert is needed, the owners are present today and they will install that culvert under that road.

In response to query from Commissioner Borries, Mr. Biggerstaff said the total mileage is about 2,555 lineal feet.

The Chair entertained a motion. Motion was made by Commissioner Willner that the streets in Country Trace I & II (as listed in Mr. Biggerstaff's letter of November 13, 1987) be accepted for County maintenance, with the stipulation that if a culvert is needed at the entrance, the developer will install same. A second to the motion was provided by Commissioner Cox. So ordered.

RE: REQUEST FOR WAIVER OF CURBS & GUTTERS IN TALL TIMBERS SUBDIVISION

Commissioner Borries said that Mr. Robert Jarrett is present to request waiver of curbs and gutters in Tall Timbers Subdivision. He has submitted the following letter:

November 5, 1987

Mr. Richard Borries, President  
Vanderburgh County Commissioners  
305 Administration Building  
Civic Center Complex  
Evansville, IN 47708

Dear Mr. Borries:

In accordance with your latest request, I'm enclosing three sets of "As Built" drainage plans for our beautiful Tall Timbers residential subdivision. Will you please act on this request for waiver of curbs and gutters at your next meeting that I understand is Monday, November 9th? I'm also enclosing a copy of the engineer's report.

This is a fine residential area that is especially beautiful now in the fall. With the fall leaves, the homes are just beautiful.

Thank you.

Respectfully yours,

JARRETT MANAGEMENT COMPANY

/s/ Robert L. Jarrett  
President

Commissioner Borries said he has not had any comment back from the plans. He did present a drainage plan from Brockton-Griggs, with the following letter:

INSPECTION REPORT ON TALL TIMBERS SUBDIVISION

On July 24, 1987, I conducted an inspection of Tall Timbers Subdivision as a follow-up of my inspection, of the same, on April 8, 1987.

It is obvious that Mr. Robert L. Jarrett, the developer, has put forth a great deal of effort in further improving Tall Timbers, in various ways, in addition to correcting things

that I criticized after my April inspection.

The drainage culverts, where they were deficient, have been removed and reconstructed with the proper alignment. The pavement cuts, made in the process, have been repaved with such skill that it is difficult to see where they are.

Street shoulders, that were low before, are in good shape, side ditches improved, and extensive erosion control measures have been added.

I am pleased to report that I feel that Vanderburgh County can now accept the streets in Tall Timbers Subdivision without the risk of maintenance problems.

It is commendable that the developer accepted the earlier criticisms with a positive attitude and eliminated the potential problems.

/s/ Brocton O. Griggs, P.E/  
1830-A West Franklin Street  
Evansville, Indiana 47712

Commissioner Borries said Mr. Jarrett is present this evening and if there are any questions as to his request, he will be glad to answer same. If there are no questions, a motion is entertained.

Motion to approve waiver of curbs and gutters in Tall Timbers Subdivision was made by Commissioner Willner, with a second from Commissioner Borries. Commissioner Cox abstained. The Chair declared the motion passed with two affirmative votes.

RE: SELECTION OF CONSULTING ENGINEER TO DESIGN THE SANITARY SEWER COLLECTION SYSTEM FOR CARANZA DRIVE, KEMPELL DRIVE, & OLD STATE ROAD NORTH OF EVANSVILLE

Commissioner Borries said he received a packet. For purposes of discussion with the Commissioners, he believes there were three (3) engineering firms that submitted proposals, as follows: Veach Nicholson, Griggs Associates (Evansville), Beam, Longest, Neff, Inc. (Indianapolis, IN), and Biagi, Chance, Cummin, London, Titzer, Inc. (Evansville). Commissioner Borries said he doesn't know whether there is any recommendation at this time from the County Engineer. Is there any discussion here as to the feelings of the Commissioners as to what should be done? Should the Commission direct Mr. Easley to set up a meeting with these firms? Or, how should we best proceed so we can move forward on this project?

Mr. Easley said he'd like to make a comment. One of the firms is from Indianapolis. The project is a relatively small sewage ditch to serve 50 lots in a relatively small area. He would think that a local consultant could do the project less expensively than an out-of-town firm. He would suggest the Commission limit their interviews. The out-of-town firm said they were interested in designing it, but he was a little surprised that a proposal was received from an out-of-town consultant. This is his only comment. For purposes of liaison and the hearings we're going to have on the Barrett Law, etc. -- and there will be a lot of easements to obtain (for which legal descriptions will have to be written, which will require a lot of research at the Court House) that this probably could be done much better by a local engineering firm.

Commissioner Willner said he would move that we dispense with the interviews and select a firm -- and he is prepared to do that tonight. However, if any of the other Commissioners want more time, he'd certainly allow that.

Mrs. Cox said, "We're not just dealing with the taxpayers' money tonight; we're dealing with people's money tonight -- and we want to make sure that we get a good system at the best possible cost, and I am not sure I would be ready."

Commissioner Borries asked, "Would you want Andy to set up some interviews and question these firms?"

Commissioner Cox said, "I am not familiar with the Indianapolis firm -- and I haven't had an opportunity to review the list of projects they have done, etc."

Commissioner Borries said, "We need to move as quickly as we possibly can. So, would it be with your permission that Andy set up a schedule whereby we can interview the two local firms and then inform us as to those times -- and if we're able to attend we will do so? If not (and for a variety of reasons some of the Commissioners cannot attend) then perhaps we can hear from the County Engineer?"

Mr. Easley asked if the Commissioners would like to set a date and time? He is certain the Consultants will be here whenever the Commissioners want to interview.

Mrs. Cox said she believes the Commissioners have a meeting on the 911 Emergency System on Wednesday at 3:30 p.m.

Mr. Borries said that is correct and we are in the process of notifying all emergency personnel to that effect.

Commissioner Willner said he might suggest that if the Commission is going to hold interviews that all three firms who submitted proposals be included, rather than just the two.

Mrs. Cox said she would certainly agree with that.

Following brief discussion, it was determined that the interviews will be held every twenty minutes beginning at 2:00 p.m. on Thursday, November 19th. The Commission requested that Mr. Easley notify the three firms and arrange for the interviews.

Mr. Morley asked, "Would it not be appropriate, since all of the fees charged go back to the adjoining property owners that.....?"

Mr. Borries interjected, "To attend?"

Mr. Morley said, "No, that the consultants be asked to give the Commission some idea of what the fee is going to be?" (He is one of the property owners.)

The Commissioners concurred.

Commissioner Willner said "What Mr. Morley is saying is that the property owners had a chance to build this sewer on their own and Mr. Morley was going to do the engineering free of charge to these people and it was going to cost them much less than it is this way -- but they could not all agree. That is why it is up to us to follow through."

Mr. Borries asked, "How did that work? Didn't there have to be unanimous approval?"

Mr. Willner responded, "Yes, everybody had to agree."

Mr. Borries said, "The Barrett Law works that if someone opposes anyone (any number) you then impose the Barrett Law -- but you have to do it according to Statute and we did not have a hearing because it was such a few number that the County Attorney's opinion was that it was not necessary to have an opinion -- but there were some opposed to it."

Commissioner Willner said, "They tried to get together -- even after that -- after they knew it was going to be a reality -- and they still wouldn't do it. So, here we are."

Mrs. Cox asked, "Mr. Morley agreed to provide engineering services for this free?"

Mr. Borries said, "Not now. I think that was like that zero percent interest; when the new models came in, it went off."

Commissioner Cox said, "Well, these aren't really bids; if they are, we didn't follow the proper procedure."

Commissioner Willner said, "These are proposals....."

Mr. Easley said, "I think these are just for the purpose of telling you they are interested in being considered."

Mr. Willner said, "That is right."

Commissioner Borries then asked that Attorney Casey make his report.

Mr. Casey said he spoke with Attorney David Miller this afternoon and he said he had nothing for Mr. Casey to report on this evening.

RE: READING OF BID FOR OTHER CULVERTS & BRIDGE MATERIALS

With regard to the bid he opened a few moments ago for other culverts and bridges, it appears it was submitted on a timely basis and it appears it was properly executed. He also notes that it includes a bid bond in the amount of \$5,000, which was the minimum amount required -- and it appears that all else with regard to the bid was in compliance. The bid was from American Timber Bridge & Culvert, Inc.

Mrs. Cox asked, "Is this the only bid we have on this?"

Mr. Casey said this is the only bid he found in the packet. Other firms were listed, but this is the only bid in the packet that he found.

Commissioner Cox asked, "Was this specifically for this wooden bridge?"

Commissioner Willner said, "There is no other company in the State of Indiana capable of bidding."

Commissioner Borries said the bid will be taken under advisement.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of November 9 thru 13, 1987.....report received and filed.

Gradall: Dug out driveway to install tile, Old State Rd., S. Weinbach, Nisbet Station Rd., Ditched Outer Broadway, Wedeking, St. Joe and Debbie Lane.

Patch Crew: Debbie Lane, Brookdale, Dorothy Drive, Sheriff's Sub Station, Congress, Elmridge, Upper Mt. Vernon, Lynn Rd., Tree Top, Brookdale, Graff Rd., Pine Ridge Drive, Alta-Vista, Heckel Rd. and Camelia Drive.

Trash Crew: Hauled trash from Old Green River Rd., Lynn Rd., and S. Weinbach

Paved: Completed paving Old Lower Mt. Vernon Rd., Lexington, and Charlotte Intersection.

Grader: Oak Grove Rd.

Mowed: Kansas Rd. (Sheriff's Department)

Tree Crew: Frontage Rd.

Weekly Work Report/Bridge Crew: Also for the same period was the Weekly Report for the Bridge Crew.....report received and filed.

- Installed extension on guard rail on Old Henderson Rd.
- Installed guard rail on South Weinbach
- Cleaned out pipe at 2822 Oak Hill Rd.
- Installed guard rail on Green River Rd.
- Built wooden bridge on Motz Rd.

With regard to Old Henderson Rd. and Lynn Rd., Mr. Bethel said they worked with their crews for over three days, putting guard rails up in an effort to stop the dumping. He said they dump trash there just like they do at the City Dump. He would certainly like to see the Commissioners ask the Sheriff to put a little extra effort into patrolling down there -- and maybe save the taxpayers some money.

Commissioner Borries said he thinks this is a good idea. It seems as if in the fall after the travel and racing season end that the South Weinbach area turns into a City Dump and it's a shame. And Mr. Bethel is right in going after it, because if you don't, litter like that trash accumulates and it just keeps getting worse.

Mr. Bethel said he has tried putting guard rails around where they are dumping -- so they can't get in to dump. He doesn't know whether this is going to work or not; they will probably go somewhere else.

Commissioner Borries asked, "Is it with the permission of the Commission then that we would ask the Sheriff to begin to step up controls in those areas?"

It was the consensus of the Commission that this should be done and Mr. Borries said he would forward the request to Sheriff Shepard.

RE: PROBLEMS WITH PAVING CONTRACT

Commissioner Willner said he would note for the record that we have had some problems with cracking of some of the material purchased on our paving contract for this year. He would like to request that Mr. Bethel start a picture file of each road that we've repaved since last year and include the type of base it has under it and all the information and forward to the Commissioners within the next couple of weeks. Mr. Bethel agreed to provide same.

RE: EICKHOFF ROAD

Commissioner Willner said that while we're on the subject of roads, the telephone book has twenty-five (25) families in the Evansville area by the name of "Eickhoff". They all spell their name "Eickhoff".

Mrs. Cox said, "Absolutely."

Continuing, Commissioner Willner said, "Somewhere in the annals of County Government the 'k' got left out and the road is now 'Eichoff'. I've had a request from the families to see if we could change it back. I've talked to the Area Plan Commission. They have no knowledge as to how this happened, but I would like to make a motion this evening that this Board restore the name 'Eickhoff', spelled 'E-i-c-k-h-o-f-f' to County maps, Area Plan maps and road signs."



Commissioner Cox said, "I will second -- and we will also need to contact the State Department of Highways, because on Highway 62....."

Mr. Willner said, "Thank you -- and I will make that a part of my motion."

Commissioner Borries asked, "Do we have to change our ordinance?"

Commissioner Willner said, "Well, we'd have to change our spelling on our road manuals, etc."

Commissioner Borries said, "I will offer my support and say 'So ordered' -- so, Andy, if you would notify State officials, USI officials, etc. I know Commissioner Cox had talked with the man and when Bob talked with him we checked the telephone book and there is no other spelling of it -- so how that got in there we don't know. But, certainly to end the confusion (and it was intended to be a family name applied on that road) I think it reasonable that we get this done. You will have to notify the USI officials and the State Highway Department and probably Hearne Brothers -- because the next time we do a map it should be spelled with a 'k' -- so we should notify Hearne Brothers."

Mr. Lindenschmidt confirmed that it is currently spelled minus the "k" on the Hearne Brothers map.

RE: SHOULDER & DRAINAGE PROBLEM ON HARMONY WAY

Commissioner Borries said an individual at 5521 Harmony Way contacted him. He (Borries) wants to check to see if this is County right-of-way. It had to do with shoulder work and a drainage problem. He would like for Mr. Bethel to check this out and get back to him.

RE: LOT ON PEACH BLOSSOM LANE

Mr. Borries said there is an individual who is interested in purchasing a lot on Peach Blossom Lane (in a subdivision just south of the newly extended Covert Avenue). He has driven the road and knows that the road itself has not been accepted by the County; in fact, there is a horrendous dip in it -- a big one. He told this person to exercise some degree of caution before purchasing that until this matter is cleared up. But the person said that it was his understanding that Union Federal (who had assumed maybe responsibility for this subdivision) said that they are waiting for some kind of report. So if we can forward a report to them -- apparently Union Federal or some group in Union Federal would be willing to make the necessary repairs should we point those out. He just wants to enter those into the record and see if there is something that can be done. See if Pinky or someone can go out and check and highlight the areas that are sub-standard and see if there is some way to get those resolved.

Mr. Easley said that he and Bill Bethel have driven that subdivision. It has so many bad areas in the pavement.....

Commissioner Borries interjected, "I know that on one of them I nearly lost my car -- it was really something."

Mr. Easley continued, "We're still debating whether to ask them to resurface the whole thing after they do major patching -- and we intend to go back -- and I think we'll try to get back out there to see if we can conclude our report."

RE: ACCEPTANCE OF STREET IMPROVEMENTS IN WINDSONG SUBDIVISION, PHASE I

Mr. Easley said he believes he gave the Commissioners a request letter last week with regard to acceptance of streets in Windsong, and he left three copies of the map on Green River Estates, Section C, with Margie for the Commissioners -- and he believes he also gave her copies concerning Indian Woods.

Commissioner Borries said he has Indian Woods, but he doesn't believe he has anything on Old Petersburg Place, Phase II.

Mr. Easley said he doesn't believe Commissioner Borries has this one either, as he still has it.

Mrs. Cox said she has about four on Windsong -- one was dated October 5th; then she has a report from Bill Jeffers that goes with that one. Then she has another one in her mailbox with no date that she can detect -- but it does say Windsong Subdivision.

Mr. Easley said that he and Mr. Bethel have inspected Windsong, Phase I, and they recommend acceptance.

Mr. Borries said that, believe it or not, he jogged through here on Saturday. This is the subdivision the Commissioners had questions on last week, where we had not approved a portion of Shoshoni Lane, which is the large street west of designated area. These (designated) have curbs and gutters and are under construction at this time. They look like small zero lot line construction -- condos -- but he doesn't know whether we should tie these in then with the acceptance of street improvements in Indian Woods. They are in the same P.U.D. Windsong is owned by Jagoe Homes, Inc. He thinks questions were raised last week concerning Indian Woods. It looked as if some cracking and problems had developed on a portion of Shoshoni Lane, but he notices on map of Indian Woods received for today's meeting that that is all in the City portion. Indian Woods was a P.U.D. on the southeast side of Evansville north of Pollack Avenue -- now south of Covert Avenue -- that voluntarily annexed itself into the City of Evansville. It did so in order to qualify for police and fire protection at the time the first part of this P.U.D. was constructed. So the portion of Shoshoni Lane where there were problems is not what we're considering today. We are considering the portion of Shoshoni Lane which is outside the City Limits of Evansville and extends north to Covert Avenue. But in his examination of that on Saturday, he did not see any cracking at all on this portion. He does have some concerns; it seems as though there should be some kind of sealing installed maybe along some of the joints in that concrete perhaps to insure that moisture not get through there.

Mr. Easley asked, "Which section?"

Mr. Borries said, "The section we're considering."

Mr. Easley said, "We thought it was all sealed."

Mr. Borries said, "There are no cracks; it is fine concrete at this point and I did not see any deficiencies in it. But I'm talking about the joints -- sealing of the joints. I just..."

Mr. Easley said, "I thought the joints were acceptable. I think that concrete is probably at least three years old, isn't it?"

Mr. Borries responded, "No, no -- that concrete is less than a year old -- the portion we're considering here. That was a deadend until this spring -- where the original portion of the P.U.D. that is in the City has been built anywhere from three to five years now -- my memory escapes me on that portion. But the part of Shoshoni Lane that goes north into Covert Avenue was just finished this spring."

Mr. Easley said, "Yes, the most northerly portion. But I would be talking about the portion itself of Cherokee Drive -- if you can squint your eyes and read that fine portion of the map. That portion south of there -- I think that is probably at least two years old, isn't it?"

Mr. Borries said, "That portion is single dwelling units -- in fact, there are some real big ones in there. This is an area like a residential P.U.D.; it has all kinds of dwellings in it. I mean, they have apartments, condominiums -- some big homes here on that circle you're talking about. Those are typical single family dwellings that are probably -- fairly good sized lots. You are correct -- that portion has been there for a couple of years. I'm referring to the yellow portion (Shoshoni Lane North)."

Mr. Easley said, "I thought the portion between Covert and the entrance to Windsong was all sealed. We scrutinize them pretty well. In fact, Windsong had to go back and replace some concrete, because after a rain when Lee Stuckey, Bill Bethel and I were out there it was ponding puddles (which measured over 1/2 inch deep) and I got a little upset and said it wasn't quite up to standard. They had to take some concrete out to eliminate the puddles. In fact, one may have been an inch deep and we sprayed orange paint around them and I called Mr. Jagoe and he took care of it. But I told him it would form ice in the winter and people would be upset with having that in front of their house."

Mrs. Cox asked, "Who is the developer of Indian Woods P.U.D. in the County?"

Commissioner Borries said, "That is Chal Corporation. But apparently some of it has been subdivided to Jagoe Homes, Inc. and Jagoe develops here, in Owensboro, and all around."

Mr. Easley said, "Jagoe is Windsong."

Mr. Borries said, "Chal Corporation is the developer of Indian Woods. At least, that is the name on the sign."

Commissioner Cox asked, "And on what date was this inspected? None of my sheets are signed."

Mr. Easley said, "I left copies for you, Mrs. Cox, and apparently they didn't get delivered."

Mr. Borries said, "On Indian Woods P.U.D. it was November 12th. Inspection on Windsong was October 2nd. I guess one of the reasons we held these up last week was that Commissioner Willner raised a question regarding hesitation to approve streets that did not have access to another approved street. I think that matter will be taken care of tonight. I guess we could go ahead then and approve Windsong Subdivision Phase I, if you wish to do so."

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

RE: ACCEPTANCE OF STREETS IN INDIAN WOODS P.U.D.

Commissioner Borries said to avoid confusion, if we could include that portion in the County which is outside the City Limits of Evansville, Indian Woods P.U.D., which includes Shoshoni Lane, Cherokee Drive, Miami Circle, Kiowa Circle, Shawnee Circle, Beaver Trail and Mohawk Circle.

Mr. Easley presented acceptance letter for Indian Woods P.U.D. and requested that Commissioners sign same and pass along to the secretary.

Motion to accept the following streets in Indian Woods P.U.D. for County maintenance was made by Commissioner Willner, with a second from Commissioner Cox:

Shoshoni Lane	2,698 00 L.F.
Cherokee Drive	237.50 L.F.
Miami Circle	204.13 L.F.
Kiowa Circle	1,682.53 L.F.

Shawnee Circle	214.63 L.F.
Beaver Trail	1,416.00 L.F.
Mohawk Circle	<u>95.50 L.F.</u>

Total 6,548 00 L.F. (1.24 mi.)

Commissioner Borries said that Commissioner Cox pointed out that street improvements were constructed in 1985 -- and he is going to add 1987, because as mentioned earlier, the northern portion of Shoshoni Lane was constructed this year.

Mr. Easley confirmed that this is correct. He was thinking more of Indian Woods when he wrote this.

Commissioner Willner suggested that Mr. Easley check with the State to see what had been turned in.

Mr. Easley advised that nothing has been turned in to the State yet.

RE: ACCEPTANCE OF STREET IMPROVEMENTS IN OLD PETERSBURG PLACE, PHASE II

It was determined that acceptance of street improvements in Old Petersburg Place, Phase II, will be deferred until such time as the Board has received a report from the County Surveyor's Office. President Borries said it appears this one has some cul-de-sacs and extensions of some previously accepted streets. Inspection of subject streets was made on October 30, 1987. Phil Garrison is the developer and Jim Morley the engineer for this subdivision. Both Old Petersburg Place, Phase II, and Green River Estates, Section C-2, will be referred to the County Surveyor's Office with a request for a formal report prior to the Commissioners taking action concerning acceptance of streets.

RE: ACCEPTANCE OF STREET IMPROVEMENTS IN GREEN RIVER ESTATES - SECTION C-2

It was determined that acceptance of street improvements in Green River Estates, Section C-2, will be deferred until such time as the Board has received a report from the County Surveyor's Office. In response to query from Commissioner Cox as to whether the Board is also accepting the drainage for maintenance, Mr. Easley said, "No, I didn't include that in the acceptance letter."

RE: COUNTY ENGINEER - CONFLICT OF INTEREST

Mr. Easley said that off and on during the past year he has been involved in some controversy as a result of his owning an engineering firm and he has come to the conclusion that for personal reasons -- he enjoys working for the County and doing the County engineering -- that he is going to sell his engineering firm within the next six to ten weeks. He has had some negotiations opened and, assuming they come to a satisfactory conclusion, he would say that no later than February 1st he proposes to sell his interest in Easley Engineering to his associates. He hopes this will remove him from any further problems that might be construed as a conflict of interest.

Commissioner Cox asked, "How do you intend to function between now and then? The same way you have in the past?"

Mr. Easley responded, "I've had very little to do with the day-to-day management of Easley Engineering for quite some time and there are a lot of legal things that have to be done to bring it to a conclusion and this will be done as rapidly as possible -- but it probably will take from six to ten weeks."

Mrs. Cox said, "Well, I have here dated September 28, 1987, on Andy Easley Engineering firm stationery, signed by Andy Easley, a legal description for Jack Rogers for his request for rezoning of

property. Now, that is not grandfathered and you've continued to do this. You've continued to use Pinkston as a street inspector when he is paid with bridge fund money and you were told at this meeting not to do that. I don't know -- are you the engineer on Green River Estates?"

Mr. Easley said, "A year and a half to two years ago the plat was recorded -- and Easley Engineering recorded the plat prior to the election last year -- the street plans have been prepared by Bill Bivins on that development."

Mrs. Cox asked, "Well, why didn't you list Bill Bivins as engineer on that?"

Mr. Easley said, "I don't know; I didn't type that letter -- I don't have a typist."

Mrs. Cox said, "Well, you list an engineer on the other ones."

Mr. Easley said, "And those other letters -- Morley prepared a couple of them to help me out with my clerical work."

Commissioner Borries commented, "Well, we've had a discussion several times, Andy. I know that amidst many problems when you get into a professional job as you have with a career that spans some twenty odd years in this community that those are difficult decisions. But, expressing concern as we all have, I know that in a private business the entrepreneurship shall we say of investing in a business and getting a business started and having clients is kind of like your own self-mortgage as you get going and you do have to give up a lot to government service. I think that if you are to remain -- and you indicate that you do want to remain -- that obviously you have made the right choice to end this matter. I am sure it is a sacrifice on your part. I'm sure it would be for any person again who is a business man and a self-employed person, but these concerns have been continued and I commend your decision. I know you have wrestled with it and we have spoken several times as we needed to know what lies ahead so we can improve your relationship with this Board from the standpoint of easing some of the controversy. I know the kind of person that you are, that you try to do what is best -- and I hope this is best for you at this time."

Mr. Easley said, "Thank you."

Mrs. Cox said, "Well, Andy, that isn't the only problem that I have with you as County Engineer. What are you going to do about using the bridge fund people for other than bridge fund activities? How are you going to quit doing that?"

Mr. Easley responded, "We are taking care of all the work that...."

Mrs. Cox interjected, "Now, Andy, you have continued to do -- and Messrs. Borries and Willner said at meetings that this is not to be done -- you are not to use bridge fund people to do street inspection. And just telling them to drop by on the way when they are checking something else doesn't answer the thing. Okaying the approval and changes in drainage plans that have not been approved by this Board and are not recorded anywhere except maybe in a little file that you have is certainly not acceptable as far as I am concerned. Okaying seconds of materials...."

Mr. Easley commented, "I've never okayed in quantity any seconds..."

Mrs. Cox said, "It doesn't make any difference whether it is in quantity or any -- it doesn't make any difference -- when the County takes those over to maintain them, we don't do those things. And those things you have been doing. I have no assurance that you are not going to continue to do those very same things. Plus the fact, that you do spend a lot of time (you

say you have been cutting down) on your own private engineering projects that you have going out there -- and I know you do. I have it documented -- the times that you were on different projects where your firm -- and especially you -- were the engineer on record. And I'm sorry, the conflict is one aspect -- but there are other things. There are other things and I just don't have the confidence in you that I once had that these things are not going to continue to go on and I was going to say something November 2nd -- and I never say anything behind a person's back that I don't say to their face -- and you weren't at that meeting. I fully intended to bring it up at that time; but there are just a lot of things going on, Andy, where you have either been told by one Commissioner on this Board or taken it upon yourself to make deviations in plans that have been approved by this Board and what has actually been built in the area -- and I find that totally, grossly...."

Mr. Easley interjected, "I will see that that doesn't happen anymore."

Mrs. Cox continued, "Well, Andy, you have stood here and said that numerous times about other things. Your word no longer is any good with me. I'm sorry. I'm terribly sorry that I feel that way, but I've thought about it and talked to several people who have had dealings with you and I think you are an excellent engineer -- and why things aren't built according to what is down on paper that we approve is a big question mark."

Mr. Easley said, "I don't know how many things you have in mind."

Mrs. Cox said, "I have quite a few. I talked with you earlier this year and you assured me June 30th or July 1st that you were going to get your house in order and that you would probably resign your position. I took you at your word. You didn't want anymore bad publicity. That is exactly what you told me."

Mr. Easley interjected, "That is correct; that is absolutely correct."

Mrs. Cox resumed, "And this has been going on, and on, and on. And I have reached a total saturation point -- I'm sorry. So your proposal or solution that you are offering now is not acceptable as far as I am concerned. I realize my position as a minority member, but I also have a responsibility to constituents and to taxpayers to express my concerns as I see them."

Mr. Easley said, "I didn't expect it to be acceptable to you, Mrs. Cox."

RE: ACCEPTANCE OF STREETS IN MOSS CREEK & HARMONY WOODS

Mrs. Cox said, "I still have Moss Creek Subdivision that has been hanging in the air."

Mr. Easley advised that this was accepted a week or two ago.

Mrs. Cox said, "Well, I wasn't here when you did it -- so it must have been last Monday. Did you do Harmony Woods, too?"

Mr. Borries said, "That was done last week."

Mrs. Cox commented, "Nice, very nice."

RE: ROLLETT LANE BRIDGE

In conclusion, Mr. Easley advised that we are ready to set the spans on the Rollett Lane Bridge in the morning. We know we may get rained on tonight -- but the four sections are being shipped from Louisville tonight. In response to query from Commissioer Borries as to what we do if it rains, Mr. Easley said we are going to set them in the rain. Everybody has been warned to wear their raincoats, as we have the crane coming and the units are being shipped -- so they will be set.

Mrs. Cox asked, "Did you also inform the Board last week while I was not here that the right-of-way for the run-around with regard to the Rollett Lane Bridge project was not attained as advertised? And that the County was going to build the right-of-way, and they have not built the temporary run-around?"

Mr. Easley responded, "The contractor agreed to do that at no cost -- to spread the rock."

Mrs. Cox interjected, "There was a large culvert installed, the ditch was dredged, the culvert was installed, there was a lot of material hauled. Angel Trucking Company was there. You reported to this Board -- that is another thing -- that agreement had been reached with the persons involved -- that we got their permission for the right-of-way for the run-around."

Mr. Easley said, "I said -- verbally -- these people said, 'Yes, we'll let you have the run-around; no, we don't want the run-around -- maybe we'll let you have the run-around -- and then they said they would do it if we paid them \$50 per day per property owner (which would have been \$100 per day clock running) and they said they wanted to hold us liable for damage to Mr. Gatewood's culvert (it is a home-built culvert) and if anything heavy got on it we would be responsible. The contractor said he would prefer that we build the run-around where we built it so we could use that as a dam to keep the creek water out of the excavation. And he said there would be no charge for damming it up and he would spread the rock if we put it there. So that was an extra at no cost. And to limit our liability (and I walked Mr. Gatewood's run-around; there was a garage very close to the line, a dog kennel in the way that would have had to be relocated -- and it just got too complicated). It sounded good over the telephone; it sounded good from the description. Lee Stuckey checked it out and he thought it was workable. But when people started making these demands, I figured that if we were going to spend \$100 per day (we had to provide rock for the run-around anyway) I took the path of least resistance at the least cost to the County."

Commissioner Willner said, "A good decision, Andy. A good decision."

Mrs. Cox said, "But you failed to inform the Board. How can you ask a contractor? That smells -- in fact, it stinks -- when a contractor can do all this extra work at no extra charge."

Mr. Easley said, "Well, you can check the final invoice when it comes in."

Mrs. Cox said, "Well, how do I know that something else isn't being handled some other way with this contractor?"

Mr. Easley responded, "You have my word on that."

Mrs. Cox said, "Well, your word isn't ...."

Mr. Willner said, "You have my word -- that's a good one."

Mrs. Cox said, "Well, I'm having a news conference."

RE: APPOINTMENT TO ALCOHOLIC BEVERAGE COMMISSION BOARD

President Borries said the Board needs to make an appointment to the ABC Board; the appointment will go for one (1) year (January 1, 1988 through December 31, 1988). Bert Reed has been the Board's appointee. He is eligible and has consented to accept the appointment should the Board so appoint him. He has served on this Board for some five or six years.

Upon motion duly made by Commissioner Willer and seconded by Commissioner Cox, Mr. Bert Reed was reappointed to the ABC Board for one (1) year. So ordered.

RE: TRAVEL REQUEST - MASTER COMMISSIONER/CIRCUIT COURT

President Borries said he has a travel request from Robert S. Matthews, Sr., Master Commissioner/Circuit Court to attend a Seminar on Judicial Decision Making to be held December 11 and 12 in Indianapolis at the Marriott Inn. The letter indicates that Judge Miller approves and states that it appears the costs would be mileage to/from Indianapolis and one night's lodging at \$57.20, plus any other expenses that may arise but are unknown at this time. Attached is a copy of a letter from George Glass, Executive Director of the Indiana Judicial Center, and a registration form.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request was approved, subject to availability of travel funds. So ordered.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

Commissioner Borries said he has the Monthly Report from the Clerk of the Circuit Court for period ending October 30, 1987, to be received and filed.

RE: PROPOSED ORDINANCE RE OPEN BURNING

President Borries said that Mr. Eldon Maasberg is present today for purposes of speaking to the Board concerning the proposed ordinance re open burning in Vanderburgh County. He then recognized Mr. Maasberg and thanked him for his patience during the lengthy meeting.

Mr. Eldon Maasberg identified himself and said he is concerned about burning the ditches, most of which are legal ditches. He realizes this is not a Drainage Board Meeting; however, he also understands that the Commissioners are the same people who are either going to pass or not pass an ordinance re open burning in Vanderburgh County. His question is, if we are not allowed to burn, who is going to having to dig the weeds, etc., out of the creek? He would like an answer on how a ditch contractor should clean these ditches so we don't have these weeds in the future if they are not allowed to burn?

President Borries entertained comments from the Board.

Commissioner Cox said, "Well, Mr. Maasberg, as far as the Commission is concerned, we are going to have to look at the way we do some things, too, because our bridge crew goes down in Union Township and around some of the other areas and cleans out the log jams and they burn the debris they drag out of the area -- so it is definitely something that is going to have to be thought about and it is a very good point. I really haven't thought about the ditch maintenance part of it. I do know, however, that the bridge crew does do some burning and that is an excellent point. I really don't have the answer right now, except that I would hate to put an ordinance into effect without any way that we could not issue a permit for these things to be done and have only this Board sign the permit, but also the Volunteer Fire Department in the area -- so that it would alert them that something like this is going to be done. But I don't think I could support an overall ordinance banning all burning."

Mr. Maasberg said, "I thought they were thinking of making one State-wide, I didn't know for sure. Somebody was out taking pictures a week ago Sunday on the Buente Ditch and I presume they were in here last Monday -- and I thought perhaps they'd be back this Monday -- but when I got down here nobody said anything and I just wondered what was coming up. Mr. Jeffers has told us we are not supposed to burn our ditches. Here I have my ditches mowed and laying down in the bottom; now it is raining and silt is going to be in it and silt will not burn. You've got these weeds in here and the first time the water comes up and floats it



down there, the first thing you know you've got a jam at the mouth of the ditch. Last year I went in with a back-hoe and dug it out. Is this going to be an every year occurrence when someone tells us we can't burn? And then I have to take a back-hoe and dig out? And I hauled away about five or six small truckloads of weeds that piled up and this is something that I hope you, as a Board, think about when you make a decision on burning."

Commissioner Willner said, "Mr. Maasberg, I'm not anywhere agreeable to having a general 'No Burning' ban in Vanderburgh County either. But, due to the present dry condition, the Fire Departments can't even keep up and as late as yesterday in driving through the County some people are still burning. I don't understand where their brains are -- evidently some people don't have any. Therefore, when it becomes as dry as it is now and the need for people not to burn, I think we need an ordinance. I think it needs to be triggered each year or each time by this Board; and I don't think that would bother you. I think if you have something to burn that sooner or later there will be a rain and it will dry out again and you can burn it. But to just say to everybody that we can have open burning isn't right -- people should take precautions in accordance with what they hear on radio and television. I heard a figure last night of how many acres in the United States were blackened this year. And, in fact, it said that 98% of them were fires that were set and not a result of lightening or natural causes. That gets you to thinking that if people don't heed the warning then you have to have something stronger. I'm thinking that even you would not go out and burn a ditch now, would you?"

Mr. Maasberg responded, "Well, if I have all corners plowed I would think that it isn't going to get away."

Mr. Willner said, "A bird can carry a weed from one patch to another. The wind can carry it -- and the wind is blowing what -- 15 miles per hour out there this evening? It's ridiculous to burn."

Mr. Maasberg said, "It will carry, but I also realize that if you have a field plowed beside it that there is no place it can go -- I mean clean plowed."

Mr. Willner said, "That is what this lady said; she said she raked all her leaves up and there was no way this fire could get out. I've heard that a thousand times and I'm tired of hearing it. I used to be with the Volunteer Fire Department and I know what they say. This fire that she was talking about went into a culvert and went about 100 ft. through that culvert and set the whole damn woods on fire. So, you see what you think is plowed around and in very good shape -- really isn't. That is the way I feel about it."

Commissioner Borries said, "I kind of share this thing, too, in the sense that I've asked County Attorney David Miller to draft a proposal for this Board to consider, since we've talked about it. I know that as hard working a person as you are and, again, sincere -- by sitting up here all night -- that you want to do your job and you are not going to intentionally set a fire. But, as Bob has pointed out, unfortunately not all persons seem to act as responsible as you. And I've said several times that space is getting scarce in this County. What is happening is that with the continued growth that is going on in this County that people in residential areas are concerned that in this dry area with almost 10 inches below what we normally have in terms of water table that cinders from fires can really pose a hazard. I saw one yesterday, too, and it made be so mad. It was just south of Covert Avenue in the county; it looked like someone had set a ditch or something on fire right behind a series of homes near what is called Chickasaw Park, which is a subdivision where the interstate is going to go through. Our Volunteer Fire Departments are taxed to the limit. We have asked for a

voluntary stop to the burning and, apparently, that just hasn't done it. I would consider (as I think Commissioner Cox has also pointed out) a way in which we'd be able to trigger this on and off. But I don't think this Board could act responsibly in this growing age the way our county is growing out in areas -- I tell you, I'm seriously considering within a four (4) mile limit -- over which I think the EPA (Environmental Protection Agency) would have jurisdiction -- and I would consider a permanent ban on burning in that area, because that is where a lot of your subdivisions are. Beyond that, I think we could probably look at ways in rural areas where you're talking about in which we could trigger this on and off as conditions would warrant. That is what I'd like to do."

Mr. Maasberg said, "If you're talking about here in town with a lot of people, I could see where there might be a lot of problems. But when you're talking about farmland that is plowed on both sides, you've got a plow sitting there -- the main thing is to get the fire under control before it gets out of control. As Bob Willner said, after it is out of control, it is hard to bring under control. Being a firefighter himself, he realizes that, which is something I've never done. I can't fill his shoes and answer that question, because he has been in places and talked to a lot of people who had houses burn. And I know that in my own area I've had fires in ditches that I am being paid to mow that I never set -- right now. And I have some that I need to burn and the farmers say I don't want to burn -- because he's got pick acres alongside the area or something and he doesn't want me to get in there and plow a furrow to keep the fire from getting out of control. That brings us to the question I had asked initially, when that grass or weeds from upstream comes down there and sits on his property -- last year he called the garage to dig that thing out before I realized it. When I saw it I got my back-hoe and dug it out at my expense. Is this what is going to be expected of all ditch contractors who have weeds that pile up in these county legal drains? Is it going to be the contractor bidding for that? Or, is this going to be an extra bid to take out these weeds that weren't supposed to be burned? After we once get a rain and silt in the weeds, they will not burn in that bottom trench. It will burn the sides off, but it will not burn the trench out."

Mrs. Cox said, "In fact, sometimes they start growing again when they get silted over. After the water comes up and they have logs in the field, the farmers have to get out there and drag the fields and burn."

Commissioner Willner said, "There are certain times that you need to burn. Just like Union Township under those bridges. Under those bridges it would take \$10,000 to get equipment under there to haul that debris off and that's absolutely ridiculous -- so you are going to have to burn it. But you don't burn it when conditions are like they are now. You find guard rails to paint and something else to do -- and you don't burn. It's just that simple. Now, after it rains and the threat of fire is over, then we can go back to burning."

Commissioner Borries asked, "Could you live with an ordinance that has some provision where we would -- again, we have asked people not to do this because of the dry condition. I really don't think this Board would have asked anyone to do that -- and I don't think we're looking at a permanent thing in rural areas at this point -- but 10 inches is really critical around here. I assume it is going to get better. It's like the old song that said, 'God didn't make little green apples and it don't rain in Indianapolis in the summertime' -- well, it didn't rain at all here in the summer -- and we're hurting. They have mentioned the Hoosier National Forest and areas like that that are critical in terms of 12 inches."

Commissioner Willner said, "We have volunteer fire departments, starting with McCutchanville, Scott, German, Perry -- all volunteers; some with 50 men on there. What if they suddenly say enough of this bull -- you're going to pay us to do this? Then what happens to your tax dollar?"

Mrs. Cox interjected, "They have in certain instances; they have other jobs and they are not making money when they are out there. We need to think about that a while."

Following further brief comments, Mr. Maasberg said, "If I remember right -- reading those ditch contracts when we sign them, those areas either have to be sprayed or mowed and hauled away. My area is not in that area. The closest buildings are my own next to the ditch and I wouldn't burn that right now if I had to. And, if I did, I'd have the garden hose out there and wet the sides. But as windy as it was today I wouldn't want to try it -- because it will carry a spark 300 or 400 ft. before it ever sets it down. The government has set us in pick acres and that makes as good a grass fire as you've ever seen -- and there's no stopping them if they ever get going."

Commissioner Borries said, "I would say that if this Commission wants to -- and it is fine with me -- again, I'll assure you that this wasn't just a quick idea off the top of my head or anyone else's head here. We can have a public hearing if you want in order to fully explain this thing. Again, I'd like to have a provision to say maybe at critical times (when the rainfall and water table is 10 inches below normal)...."

Mrs. Cox asked, "In the ditch bids, could we have a provision for an additional bid if a ban of burning does occur and debris has to be hauled away -- that the charge per square foot is going to be thus and so? We could do that."

Commissioner Borries said, "We'll keep you informed as to what is proposed here. But, again, my feeling is that within that four (4) mile limit because of the growth of residential areas that I would really consider a permanent ban. What happens is -- and again your area may not be that fully developed -- but a person on this block will start a fire, a person on the next block may start one, etc., and before you know it, the whole neighborhood is full of smoke --"

Mrs. Cox interjected, "The people who have a lot of trees and a build-up of leaves in their yard are just very susceptible when someone goes down the road and flips out a lighted cigarette and everything catches on fire. They don't want those leaves around their buildings. I wouldn't either. I try to keep ours all raked up. We're in the city and we don't burn -- we bag. But we have unlimited pick-up and the trash crew comes along. People out in the County don't have that and they just put them in a pile and they burn them."

In conclusion, Commissioner Borries said Commissioner Cox had a good idea -- he thinks the Board can look at perhaps an alternate bid. But, again, the critical point is to say that we could trigger it on and off, especially during critical periods. They are not trying to penalize the ditch contractors in any way and they appreciate Mr. Maasberg's concern. He has asked the County Attorney to draw up a draft for the Commission's review, in terms of what the Commissioners discussed during their meeting. Once we get that, they may choose to have a public hearing or whatever -- and they will certainly keep Mr. Maasberg informed.

Mr. Maasberg said he has his ditches ready to burn -- and if silt gets in there it won't ever burn. He had a dam once before and he surely doesn't want another one. He's asked the farmers around if they cared if he plows a couple of furrows around the side of the field to keep it from getting away from him. They don't care as long as he keeps it under control. But today is too windy and you don't want to burn. But you take a day where the wind is calm, then he doesn't think it would hurt anything.

Commissioner Borries said, "As Bob Willner pointed out, someone needs to notify the Volunteer Fire Department people that he is burning in relation to a county-specified job; but I would urge you that if at all possible you not do so until we get some adequate rain here. I know your concern here, but...."

Mrs. Cox asked, "Mr. Maasberg, how long would it take you to burn what you have to burn?"

Mr. Maasberg said, "Well, I like to start at the upwind side and work myself down. What I'd feel safe with -- mine are small ditches -- I could probably have them done in a couple of hours per ditch. There are a couple of them I don't think I will burn for the simple reason that there are pick acres beside them. And if the guy won't let me plow a furrow, I have no choice."

Mrs. Cox said, "I'm sure you're within that 75 ft. right-of-way for that ditch, aren't you?"

Mr. Maasberg responded in the affirmative.

Mrs. Cox continued, "So where you are wanting to plow is within the 75 ft. right-of-way. People get very protective; they think they can plant right to the edge of the ditch -- and they don't want anything disturbed."

Commissioner Borries said, "I'll tell you this; not only to the edge but, even on South Weinbach as Bill Bethel was pointing out here today -- I mean, the road has become the ditch down there. I'll bet the road is a foot lower than the field. The crops and corn go right up on top of it. When you're driving in a car you almost slip out into a mound of dirt. They literally farm right up to the edge. I don't even know where the right-of-way there is anymore. There is water that stands on that road all the time. We've tried to talk to the farmers; in some cases, if we had just a little bit -- we don't have a ditch down there. We surely must have some right-of-way down there. But it is at least a foot higher than the road. We'll work with you, Mr. Maasberg; we'll work with you and we'll try to use good judgment in imposing this and we ask you to do the same in helping us here."

Mr. Maasberg said he knows the Commissioners have a job to do

RE: SCHEDULED MEETINGS

Nov. 18	Wed.	3:30 p.m.	Enhanced 911 System Mtg. (Room 301)
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Nov. 19	Thurs.	2:00 p.m.	Interviews w/Consultants re Caranza Drive Sewer Project
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RE: HOUSE BILL 1562

Commissioner Borries said he has a copy of House Bill 1562, which passed the Indiana House but did not pass the Indiana Senate. It was about a system that Indianapolis (apparently it was shot down) -- but it was a bill that proposed an Enhanced 911 System or a way in which counties and various local units can impose a charge. Perhaps the most objectional part of the bill was that it said, 'In addition, a total fee may not exceed 10% of the average monthly telephone line'. But for whatever reason (and that may be one idea) it did not pass the Senate. Then a resident sent him an article from the November issue of Reader's Digest, which said that the entire State of California is fully covered by 911 Systems. Residential telephone subscribers pay seven (7) cents monthly for a network covering 27 million people. Businesses pay 15 cents per month. If we could get a Statewide system like that, that would certainly be reasonable. He believes there has been some concern locally as to how much this

charge would be if it were imposed that way. But we will see what the system does; it does have some obvious advantages. The most obvious is that it produces a computer phone trail and if there is a panic situation (a husband or wife has a heart attack and drops the telephone or if there is a fire and they drop the phone -- and oftentimes the operator just can't identify the source of the call) there is a computer screen and it brings it up and shows exactly where that call was made from so an emergency vehicle can some way or another be sent.

RE: CLAIMS

Mike Volkman Insurance Agency: Claim presented in the amount of \$50.00 for public official's bond for County Surveyor Robert Brenner. Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment.

RE: EMPLOYMENT CHANGES

Superior Court (Appointments)

Karen J. Conley	P.T. Sec'y.	\$5.00/Hr.	Eff:	11/2/87
Debbie K. Wallace	Riding Bailiff	\$16,308/Yr.	Eff:	11/16/87
Laura A. Cunningham	Riding Bailiff..	\$16,308/Yr.	Eff:	11/16/87
Dennis Hudnall	P.T. Intern	\$5.00/Hr.	Eff:	11/9/87
Mary Lloyd	P.T. Intern	\$5.00/Hr.	Eff:	11/9/87
Laura M. Pate	P.T. Intern	\$3.35/Hr.	Eff:	11/9/87
Russell Sumner	P.T. Intern	\$5.00/Hr.	Eff:	11/9/87
Rachel Maasberg	P.T. Intern	\$5.00/Hr.	Eff:	11/9/87
Janet Hamer	P.T. Intern	\$5.00/Hr.	Eff:	11/9/87
Steven R. Pearce	P.T. Intern	\$5.00/Hr.	Eff:	10/27/87

Superior Court (Releases)

Laura A. Cunningham	Riding Bailiff	\$16,308/Yr.	Eff:	11/16/87
Dennis Hudnall	P.T. Intern	\$5.00/Hr.	Eff:	11/8/87
Mary Lloyd	P.T. Intern	\$5.00/Hr.	Eff:	11/8/87
Laura M. Pate	P.T. Intern	\$5.00/Hr.	Eff:	11/8/87
Russell Sumner	P.T. Intern	\$5.00/Hr.	Eff:	11/8/87
Rachel Maasberg	P.T. Intern	\$5.00/Hr.	Eff:	11/8/87
Janet Hamer	P.T. Intern	\$3.35/Hr.	Eff:	11/8/87
Lisa A. Winnecke	P.T. Intern	\$4.25/Hr.	Eff:	10/23/87

Note: Change in account numbers

Election Office (Releases)

Sandie Deig	Supervisor	\$6.00/Hr.	Eff:	11/13/87
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Voter's Registration (Releases)

Lucille Fowler	Ext. Help	\$90.00/Day	Eff:	11/4/87
Gloria Evans	Ext. Help	\$90.00/Day	Eff:	11/4/87
Caey Randolph, Jr.	Ext. Help	\$90.00/Day	Eff:	11/4/87
Lucille Musgrave	Ext. Help	\$90.00/Day	Eff:	11/4/87
Robert W. Tilford	Ext. Help	\$90.00/Day	Eff:	11/4/87
Jeffrey D. Evans	Ext. Help	\$30.00/Day	Eff:	11/4/87

Voter's Registration (Appointments)

Lucille Fowler	Ext. Help	\$90.00/Day	Eff:	11/3/87
Gloria Evans	Ext. Help	\$90.00/Day	Eff:	11/3/87
Casey Randolph, Jr.	Ext. Help	\$90.00/Day	Eff:	11/3/87
Lucille Musgrave	Ext. Help	\$90.00/Day	Eff:	11/3/87
Robert W. Tilford	Ext. Help	\$90.00/Day	Eff:	11/4/87
Jeffrey D. Evans	Ext. Help	\$30.00/Day	Eff:	11/4/87

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 9:50 p.m.

PRESENT:    COMMISSIONERS

R. J. Borries  
R. L. Willner  
S. J. Cox

COUNTY AUDITOR

Cindy Mayo  
(Chief Deputy)

COUNTY ATTORNEY

Jim Casey

COUNTY ENGINEER

A. Easley

COUNTY HIGHWAY

Bill Bethel

AREA PLAN

B. Cunningham  
B. Behme

OTHER

Jack Rogers  
Robert Jarrett  
James Morley  
Sam Biggerstaff  
Eldon Maasberg  
News Media

SECRETARY:

Joanne A. Matthews

*Richard J. Borries*  
*Robert L. Willner*  
*Jim Casey*

MINUTES  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 23, 1987

\*\*\*\*\* I N D E X \*\*\*\*\*

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MINUTES  
COUNTY COMMISSIONERS MEETING  
NOVEMBER 23, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, November 23, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

RE: APPROVAL OF MINUTES

It was noted by President Borries that the minutes of the November 2nd meeting have been presented for approval. He and Commissioner Cox constitute a quorum today, so if she has any corrections to said minutes, he would ask for those at this time and then entertain a motion for approval.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the minutes of November 2, 1987, were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: PUBLIC HEARING - VACATION OF PORTION OF EAST TENNESSEE ST.

Commissioner Borries said that in conjunction with the regular Commission Meeting, we are holding a Public Hearing concerning the vacation of a portion of East Tennessee Street. Mr. John Staser is here to give us information regarding that vacation.

Mr. Staser said, "As I pointed out during the last meeting I attended, we are requesting the vacation of East Tennessee Street from Green River Road eastward to where East Tennessee Street was vacated in 1984. At the last meeting, Commissioner Cox asked that he make sure the various utilities were notified. I have so notified those utilities and I've communicated a copy of the Ordinance to Attorney John, and in the Ordinance we have made a reservation of utility easements for the Sewer Department, SIGECO and Indiana Bell. Indiana Bell presently doesn't have anything in that right-of-way, but they request an easement from us anyway and my client consented. I have to file with the Secretary today my green cards showing that we gave notice to the adjoining landowners and proof of advertisement in the Evansville Courier and the Evansville Press more than ten (10) days prior to this hearing.

Commissioner Borries said he would at this time want to read into the record -- and then we'll call for any persons who wish to speak on this matter before calling for a vote -- a letter addressed to County Attorney Curt John from County Attorney David Miller:

Dear Curt,

Enclosed is a draft of an Ordinance for the vacation of a portion of East Tennessee Street which was prepared by John Staser. I believe that this vacation is consistent with the intention of the Commissioners and if that is a correct belief, the Ordinance is in appropriate form for advertisement and approval.

At this point, Attorney Miller has said he does not see any problems from the County's standpoint. Commissioner Borries then asked Attorney John if he has any comments?

Attorney John said there are only two abutting landowners.



Mr. Staser said there is only one abutting landowner (Mr. Harp). The other notice was given to SIGECO. In 1984, SIGECO had a portion of East Tennessee Street that was vacated, so he gave them notice this time. He also contacted the other utilities after he spoke with the Commissioners at the last meeting.

Mrs. Cox asked, "Did I understand you to say that you did prepare a document granting the easements?"

Mr. Staser replied, "Yes, it is reserved in the body of the Ordinance itself, in the last paragraph under Section 3, on Page 2. There is no water line in there, so it was not necessary to include the Evansville Water Department."

Commissioner Borries asked if there is anyone to speak either for or against this vacation of a portion of East Tennessee Street?

Mr. James Morley was recognized by the Chair. He said he is representing Mr. Earl Harp, and they have some questions regarding this vacation. If those questions can be answered, then perhaps we can work out something. He then asked if there is a map of the proposed vacation? Is there a sketch available?

Mr. Staser produced a map.

Continuing, Mr. Morley said that some of the concerns that Mr. Harp has -- First, at Green River Road, Tennessee Street was planned for in the construction of North Green River Road. There was a left turn lane installed, median cuts put in, and Tennessee Street was never subsequently built. Since that time, the bakery has been using that crossover (they make nearly a 180 degree turn) to flip back in and go into the parking lot which lies north of Tennessee Street -- and it would appear that it might not be wise to vacate this all the way to Green River Road to assure that whatever entrance on Green River Road was simply the one that lined up with Tennessee Street. So, the concern is that if the vacation is all the way to Green River Road, you would eliminate the access to Green River Road that was provided for in the construction of North Green River Road.

The second question is perhaps answered by this plat and he has not researched it. But at the time when Mr. Harp sought rezoning of the property that adjoins all of this, there was a request by EUTS that he allow for a dog-leg connection of Cullen down to Vogel at that point, and it was even shown as one possibility and he doesn't know ....

Mr. Staser interjected, "Where Cullen crossed East Tennessee Street -- that was not vacated. Cullen comes all the way down."

Mr. Morley said, "Cullen does come all the way down -- okay -- Now, there was at the time, John, a sketch showing a dog-leg connection in order to be able to connect Cullen to Vogel, and I don't know -- it appears from this sketch that that doesn't really matter. But this sketch doesn't show SIGECO's right-of-way through it, so I can't be sure."

Mr. Staser asked, "What is the question?"

Mr. Morley said, "If your sketch is right, then you are not asking to vacate that, but that is not in accordance with the legal description I read in the paper."

Mr. Staser offered comments but they were inaudible.

Continuing, Mr. Morley said, "But the legal description in the paper was all the way to designated point."

Mr. Staser said, "It went through the southwest corner of this."

Mr. Morley said, "I thought I read 'Southeast' corner."

Mrs. Cox said, "Jim,. while you're looking at the sketch, it shows where Cullen Avenue would intersect with the proposed Tennessee Extension to already be vacated.

Messrs. Staser and Morley conferred several moments and Commissioner Borries asked Mr. Staser if there was an error in the legal description?

Mr. Staser said, "Apparently there was an error in the legal description in that the Printing Corporation had it at a point beginning at the southeast corner of Lot #2, whereas it should have been the southwest corner of Lot #2. It doesn't make any difference from a legal standpoint, because that area has already been vacated; it was vacated in 1984. The description contained in the Ordinance is correct, so apparently when they set it up over at the Printing Corporation they made a typographical error.

Commissioner Borries said he wanted this noted for the record -- to make sure that that might end some confusion here on a description.

Mr. Morley asked, "Is there any answer available for me from either the Commissioners or Mr. Staser about their feeling about what vacating it all the way to -- if you remember, we went through a vacation of right-of-way just south of here for the Signature Inn and First Federal. What we did, knowing that the street was not going to go through, we vacated all but the first 100 ft. so that they could access at the entrance there; First Federal accessed on the South and Signature Inn's parking lot on the North. So there was 100 ft. left to assure that that was the entrance everyone could use there. What Mr. Harp is concerned about is what is the effect of the vacation right up to the right-of-way? Are we perhaps giving away something that we shouldn't?"

Mr. Staser said he would have to review this with his client. He didn't say anything about that at the time they discussed the vacation, so he doesn't know their position on that.

Mr. Morley asked, "Is there a position that has been given to the Commissioners by Rose Zigenfus' office?"

Mr. Borries replied, "Yes, there has."

Mrs. Cox said, "Jim, in order to respond to that, in No. 1 of the Petition for Vacation the names and addresses of the applicants including marital status are Evansville Colonial Baking Corporation. Is this one of the applicants for the vacation? If I understand it correctly, you are questioning that Evansville Colonial Baking is using part of this to go out onto Green River Road?"

Mr. Morley responded in the affirmative, showing Mrs. Cox exactly where the trucks travel. He said they come down and make almost a 180 degree turn; they pull in the left turn lane at designated point and make a hard left turn almost at 180 degrees to get into the entrance (at designated point). That is how they come in right now, which that might not happen in the future. But what Mr. Harp owns in designated area -- everything was designed to come in at designated point -- straight ahead -- and perhaps all but 50 ft. or some amount -- there ought to be enough left here to preserve their right and Mr. Harp's right to access at that point. He said that as he understands it, there will be no other curb cuts -- or at least that statement has been made -- that they don't want any other curb cuts. Well, that is the only cut; therefore, the proper design of that intersection or entrance is pretty important I would think. Important to your client as well as pretty important to Mr. Harp.

Mr. Staser asked, "Does Mr. Harp have access in designated area also?"

In response to query, Mr. Staser said, "It is very wide; when the City built it, John, they built a regular street turn -- the crossover was built in Green River Road -- it was planned for."

Commissioner Borries said he would like to read into the record the statement from the Evansville Urban Transportation Study. Also, Rose Zigenfus is here today and she might want to make additional comments.

November 6, 1987

EUTS has reviewed the proposal to vacate Tennessee Street, which is located in an area that is part of the Master Plan Study Area bounded by Green River Road, Lloyd Expressway, Burkhardt Road and State Road 62. The Master Plan establishes a transportation network to develop the agricultural land and to provide for a road system that would relieve congestion on Green River Road with the dispersion of traffic to Burkhardt, State Road 62 and the Expressway. The Master Plan was adopted by the Vanderburgh County Commission and EUTS Policy Committee. According to the Area Plan Commission and attached Site Plan, a portion of Tennessee Street has been vacated previously (we verified that) on 3/26/84. EUTS recommends that the proposed street vacation be approved. The approval is predicated on the land fronting the proposed vacated strip, have access on Oak Grove Road, and that no access be permitted on Green River Road. Should you have any questions, please contact me.

Mr. Earl Harp approached the podium and identified himself. He said he uses 1309 N. Green River Rd. and Harp's Fish & Seafood, which is directly south. He'd have to object to this. If they vacated to Green River Road, he'd have no access; he'd have to make a deal with Colonial to cross their property to get to his property and this would not be in his best interest.

Mr. Borries asked, "Don't you have access at Vogel Road?"

Mr. Harp said, "Yes, I built Vogel Road. But this property is North of my present operation, which includes 500 ft. of building -- so that North property is really behind what he now has fronting on Vogel Road and it is not marketable. In fact, he ran into that not long ago; someone wanted to put their business there and couldn't get access South of it and they had no visibility. In southbound traffic there is no way to get to that property if we try to develop it for other uses."

Mr. Staser said he would request that the Commissioners continue this hearing for a period of thirty (30) days to allow him time to get back to his client and discuss the situation with him. He doesn't believe he is aware of the fact that they would lose this cut on Green River Road, so he'd like to discuss it with his client before any further action is taken.

Mrs. Cox asked, "Would you also want a copy of the EUTS Report?"

Mr. Staser said he would like to have a copy.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the request for the thirty (30) day extension re the request for vacation of portion of East Tennessee Street was approved. So ordered.

It was the consensus that the continuance of this matter be scheduled on the Commissioner's Agenda for their December 14th meeting at 2:30 p.m.

RE: RENEWAL OF YEARLY CONTRACT WITH SZABO FOOD SERVICE

Sheriff Clarence Shepard was recognized by the Chair. He apologized for his tardiness, then explained that his mother-in-law fell this morning and was injured. Alexander Ambulance Service took her to Welborn. He now has her at home convalescing. He has just taken his wife and mother-in-law home -- and that is why he is late.

Continuing, the Sheriff said the business he has to bring before the Commission today is the renewal of our yearly contract with Szabo Food Company who has, since 1977, had our food contract. He and Nick Guaetta (the District Manager) have met a number of times and he has negotiated with Mr. Guaetta on this food contract price. At the present time, they are charging \$1.19 per meal. I told him we had a crowded jail last year and they made enough money off of it -- so we wanted a break. They said they will keep the price the same and they will purchase all the kitchen cleaning and paper supplies for the coming year. At our cost, that would amount to about \$4,000. So the price remains the same and they have agreed to take care of the kitchen needs (soap, paper/styrofoam cups, etc.) at a savings to the County of about \$4,000.00. He said he strongly recommends and urges that the County Commissioners sign this contract with Szabo for another year.

The Chair entertained questions.

Commissioner Cox queried the Sheriff concerning the per meal price. He confirmed that it is \$1.19. It is 2,750 calories per day; a different meal every meal for four weeks and then it recycles. It is approved by Federal, State and Local guidelines as far as health care or needs. Should we ever be sued over the food, they will send their attorneys down to represent the County at no cost.

Mrs. Cox asked, "It is not a contract or anything the County Attorney has to review?"

Attorney John said he hasn't seen it, but he assumes it would be the same.

Sheriff Shepard said the original contract is in our custody and it is the same. This is just an amendment.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, <sup>BORRIES</sup> Amendment No. 6 to the County's agreement with SZABO Foods was approved and signed. So ordered.

RE: BASIC 911 EMERGENCY SYSTEM

Discussion turned to the Basic 911 System and extending same into the County. The Chair recognized Jess Roberts, Chief of the Scott Township Fire Department.

Mr. Roberts said that at the presentation last week put on by A.T. & T, we saw the differences between Basic 911 Service and the Enhanced System. We found out that we could get the basic service put in within several months and take it to the entire county. The Scott Township Fire Department (and he believes he can probably speak for all the County Fire Departments), would encourage the County Commissioners to pursue this to get the Basic Service in and then see what happens with the Legislature during the next session to see if they do anything with the funding so we can get the Enhanced System in at a later date.

President Borries recognized Mary F. Williams, President of the Evansville Area Council of Parent Teachers Association. Mrs. Williams read the following letter:

Vanderburgh County Commissioners  
City-County Building  
1 N.W. Seventh Street  
Evansville, IN 47700

Dear Sirs:

As president, I am representing the Evansville Area Council of PTA Executive Board. This Board met on Monday, November 16, and by unanimous vote, authorized me to request of you your support and aid in implementing the 911 Emergency System for all of Vanderburgh County.

As a national, state and local organization, PTA is concerned with the safety and welfare of all children. It is precisely with this in mind that the Area Council Executive Board supports the 911 system.

Presently children from within the 911 system and children from within the 911 system and children from outside the system both attend some of our county schools. This results in confusion for children in the same classroom when they are instructed in emergency procedures. Some are told to dial 911 for assistance and others have to dial the 7-digit emergency number.

In addition to the confusion, it is important that any delay in communication during an emergency be eliminated as a matter of minutes can mean life or death.

PTA has long been an advocate for children, and we urge you to join with us in making our community as safe as possible for all our kids!

Sincerely,

Mary F. Williams, President  
Evansville Area Council of PTA

Mrs. Williams said she would urge the Commissioners to go ahead and install the Basic 911 System. As Mr. Roberts has commented, work with the Legislature regarding the Enhanced System.

President Borries expressed appreciation to Mrs. Williams for her attendance and comments.

Proceeding, Commissioner Borries said Commissioner Shirley Jean Cox has forwarded the following letter which he will read into the minutes:

TO: Members of Vanderburgh County Council

Truly sorry that I was unable to attend the 911 Meeting due to a knee injury. However, after reviewing the information and input generated by this meeting, I would like to convey my support for the immediate extension of the present 911 Service to all residents of Vanderburgh County. I would also support efforts to get the proper legislation in place that would allow individual customer participation in a monthly cost of this service and the holding of Public Hearings to determine whether to upgrade the entire County to the Enhanced 911 Service in the near future.

Thank you,

/s/ Shirley Jean Cox  
County Commissioner  
Third District

Commissioner Borries said, "What our feeling would be then (by Commissioner Cox's letter and by your presence today) is that I indicated at our meeting last Wednesday, as the Commissioners

must do -- we'll ask then for a formal approval. The way we're going to do this is that Jim Lindenschmidt (our able County Administrator) has given us communication from County Council President, Mark Owen, that would say that what we'll be doing should we vote to approve this concept is to ask the County Council for a transfer of money. This is going to be the quickest way that we would consider this before the end of the year. If we ask for a new appropriation, by the time that that would be considered by the Council and then sent to the State for formal approval, we're talking into January before this money would be realized. By asking for a transfer of available funds (if we have it) for the amount (immediate \$2,000 for installation fee) the transfer is a much quicker way of handling this matter. The first thing (if Commissioner Cox is ready) is that I will ask for a motion to approve entering into the 911 System for the entire Vanderburgh County.

Mrs. Cox said she would happily move that the Vanderburgh County Commissioners go on record to transfer monies available from within our budget to immediately institute the 911 Service to Vanderburgh County in its entirety. A second to the motion was provided by Commissioner Borries. So ordered.

Commissioner Borries said this puts us at the next step in our governmental process, a meeting of the County Council Personnel Committee (which is actually a Finance Committee) and that will be held on Wednesday, November 25th at 2:30 p.m. in Room 303 (the room directly behind the Commissioners' office). If some of the individuals present at today's meeting could attend that meeting, their presence will be appreciated. At that time the Commissioners will explain their support and request the transfer of funds.

RE: ORDINANCE RE OPEN BURNING IN VANDERBURGH COUNTY

The meeting continued with President Borries saying the Commissioners have requested Attorney Curt John to draft a proposed ordinance re controlling open burning in Vanderburgh County. He has just received the draft today. Attorney John has essentially mirrored what is in effect in the City of Evansville. We've had concern expressed by some residents who feel that at one time or another should conditions warrant, some burning might be necessary. He thinks these people should at least be allowed to speak on that. What we will do at this point is to set up a Public Hearing where we can acquaint the persons with this particular ordinance. He thinks one provision the Commission might want to consider is to have a situation (or at least a paragraph in the ordinance) whereby when the situation warrants, if we've had adequate rainfall and we are not in any dry conditions, that this Commission could rescind this ordinance. Until such time, we would then want to impose the ordinance, because there are other periods during the year when it is dry and windy and obviously, as the Fire Departments have let us know, they have been taxed to the limit and we understand that. Certainly, until this particular drought season is over, he would want to support a permanent ban on all burning. It is unfortunate that we are not getting cooperation. We have asked residents through a series of media announcements -- and we're not getting cooperation. Thus, he thinks it has come to this -- we are going to have to put that ordinance into effect until such time as conditions would change, and perhaps consider inclusion of some provision or paragraph in the ordinance that would allow the Commission to rescind said ordinance at some future date. He asked whether Commissioner Cox has comments on this?

Mr. John Buckman approached the podium and was recognized by the Chair. He said he personally has had several farmers who say they have a contract with the County Commissioners to burn off ditches and they have to do it by a certain date. In one instance they went by and asked the farmer, "Please don't do this", and he said, "No, I'll keep it under control". "An hour later it was out of control and he was calling us. We spent five

hours on this fire. Is there some way we could tell these farmers that they don't have to meet the deadline that you guys have established -- that they could be let off the hook for 30 days or 60 days, or something like that? We do have a lot of farmers who do want to do their own thing, so to speak."

Commissioner Borries said, "What they have are contracts for maintenance of the ditch. Oftentimes at the end of a growing season (and if you had times under normal rainfall) the quickest way to control this is to burn off some of the dead vegetation and also probably to rid an area of some insect nests, etc.. But Mr. Buckman is exactly right, the conditions are so critical at this point that they simply cannot control fires. Yet, that is the quickest way they can do that. Certainly, the Commissioners could work with the farmers to....."

Mr. Buckman said, "There is a penalty in the contract; if you could tell them you won't invoke the penalties or whatever."

Mr. Borries said, "What happens is, they are not paid until the Surveyor's Department (through the Drainage Board) goes out then and determines that they have done what they have said they were going to do -- mainly maintain the ditch for a certain amount of feet, etc."

Mrs. Cox interjected, "And, Mr. Buckman, you would be pleased that these farmers and people who are working on the ditches also share your same concerns and brought these concerns to our Board last week -- about what are they going to do? We are working on this right now -- to come up with a solution to the problem, because our own Bridge Crew burns debris and things we've picked up (drift, etc.) from the creeks and around the bridges. So it has hit all of us. Mr. Borries and I talked an ordinance and I would agree, too, I don't want a permanent burning ban out there. It would almost have to work the same way as our frost law ordinance does right now -- the freeze and frost on our county roads. We have an ordinance and when it is posted, then no heavy trucks can use these roads. This is the same way I think we would have to handle the burning ordinance."

Mr. Buckman said, "I think we realize that an ordinance is not the total answer. One example is that we sent a flier home with all of the kids in our schools. It said that outdoor burning is an idea that can spread like wild fire, and it had a picture and some other words). Yesterday, Scott, Perry, and McCutchanville were with us and we spent seven (7) hours -- but the wife had the brochure and she never let the husband read it. She was sleeping and he went out and burned two cardboard boxes. We then spent eight (8) hours times sixty (60) people and some 480 man hours putting out the 75 acres that they burned. Even the knowledge was there that they were not supposed to burn, because when I went up to talk to them they asked, "Is there a burning ordinance?" I said, "No, that is currently under consideration. Even if there was one you probably would still have done it. If we get into fines and penalties, you know, I don't know of what value that will be to solve the problem. The problem is that if we can just put more of a scare to them and say, 'You cannot burn' -- and that might help us."

Commissioner Borries said, "That is right; the vast majority of the residents are law abiding and with the force of the ordinance and local law, we hope we will get that cooperation. We appreciate your concern and constant communication on this matter. What we will do, perhaps at our next meeting (again, there might be a revision or two needed) we will advertise for a public hearing on the ordinance (with perhaps suggestions we've given Curt here on one item) and then set the time when people can come in and speak for or against that ordinance."

Attorney John said, "You may want to consider a permanent ordinance prohibiting or banning this burning, with the exception that they would be allowed to burn if they were issued a permit."

At that point in time, the ordinance would be in effect full time rather than the Commissioners having to put it into effect and then withdrawing it. However, we could refuse to issue permits at certain periods in time, such as in cases of drought. Therefore, they would know they are in violation unless they have a permit."

Mrs. Cox said, "I believe we also talked about this and that a permit just might be obtained through our office, but the jurisdictional Township Fire Department would also approve the permit. This would make them alert that this was going to happen and they could watch for it. We would appreciate any input that the Volunteer Fire Departments could give us here to make the best possible situation and decision that we can. And I would move then that we proceed in this manner."

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

Continuing, Mr. Borries said Attorney John has the items we would want to address in there (such as the permit situation).

Attorney John said, "I believe that is a matter you will want to discuss during your hearing."

Commissioner Borries asked, "You say what you have is a mirror of that which the City has?"

Attorney John responded in the affirmative.

President Borries again thanked those present for their concern and input on these two vital issues. He said, "Hopefully, we will get some rain this week."

RE: PETITION TO VACATE PART OF WOODLAND DRIVE IN SHERWOOD FOREST SUBDIVISION

The Chair recognized Attorney Jeff Knight, who was present for purposes of presenting a Petition to Vacate Part of Woodland Drive in Sherwood Forest Subdivision.

Mr. Knight said he is present to request a Public Hearing re a Petition and Proposed Ordinance he has filed. He has a copy of notice mailed to adjoining landowners and the public utilities concerning the subject vacation. The Public Utilities have already been notified and he has already received a letter from the Evansville Water Department indicating they have no objections. Mr. Ron Jordan of SIGECO has also been notified and they have no objections. Mr. Jordan will be forwarding a letter to him, as well.

Commissioner Borries said, "As per our ordinance on this, we will have to advertise. Does you have materials to leave with the Board today so we can publish this?" Mr. Knight responded in the affirmative, saying the Notice was published on November 27th. He will bring copy of notice and signed green cards with him on December 7th. Following brief comments, President Borries said there will not be a Commissioners Meeting next Monday. The next meeting will be held on Monday, December 7, 1987 at 2:30 p.m. and the Public Hearing on this Petition will be held at that time.

RE: AWARDING OF BID FOR OTHER CULVERTS & BRIDGE MATERIALS

Mr. Borries said that Tom Dorsey, Director of Purchasing, is present today with regard to comments on two matters and any information he has on materials for other culverts and bridge materials as well as specifications submitted on liquid asphalt and guard rails, etc., for advertising.

Mr. Dorsey reported that only one bid was received for other culverts and bridge materials. We did bid out and received one bid from American Timber Bridge & Culverts, Inc. Materials



specified were basically materials for the construction of wood bridges. He reviewed American Timber's bid and it was in order and he would recommend that the bid be awarded to American Timber Bridge & Culverts, Inc. They bid on a number of items; they were basically by per thousand board feet. What we're going to have are the prices available in the event we choose to purchase these particular items.

Commissioner Cox said she would move that the contract for supplying of other culverts and bridge materials be awarded to the only bidder, American Timber Bridge & Culverts, Inc. A second to the motion was provided by Commissioner Borries. So ordered.

RE: AUTHORIZATION TO ADVERTISE FOR BIDS ON LIQUID ASPHALT, GUARD RAILS, ETC.

Mr. Dorsey said the other two items concern specifications for the guard rails, etc., and the liquid asphalt. These are two items we normally bid on an annual basis. The specifications are pretty much the same as they were last year. They've used estimates of quantities based on previous years' purchases and what they are requesting is the authorization to advertise these items for bid.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the request was approved. So ordered.

RE: SELECTION OF CONSULTING ENGINEER TO DESIGN SANITARY SEWER FOR CARANZA DRIVE, KEMPELL DRIVE & OLD STATE ROAD AREA NORTH OF EVANSVILLE

President Borries said that at the last Commissioners Meeting (November 16th) the Commission indicated in a public meeting that they would interview the proposals received concerning the subject matter. The Commissioners are coordinating this as a Barrett Law installation, reacting to the concerns of the residents in the subject area. They interviewed prospective engineering firms on Thursday, November 19th. At this time, if Commissioner Cox wishes to do so, he will entertain a motion to approve the selection of a firm to design the Caranza Drive-Kembell Drive-Old State Road Sewer.

Mrs. Cox said, "After interviewing the three engineering firms and reviewing their proposals on Thursday November 19th beginning at 2:00 p.m., and citing some of the familiarities that Mr. Borries brought out concerning the Barrett Law and the construction and the availability of the firm to deal with on a geographical basis, and the necessary time in order to get the preliminary plans drawn on board so that we could hold a public hearing with all those parties concerned in the area, plus an approximate cost that was given to us by the firms interviewed, I would move that the consulting engineer to design the Sanitary Sewer Collection System be named as Veach Nicholson, Griggs & Associates."

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

RE: COUNTY ATTORNEY - CURT JOHN

Commissioner Borries asked whether Attorney John had anything to report?

Attorney John said that other than the proposed burning ordinance, he has nothing to report at this time.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of November 16 thru 20, 1987.....report received and filed.

Gradall: Wedeking Ave., Nesbit Station, Mann Rd. & Broadway

Patch Crew: Marigold Ct., Seven Hills, Owensville Rd., Stacer Rd., Darmstadt Rd., Motz Rd., Selzer Rd. & Baumgart

Paved: 12th Avenue, Buena-Vista, Sheriff Sub Station, Ridgeway, Pollack and Indian Woods, Intersection of St. George and Ward, Cemetery, and Culvert on Baseline Rd.

Mower: Kansas Rd.

Grader: County Line Rd. East, Hornby, Huebner Lane, Young, Heerdink Rd., Cypress Dale, Indian Mounds at Pollack, Calf Lane, Shore Rd., Roth Rd., Seminary, Golden Rule and Old Henderson Rd.

Tree Crew: Volkman Rd. and Schroeder Rd., (Tall weeds)

Snow Plows: Installed four (4) snow plows and sale spreaders

Weekly Work/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Cleaned culvert on Happe Rd.
- Installed culvert on Baseline Rd.
- Repaired damaged culvert on Kansas and Green River Rd. and rip-rapped Baseline Rd. culvert

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for Employees at the County Garage and the Bridge Crew.....reports received and filed.

Lack of Telephone Service & Radio Reception: Mr. Bethel made the following report:

"On Friday, November 20, 1987, the County Highway Department was without telephone service and the radio reception was very poor. Two employees were dispatched to Schroeder Rd. to cut limbs and tall weeds. When the employees finished that job, they were to go to Outer Broadway. When they tried to start their truck the battery was down. They waited in the truck until help came. However, when help finally came, they had another wait until the mechanic was free to come and start their truck. Thus, they sat in the truck and went to sleep while waiting. When their truck was jumped and started, it was brought to the Vanderburgh County Highway Garage, the battery was charged, and they went on to Outer Broadway to cut tree limbs.

For failure to keep alert at all times when on duty, I gave the two employees a three (3) day suspension without pay. I want to apologize for all the embarrassment this incident has caused the County Highway Department."

Commissioner Borries expressed appreciation to Mr. Bethel for his prompt report. In view of the telephone problems experienced, as pointed out by Mr. Bethel, he believes poor judgment was exercised. He thinks because of the fine job and hard work that the County Highway Department has done this year in road paving and all other work, it's a shame that an isolated incident like this would give all employees kind of a bad name at this point. Again, he appreciates Mr. Bethel's report and his prompt action concerning this matter.

Streuh-Hendricks Repair Work: Commissioner Cox said she wants to thank Mr. Bethel for getting the repair work completed on Streuh-Hendricks. "Now, if we could just get West Franklin, Volkman, and Schroeder."

Mr. Bethel said he had a call on that and, supposedly, this is getting very close to becoming a reality. He wants to get this finished before we have any bad weather.

RE: COUNTY ENGINEER - ANDY EASLEY

CSX Transportation/"B" Street Underpass: Mr. Easley asked whether the Commissioners have copy of letter agreeing to pay CSX Transportation to review the "B" Street. The letter was written in June, and he believes there was brief discussion in a meeting concerning the comments that CSX would expect to be reimbursed for the time they spent reviewing the Preliminary Plans for the "B" Street Underpass. Apparently, we did not send them a letter wherein the County agreed to pay for their expenses. This may be something that fell through the cracks in his office. At this time, however, he would request the Commissioners' comments concerning their request for a letter that we will agree to reimburse them for their plan review expenses.

Commissioner Borries asked if CSX has ever submitted a claim, or do we have any idea what....?

Mr. Easley responded, "No, they want it in advance -- that we will pay them for the review and they have the plans. Remember, they lost the plans and they had to be re-submitted to them. So they are guilty of misplacing the plans and we are guilty of misplacing the letter."

Commissioner Cox said, "I didn't misplace it, I just ignored it. I've never heard of...."

Commissioner Borries interjected, "The only thing I have some objections to is --nothing against the railroad -- but oftentimes they can be very inflexible from time to time when you deal with them. And I would like to know how much money we are talking about. Not to be inflexible about that, but I just have a real problem with approving something where we don't know how much expense we will have. If you could write a letter requesting information as to what kind of an estimate we're talking about I, personally, would feel a lot better in approving that particular expenditure."

Mr. Easley agreed to write CSX for detailed information.

RE: ACCEPTANCE OF STREETS IN OLD PETERSBURG PLACE II AND GREEN RIVER ESTATES, SECTION C-2 (CRAVEN TERRACE)

Mr. Easley said the next item on his agenda concerns the acceptance of streets in Old Petersburg Place II and Green River Estates, Section C-2 (Craven Terrace). Have the Commissioners had a chance to consider these two subdivisions?

Commissioner Cox said at their last meeting the Board requested a report from the Surveyor's Office; she hasn't received it yet. (Mr. Borries stated he has not received a report either. He asked Mr. Jeffers if he has comments regarding Old Petersburg Place Phase II or Green River Estates, Section C-2?

Mr. Jeffers said he doesn't believe either of these are ready for a final report.

Commissioner Borries said that in order to move these matters along, would it be possible for the Surveyor's Office to provide the Commissioners with a report on these two subdivisions by December 7th?

Mr. Jeffers responded, "Certainly, with the developers' cooperation."

RE: ACCEPTANCE OF STREETS IN GREENBRIAR HILLS, SECTION III

Mr. Easley said this is a new subdivision which he and Mr. Bethel reviewed this past week, and he'd like to give the Commissioners the recommendation letter at this time. He will also give a copy to the Surveyor's Office.

Commissioner Borries said these are cul-de-sac extensions and the area is on Hilton Court, Caranza Court, and Barkley Court. If time permits, perhaps the Board will also have a report from the Surveyor's Office on December 7th concerning this subdivision.

RE: REQUEST FOR APPROVAL OF STREET PLANS - AUDUBON ESTATES & BROOKVIEW HEIGHTS, SECTIONS 1 thru 8

Mr. Easley said he believes the Commissioners had an opportunity to review the street plans for Audubon Estates and Brookview Heights several weeks ago. The developer has made some corrections he requested and he has the cover sheets and the plans. These have been in the Commissioners' office for several weeks. Mr. Morley prepared the plans for both subdivisions and Mr. Bud Bussing is the developer of both subdivisions.

Commissioner Borries asked Mr. Jim Morley for his comments, since he was in the audience.

Mr. Morley said all the streets are curbed and guttered and they have been built in accordance with County standards.

Commissioner Borries asked if Audubon Estates is an extension of something?

Mr. Morley responded, "It is south of Covert and north of Pollack on the west side. It is an extension of what they were calling Eastland Estates."

Mr. Easley said Audubon Estates is that very flat area, just like Eastland Estates.

Commissioner Cox asked whether the drainage plan on this has been approved?

Commissioner Borries asked if Mr. Jeffers recalls whether the drainage plan for Audubon Estates has been approved - with a retention lake?

Mr. Jeffers responded, "Not in its final form. The preliminary concept was approved."

Commissioner Borries asked, "Will this be brought up before the Drainage Board today?"

Mr. Jeffers said that it could be. They wanted to relocate Kolb Ditch through the lake, but he'd have to see the final plan. If they'd have to relocate it through the lake.....

Commissioner Cox asked, "Mr. Jeffers, could you come to the Commissioners' table and take a look at these street plans and see if they reflect the conceptual drainage plan, please?"

Mr. Jeffers complied and remarked, "The conceptual plan that you approved -- or that was presented to you -- was to notify you that they wanted to relocate Kolb Ditch. That takes it out of Eastland Estates and through the alignment shown on this plan that is on your desk, and into this lake which was a borrow pit for filling all this area. I imagine the plan that you have before you is only for the area inside the numbered lots. We also gave tentative approval to the piping as shown here (Inlets 13, 19, 20, 23, 22, 21) and into an easement in designated area that would also run on designated side of the dam. In fact, a lake exists out there, but the realignment of Kolb Ditch is awaiting final approval. Has that subdivision been approved?"

Commissioner Borries asked Mr. Morley if he knows whether the subdivision has been approved?

Mr. Morley replied, "Yes, it has."

Mr. Jeffers said it may be that the subdivision was approved under a different layout. "Is that what the case is -- and then they dug the lake?"

Ms. Behme offered comments but they were inaudible.

Mr. Morley said, "It has been approved and has been through all the hearings; it is ready to be recorded. It can be recorded and the bond submitted....."

Mr. Jeffers said everything inside the numbered lots has been given absolute approval and other designated area was given tentative approval based upon the Drainage Board allowing him to relocate Kolb Ditch, which takes a public hearing. Thus, we'll have to start going through the process to make sure that..... it may not affect the cost of the property owners, so it may not require a public hearing. So we'll just have to go through that process of having a public meeting in order to allow them to do that. But let's say they weren't allowed to do that; the ditch still would go through designated area and then they'd just have to abandon designated part of planning -- which isn't those street plans as far as he knows.

Mr. Morley said, "That is correct; that is absolutely correct."

Commissioner Cox asked, "Jim, how do you indicate sidewalks on here?"

Mr. Morley said that most of the time it is not drawn on there, because it follows street grades and he doesn't know whether or not that was put on. Normally, the plan profile sheet does not show the sidewalks. It is simply stated. He doesn't see it on the plans, but Mr. Bussing is aware of the requirement. The sidewalks don't go in until after you get the curbs on.....

Commissioner Cox said, "I know, but it should be recorded...."

Mr. Morley interjected, "Oh, it is -- the fact that they are there is covered."

Mrs. Cox said "You see, we got into a problem with some of the other property owners. The sidewalks went in after the fact and they were very upset -- they didn't know they were supposed to be on their side -- I have seen a notation where it said sidewalks on some of these plans, and it said the minimum width and the depth of the concrete and then there is a statement printed at the side that "sidewalks shall be"....and it gives the location of where they are to be located. So that is why I ask."

Mr. Morley said, "Normally, a buyer would never see construction plans, if you're talking about trying to give notification to someone who is a buyer. The statement could go on the plat itself; that would be the place to put it so any buyer would know about it...just a statement on the plat -- and we can add that onto the plat so they are put on public notice. This one wouldn't give public notice, but the plat would. That would work fine. We'll just add it to the plat."

Mrs. Cox asked Mrs. Behme, "You said sidewalks only on Plaza on that one side?"

Ms. Behme said she will retrieve the plans. Mrs. Cox suggested she also bring the plans for Brookview Heights.

Commissioner Borries said, Again, Jim Morley, the engineer of record on this, outside of the sidewalks waiver, you're not talking then about any other waivers? In other words, everything will be in accordance with County specs What are we talking about-- concrete streets and rolled curbs and gutters?"

Mr. Morley responded, "Right; concrete streets, rolled curbs and gutters and everything in accordance with County specifications."

Mr. Easley commented that there is a retention basin.

Mrs. Cox asked, "How is the maintenance of the retention basin being handled? Have you talked about that?"

Mr. Morley replied, "We're following previous County recommendations; there is a homeowner who actually owns the land and that commitment is put on the plat."

Mr. Easley asked, "Does Mr. Bussing intend to ask the Commissioners to maintain the storm drains in this subdivision?"

Mr. Morley replied, "Yes; most of them are in street right-of-way though."

Commissioner Borries asked, "It will have a storm sewer and a sanitary sewer?"

Mr. Morley said this is correct.

President Borries noted that discussion on these two subdivisions will continue when Ms. Behme returns with the requested information.

RE: APPOINTMENT/HUMAN RELATIONS COMMISSION

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, Mrs. Polly Bigham of 8215 Kuebler Rd., Evansville, Indiana, was appointed to the Human Relations Commission. Her appointment is to begin immediately to fill the unexpired term of Mr. Earl Roehm. She is also to be re-appointed and sworn in for term beginning January 1, 1988 through December 31, 1989.

RE: APPOINTMENTS - BOARD OF ZONING APPEALS

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the following were appointed to the Board of Zoning Appeals:

Dr. Daniel Byrne 1004 S. Vann Avenue (4 Yr. Term  
beginning January 1, 1988 - Dec. 31, 1991)

Lou Hennessy 650 Kirkwood Drive (4 Year Term  
beginning January 1, 1988 - Dec. 31, 1991)

Mrs. Cox said the Commissioners regretfully accept the resignation of Mr. W. C. Bussing III from this Board, and Mr. Hennessy is his replacement.

RE: ACCEPTANCE OF STREET PLANS FOR AUDUBON ESTATES & BROOKVIEW HEIGHTS, SECTIONS 1 THRU 8

Ms. Behme advised that sidewalks in Audubon Estates were waived on the north side of Green Cove Avenue and the east side of Plaza Drive on April 27, 1987.

With regard to Brookview Heights, sidewalks were completely waived on October 5, 1987.

Mr. Easley said he would like to see this shown on the street construction plans.

Mr. Morley said this would be no problem.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the street improvement plans for Audubon Estates were approved as submitted, showing concrete streets, rolled curbs and gutters, and sidewalk waivers, with the exception of the north side of Green Cove Avenue running through Lots 1 thru 9 and the east side of Plaza Drive running through Lots 10 thru 18. So ordered.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the street improvement plans for Brookview Heights Sections 1 thru 8 showing concrete streets, rolled curbs and gutters and sidewalks being waived were approved. So ordered.

RE: BURDETTE PARK - FINANCIAL STATEMENT

The meeting continued with President Borries presenting the following Financial Report from Burdette Park for period thru October 31, 1987.....report received and filed.

1987 STARTING BUDGET

1987 Budgeted	\$ 456,318.00
1987 Encumbered by P.O.	0
1987 Encumbered by Contract	66,368.84
1987 Additional Appropriations	175,289.14
Total 1987 Budget	\$ 697,975.98

EXPENDITURES & BALANCE 1/1/87 to 10/31/87

Total Expenditures	\$ 607,575.86
Total Balance	90,400.12

INCOME 1/1/87 to 10/31/87

Pool	\$ 185,920.10
Rink	24,466.74
Rentals	69,027.50
Misc.	22,921.57
Totals	\$ 302,335.91

10/31/87

Total Expenditures	\$ 607,575.86
Total Income	- 302,335.91
Deficit Sub-Total	\$ 305,239.95
Less Capital Improvements	- 101,128.84
Total Deficit	\$ 204,111.11

President Borries noted the County is very grateful for a record year at Burdette Park insofar as revenues are concerned.

RE: ACCEPTANCE OF CHECK - WELFARE DEPARTMENT

Commissioner Borries submitted a check in the amount of \$11,503.92 for rent for the Welfare Department. (He believes this is for the month of October.)

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the check was accepted for endorsement and deposit into the County General Fund. So ordered.

RE: HOLIDAY CLOSING

President Borries announced that all County Offices will be closed on Thursday and Friday, November 26 and 27, respectively, in observance of the Thanksgiving Holiday. The Board extends Best Wishes to Everyone for a Happy Thanksgiving!

RE: SCHEDULED MEETINGS

Mon.	Nov. 23	1:30 p.m.	Reassessment Mtg.
Wed.	Nov. 25	2:00 p.m.	County Council Personnel Committee
Tuesday	Dec. 1	4:00 p.m.	Auditorium Advisory Committee
Monday	Dec. 7	2:30 p.m.	Commissioners Meeting

It was announced that there will NOT be a Commissioners Meeting held on Monday, November 30th.

RE: ACCEPTANCE OF STREET IMPROVEMENTS IN BENTWOOD AND PLANTATION ESTATES.

Mr. Morley said he has given to Mr. Easley letters requesting acceptance of street improvements in Bentwood and Plantation Estates.

Mr. Jeffers noted that he should have a report concerning Plantation Estates to the Commissioners by Monday, December 7th,

RE: ROLLETT LANE BRIDGE

Commissioner Borries said he understands that the Rollett Lane Bridge is almost installed. However, a letter was received today from Robert Gulick (our SIGECO Government Liaison Representative). Mr. Gulick says SIGECO has a gas line parallel to the Rollett Lane Bridge project. What we may not know is that this line is located outside the road right-of-way and covered by an easement. This gas line is apparently in conflict with the County's construction for re-routing the open ditch which feeds to the bridge. There is a plan and a cost estimate to move this line and the amount would not exceed \$1,692.00. In order to expedite the gas relocation, SIGECO needs our prompt attention in this matter.

Mr. Easley said he thinks this matter is perhaps a little embarrassing to SIGECO and to the County Engineer's Office. They were requested to relocate the line and they were told to contact the County before they moved it so we could tell them where to put it. Someone in SIGECO went out there immediately a couple of months ago and moved it and did not bother to contact us. They apparently were not aware that we were going to relocate the channel and put in a wider span structure. Thus, they shifted the line to the west and Bob Gulick apologizes -- because he told the Gas Division to work with us in making sure where the new bridge was going to go. We acquired an easement in May to relocate the channel and, in Mr. Easley's opinion, we have a Senior easement to relocate the channel. He questioned whether they really have the right to ask to be reimbursed for this relocation expense. But he would prefer that the Commissioners agree to pay it, if we have to pay it -- and then let him negotiate or argue with them.

Commissioner Borries asked, "Would we have available funds within that account to handle this?"

Mr. Easley said we have adequate funds in that appropriation to pay for this. He doesn't want to destroy our good public relations with SIGECO over such a small matter. But, under the circumstances, we didn't make the mistake. They didn't use their



liaison to see that it got put in the right place. They got it out of the way of the concrete, but they didn't get it out of the way of the new channel. We set the big spans last Tuesday.

Commissioner Borries said, "Well, we do have to get that project done."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the request from SIGECO for the cost estimate for relocating a gas line along the Rollett Lane Bridge project, with a Purchase Order not to exceed \$1,692.00 was approved. So ordered.

Mr. Easley said the problem is that they did not put it deep enough. They moved it far enough west, but they did not install it deep enough.

RE: CLAIMS

Bowers, Harrison, Kent & Miller: A Claim in the amount of \$474.00 was presented for approval. This, again, is for several pending cases regarding the Sheriff and other litigation.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the claim was approved for payment. So ordered.

RE: EMPLOYMENT CHANGES

Auditor's Office (Releases)

Tabreccia Millender Posting Clk. \$12,900/Yr. Eff: 11/9/87

Auditor's Office (Appointments)

Tabreccia Millender Posting Clk. \$13,440/Yr. Eff: 11/9/87

Prosecutor (Releases)

Dennis Vowels Dep. Pros. \$15,020/Yr. Eff: 11/16/87  
Debbie Wallace Para. Secy. 16,317/Yr. Eff: 11/16/87

It was announced by President Borries that there will be a short recess, immediately following which there will be a Drainage Board Meeting.

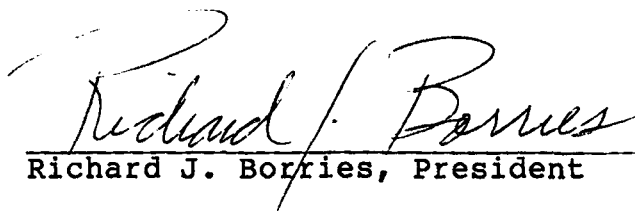
The Chair entertained other matters of business to be brought before the Board at this time. There being none, President Borries declared the meeting adjourned at 4:10 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	.Richard J. Borries Shirley Jean Cox Robert L. Willner (Absent)	Sam Humphrey	Curt John
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Bethel	Andy Easley	B. Behme
	<u>COUNTY SURVEYOR</u>	<u>SHERIFF</u>	<u>PURCHASING</u>
	Bill Jeffers	Clarence Shepard	Tom Dorsey
	<u>OTHER</u>		
	John Staser, Atty. James Q. Morley Earl Harp Jess Roberts		

John Buckman  
Mary F. Williams  
Jeff Knight, Atty.  
News Media

SECRETARY:

Joanne A. Matthews

  
Richard J. Borries, President

Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
DECEMBER 7, 1987

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MINUTES  
COUNTY COMMISSIONERS MEETING  
DECEMBER 7, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p. m. on Monday, December 7, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order and opened by Deputy Brandsasse of the Sheriff's Department. He declared the Commission in session pursuant to adjournment.

RE:     APPROVAL OF MINUTES

President Borries said there is an Addendum to the minutes of November 2, 1987, to be approved. He said it specifically concerns a waiver of sidewalks in Country Trace Subdivision, Section II.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the Addendum was approved for inclusion in the permanent records. So ordered.

Also submitted for approval were the minutes for November 9 and November 16, 1987. A motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the minutes of November 9, 1987 were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the minutes of November 16, 1987 were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE:     AUTHORIZATION TO OPEN BIDS FOR REMOVAL & REPLACEMENT OF BRIDGE #1 (WOODS ROAD RIDGE)

A motion was entertained to authorize the County Attorney to open the three (3) bids received for removal and replacement of Bridge #1 (Woods Road Bridge).

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

RE:     CONTRACT TO BE AWARDED FOR COMPUTER FOR REASSESSMENT

It was noted by Commissioner Borries that he has some communication from the Director of the City-County Purchasing Department and he will submit same to Attorney Miller at this time.

Attorney Miller said there is nothing in the letter contrary to how he views the procedure. There are some questions that need to be addressed regarding the latest draft of the contract; however, they are not of a major nature. The contract in its form is satisfactory, based upon the meetings that he has had with Manatron's representative, Mr. Hughes. There appears to be some slight discrepancies in the dollars, but he will let Mr. Hughes address this.

Mr. Miller said he has a question he thinks needs to be discussed with respect to how the monies were appropriated as opposed to how this contract views the financial responsibility for the contract, but the subject letter does not present any problems insofar as he is concerned.

Commissioner Borries proceeded by reading the following letter from Mr. Tom Dorsey:

December 7, 1987

Re: Award of Bids for Graphic Space  
Real Estate  
Appraisal, Data Processing System

Dear Commissioners:

In your meeting of September 8, 1987, the Commissioners requested that a working contract with Manatron, Inc. for the data processing hardware and software be developed.

I have met with Mr. Jim Hughes of Manatron and Mr. Dan Dezelan of Unisys to develop an acceptable contract. Mr. Hughes has also met with the County Attorney to review the contract. I believe that we have reached agreement on all issues. I understand that funding for the purchase of the system has been finalized and that the bid is now ready to be awarded.

Mr. Hughes will submit a modified contract based on the discussions we have had previously. I also have written verification from Unisys that documentation for each work station will be provided (see the attached).

I recommend that the bid be awarded to Manatron. I apologize for not being available to respond to questions you might have today. I will be happy to address any questions you might have on my return on Tuesday, December 8, 1987, or anytime thereafter.

Thank you!

Mr. Borries said the attachment from Unisys is circled; it says,

"In reference to your request regarding B-20 documentation, Unisys will provide one copy of installation and system operation guides for each B-20 work station purchased. Furthermore, this documentation will be provided upon delivery of the equipment.

Dan Dezelan

Having read that into the record, Commissioner Borries asked, "David, do you wish to comment further regarding this matter?"

Attorney Miller said this morning he received from Manatron the latest draft of a proposed agreement between Manatron and Vanderburgh County for the sale and installation of computer hardware, along with payments for the software license, delivery costs, installation, 15 days training and start-up supplies. The total of this contract is in the amount of \$237,838.00. It is his understanding that the County Council has appropriated monies totalling \$230,598.00 for this project. This gives him some initial difficulty. However, Mr. Hughes (who he is sure is prepared to speak to the Commissioners concerning this) has indicated to him that he has some flexibility because of certain adjustments that can be made, so that he can bring the contract in within the \$230,000.00. (He asked Mr. Hughes if this is correct, as he does not wish to mis-speak on his behalf, and if he says anything wrong, please tell him.)

Attorney Miller said there is an additional question in his mind in that it is his understanding that certain portions of the \$230,598.00 have been appropriated and approved by the County Council into the budgets of the various Township Assessors, and that may cause the Auditor some problem in being able to approve this contract for payment if it is contracted for in the name of the County, inasmuch as the Commissioners as a body are the contracting arm of the County. They are the only ones who have the authority to enter into this kind of a contract.

On the other hand, it is his understanding (and he could be wrong) that not all of the monies necessary to make payment for this contract have been appropriated into the Commissioners' budget. If he is wrong about this, then that comment can be disregarded. However, these are the two questions he thinks need to be addressed.

- a) Is all of the money available?
- b) The roughly \$7,000 apparent shortfall in the appropriation to meet this contract price.

The contract, itself (the document) is in the form that he negotiated on behalf of the County and he is satisfied with the contract, but the Commissioners need to address the other two issues (they may only be one issue) -- but the contract is here and it is ready for the Board's signatures.

Commissioner Willner said, "David, I was under the impression that the County Council appropriated \$230,598 for the Township Assessors, the County Assessor and the County Auditor. Also, they appropriated \$66,151.00 in equipment to the County Commissioners. and \$53,400.00 to the County Commissioners for software and \$9,593.00 for miscellaneous. So that would well cover the contract."

Attorney Miller said, "That is right -- if you can take it out of all of those various budgets to pay -- then you are right."

Commissioner Willner said, "All but the Township Assessors."

Mr. Miller said, "That is the problem that I a pointing out."

Commissioner Willner said, "The overall dollars are there."

Attorney Miller said, "The overall dollars appear there -- but it seems to me that it is about \$7,000.00 short. Jim told me at the beginning of the meeting that there is an adjustment that is available (and he can speak to that) -- I don't even know what that is. But the question that I raise is the question of the various slots into which this money has been placed by the Council; and I guess we need to check into whether or not the placement of the money into those slots causes the Commissioners a problem in their collective ability to make payment for what you are contracting for -- that is the question that I raise."

Mr. Willner said that brings up another question for Attorney Miller. Could we get the eight (8) Township Assessors to agree to that contract -- to put that in writing -- that they would sign a blue claim -- would that suffice?"

Attorney Miller said he can't answer that off hand. He'd have to look at that. He knows that everybody wants to be cooperative and get this thing on the road. On the other hand, the Eight Township Assessors do not have contracting authority on behalf of the County -- and from the standpoint that he has to look at it and the State Board of Accounts will look at it, we have to be sure that the dollars are in in the right place to enter into the contract. The signing of the blue claim may do it, but it is all the same dollars -- it is just getting them into the right account for expenditure for this purpose. If Commissioner Willner wants him to look into this question, he will be happy to do so as quickly as possible here today."

Commissioner Willner said this needs to be done.

Mr. Borries said he thinks it needs to be done if we are going to award a contract.

Commissioner Willner said, "I've always been told by everybody that you couldn't let a contract if you didn't have money in your account, -- so I think we're going to have to get it from somewhere else."

Attorney Miller said, "That is why I am asking the question. Unless we are satisfied we have the necessary funding, there is no way. You could preliminarily approve the contract subject to us working out a way to fund it, but I wouldn't recommend that you sign it until we have that funding problem straightened out. It is a thicket that didn't need to be created, but it is there -- and we will try to solve it today."

Attorney Miller said in the interim, the Board may want to discuss the \$7,000.00 difference. We have a \$237,800.00 total and.....

Commissioner Borries said Attorney Miller will report back later in the meeting regarding this matter. The questions of funding and the questions Attorney Miller has -- he will have to do some research to come up with an answer and the Board hopes to have this information before the meeting ends. Before Attorney Miller leaves to research this matter, he will be opening the bids received on the Woods Road Bridge so they can be read into the minutes and referred to the County Engineer and the Surveyor for their review.

RE: CHAMBER OF COMMERCE - REQUEST FOR ECONOMIC DEVELOPMENT

To give some background on this matter from a very brief personal perspective, President Borries said that while on a vacation last summer and perhaps because of the very lengthy time element involved in the budget process for this County or any municipality, the request from the Chamber of Commerce was received in this office and no decision had been made at that time to change what had been a request placed by this Board into the budget. Due to a set of rather unusual circumstances, he supposes, the request was increased. When this Board met at a later date and discussed the matter without taking a vote and perhaps having the opportunity to question those persons who had submitted the request, for whatever reason the decision had been made by some persons on the County Council (and he can't say all of them) to remove it from the Commissioners' budget and to place it in the County Council's budget. Some have referred to this as a "turf" problem; he didn't see this as a "turf" problem other than the fact that it was a very unusual move. When the State Tax Board held its final hearing on the 1988 budget, despite the fact that some had indicated that he opposed this request, what he did question was the move on the part of Council or any particular official to change someone's budget after it had been submitted. Apparently, the State in their final review, zeroed this out. There are persons from the Chamber of Commerce here to speak on this request whom he hopes also will be able to answer questions on this request. If there are any persons who wish to speak to this matter, they will be allowed to do so -- as the Commission does with any individual who wishes to speak and is the usual custom in any Commission meeting. Obviously, this is what would be done on any kind of rezoning request. He would ask the spokesperson from the Chamber to speak at this time.

RE: READING OF BIDS RECEIVED ON WOODS ROAD BRIDGE

Attorney Miller requested that prior to recognizing Attorney Ted Ziemer, the spokesman for the Chamber of Commerce, he be permitted to report to the Commission concerning the bids received on the Woods Road Bridge. The following bids were received, all of which are in order:

Deig Bros. Construction Co. - Alternate "A" - \$191,964.65  
and Alternate "B", \$172,011.20.

Southwest Engineering, Inc. - Alternate "A" - \$221,023.55  
and Alternate "B", \$187,220.85.

Dave Guillaum Construction Co. - Alternate "A" - \$183,578.00  
and Alternate "B", \$169,004.00.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the bids were referred to the County Engineer for his expertise and guidance. So ordered.

RE: CHAMBER OF COMMERCE - ECONOMIC DEVELOPMENT

The Chair recognized Attorney Ted Ziemer, who said he is present on behalf of the Metropolitan Evansville Chamber of Commerce. He said, "My term as Chairman of the Board of the Chamber of Commerce expired September 30th of this year. Nonetheless, I have been asked to make this presentation today -- since I was Chairman at the time the 1987-1988 budget for the Chamber was developed -- and that is the budget that contains the request they would like to present to the Commissioners today."

"Before I begin, I guess I would like to make this brief preliminary remark relative to the County Council versus the County Commissioners. We at the Chamber of Commerce are very anxious that every governmental enactment, rule, and regulation regarding jurisdiction of government and various governments be followed in every respect and we recognize that it would be impossible to have orderly government or orderly appropriation and expenditure funds if the appropriate bodies for those purposes failed to perform their various functions or if, in fact, a body that wasn't supposed to perform a function did, in fact, do so. Our position is that we are requesting additional funding from Vanderburgh County and we want that funding to be authorized and then appropriated by the bodies in power to do so. If prior to this time -- in any way -- the Chamber of Commerce has unwittingly made presentations to or been involved in any discussions, conversations, or correspondence relative to this with improper groups -- and that has happened -- then we apologize to the Vanderburgh County Commissioners. Our interest is solely in making a proper request to the proper body for proper authorization.

Having said that, if I could very briefly (and I am going to try to be brief, because I know you have a lot of other business and you are already somewhat familiar with the nature of our request and you have received some correspondence on this) I do want to indicate that four years ago the Chamber of Commerce developed a new Economic Development Program whereby it would expand on the programs they had previously had to the tune of \$1 million to be spent over a five year period. The idea was to develop a public/private partnership which would hopefully produce \$200,000.00 per year to be spent in each of the next five years solely for economic development in Vanderburgh County and the Greater Evansville Area. The original proposal, as I said, was built on the premise of a public/private partnership and that simply means this -- the public, through government, has funding available to it through a variety of sources, but basically tax dollars in one form or another, and those, of course, come from all sections and components and groups within a community. The idea is to take some public funding (which comes from the total community) and funnel it to groups or entities that have special expertise in economic development and then proceed to use those funds in the most expeditious manner possible to hopefully create additional economic development.

Attached to the letter you received from Mr. Jenkins, the President of the Chamber of Commerce, a little article about economic development in Baltimore, MD; Indianapolis, IN; and some



other cities -- but the thrust of the article is that the greatly increased economic development in those areas is generally laid at the feet of the success of the public/private partnership -- so that was the premise upon which we built our plan. Our idea was in the initial inception of this ad, in fact, for the first three years of this plan, was that the City would contribute \$50,000 per year. It was not initially proposed that the County would contribute to the plan. The State would contribute \$20,000 per year; there would be a private solicitation of Chamber members to the tune of we hoped \$45,000.00 per year; and an additional \$85,000 per year would be appropriated out of the Chamber's general budget to amass a total of \$200,000 per year for economic development. That, in fact, is how the funds were derived and those were the sources of those funds for the first three years of the plan.

In this present year (that is, the year that ended September 30, 1987 for the Chamber) we were able to expand our program by the County becoming a participant -- with a contribution of \$25,000. All the other contributions stayed the same, except the State reduced their formula to \$10,000 rather than \$20,000; the Chamber increased from \$85,000 general support to \$95,000 general support -- so that the 1986-1987 program was \$225,000 -- and that is the fourth year. We are now in the fifth year of our original five year Economic Development Program. As we go into the fifth year, we would like to expand even more. I guess it is a basic premise of economic development that no one knows exactly what dollars spent in what area will produce the most economic development. There is not a scientific formula that can be used to arrive at those kinds of results. What you, in fact, must do is to spend all the money you can in a meaningful way (not frivolously) and in a way hopefully agreed to among reasonable men as being designed to have the best chance of producing economic development -- and then, as a result of those expenditures, hopefully there will be economic development. In Ft. Wayne, Indiana, this was approached in this way and they spent \$6 million. In Evansville, Indiana ; (Vanderburgh County) we have already indicated that it has been \$200,000 per year, except for this fourth year when it is \$225,000. So we're anxious to increase this in any way we can. I can tell you that we'd like to increase it substantially beyond what we are now proposing, which would be \$400,000 for economic development in this fifth year of our plan and in years beyond. However, financial constraints indicate to us that this is probably about all that is available at this point in time and we just have to keep progressing as we can. If the \$400,000 program were to be achieved in this year, the funding would consist of the following:

- a) The City would contribute \$100,00 (and they have agreed to do that)
- b) The County would have been asked to increase their support from \$25,000 to \$100,00 (or a \$75,000 increase)
- c) The State would have been counted on for its formula contribution of an additional \$10,000
- d) We would have continued the private solicitation of Chamber members for an additional \$45,000
- e) And we would have increased the regular Chamber General Fund support from \$95,000 to \$145,000. (That is increasing Chamber support by \$50,000 and that would come from a dues increase across-the-board of a total of \$95,000, which was implemented by the Chamber of Commerce for this year. \$50,000 of that money would have been placed in the Economic Development Program -- for a total of \$400,000.

Through the various steps that have taken place before we got to where we are here this afternoon, it is apparent that as far as the County is concerned for 1987-1988, our request should be reduced from an increase of \$75,000 to a request for an increase of \$50,000 -- making (if the request is granted) a County support of \$75,000 instead of \$100,000 as we originally proposed -- making funds available for economic development \$375,000 instead of \$400,000, which is what we had proposed. If the County does agree to increase its funding by \$50,000 for 1987-1988 to the Metropolitan Chamber of Commerce, we would propose to use the monies in the manner indicated in the letter which was sent to you. For those present who have not received that letter and just to capsulize, just let me say that what we propose is that we would spend \$23,500 or roughly the \$25,000 that we now get from the County to continue the promotional activities that we've been using that money for. We would propose to spend an additional \$41,500 to employ an economic development specialist whose job would be to provide assistance for existing business and industry in the Greater Evansville and Vanderburgh County community. And finally, we would propose to spend \$10,000 to computerize statistical data which is required by business prospects who are seeking to locate in some community -- and we, of course, hope they are seeking to locate in the Evansville-Vanderburgh County community. That is how we would use the funds. So we respectfully request, urge -- the Vanderburgh County Commissioners to increase funding for the Metropolitan Evansville Chamber of Commerce by \$50,000 for 1987-1988, bringing the total for that purpose to \$75,000.

I have with me today the present Chairman of the Board of the Chamber of Commerce, Jerry Crawford (President of People's Bank) and Keith Emge (Chairman-elect of the Chamber of Commerce and President of Emge Realty Company and also this year the President of the Evansville Economic Development Council) and Vance Thomas (Vice President for Legislative Activities for the Chamber of Commerce). The President of the Chamber of Commerce, Mr. Jenkins, was here earlier -- but a time conflict developed for him and he is in another meeting regarding economic development. We will be very pleased to try to answer any questions that any member of the Commission may have and to do whatever else we can, in a constructive way, to hopefully have this request granted. Thank you."

President Borries thanked Mr. Ziemer for his comments and entertained questions from the Board. There being none immediately, he said he had some questions of Mr. Ziemer.

In an article he read on Sunday, November 29th, in the Evansville paper, one of the ideas was included in a study that said they had looked at some Nebraska towns -- these were small towns -- but it said that they had taken a realistic attitude. Of the ones who had been successful about their potential success, few believed that they could land a major industry and the focus was on helping home grown businesses expand -- and that is what I really have a concern about in this particular matter. Would you have any idea or any kind of figure that could be used to look at what we, as government officials, could say is a target or goal in regards to economic development from job creations within existing industries in our county?"

Mr. Ziemer said, "I am not sure I can answer all of your question or maybe answer it as fully as you would like. But let me say, first of all, that we recognize that economic development is a two-pronged effort. One prong is encouraging new industry to come to the community. The second prong is providing assistance to existing industry in the community so it will be able to expand. In our opinion, neither prong is more important than the other, unless the development of existing industry is more important and that, in fact, may be the case. Statistically 80% of new jobs in a community will come from expansion of existing industries and it is to this end that we want to employ an economic development specialist -- somebody who has expertise in

developing the information and providing the answers, if you will, to existing industry to enable them to solve problems they have in expanding their businesses in this community. If they are successful in those expansions, there will be increases in employment. There will, of course, be increases in employment from bringing new industry into the community. Sometimes that involves bringing new people into the community, which is why we think you have a greater percentage of new employment of people in the community from expansion of existing business than you do perhaps from bringing in new business. But we are working in both directions. Now, the part of your question that I thought I might not be able to answer (and I'm sure I probably can't) is to give you any hard numbers as to how many new employees we intend to create from the program we are developing to assist existing business. I think, Rick, that gets to the point of economic development not being a science. We want it to be as successful as possible, but to give you numbers -- we can say, I guess, that through economic development efforts of the Chamber and certainly with the assistance of government and many other groups, we were successful luring T. J. Maax to Evansville and that is 1,100 new jobs....that is employment of people already here and some new people coming into Evansville to work at that facility. And certainly PPG is another example (they have done expansions there and their employment continues to go up), Indian Industries, Sunbeam Plastic Corporation -- now those were existing businesses that were assisted in expansion activities. Not everything is a success story. For example, market conditions in this community made it finally develop that Zenith would leave -- and they did leave. Bitterson has left. Chayes-Virginia is no longer in business here. Prior to that, Bucyrus-Erie left Evansville. We don't want to see those things happen and, of course, we had no control over the labor cost as it existed here and as it existed in Mexico and as Zenith looks at that and decides whether or not they are going to have their plants in Evansville or Mexico. But when we do have these setbacks (and they are setbacks) -- we try to make opportunities out of them and do what we can. The Bucyrus-Erie complex was vacant in 1983. Through the direct efforts of the Chamber of Commerce and Pat Vercauteren, who was brought in here with money from this new five year economic development program, we've been able to totally lease the space in that facility to various groups and on a combined basis we have leased all the space. You are familiar with Garvin Industrial Park and the way that is developing; and you know about the potential tenants as they exist for that facility. But to give you an exact number of what we expect to have happen -- I can't do that. I don't know whether my colleagues here have any better handle on that than I do -- if they do...."

Mr. Borries asked, "Could you explain what the Evansville Development does or what they are and what it does?"

Mr. Ziemer said, "The Chamber of Commerce has traditionally had (it has varied from time to time) three to five groups within it that perform various functions for the community -- and you might call them "committees" for want of a better word. We've had our Organizational Affairs Committee, which deals with internal activities of the Chamber of Commerce; we've had our Community Affairs Committee, which deals with the infrastructure and pollutants and drainage and all that sort of thing that deals with the quality of life in this community; we've had the Legislative Committee, which Vance Thomas here with us today is the staff person in charge of that; and we've always had an Economic Development Committee. Some years ago, around the time of the inception of this 5-year Economic Development Program, it was decided to call the Economic Development Committee of the Chamber the Metropolitan Evansville Development Council -- and that is what it is. It's name is Metropolitan Evansville Development Council. It is no more or less than another committee of the Chamber of Commerce. The volunteer person who heads that committee is called the Chairman of the Metropolitan Evansville Development Council and he is the person who holds the position of Chairman-Elect of the Metropolitan Evansville Chamber

of Commerce. So, I was Chairman of the Metropolitan Evansville Development Council two years ago; Jerry Crawford was Chairman of it last year; and Keith Emge is Chairman of it this year. It has a staff person who staffs that committee of the Chamber, just as each other committee of the Chamber has a staff person and the staff person for the Metropolitan Evansville Development Council is Pat Vercauteren. It meets -- and when it meets -- and, by the way, the President of the Vanderburgh County Commissioners, as you well know, has always been included as a member of that Committee, along with the Mayor -- so we had both bodies of government represented there. When it meets it meets as a Committee, and if it takes action, that action must be approved by the Board of Directors of the Metropolitan Evansville Chamber of Commerce for it to become effective. And that's the same for every other committee of the Chamber."

The Chair entertained questions of Mr. Ziemer.

There being none, President Borries asked if there are other persons who wish to speak regarding this particular request? If so, they should come forward and state their name and address for the record.

Mr. Dick Lythgoe was recognized by the Chair. He identified himself and said he lives at 2305 Cherry Lane. He said, "I appear here in opposition to the subsidy of the Chamber, based on some half century of watching the activities and being frustrated by the activities of the Chamber. So, I would give a medal to Mr. Eads of the State Board of Tax Commissioners for cutting the item out of the budget this year. I think he deserves a medal, because this whole thing is kind of a bootleg deal. The Chamber of Commerce is not a taxing authority and they are not subject to State Board of Accounts policing, etc., and it is a farce to have a coach (they have been coaching for fifty years and I've been watching them) with a dismal losing record of decline in population and decline in jobs where kids have to go out of town to get a job. It is frustrating to see them come and get on the backs of taxpayers to do this. Now, if you've got a bad coach, you don't reward him for his ineptness and his incompetence; you fire the coach. And I suggest that some changes be made -- and I respectfully request this Board not to give the Chamber a dime until they clean up their act.

The history of the Evansville Chamber is replete with negative propositions (looking at it from a taxpayer's standpoint) -- real negative things that hurt the taxpayers -- and I am just going to give you a few.

In the 1970's, there was a proposal to have building codes built to earthquake specifications. It looked like a good thing and it looked like we were going to get a jump on the next earthquake by having buildings built properly. And who opposed it? The Chamber took a negative position and beat it down and we still have in this liquefaction area between here and the river some buildings that are going to kill people when that liquefaction gets to shaking in the next earthquake.

In 1972, the Directors of the Chamber in their meeting on September 11th (this was recorded in the meeting) made a decision to impose that horrible, unsafe, proposal on the new Airport -- and this is against all the expert opinion we've ever had here. I'm going to give you a few of them.

In World War II the jet company that built airplanes out there (and this was reported in The Press in 1943) begged this community that as soon as the War is over to get that jet airport out of the neighborhoods where it is hazardous -- in the hills. That UE plane that fell the other day, sure it had a thing on the wings that prevented it from flying properly, but the only reason that it crashed was the hill and the trees on top. It would have made it back to the airport. So this airport is not safe. And there have been Joe O'Daniel (civic leader), Tom Crane (aviator

and civic leader) and the Fantus Report 1958 -- think about it. In 1958, the Fantus Report said it is crazy to keep that airport in the middle of a highly populated area in the hills where it is not safe. And they recommended a spot outside the County. Now, the Chamber has never been interested in losing their jurisdiction -- because this has always been the pork barrel place and were it not for the jurisdiction factor, we would have today a good airport like Ft. Wayne's got -- like other cities have -- and we wouldn't be putting some \$2 million in it a year. Think of that when we talk about budgets. I understand the Sheriff has some real serious budget problems. He is going to have extra security for Courts, etc., and just think what we could do with the \$2 million we're sinking in that unsafe airport out there -- every year -- just think of what we could do with that money.

Now, they advertise that this was an investment in the future -- and it is -- the poorest investment in the history of Vanderburgh County. There are good investments and bad investments -- and this is a real terrible proposition. Since they imposed it Delta terminated costing us 45 jobs and a \$1 million payroll, plus ten or fifteen related industries that catered to them.

The other day the second cargo airline came in here and looked at this airport and said, 'You've got to be out of your mind -- we can't bring jets, DC-10's, DC-11's, L-1011, cargo ships in here -- at that unsafe airport in the hills out there. We just couldn't do it.' The last one went to Terre Haute and before that it went to Louisville -- so we've lost tremendous and we're paying something like \$2 million per year or something like that to deport our jobs.

On taxes -- the best development we could have would be to have reasonable taxation in this county. And the county should preserve areas in the county that won't be annexed, so places like Whirlpool won't move out. In 1984, we just raised that monumental state law in prehistoric home realm of taxation and when these companies go to their computers and program the potential built into that local finance bill that the Chamber of Commerce has imposed on us in 1984, over the objections of the Chamber of Commerce elsewhere (including Bill Styring of the State) who called this bill the 'Property Tax Decontrol and Job Destruction Act of Indiana'. Styring is right, the local Chamber was wrong. It is the Job Destruction Act and the record of the Chamber of Commerce on these items of taxation is terrible. Now they want to annex Whirlpool, after having raised the corporate structure -- and the potential of these taxes is horrendous, they tell me -- very disruptive to industry. On top of that, we're annexing it and when the abatement runs out Whirlpool is not going to be here.

On these industrial bonds? There's been no use for that. Everybody and his brother (lawyers that are not going to increase any employees, apartments) -- all of these people are getting these industrial bonds, which cost the government taxes. They deplete the revenues of the government; they raise the interest for the proper use of these bonds by cities and counties; they are in competition with them -- and they constitute an open end entitlement for them to the disadvantage of the taxpayers. This is an entitlement program that puts AFDC completely out of scope. The biggest AFDC we have now is Aid to Dependent Corporations and these are destructive programs, because the other employers are moving out because they aren't the big fish in the little pond to benefit by them. The Chamber promoted the Enterprise Zone. These socialistic things started in England and weren't a success there and haven't been in this country -- and have been very, very disruptive in this community. The Enterprise Zone is another example that we won't be able to get industry to come in here because it will be financing somebody else's proposition. G. E., for example, is the biggest beneficiary of the Enterprise Zone as, far as I can tell -- and they manufacture in another county. The Chamber advocates

annexation and consolidation and I've talked about that with respect to Whirlpool. There was a lawsuit by industries here -- the Lynch Road employers had a lawsuit prevented and you can't tell me that the employers want to pay that. They will seek other places. So redevelopment should have reasonable taxation. Purdue has done a number of studies (they always want us to do a study) -- hell, there's a study going on now. Purdue and these universities said that reasonable taxes is the best thing you can do for redevelopment and it's a matter of record.

This Food and Beverage Tax? Horrible thing -- horrible thing. That's bootleg of the subsidy of the Chamber and that's a bootleg operation. And aside from the technical irregularities of how it was done this year, the subsidy issue is that it can't be justified. It just can't be justified. Several years ago the Chamber made a decision not to increase its dues, then they moved their offices into the expensive Robinette thing and Robinette is no Robinhood -- he's not in here for the taxpayers -- and, as a result of the move of their offices and not raising their dues, the City started the business at that time of subsidizing the salaries (I'll have you know) and the rent -- of the Chamber of Commerce. Now that is an obscene practice. It should be done away with. This is not good for any kind of development and it certainly isn't good for the taxpayers.

The history of the Chamber of Commerce has been to keep the community as a low wage town. When they go shop for somebody, they don't want anybody in here that the big fish are going to have to compete with for wages, so the only ones they want to come in are the minimum wage people. And then they will give them a deal where the taxpayers pay half of the wages on these minimum wages. The taxpayers are already subsidizing many of these programs -- half of the money on these minimum wage jobs are paid by us. As a result of all of this, our population is declining; we don't have jobs for our kids; and, unemployment is up. It is sad that this condition has been allowed to exist. I've observed it for fifty years and it is worse now than it has ever been. I think the Metropolitan Chamber is one Chamber that ought to be flushed and sanitized -- and clean their act up before they come back to this body. The best Christmas and New Year's present that this Board could give -- the best one -- would be to get the Chamber of Commerce off of the backs of the taxpayers. That would be the best thing we could do for the future. Get some reasonable tax rates, protect the jurisdiction of the County to bring people in here and knock off this annexation thing which the employers file lawsuits against. Any questions?

Commissioner Cox said, "Well, I guess I have a question. Mr. Lythgoe, if you're recommending that the Chamber be flushed down the drain or saniflushed or whatever you called it, whose responsibility is it to look after economic development in Vanderburgh County and how much would it cost the Vanderburgh County taxpayers to set up our own governmental economic development office?"

Mr. Lythgoe said, "There have been a lot of studies on that."

Mrs. Cox said, "There certainly have -- that's exactly right."

Mr. Lythgoe said, "My position is that in Sunday's editorial (and, incidentally, the Editor of the Sunday paper is a Director of the Chamber -- so he is not exactly unbiased in this thing -- but the Editor of the Courier Sunday proposed....)

Mrs. Cox said, "I have been on this Commission now almost seven (7) years and this Board participates in appointing people to those Boards you were naming -- not the Chamber of Commerce. So if you are faulting the participants that have been put on the Levee Board, the Airport Board and these other Boards, then you bring it to us. You bring it to the Mayor and you bring it to



the County Commissioners -- don't blame the Chamber for things that they have nothing to do with insofar as making the appointments."

Mr. Lythgoe asked, "May I answer that?:

Mrs. Cox said, "Certainly."

Mr. Lythgoe continued, "Fantus thirty years ago gave you the answer to that. They said that the business, legal and media big shots controlled this community -- both political parties -- to the detriment of the entire citizenry. It's a matter of record in the Fantus Report. Now they not only said that, but they said these big fish had been doing this for another twenty years before that -- so we're talking now about a half a century and it is getting worse. Don't take my word for it -- read that Fantus Report!"

Mrs. Cox said, "I'm just going on what has happened during the last seven years. Fantus was way back. And if anyone wants to volunteer to serve on a Board (which a lot of these things are a lot of hours and no pay or remuneration) I think they should turn their names in either to our Board or to the Mayor. If there are a lot of these people out there who want to voluntarily give their time in non-paid positions to try to help all the citizens, then that's all I have to say."

Mr. Lythgoe said, "If a Board is a five person Board, three will be Chamber Directors and then they will tolerate somebody for publicity. It goes on and on and on. Any other questions? Thank you very much."

President Borries asked if there are other persons who wish to speak regarding this matter?

Mr. John Blair was recognized by the Board as he approached the podium. He said he resides at 15118 Old Henderson Rd. "I'd like to address something that Mrs. Cox said a moment ago about volunteering to serve on different Boards. In 1978, 1979, 1980 and 1981 (until I finally gave up) I volunteered to serve on the Evansville Environmental Protection Agency Board. I was never offered a position on that Board. I volunteered at the formation of the Port Authority to be on that Board and I wasn't given the opportunity to be on that Board. So I don't think it is volunteering that matters in this City necessarily, there is something else involved.

Insofar as the reason I am here, I remember a couple of years ago I made a statement to some friends of mine that I wondered if I wasn't going a little out on the edge to make this statement -- I said, 'You know, I've been through some public opinion poll taking that there be a distinct opinion in Evansville (if you took a poll of nearly everybody) that the Chamber of Commerce is an official body -- an official body.' I thought about it later and I thought, well maybe not. Then the more I thought about it, the more I was convinced that yes, indeed, you take the average citizen out here on the street and they think that the Evansville Chamber of Commerce speaks for them in a very official capacity, much similar to the way the Commissioners speak or the way the City Council speaks or any other elected body. The only difference between the Chamber of Commerce and those other bodies is that they aren't elected and there is no political accountability -- none. In fact, speaking of volunteering -- and in the same vein -- I sought to be a member of the Chamber of Commerce in 1979, and it is my understanding that they will sign up almost anybody right on the spot. They took two months deciding whether to accept me as a Chamber member. They finally did accept me, for which I paid my \$60.00 at the time and got a nice little plaque to put on the wall. I was only a member for a year, primarily because I didn't see that the services they had were much for me and it was \$60.00 that I needed at the time my little girl was born. But accountability is one of the main

functions of a government body. Frankly, it distraughts me a lot to see people who I have heard in political speeches, I have seen at Republican political rallies, damning the people who are at the public trough. They claim to be conservatives -- we should do this -- we should do that -- we shouldn't allow all this domestic spending to take place. But, boy, when there's some money they want, they are at the public trough. Businesses that want government off their back are at the public trough continually, asking for one subsidy or another. This is a massive subsidy here; to an organization that has 800 or 900 members that really haven't been held accountable for any of their actions for the past fourteen years that I have lived in Evansville.

I am not going to sit here as Mr. Lythgoe did and charge that they are something that ought to be eliminated, because in my dealings with other communities I've had very successful dealings with Chambers of Commerces throughout. But there are some things that have bugged me about the Evansville Chamber of Commerce. One of them was in 1977, they had an organization called the Task Force for Reasonable Clean Air Standards. One of their leaders made a statement on T.V. (and I just want you to remember this whenever you think about this) -- this was the Task Force for Reasonable Clean Air Standards -- whose main objective was to get health standards lowered so people could pollute more and injure more health. One of their leaders said on T.V. that, 'I don't know about these standards, because they are designed to protect the most sensitive element of the population. Those people who maybe have asthma or something. Maybe we'll just have to develop a mask for those people to wear.' (And this is close to a direct quote.) Now, I'll never forget that statement as long as I live. I had asthma when I was two years old and had to spend two weeks in an oxygen tent. My Dad died of lung cancer. I know a lot of people throughout Evansville and Vanderburgh County who suffer lung problems that probably thought that statement was something out of the 30's -- out of Germany in the 30's even. Do we need a special class of citizens to make these statements? It bothers me a great deal.

As far as this particular money is concerned, I, personally, am opposed to giving any public money to a private organization to spend as they see fit, with no accountability-- that's Number 1.

Number 2, I think that if the money is granted, that you ought to have the foresight to require and suggest the direction and the type of industry that you would like to see come to Evansville. The reason I say this is that a similar organization in Henderson County, Kentucky (Economic Development Council down there) was responsible for bringing Union Carbide into our midst. They did it against the will of the people -- clearly against the will of the people of Henderson County -- and carried on with it. Public money to the tune of about \$100,000 down in Henderson County goes to the Economic Development Council and that is the kind of industry they are bringing in. Well now, I don't think the Evansville Chamber of Commerce would step to that low a level to recruit economic development. I think that there is a sense on the Evansville Chamber that we want good clean economic development. But sure as the world as you're spending \$50,000 or \$75,000 or \$100,000 -- whatever it is this year (versus what they will ask for next year) -- to promote economic development, then you'd better put some strings on that money to make sure that they are going to bring economic development that this city and the constituents who vote for you want. I think that is of kind of fundamental importance. I think that you ought to require complete, thorough audits of their activities, I think you ought to scrutinize their budgets prior to granting the money (not for just the money that they claim you are going to be funding). I thought it was interesting that the \$23,500 for promotional use and \$41,500 for an economic specialist, and \$10,000 to computerize the statistical data -- that is all very good and proper, I suppose. But it is not their budget. Maybe if they want to come to the public trough and be a ward of the county in



Vanderburgh County, Indiana, then that's their deal. But you ought to have a lot to say about how they spend that \$100,000 or that \$75,000, etc. -- and not just take these three figures as being how they are going to spend that, because if you don't grant them the money, I'm sure some of this stuff will be funded anyway. It's all in the same pot -- that's what I'm saying.

And the last thing I want to address is (you mentioned it a bit ago) about the Chamber's taking responsibility for this or that. Well, responsibility is something where accountability comes into play. Mr. Ziemer used the term "public/private partnerships" a lot. Well, it seems to me that in the last fifteen years (since conservatism became such a great thing in this country) -- it seems the "public/private partnerships" have meant public money with private no accountability -- so they could spend the money any way they wanted -- and I resent that, as a Conservative, myself, and I would like to see that kind of practice ended. Thank you."

Commissioner Borries asked if there are other persons who wish to speak at this time?

Mr. Fred Stocker was recognized by the Chair as he approached the podium. He said he lives at 12900 Martin Rd. in Darmstadt. "I'm not as eloquent as some of the other speakers; but I aim to talk against the proposal from the Chamber of Commerce.

Number 1, I thought all of our tax money went to run the government and did not go to special interest groups -- until I read in the paper where the Chamber of Commerce came up with this idea. I think what you are going to do is to open a whole new can of worms if you let this get past you -- for the simple reason, what if the West Side Improvement group comes up with a good idea? Are you going to subsidize them? Or the Shrine Circus out there -- if they need money, are you going to subsidize them? Because they are all good causes. But this is the can of worms that you are going to open up, see. I read in the paper where they had in the Editorial that they were for this. I really can't blame the paper for being for it, because they got a big hunk of the Enterprise Zone and they are going to build in the Enterprise Zone and they are going to be exempt from taxes. So I don't care -- they've got their own point to look after, see. But the other groups is what I'm talking about and Mr. Ziemer said we should trust the Chamber of Commerce. Well, I've been in business for thirty years in Evansville and I belong to the Chamber of Commerce; but I'll tell you this, their track record on trust is not too good. So if I gave them any money, I would have to check them very thoroughly before I would even think about giving them any money. Of course, the only thing I have to say is, 'How could you explain to the taxpayers that you were subsidizing a special interest group for that Chamber of Commerce? That is a question I can't understand. Thank you."

Mr. Thomas P. Whitsitt was recognized by the Chair. He said he resides at 789 South Redbank Rd.

"I can understand why the Chamber of Commerce is an organization of business men for the purpose of looking after their interests. As has been pointed out, they are a private group and what has long disturbed me is that it seems that there is a philosophy that it is a function of government to take money from individuals to give to other individuals for those individuals' own personal use. I am absolutely against that sort of thing of anytime the government taking money from me to give to somebody else for that person's personal use. I say, 'No, no', because it opens up this thing of what we're seeing of the people rushing to the hog trough like a bunch of squealing pigs. And if ever any of you have seen pigs at a trough being slopped, you will understand what I mean. Because if anyone is pushed away from the trough they will really do some squealing and hollaring to get back at it -- and that is what has brought this thing about. Because the minute you start that sort of thing or give in to

somebody, they are going to be hundreds come up there with these worthwhile projects, worthwhile things -- that they ought to get some money, too, to do good with. Now, is the Chamber of Commerce a do-gooder group? Is the West Side Improvement Association another do-gooder group? Well, I don't want some do-gooder to do good with my money. So I am absolutely opposed to their getting any money for their activities."

Mr. Borries thanked Mr. Whitsitt for his comments, and asked if there is anyone else who wishes to speak at this time?

Mr. Charles Wolfe was recognized by the Chair. He said he is a resident of Vanderburgh County and he is President of the Vanderburgh County Farmers' Union. "Mr. Chairman and Members of the Board of Commissioners, I am here to oppose the subsidy of taxpayers granting their money for purposes of special interest groups, such as the Chamber. They are not subject to the State Board of Accounts. I respectfully request the County Commission to reject the proposal for giving this money to the Chamber of Commerce, which is for non-governmental use."

The Chair then recognized Mr. A. C. Lubbehussen. He said he resides at 912 E. Mulberry and he acted as the President of the Over Reassessment and Real Estate. "The reason I am bringing up reassessment is because you are asking for more money and when the reassessment is brought in, we are going to have to put up more money.

One of the things that bothers me when we get to talking is, back as much as 15 or 20 years or 30 years ago, when we bought a small house for perhaps somewhere in the neighborhood of \$5,000 to \$7,000, we were taking inflationary as it was presented to us -- coming to find out that if that same house, with proper availability or proper upkeep, you'd find that it is probably worth half to three and a quarter times what you paid for it. The IRS comes to you if you sell this piece of property and ask, 'What did you pay for it? And they take advantage of the inflationary measures and give us nothing for the increase in the inflationary actions.

Now, we have the reassessment that comes about and they are looking for more money. What are the Assessors doing now and what are they instructed to do? They are trying to assess property owners on the basis of the inflationary replacement in 1985. Are we stupid? Are we not citizens of the United States? Why don't they give us the same rule and the same rule of thumb to say if you paid that much and your IRS was \$3,500 or \$5,000, then you pay us a percentage on the profit.

Now, they are going to re-do these assessments and want us to ask them to come inside, which is fine. I have no remorse. But, they are penalizing the people who take care of their property. The better it is, it is going to put it in higher esteem or in a higher group or higher assessment value. Fireplaces, Franklin stoves in the basement for conservation purposes. They told us six or seven years ago that they were interested in trying to take care of higher gas prices -- you have people come around and knock on your doors and tell you that your gutter is hanging down -- it needs painting. Then it looks better and the Assessor comes along and says "Hey you're in "A".. you're in "B" you're in "C" -- Where are we to go now? This man just mentioned previously (I failed to get his name) that there is no accountability -- and I have reasons to believe that we people in Evansville or in Vanderburgh County have elected you people to represent us and I know and I feel that you have a lot of sleepless nights figuring out how you're going to try and do the right thing for us. We appreciate that to a degree. And the other degree is that we're going to have our own opinion -- not to the point that we're trying to be different from you, but only this last time we come along and you're getting the taxes so high that people are getting so they can't pay them. We had about ninety (90) people that Mr. Tuley and his unit went along and bid

them in on taxation. What are you going to do with the rest of them? Put them back there in the woods someplace? Who is going to live in those houses if you're going to get the taxes so high you can't pay them? I'm asking you that somewhere down the avenue there has to be some combination of a cost. Let's be reasonable. You can't keep on going up up and up the ladder. At some time that ladder will end at the top -- the same as interest or anything else. And I should say that in my own mind I think you people are real considerate and you're going to go from this basis. We must be reasonable in our taxation. Who are the people who are going to spend it and what good are they doing for the good of this area? Just answer one question. At one time we were the furniture capital of the world -- not Indiana -- not the United States -- but of the world! We come back and we lost it -- for what reason? What happened? We also were the capital refrigeration manufacturing area of the world. We had an institute and we had a man come in here from Sweden or Switzerland who had a gas situation out here at Servel to produce refrigeration. Where did it go? Where is it? What are we going to do to Whirlpool if we keep on? Does it take an exemption? Does it take overtaxes? And I know you people spend many, many a sleepless night and many other people do who make suggestions and call you. And we come up here and tell you that we are in favor of this or we are in favor of something else. Banks are doing what they can. All I am asking is that you give it every due consideration -- if you think it is necessary. But I am saying what this man said -- I do think there should be some accountability from those people who do like the Shrine, the Knights of Columbus, or whoever does it (the West Side Nut Club, if they need it) -- we all are out at our food protective places before Christmas -- those people there are hungry people. But when we go along and we notice those people who talk about cutting welfare -- do you ever hear them talk about cutting ADC? Social Security for the old senior citizens has made this possible and some of you people probably are right there close to it and you'll see why that is. It isn't that they are bickering and boogering from discontent -- it is just that their budget does not reach -- and I know we people are smarter than a lot of people might give us credit for. But there is a way -- and all your accountability and all your excess time that you spend is worth a lot of consideration -- what you have done and will do in the future -- but give it a lot of consideration when they ask for money. If they produce, fine. But I've presented you with two different things we have right here in Evansville and look how big Evansville could be if we had those two industries still left here in Evansville. Ask yourself that and I think you'll see it. I hope I haven't taken up too much of your time and I appreciate your letting me talk."

President Borries asked whether anyone from the Chamber of Commerce wishes to speak at this time?

Mr. Ted Ziemer once again approached the podium and said, "I have listened with great interest to the remarks of those who spoke after me and they make some interesting points. I don't agree with many of them, but they are interesting and I certainly respect their right to have opinions that are different from mine. I just want to make three points.

First, the special interests of the Chamber of Commerce (and we certainly are a special interest group) is the business and the economy of Evansville and Vanderburgh County, Indiana -- which is everybody who lives in this community -- and that is our special interest.

My second point is that we are accountable to somebody and that is our membership. We have over one thousand (1,000) members who pay in excess of \$450,000 per year in membership dues. If those individuals didn't think something was right that we were doing, you can bet that they wouldn't continue to pay almost \$1/2 million per year in dues to this organization.

Thirdly, relative to accountability to government for any portion of our funding that we would get from government, you are well aware of the letter which we sent to you which indicates that we want to continue, obviously, in the county's case, the President of the County Commissioners being a member of the Metropolitan Development Council -- we also proposed in that letter that we establish a regular program of reporting on a periodic basis to the County Commissioners relative to what we are going with the money appropriated and, finally, we suggested that we develop an agency agreement type document between the Evansville Chamber of Commerce and the County Commissioners (or whatever bodies it is appropriate to do it with) to spell out what we intend to do and how we intend to spend the monies that are appropriated -- if they are appropriated. So, in fairness to one of the speakers, he hadn't seen that latter, I suppose, and was not aware of that aspect of our accountability and I want to bring that out at this time.

I think the Chamber's record speaks for itself. I'm not going to say that everything every Chamber has done (and by that I mean every Chamber Board over the past fifty (50) years has been appropriate in every case -- I don't know of any organization that can say that. But, by and large, the Evansville Chamber of Commerce has a record of progress and we are going to continue that and we hope the county will join with us and help make it even more possible as we go into the future. Thank you."

Mr. Borries said, "Ted, one question. I think it was mentioned in regards to this team approach that was covered in the media. I can't determine if the membership includes the editors of the media or not. They have a role and are frequent to point out as any group would to point out potential conflicts that we would have. But I would want to say this. Because of what has happened, I think it is important for all who have spoken today to understand that the County's taxes have gone down 75%, so this will have to go before County Council (excuse me, I mean \$75,000) and then the appropriation will have to be considered by the County Council. Will you (if this were approved) accept other "team" members to this Metropolitan Evansville Development Council? For me, that is important, because I've heard some of the concerns voiced here and I think we are moving into some uncertain times in this country and in this community. Perhaps some of the old traditional logic and approaches don't always work. I guess what I am saying is that it is important to me to understand that if, for example, people do look at our schools or whatever (not just as a whipping boy, but as perhaps a strong example of what the public schools can do) I think it is important for people to understand that a person such as the caliber of the Superintendent of Schools, for one, needs to be a person who would be put on a committee like this. I think it is important that Evansville and Vanderburgh County rid itself of the "some kind of a bad labor town"-- I don't agree with that and never have. I think there are lots of conditions in the country and market conditions that sometimes take the whole business of economic development out of the hands of the Chamber of Commerce, out of a lot of hands. But I think that it is important that we look at some way to increase that partnership by putting some persons from the minority community or labor unions on boards so-called with this team to really move Evansville's and Vanderburgh County's image along. It is really important to me to have a positive approach with all segments of our population. Would this Metropolitan Evansville Development Committee or Council be amenable to that kind of a team approach?"

Mr. Ziemer said, "The Metropolitan Development Council has always been amenable to a team approach. I can't kick off every member of the Metropolitan Evansville Development Committee -- but these are representatives of business, representatives of government, representatives of organizations in the community who are thought to have input. I cannot speak for the Chairman of the Board of Directors. No private member of the Chamber of Commerce can speak for the Chairman of the Board of Directors. But the

committee structure of all of our committees is done with the approval of the Board of Directors of the Chamber. I can guarantee you that we are willing -- within all reasonable bounds -- to consider all suggestions that would be made regarding membership on the Metropolitan Evansville Development Council. As to what particular action would be taken with regard to any particular suggestion, I can't tell you that it would be implemented. But I think we've demonstrated (Rick, you have attended the meetings and, Bob, you attended them prior to that time and you are aware of what takes place). There aren't any secrets and we don't intend to have any. But I do have to add that one comment. We're totally open and we intend to stay that way."

Mr. Borries asked "Would you be willing to submit as other government agencies are -- we are dealing with taxpayers' money -- for example, here is a County Treasurer's Monthly Report for all citizens, all taxpayers to see -- prescribed by the State Board of Accounts -- that would verify how that money has been appropriated and, for example, include some addendum as to what kind of jobs have been ....."

Mr. Ziemer interjected, "I'm certain we could do that; we indicated that in our letter. That is a particular form and to the extent we have information available that will accommodate the form, we will be happy to do it. I'm sure we can do that."

Mr. Borries said, "It is really important to me. I understand very well -- I have a lot of respect for people who are in this audience. I know a lot of them have given up some valuable time. I know one person is here who happened to have attended a funeral to bury his brother this morning. It is really important to me to know that if this committee is going to function -- and if I would vote to approve this -- that we have not only that accountability but I think we, as elected officials, have to have that responsibility -- that if we would make some suggestions on this team membership approach that those would be received favorably. I can't tell you that they would all be "people who would be just again a person of the Chamber of Commerce" but I have some concerns about economic development and how this is implemented and it is very important to me to get some indication here as to how we are going to do that. I have such tremendous respect for this community and I just want to see us develop in a way that everybody can really benefit. I don't want to see any kind of segment feel "left out" and not a part of this community -- because we have so many things that we should be proud of and need to advertise, I think, to the entire country."

Mr. Ziemer said, "I don't know exactly what more I can say. Our stance is that we support economic development for this whole community. We want everybody in this community who has, by virtue of position, by virtue of job, by virtue of office, by virtue of whatever -- that can have an impact on this overall economic development we want that person to be involved. And we may not have every single person as you say who fits that description. And if that is the case, we're happy to hear your recommendations and I am saying that we are amenable, reasonable people and we will review that. I guess if push came to shove -- if you suggested membership and that was rejected, I guess what you would say is that never ever again would there be any other funding for the Chamber of Commerce. But I can't stand here today, Rick, and tell you that if the Board of Commissioners want to appoint six (6) people to the Development Council that they will automatically become members -- that is not the way it works."

Commissioner Cox said "I have a few observations, I guess, and I do appreciate all of you coming up and expressing your concerns to our Board. I can totally agree with you individuals who have indicated a strong concern for proper use of taxpayers' dollars -- and I think this is very, very important. And I guess the thing that bothers me most about this is when it is being referred to as a "subsidy". And day in and day out, not only do

I meet you people who are very concerned about the proper use of taxpayers' money, but I meet people who have worked at Zenith and who have worked at Chayes-Virginia, one of which is a neighbor across my street, that are every day out looking for jobs. And it concerns me, as an elected official, who is out there looking for jobs for those people in our community who are unfortunate enough at this time not to have a job? And whose responsibility is it? Someone has to do it. We even have to set up a bureaucracy within the government -- an economic development department within the government, as I see it, to help promote Vanderburgh County and get it ready for industries or we have to buy a service from someone who can sell this service to us. Now, perhaps I am wrong in seeing it in this manner, but I also feel a responsibility to the many people out in our community who have lost their jobs because industries have moved out. And I think when we have someone working with our industries to keep them solvent and to be working together to help one another -- and someone mentioned (and I don't know where I heard this) but when we have an industry here that is buying a part for something they are manufacturing from either another state or another country, why can't we manufacture that right here in Vanderburgh County? And why can't we get our community ready for industries to move in here? I think these are things we have to address. I fully agree with the concerns that have been expressed about accountability. I don't see just handing someone a blank check. I think there must be accountability and there must be some results shown to this Board before I could ever support another request for development. But the way the economic development program works right now in Vanderburgh County, Ladies and Gentlemen, and I want you to know is that there is a certain amount of money there and if you happen to know someone or as a personal friend of someone -- you can probably get a small business loan or a little handout maybe here or there. That is what I hear out there on the street -- is how we are running our economic development program at this stage. It is not broadened, it is not all-inclusive, and it needs to be open so that we can get some good paying jobs (not minimum wage jobs) in here for our people -- PPG is a good paying industry job. We need some of those for this area."

Mr. T. P. Whitsitt was recognized by the Chair; Commissioner Cox stated that Mr. Whitsitt is a neighbor of hers.

Mr. Whitsitt said, "I am a neighbor and I admire Mrs. Cox very much. We don't see eye-to-eye all the time. From whence has come this idea that somehow or another it is the responsibility of government that I have a doctor, that I have a job, that I have a car, that I am taken care of somehow or other by the government? How did we get into that mess?"

Mrs. Cox interjected, "We got into it."

Continuing, Mr. Whitsitt said, "And somehow this is one of those cases somehow or other. Why are you Commissioners here responsible for jobs in the county? Can you tell me? Is that part of your job description? I don't know whether I can get a copy -- but I'd like to have a copy of your job description to see what are your duties? What are your responsibilities? What authority do you have? Is one of these to see that I've got a job? I've never been unemployed and maybe for that reason I don't understand. I don't understand the fellow who doesn't have a job and the anxiety he must have. But is it the function of you Commissioners to see that I have a job? Isn't your function up here to create an atmosphere in here? You want to give this fellow at the Chamber of Commerce around \$75,000 and somehow or another we've had a terrible struggle to get any money for the waste treatment plant. They had to fight like cats and dogs to try to get \$200,000 to put some diffusers down there. What is it about the city that will make an industry want to come here? What is it? Is that your job -- to have good streets, good schools, good labor relations, good churches, libraries -- that type of thing -- so the streets are nice and clean and the sewage



is taken care of -- you don't have the stink over on the west side? That is what is going to make people want to come here. What about your parks? How well cared for are your parks? That's the thing. And I have no quarrel with the Chamber of Commerce. I was a member of it when I was in Zealand, Michigan. I have no fault with what they want to do, but I don't want them to do any of it with my money -- unless I am a member of that organization. Does that, in any way, answer how I feel about this whole thing? And I think we're in some of this mess because the minute we start parceling out money there are those who are going to want to get their share -- it's a mess."

The Chair entertained further comments.

Commissioner Willner said, "I guess I need to explain a little bit of my reasoning, since I was President last year when \$25,000 of County money was appropriated to the Chamber of Commerce.

I thought something needed to be done with dollars in the way of economic development and bringing new business to Vanderburgh County and I saw fit to ask the County Council for \$25,000. I thought that was enough of a commitment to the Chamber of Commerce for their involvement in our behalf. It passed the Council and the very next year they come back for \$100,000 -- and I don't mean to tell you I was upset. Then I got a letter from the Chamber of Commerce saying "We need this money for a corridor study on Highway 41, a corridor study on I-164, and dollars for existing businesses. That is what they wanted the money for. It was pointed out that the Area Plan Commission had just finished, just published a corridor study for Highway 41. It was pointed out that I-164 would never need a corridor study; it didn't have any of the infrastructures, no water, no sewer, no electricity, no nothing -- and would never need a corridor study and that dollars to existing businesses were already available through the Department of Metropolitan Development. With that reply, they completely changed their wants and needs to something else. Today, they have again changed their needs to something else. This leads me to believe that the Chamber does not want dollars for a program but they want a program to fit their dollars -- if we're going to give them -- and I absolutely reject that idea.

A couple of other things that haven't been mentioned -- just maybe -- I am saying just maybe -- it may well be illegal for Vanderburgh County to do that.

Secondly, if we do need economic development further than we already have, it should be done through the Department of Metropolitan Development -- we already have one. We already have an organization set up to do everything they want. Let's get with it if that is the case. The man on the street is saying, 'Don't use my money' -- and that has been said here today -- and I, too, say to the editor of the paper that I hope that he finds a soft spot in his pocketbook to pay you \$75,000 out of his money -- and we will take care of the taxpayers' money -- and my vote is going to be no.

The article that you sent along with it about Boston and some of the other cities being successful? Eighty-five percent of the cities surveyed said they use their infrastructure to attract new business. You understand what that is? Yes. It is not studies; it is not corridor studies; it is not computers; it is going out and getting the sewer and water -- and this county is very much lax in this area. If we are to say that this money is needed, let's do it within our own department. I might also add that last year when the \$25,000 was approved for the Chamber of Commerce, I heard from most of these people who spoke here today. And I've done a lot of soul searching since then and I agree that government should not pass dollars to the Chamber of Commerce, who passes it to the Development Council, who may pass it somewhere else before it was through. And I've also thought that with the money the county was giving them and the money that the city was giving them that we'd have some accountability -- but we

haven't. Why should we call for accountability now when you haven't given it to us in the past? So I am saying, if there is a need, let's do it within our own department. Thank you."

The Chair entertained further comments. There being none, a motion was entertained.

Motion was made by Commissioner Willner that the County Commissioners approve the \$75,000 on Council Call with a second from Commissioner Cox.

President Borries said it has been moved and seconded and he would ask for a roll call vote at this time: Commissioner Cox, yes; Commissioner Willner, no; and Commissioner Borries, yes. Motion approved with two affirmative votes for the \$75,000 to go on Council Call.

RE: PETITION TO VACATE A PART OF WOODLAND DRIVE IN  
SHERWOOD FOREST SUBDIVISION

The Chair recognized Mr. Jeff Knight, who was present for purposes of presenting petition to vacate a part of Woodland Drive in Sherwood Forest Subdivision.

Mr. Knight said, "I am here on behalf of my clients. I have with me today letters from the Evansville Water & Sewer Dept., SIGECO, and Indiana Bell Telephone Co. stating they have no objections to the vacation. I also have with me proof of publication in both the Courier and the Press giving notice of this meeting and an opportunity for any remonstrators to appear, as well as green cards showing receipt of notice to the neighbors and the utility companies. Messrs. Moutoux and Liffick, although they do not abut the property, are residents in the area, so they were also notified so they would understand that his clients are not trying to take any of their land or anything. I have attached to the petition a copy of the plat showing the area that is to be vacated and the only land areas immediately affected by the vacation are areas of property which my clients own. The property has not been used for over 15 or 20 years. My clients are presently building a home on Lot #5 and will have a back yard of approximately 33 acres and a private drive."

President Borries submitted the following for the record: Proof of Publication, green receipt cards, letters of documentation with no objections from Indiana Bell Telephone Co., SIGECO, and the Evansville Water & Sewer Dept. He then entertained questions.

Commissioner Cox asked, "Mr. Borries, was there anything in any of those utility letters regarding any problems with this vacation?"

Mr. Borries responded that there were no objections indicated by any of the utility companies.

Mrs. Cox then asked, "Mr. Knight, on Lot #5 -- ,would the property owner of Lot #3 also get a portion of this vacation?"

Mr. Knight responded, "My client owns Lot #3, which is across the street. It is basically a gully -- a ditch -- not usable."

Mrs. Cox asked "So they own both Lots #3 and #5?"

Mr. Knight said, "Yes -- both Lots #3 and #5 and the land that is immediately west."

Mrs. Cox asked, "What about Area Plan?"

Mr. Borries said, "Area Plan has indicated no objection or opposition to the proposed vacation. They state that this drive leads to a heavily wooded area with steep terrain, which shows little potential for development. The area to the north that



borders the wooded area is primarily the property of Nunn Milling Company, with some single family houses along New Harmony Rd. The northern portion of Carpenter Creek flows through this area."

Commissioner Willner requested that Mr. Knight point out the boundaries of the vacation, and Mr. Knight complied.

Following further brief discussion, Mr. Borries asked if anyone is present to remonstrate? There being no response a motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request for vacation of part of Woodland Drive as requested via petition and properly advertised and notices sent was approved. So ordered.

RE: RE-ASSESSMENT TECHNICAL ADVISOR

President Borries said Attorney Mike Schopmeyer is present with regard to the Re-Assessment Technical Advisor.

Attorney Schopmeyer said he merely wishes to make a status report. This was re-bid because of substantial changes made in the specifications. This was re-bid and two bids were again received and opened before the Commission. The Assessors met shortly thereafter and have, by vote, chosen Simon's Governmental Services. The contract has been submitted to the State Tax Board, as required, and they have approved same. There were some amendments made at the suggestion of Simon's attorney. They, too, have been approved. The appropriation process took place by way of a special meeting of the County Council a couple of weeks ago. The generalities of the contract provided for commercial assessments/industrial assessments at \$45.00 per parcel, a fluctuating rate varying from the \$20 range down to \$8.50 on the residential properties in this contract, which makes ours unusual. The State of Indiana has a provision for 5% review next September and a 2% up front grade design standard being prepared by the Technical Advisor, which will be free in those Townships that use the Technical Advisor Service for residential properties and a \$20.00 per parcel charge where those services aren't retained. There is a \$150 per day penalty if the deadline of March 1, 1989 is not met. In all other respects, generally the contract is the same as the contract specifications we've had before this body. I would be glad to answer any questions you might have about the contract."

Commissioner Willner asked, "Are the dollars in our account?"

Mr. Schopmeyer responded, "Yes."

(End of Tape #1, Sides "A" and "B")

In response to request from the Board, Attorney Miller offered the following comments:

"I had the good fortune to find a representative of the State Board of Accounts here in the building to discuss the problem involving the computer contract -- and I see this contract as being in the same vein.

This Commission can work the County out of this problem by approving these contracts, subject to the requirement that the Township Assessors who wish to participate in the Technical Advisor Contract and/or the Computer Contract submit to the Commissioners standard blue claim forms whereby the Assessors request the Commissioners to authorize and pay the contract amounts called for for the benefit of the Township Assessors. That is to say, that this will answer the question as to both contracts. Inasmuch as the Technical Advisor Contract is a

contract that essentially applies only to the respective Township Assessors, those Township Assessors will have to each fill out the claim forms and properly execute them asking the Commissioners to authorize and make payment of the contract amount and your approval of the contract will have to carry a caveat to the contracting party indicating that this contract is approved on the condition that the Township Assessors do make and submit those blue claim forms to you.

The Manatron individual, Mr. Hughes, is willing to stipulate on the record here today that his company will not attempt to enforce against the County any portion of the Manatron contract for hardware that is not the subject of a blue claim form by an appropriate Township Assessor. I don't suspect we will have any difficulty getting those claim forms anyway. But if we have difficulty in getting a claim form, Manatron will stipulate that it will not attempt to enforce the contract.

I have not heard the same kind of commitment from the company with which the Township Assessors wish to contract for technical advice and I would advise the Commissioners that we should have that assurance on the record -- either in writing or in the form of an oral statement that will be reduced to minutes that we can then transmit to the company with the contract. So that is the situation that the State Board of Accounts laid out to me and I think under the circumstances that it is the only appropriate solution. Because of the way the funding was approved, that is the way it is going to have to be. It is not a problem of our making, but it is a problem we are left to solve and that is the easiest and most straightforward solution."

Attorney Schopmeyer said, "What they are asking is that you make a statement that you will agree (as the Manatron representative has) that if the Township Assessors don't submit blue claim form you will not go against the Commissioners or the County for any claim they have there. We have the right in the contract, as you know, that if you are not performing we can terminate the contract anyway."

An individual in the audience was recognized by Attorney Miller, who asked that the individual state his name, company name, and his capacity with the company -- and he will try not to do this in a cross-examining kind of way.

Mr. Charles P. Simon identified himself and said he is President of Simon's Governmental Services, Inc.

Attorney Miller said, "If you are President then you have the authority to say what I am about to ask you to say. The situation is, Sir, that the budget of the County Commissioners does not have in it the money to pay you for the contractual services that they are about to agree to. The money has been appropriated, but it has been appropriated to the Township Assessors' respective budgets. Do you understand that?"

Mr. Simon responded, "Yes, I understand that."

Mr. Miller continued, "The Commissioners are the contracting authority in this County. The Township Assessors do not have contracting authority. They have the authority to pick you -- but these Commissioners have the authority to contract."

Mr. Simon said "I understand that."

Attorney Miller said, "Okay. These Commissioners don't have the money in their budget to pay you. Do you understand that?"

Mr. Simon responded, "I understand that."

Mr. Miller continued, "The only way they can get it is for these Township Assessors to file with them a claim form, which is dictated as to form by the State Board of Accounts; and since

they are the ones who are asking for you to render the services, they are the ones who are going to have to authorize the Commissioners to pay your bill, o.k.?"

Mr. Simon said, "Correct."

Attorney Miller continued, "We, as the Commission, cannot force these Township Assessors to file a claim form with us."

Mr. Simon interjected, "Correct."

Attorney Miller went on to say, "They are separate public officers duly elected to their own particular offices and in entering into this contract the Commissioners do it -- if they elect to do it -- with the caveat to you that if the various Township Assessors do not sign the necessary claim forms, the Commissioners will not be able to pay you and you understand that you will not be able to collect from the County for those services. Do you understand that?"

Mr. Simon said, "I understand what you are saying in that I could not collect, but I hesitate to make a statement that I cannot collect."

Attorney Miller said "You have to agree with that arrangement -- and if you don't agree with that arrangement, then I am going to tell these Commissioners not to sign your contract."

Mr. Simon asked, "Can I ask a question before I do that?"

Attorney Miller said, "You can ask me anything you want."

Mr. Simon asked, "Manatron has agreed to this?"

Mr. Miller responded, "Manatron has agreed to this. You need to do the same thing. You need not to render services to those folks until they give you a claim form. But that is your responsibility."

Mr. Simon asked, "But to answer your question and after talking to the Attorney for the Trustees and understanding their side and understanding your side -- I understand what you are saying. And I would agree to that."

Attorney Miller said, "Thank you."

Commissioner Willner asked, "What if Mr. Simon does his service with five (5) of the Townships and not with three (3) of them? He gets five (5) blue claims and does not get three (3). What happens then?"

Attorney Miller said, "Then Mr. Simon gets paid for the work he does in the five (5) Townships for which he has claim forms and for which he performed services. If I were Mr. Simon's advisor, I would say to him 'Don't perform services in a Township until you are assured that the County Commissioners have a claim form from that Township Assessor.' And he is shaking his head 'yes' at this point."

Mrs. Cox said, "But this is going to defeat the whole purpose of equalization of re-assessment (don't shake your head, Mr. Bernard, because it will). If you don't get the full cooperation of the Township Assessors, then how are you going to get equalization of re-assessment?"

Attorney Miller said, "Mrs. Cox, that has been the problem all along and it has been our goal on the Commission, as I understand your directives to me, to seek the uniform use of the Technical Advisor throughout the County."

Mrs. Cox said, "Absolutely."

Continuing, Attorney Miller said, "However, the matter of funding is entirely separate."

Mrs. Cox said, "I understand that entirely."

Attorney Schopmeyer said, "As an outsider and not a governmental official, I see a spirit of cooperation among the Assessors -- at times I've seen it pulled apart and then at times mend itself -- I think there are things still to be done and I know it's a problem. But I think the spirit is there. I know that is a concern of everyone here and it is of concern to me, as a taxpayer. But I think the safeguards are included in this contract as best we can in written terms so we have uniformity in the re-assessment. As we sit here two years from now, we will know."

President Borries said, "So we have a motion that our County Attorney has said we could approve and that representatives of Manatron and Simon's have agreed."

Attorney Miller said, "We have to deal with Manatron separately. I think we need to do Simon's, since it is on the agenda."

Commissioner Borries asked, "Who would like to make that motion?"

Commissioner Willner moved that the contract for Technical Advisor to the Township Assessors be awarded to Simon's Governmental Services, Inc., with the stipulation that the blue claims will be forthcoming from the Township Assessors, with the conditions set forth in the discussion in this meeting between Mr. Simon and County Attorney David Miller, with a second from Commissioner Cox.

The Chair then asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; and Commissioner Borries, yes. So ordered.

Attorney Miller asked, "Do you want to act on Manatron? If so, we need the representative of Manatron to come before you."

Mr. Jim Hughes approached the podium and Attorney Miller said, "Mr. President, at this time I will submit to you the final draft of the proposed contract between Vanderburgh County and Manatron, Inc. regarding the purchase of certain computer hardware, software, delivery services, installation services, training services, and start-up supplies and a contract regarding the annual costs of hardware maintenance and software support. I will again confirm that this draft has been the subject of negotiation between Mr. Jim Hughes (who is at the podium) on behalf of Manatron and myself on your behalf. We should duplicate that document after it is signed -- if you see fit to approve it. Mr. Hughes and I had the discussion (which I earlier described to you) with the representative of the State Board of Accounts. Our concern is that the County Commissioners have in their approved budget the sum of \$129,144 for this contract. \$66,152 of it is for hardware and you will see that the contract, Mrs. Cox, in paging through on the first page, provides for substantially more hardware. This \$66,151 of hardware, as I understand it, is the hardware to be installed in connection with the County Assessor's office. Is that right, Mr. Hughes?"

Mr. Hughes said "That is correct."

Attorney Miller said, "This \$66,151 of hardware does not include any hardware for the various Township Assessors' offices. Is that right?"

Mr. Hughes responded, "That is correct."

Attorney Miller continued, "The Township Assessors have had the benefit of appropriations through the County Council for additional hardware to be installed in their offices. Is that correct?"

Mr. Hughes responded, "Yes."

Attorney Miller said, "Your company will agree, as I understand it, Mr. Hughes, that you understand that the County Commissioners have in their budget the sum of \$129,144, which will pay for the County Assessor's portion of the hardware, for the software and software license, and for the miscellaneous services that are set forth in the contract. Is that right?"

Mr. Hughes responded, "That is correct."

Attorney Miller said "You also understand that the County Commissioners do not have in their budget the monies with which to pay for the hardware that the various Township Assessors will require? Is that right?"

Mr. Hughes said, "Yes, that is right."

Attorney Miller asked, "And you are here to agree on behalf of your company that you will not seek payment from Vanderburgh County for the hardware which is ultimately intended to be installed in the Township Assessors' offices, notwithstanding the execution of this contract, if the Township Assessors do not file with this Commission the necessary blue claim forms in order to authorize payments from their respective budgets for their respective hardware? Is that right?"

Mr. Hughes responded, "That is correct."

Mr. Miller asked, "And it's your intention not to deliver any hardware to the Township Assessors until you are assured that the necessary blue claim forms are in the hands of the County Commissioners?"

Mr. Hughes responded, "That is correct."

Attorney Miller asked, "And what is your capacity with Manatron?"

Mr. Hughes responded, "I am representative for the State of Indiana."

Attorney Miller asked, "And do you represent to us that you have the authority to make these promises and agreements with us?"

Mr. Hughes responded, "Yes, I do. But I would like to make one comment. On the contract given to you, the County Council added certain pieces of equipment and then made an appropriation specific to each of those Townships in the County to adjust the document that I have given you as the contract. It was my misunderstanding as far as the Auditor was concerned, that there was a work station involved for the Auditor's Office. That was incorrect and that should be deleted on Page 8 of this contract for the Auditor's Office. It is in the amount of \$3,225."

Attorney Miller asked, "That will reduce the contract by that amount?"

Mr. Hughes said, "Yes, but we were starting with the amount that is greater than that, which is appropriated. We were starting with the....."

County Auditor Sam Humphrey interjected, "Let me address that just a minute. There was \$5,000 in that appropriation to the Auditor's Office to handle the communication between Manatron and Pulse, which will then get into my office. That will get into all terminals in my office?"

Attorney Miller continued, "The Township Assessors have had the benefit of appropriations through the County Council for additional hardware to be installed in their offices. Is that correct?"

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Mr. Hughes responded, "Yes, the tax billing information will be available on your terminals."

Mr. Humphrey said, "As to the discussion we had this morning, you said that by that method I could not look at the Township Assessors' billings as they have it in their office?"

Mr. Hughes said, "That is correct."

Mr. Humphrey asked, "But I could get tax billing information?"

Mr. Hughes said, "That is correct. To get it exactly as it functions on the Township and County Assessors' programs, you would need a terminal that functions the same as their terminal. However, that work station will function with the Pulse system exactly the same as your current Pulse terminal, but the Pulse terminal won't go the other way."

Mr. Humphrey said, "It was my understanding when I talked with you initially that we would get all the information that the County and the Township Assessors had -- and that is what we want. I didn't realize it would require a separate terminal and this morning was the first time I heard that."

Mr. Hughes said, "There is a simple explanation for that, Sam, and that is the terminals in the Assessors' offices are graphics terminals and they draw the sketch and they do calculations as a result of those sketch factors. The terminal you have in the Pulse system does not have that capacity."

Mr. Humphrey said, "Commissioners, with our transfer requirements, that may be a desirable feature that we want and I think perhaps we ought to have it in there."

Mr. Hughes said, "Scratch that scratch. Again, the amount of money that was outlined in the initial....."

Mr. Humphrey interjected, "That has already been funded, is that correct?"

Mr. Hughes said, "That is correct. It is my understanding that that is funded as part of the \$11,000. The Auditor's Office was appropriated \$11,000 as part of this total appropriation. The Commissioners were appropriated \$66,151 for hardware. The Schedule "A" for equipment in front of you has a total of \$78,398 that would have to be modified and the only two items that could be removed without affecting the overall functioning of the system would be the two work stations and that would be at a cost of \$5,225 each or \$10,450 and the impact of that would be to reduce the County Assessor's office from four (4) work stations to two (2) work stations. So, to bring this in line with the amount appropriated, that adjustment would have to be made. With those changes in the contract, I can assure you that the delivery of that equipment will be made upon the signing of the contract with Manatron and the appropriate claim forms being filed with the County Commission."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, the contract was executed subject to the conditions made in this meeting between Mr. Hughes and County Attorney David Miller, which have already been stated.

The Chair asked for a roll call vote: Commissioner Cox, no; Commissioner Willner, yes; and Commissioner Borries, yes. President Borries declared the motion approved.

Continuing, Commissioner Cox said she will state her reasons for voting "No". "I have no objection to the software in the Manatron package, but I do object to putting in a completely different kind of hardware when I feel that we should have it all on our own data processing. And, to me, this is more a waste of money than the \$75,000 that the Chamber has asked for to help create new jobs in Vanderburgh County."

Mr. Hughes expressed appreciation to the Commission and said he will begin to work immediately with the Assessors.

(Attorney Miller requested that the Auditor put a special note on this tape not to erase this tape ever!)

\* \* \* \* \*

Commissioner Borries said he has had a request from the other Commissioners to take a very brief recess at this time.

\* \* \* \* \*

RE: BUILDING COMMISSION - ROGER LEHMAN

The meeting resumed with President Borries calling upon Roger Lehman, Building Commissioner.

Mr. Lehman said in accordance with State requirements, he has a notice to advertise for qualifications for Architecture and Engineering Services, as follows, in connection with the Vanderburgh Auditorium:

Pursuant to IC 5-3-1, I would like to request we publish a notice for qualifications for Architectural and Engineering Services for bid preparation, bid administration and construction administration or Air Conditioning System upgrading and Mechanical room additions at the Vanderburgh Auditorium, 715 Locust Street, Evansville, IN.

Familiarity with the project as well as technical ability will be the general criteria for selection.

Job description information will be on file at the Building Commissioner's Office from 8:00 a.m. to 5:00 p.m. weekdays.

The Vanderburgh County Board of Commissioners will award the contract on Monday, January 11, 1988, at 3:30 p.m. in the Commissioners Hearing Room #307, Civic Center Complex.

Letters of qualification and estimates for cost of document preparation bid administration and construction administration must be submitted to Building Commission, Room 310 Civic Center Complex, Evansville, IN 47708 by January 9, 1988.

Mr. Lehman said he went over this with Attorney Miller.

Mrs. Cox asked, "Is this the notice?"

Mr. Lehman said the notice will not be exactly like the foregoing, but will be similar. He will work with Mr. Dorsey in Purchasing to get the advertisement in final form.

Motion was made by Commissioner Cox that permission be granted to advertise for statements of qualification for architectural and engineering services for the Vanderburgh County Auditorium air conditioning system.

Commissioner Willner asked, "This person is going to submit a price to us for doing the architecture, engineering, bid preparation, bid administration, and construction administration for the air conditioning system at the Auditorium?"

Mr. Lehman responded, "Correct. State Law requires us to go through this notice process."

Attorney Miller said "I understand that he/she will also submit qualifications."



Mr. Lehman said, "Right -- it is really more qualifications than the prices. The State Statute requires the qualifications and the prices are just more or less for our information in helping determine which architect or engineering firm would be the best qualified for this particular job."

Attorney Miller said, "The Statute permits negotiation after these prices and qualifications are submitted. We do not necessarily have to take the low bidder and we don't necessarily have to accept the bid of the one we want. We can negotiate."

Mrs. Cox said, "That is similar to what we have done on our roads or bridges -- wherein we've obtained a ballpark figure."

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

Monthly Report: Mr. Lehman also submitted the Monthly Report for the Building Commission.....report received and filed.

Kay's Health Club: Commissioner Cox asked whether Kay's Health Club is being demolished?

Mr. Lehman said it should be down by the end of the month. He has not been by there this month.

Mrs. Cox asked, "The end of which month?"

Mr. Lehman responded, "November...but I will check on that. He also is going to cable the drive off in addition to tearing down the building."

RE: COUNTY ATTORNEY - DAVID MILLER

The Chair asked if Attorney Miller has anything to report?

Open Burning Ordinance: Attorney Miller said he has a draft of a proposed Open Burning Ordinance for the County for the Commissioners' consideration. It is prepared on the basis of the form that is in effect in Kosciusko County.

Caranza Drive Sewer Project: In connection with the Caranza Drive Sewer Project, we are now in the process of developing an acceptable agreement for the engineering services that are to be performed by Mr. Veach's firm. Mr. Veach submitted a form of contract to us already signed and we found it to have some shortcomings in respect to the County's position on the matter, so they are working on that, along with developing with him the proper procedure to follow for doing the assessment rolls, etc., and that will all be included in the contract. They should have it ready for submittal to the Commissioners in a couple of weeks at the most. We've already contacted several banks around the countryside to get ideas from their investment officers regarding the form that these particular Barrett Bonds should take, because this is a slightly different type of Barrett Bond than is customarily used, so we are researching this."

Mrs. Cox asked, "Could I ask a question? On the ordinance you submitted for burning, was there any input received from the volunteer fire departments?"

Attorney Miller responded, "Not by me. That is not to say that it wouldn't be appropriate. I forget who asked me to do it, but somebody asked that I put together an open burning ordinance and I said I would and...."

Commissioner Cox said, "We had one and we gave a copy of it to John Buckman. He was going to a Chiefs' meeting and said he would have them review it."

Commissioner Borries said, "I think Curt John had that. What it was based upon was what is in effect in the City of Evansville."

Attorney Miller said, "Right."

Mrs. Cox said, "Then I would think we need to forward that one to the volunteer fire departments, too."

Commissioner Borries asked, "Could we look at this one this week and maybe next week set up a time when we would want to hold a hearing on this?"

Attorney Miller said, "I did not know that Curt and I were duplicating effort on this. This is the first time this has happened with Curt and me that I know of -- we maintain pretty good communications. But if there is another one floating around, we need to coordinate on this."

Commissioner Borries said "That is why I asked for a one week deferral, so the Commissioners could read this one. I don't think it's any error for you; I think it apparently was discussed earlier and someone called Curt and we wound up with two versions. What we could do then, if the Commissioners would like, would be to look this one over and we'll set a time when we might have a hearing and we also might want to look into January, as well, for advertising for a public hearing on our roads. We've done this in the past and it has proved very successful. We might want to really liven it up and have the hearing on the roads and the open burning ordinance at the same time. In any event, we will want to consider setting a date."

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period November 23 thru November 27, 1987.....report received and filed.

Gradall: Broadway, Wimberg and Mesker Park and St. Joe Avenue

Patch Crew: Peacock Lane and Indian Mounds

Paved: Wimberg and Mesker Park Drive

Trash Crew: Bayou Creek, Old Henderson Rd., Burkhardt, Petersburg, Baseline and St. Joe Avenue

Tree Crew: Mill Rd. and Happe Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Painted guard rail at Fuquay Rd. and Outer Lincoln
- Rip-rapped culvert on Baseline Rd.
- Cleaned yard and hauled to junk yard
- Cleaned bridge on 5th Avenue., Stringtown and Burkhardt
- Cleaned bridges on Ohio St. and Oak Hill Rd.

Weekly Work Report/County Garage:

Mr. Bethel also submitted copies of the Weekly Work Report for Employees at the County Garage for period November 30 thru December 4, 1987.....report received and filed.

Gradall: Motz Rd., St. Joseph Avenue

Patch Crew: Heckel Rd., Ashwood, #6 School Rd., Indian Mounds, Burkhardt, Lynn Rd., Oak Hill, Bergdolt, Kansas, Green River, Nurrenbern and St. Joe Rd.

Paved: Wimberg and Darmstadt

Grader: Newman Rd., Hickory Hills, Rosser, King, Lemay,  
Green River Rd., Rosser Dr. and Seven Hills

Tree Crew: #6 School Rd., Eickhoff and Volkman

Replaced  
Trees: #6 School Rd.

Weekly Report/Bridge Crew: Also submitted for the same period  
was the Weekly Work Report for the Bridge Crew.....report  
received and filed.

- Cleaned yard and painted guard rails from under culvert  
on Happe Rd.
- Cleaned Oak Hill Rd. Bridge
- Replaced guard rail on Fuquay and Pollack Avenue
- Rip-rapped culvert on St. Wendel Rd.

Weekly Absentee Reports: Also submitted for both periods were  
the Weekly Absentee Reports for Employees at the County Garage  
and the Bridge Crew.....reports received and filed.

Commissioner Cox asked, "Bill, I assume you received a copy of  
the same letter I received from the City Engineer's Office saying  
that as of December 1st the City will maintain the bridges and  
overpasses free from ice.?"

Mr. Bethel responded, "I had a meeting with them and this is what  
we came up with."

Mrs. Cox said, "Fine -- fine, because last year we were expected  
to do it remember?"

Mr. Bethel said, "We've had excellent cooperation from the City.  
We will maintain Kratzville Rd. from the railroad tracks to  
Darmstadt Rd. and in return they will maintain Old Petersburg Rd.  
from the City Limits to Highway 41."

Commissioner Borries said, "Bill I know you have also expressed  
some concern -- I'm just asking for information purposes -- we do  
currently have trash litter ordinances in our Code of  
Ordinances?"

Mr. Bethel said, "I don't think there is."

Commissioner Cox said, "Commissioner Willner said it wasn't  
necessary."

Attorney Miller said, "We looked into that last spring and it was  
determined that there was a State Statute that essentially  
pre-empted that."

Mr. Bethel said "I've asked the Sheriff to exercise tighter  
control. We went down and cleaned this hole out and then put  
guard rails around it where they can't get down in there. But if  
we don't get tighter control, they are going further down the  
road and dump it someplace else -- and this is one thing I've  
asked for. I have a meeting scheduled with the School Board this  
week re the snow routes and I have these worked up for the  
year...and I coordinated with the City on this."

Commissioner Cox said, "In looking at your report, I kept  
wondering what in the world was 5105 St. Joe? And that is the  
County Garage, where they put snow plows on, etc., in preparation  
for inclement weather. My other question is have we received a  
report back from EUTS concerning the 3-way Stops or the

intersections in subdivisions that the Sheriff had sent a memo on, which we referred to EUTS (and I reported another one to Rose)?"

Mr. Bethel said he hasn't heard anything on this.

Mrs. Cox said, "Apparently, speeds through subdivisions are becoming an increasing problem, because adjacent subdivisions are being built and roads are connecting from one sub to another and people are using the residential road connection as a short cut for instance, from Old State Rd. to another road rather than taking the long route around. This has really created some problems for people in residential subdivisions."

Commissioner Borries asked, "Didn't EUTS come up with a list of intersections where stop signs and stops were recommended?"

Mrs. Cox said, "Yes -- but that was entirely different. Those were major intersections, I think, Rick. The ones I'm talking about came from one of the Sheriff's deputies and they were recommending 3-way stop, etc. Maybe we could have a report on that next week."

RE: REQUEST TO ADVERTISE FOR BIDS ON AIR CONDITIONING AT HILLCREST

Commissioner Borries said that Susan Jeffries of the Purchasing Department is here for purposes of obtaining permission to advertise for bids on air conditioning at Hillcrest-Washington Home and the bids are to be opened on January 4, 1988.

Ms. Jeffries advised that the specs were drawn up by Tony Wilson and the packet seems to be in order.

The Chair entertained comments or questions.

Mrs. Cox asked if we're talking about air-conditioning only? If so, they are not going to need air conditioning right away.

Commissioner Borries said it is the whole thing -- because they are to the point where the equipment is so outdated that he thinks the thrust of what Mr. Wilson has done is to draw up all of that. He asked, "This has been reviewed by City-County Purchasing and there have been no changes?"

Ms. Jeffries said there have been some minor changes.

Commissioner Willner asked, "Are we also changing the heating system?"

Commissioner Borries responded in the affirmative.

Commissioner Willner said this is bad.

Commissioner Borries said the specs indicate HVAC renovation for Hillcrest-Washington Home, etc.

Commissioner Willner asked, "Have we talked about an engineer's estimate or anything?"

Mrs. Cox said "We've already hired an engineer."

Ms. Jeffries said the engineer drew up the specs.

Commissioner Willner said, "Usually when you draw up the specs, you say I think this will be 'X' number of dollars and we always bid the system -- and we always have that and it is always available..."

Mrs. Cox said, "But you don't want it published."

Commissioner Willner said, "It doesn't have to be published; I just want to know what we are talking about. In the first place, it is news to me that we are changing the heating system."

County Engineer Andy Easley stated that he hasn't looked at the specs, but it seems to him he recalls that the boiler has given them so much trouble out there that....."

Commissioner Willner interrupted, "Absolutely not; the last time I talked to the man who takes care of the boiler he said it was the best one in the City of Evansville."

Mr. Easley said there is a note that says, "Remove existing boiler and associated pipe and equipment in the boiler room."

Commissioner Willner asked, "And what are we going to replace it with -- another boiler?"

Mr. Easley said "I think it is a forced air furnace."

Mrs. Cox said, "Well, this is just for estimates, isn't it? We don't have the money yet, do we?"

Commissioner Borries said, "Yes."

Mr. Easley said, "I believe Jim Lindenschmidt indicated they had money to fund what these specs call for."

Mrs. Cox moved that the notice to bidders regarding the heating ventilation, air-conditioning renovation for the Hillcrest-Washington Home as prepared by the City-County Purchasing Department be approved and advertised.

Commissioner Borries said, "I would assume that whatever specs have been approved here at this point would not preclude the destruction of any equipment that would be deemed good by any of the persons here who have inspected this and, I guess, drawn up the bids. That is my feeling on that."

Commissioner Willner asked, "What are we going to do with the old equipment when it is taken out?"

Commissioner Borries said "I think it would have to be subject to a surplus sale, wouldn't it?"

Commissioner Willner said "Usually it isn't. Usually it belongs to the person who is removing same. That is a general contract"

Mrs. Cox asked, "Oh, really?"

Mr. Willner said, "Absolutely."

Mrs. Cox said, "See what the specs say there."

Mr. Willner continued, "And if you take it out you are going to be giving him something that is better than he is putting back -- and less expensive to operate. Does it say what it cost to operate the present system?"

Commissioner Cox said, "Bob, I know when our furnace (which was first coal, then oil, then gas) was converted -- and then when we wanted to put in central air, in order to adapt that furnace to an air-conditioning unit it was going to cost more than to buy the combination unit."

Commissioner Borries said, "Bob, I can't verify any of that. I think we would have to review that."

Commissioner Willner said, "Then I think that would be in order."

"Commissioner Cox said, "Then I will withdraw my motion."

Commissioner Borries thanked Susan Jeffries for her attendance and said the Board will take this matter under advisement prior to proceeding with any advertisement.

RE: COUNTY ENGINEER - ANDY EASLEY

The Chair called upon County Engineer Andy Easley for his report.

He said he doesn't know whether the Board is ready to act on the three acceptances that are on the agenda (Old Petersburg Place Phase II, Greenbriar Hills, and Green River Estates, Section C-2). If not, these matters can be deferred until next week.

Mrs. Cox asked, "Do we have the reports from the Surveyor's Office? And, when do the Letters of Credit run out?"

Mr. Easley asked Joe Ballard of Area Plan whether he can report as to when the Letters of Credit run out on Old Petersburg Place Phase II and Green River Estates, Section C-2?

Mr. Ballard said Old Petersburg Place Phase II is April 1, 1989. His first stage is coming up soon and he plans to do some other work so he can get some of his other money released. Green River Estates is November 14, 1988. However, he believes the individuals involved are wanting to get the streets accepted as soon as possible in order to free up some of their money.

Mrs. Cox said she does not have a report from the Surveyor's Office on any of the three subdivisions involved.

In response to query from Commissioner Borries, Mr. Jeffers said he is prepared to make a verbal report.

Commissioner Cox said she would rather have the reports in writing.

It was the decision of the Commissioners to defer acceptance of streets in the subject subdivisions for one (1) week.

Acceptance of Streets in Country Trace I: On November 16th, the Board accepted the streets in Country Trace I, but formal acceptance letter was not ready for signatures. He would request that the Board execute the letter at this time.

Motion to execute the formal letter was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Acceptance of Streets in Country Trace II: Mr. Easley said he still has to prepare the formal letter for signatures with regards to acceptance of streets in Country Trace II.

Acceptance of Streets in Greengate Court Subdivision and Bentwood Estates Subdivision: Mr. Easley presented acceptance letters for subject subdivisions for the Commissioners' consideration. They will take these matters under advisement for one (1) week. Mr. Easley said he and Mr. Bethel have checked these out.

Rollett Lane Bridge: Mr. Easley reported that they are backfilling the bridge on Rollett Lane and it should have stone over it by the end of today. It will soon be ready for traffic.

Mrs. Cox said, "Is there going to be a guard rail? Some people have expressed concern."

Mr. Easley advised that there will be a standard guard rail.

Commissioner Willner asked "Are they burying the guard rail ends? Let's be sure we start doing that."

Mr. Easley responded in the affirmative.

Woods Road Bridge Bids: Commissioner Borries asked Mr. Easley if he will provide the Board with a report on Woods Road Bridge bids next week? Mr. Easley indicated that he will do so.

Plantation Estates Subdivision: Mr. Easley reported that he and Mr. Bethel looked at Plantation Estates. There was a deviation on the inlets, but he believes we can accept these streets.

Commissioner Borries requested that Mr. Easley get the documentation together so the Board can act on this at their December 14th meeting.

Mrs. Cox noted that the Surveyor's Office also needs to check this one.

Mr. Jeffers advised that the inspection is complete but the report is not yet written. Does the Board want all reports in writing?

Mr. Borries said if Mr. Jeffers can provide the Board with written reports, they will have the information necessary to approve the aforementioned subdivisions.

RE: INCREASE IN EVANSVILLE CABLE T.V. RATES

The meeting proceeded with President Borries reading the following letter from Evansville Cable T.V.:

November 25, 1987

Mr. Richard J. Borries, President  
Board of Commissioners  
of Vanderburgh County  
305 Administration Building  
Civic Center Complex  
Evansville, IN 47708

Dear President Borries and Commissioners:

Enclosed is a copy of a letter that will go out to our cable subscribers in our December billing that will tell about a rate increase starting January 1, 1988.

We will be adding two new channels to our basic lineup effective January 1, 1988 -- the Discovery Channel that will be on Cable Channel 17 and American Movie Classics on Cable Channel 26. This will give us twenty-five channels. The letter is self-explanatory as to why we will be raising our rates. I just wanted to communicate our future rates and to bring you up to date as to some of the things we are doing here at Cable T.V.

I might point out this has been a very costly rebuild for us because of Division Street, Covert Avenue, Morgan Avenue, Pollack Avenue and Fuquay Road due to new highway construction. We feel this is progress, but we have had to sustain a tremendous amount of costs.

If you have any questions, please feel free to call me.

Sincerely,

/s/ Robert D. Ossenberrg  
Vice President & General  
Manager

\* \* \* \* \*

Dear Subscriber:

In 1986, Evansville Cable T.V. expanded its basic concept to 23 Channels and introduced WPIX, New York and several other

channels that gave a broad spectrum of programming. We have received very good comments from our subscribers as to the increase of programming the targeted types that we are offering to all segments of audience.

Most recently, we did a survey in the market and found that WTBS, WGN, WPIX, CNN, ESPN, Nashville Network, Weather Channel, CBN, Lifetime and Nickelodeon to be very strong programming. The survey told us that movies of all types were very strong and in addition, news, sports, childrens' programming and music followed. For 1988, January 1, we are looking to make some changes and expand our basic package to 25 Channels. The Discovery Channel and AMC will be added on to our basic channels. The Discovery Channel offers 18 hours a day of the finest documentary programming available from around the world, such as Nature, Science, and Technology, History, Human Adventure, People, Places, and Other Cultures. American Movie Classics (AMC) features 50 years of classic movies from Hollywood's golden era! As you know, in 1987, we introduced FM stereo equipment for all stations that have stereo-capability. This has been very well received and more programming will be provided in stereo as stations change over to this type of system.

We have increased our capital expenditures with an on-going construction program, change outs for new updated equipment plus have had to increase our capital for cable rebuilds that are being made on Division Street, Covert Avenue, Morgan Avenue, Pollack Avenue and Fuquay Road and I-164. Any capital improvements due to highways, etc., we have to sustain all of the costs because we are on state right-of-ways. In 1987, some of our suppliers have increased their service rates to us such as ESPN by 100% with the introduction of NFL football. Our pole attachment rates will increase in 1988. Coupled with the above increases, our costs in labor and increases to employees will rise in 1988.

Effective January 1, 1988, Evansville Cable will raise its monthly basic rate from \$13.75 to \$14.75 plus tax. All additional service will remain the same price-wise. We feel the increase is very nominal but will enable us to continue to improve our plant and provide better service and entertainment for our subscribers. May we suggest that if you pay a year in advance as of January 1, 1988, your basic service will receive a 5% discount.

We are proud of our contribution to the community in entertainment and information that cable TV does provide for pennies a day. We want to thank you for being a good cable subscriber and wish you the very best during the Holiday Season and a Great 1988.

Sincerely,

/s/ Robert D. Ossenberg  
Evansville Cable T.V., Inc.

RE: COUNTY TREASURER - MONTHLY & INTEREST REPORTS

President Borries presented copies of the Monthly Report thru October 30, 1987 and the Interest Report through November 30, 1987 which had been submitted by the County Treasurer ..... reports received and filed.

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

Commissioner Borries also presented the Monthly Report from Alexander Ambulance Service Inc., which had been submitted for the month of October 1987.....report received and filed.



RE: REQUESTS TO TRAVEL

Requests to travel to the Annual Assessors' Conference to be held in Indianapolis on January 28-29, 1988 from the Knight Township Assessor and the Perry Township Assessor were presented and a motion entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the requests were approved for payment from unappropriated funds if funds are not available in the travel account. So ordered.

RE: APPOINTMENTS

President Borries said the Commissioners need to make appointments to the Convention & Visitor's Bureau Board. The current appointments expire on December 31, 1987 and there are two appointments to be made. By law, one must be active in the Hotel-Motel industry. The current appointments are Robert E. Green of the Executive Inn and Mr. Ira Neal of the Evansville-Vanderburgh School Corporation. Both have consented to be re-appointed, if this Board so wishes. These appointments would be for a one-year term (January 1, 1988 thru December 31, 1988).

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, Messrs. Robert E. Green and Ira Neal were re-appointed. So ordered.

RE: OLD BUSINESS

Tax Title Certificates: Commissioner Borries submitted Tax Title Certificates for the following eight (8) parcels of property to be given to the County Auditor to hold. Deeds will be issued in 1988 and the properties sold in 1989: Properties are as follows:

Tax Code #11-6-21-44-3  
11-9-21-74-5  
11-9-21-87-16  
11-11-22-19-9  
11-12-22-31-11  
11-16-22-78-14  
11-30-24-62-7  
11-51-27-57-10

RE: BASIC 911 EMERGENCY SYSTEM

President Borries proceeded by saying that on <sup>15</sup>December 31st he wrote the following letter to Mr. Jerry Larison of the Indiana Bell Telephone Company:

Dear Mr. Larison,

Please proceed with the Basic 911 Service for the McCutchanville, St. Joseph and St. Phillips exchanges to be terminated in the Sheriff's Office.

Sincerely,

BOARD OF COMMISSIONERS  
OF VANDERBURGH COUNTY

Therefore, we have officially notified them of our approval of that and Council's commitment to fund that project.

RE: SCHEDULED MEETINGS

Mon.	Dec. 14	11:00 a.m.	Joint Meeting of Council & Commissioners re Roads
Wed.	Dec. 16	7:00 p.m.	Land Commission Mtg.

RE: REQUEST FOR TRANSFER OF FUNDS FROM BOARD OF REVIEW  
TO LAND COMMISSION ACCOUNT

Mr. Borries read the following letter from the County Assessor dated December 7, 1987:

To: COUNTY COMMISSIONERS

The amount of money that was appropriated and approved for the Land Commission for the preparation for the work of the Land Commission members and the two or three clerk employees, with all the paper research and meetings, is being exhausted.

Therefore, in order to expedite the work of the Land Commission in the year 1987, I am asking for the approval of the County Commissioners to transfer the remaining balance from the Board of Review Account #131-118 in the amount of \$3,385 to the Land Commission Account #249-130-119. The work of the Land Commission has to be completed before the statutory deadline of December 30 1987.

I would greatly appreciate that approval would be made today. I apologize for the failure to notify you several weeks prior, but in the light of additional meetings and work involved, the additional funds will be needed for the completion by December 30, 1987.

Sincerely,

James L. Angermeier  
Vanderburgh County Assessor

Mr. Borries said he is not sure the Commissioners can do this. What the Board would have to do would be to ask the Council's approval to transfer remaining balance from Board of Review Account to the Land Commission Account so that the work of the Land Commission could be completed before the statutory deadline of December 30 1987. All the Commissioners can do is say that they will ask Council to approve this request. A motion was entertained. Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request was approved. She said the meeting at 7:00 p.m. on Wednesday, December 16th, should be an interesting meeting if her understanding is correct. She believes they will be giving out their land values at that time.

RE: DISCUSSION ON COUNTY ROAD PROJECTS

With regard to the meeting re roads on December 14th, it was noted by Mr. Willner that, in particular, federally funded road projects will be discussed, at the request of Wm. Taylor of the County Council. They are also going to try to get Lee Gallivan to attend and EUTS is to provide some documentation at that time. What prompted the meeting was Mr. Taylor's concern re Green River Road. He thinks maybe there would be a problem locally with the road in getting it done in 1988. It really is not a local problem -- it's a State/Federal problem.

Mr. Borries said he believes the bridge is being reviewed by the State at this time. He thinks this is third on the list of bridges. Commissioner Willner interjected, "I don't know how that happened either. Who determined that Green River Rd. is third on the list?" Commissioner Borries said, "I think that decision was made at the State level -- probably in the order in which they receive them."

Mrs. Cox said, "I'd rather be third than thirtieth. The reason we didn't get funding was because our plans aren't up there. They can't give you money without having your plans up there. We're getting close and I understand that some monies are going to be available, but we've got to get our plans up there."

Commissioner Willner said, "I understand that the plans are up there."

Mrs. Cox said, "I mean for the design on the road."

Mr. Willner said, "The road is ahead of the bridge and this will probably have to be done in two different segments now. This is the information I got from the State. I will be up there tomorrow and I will check again. But I understand that we will have to break the Green River Rd. project down into two phases. But I'm not sure that is true. But when the plans are finished and in the State's hands, they say they will do everything possible to see that it gets funded. If they hold true to their course, it will still go in 1988."

Commissioner Borries said he doesn't think there is any hold up on the part of EUTS or anyone else in relation to anything. They have consistently said that there were "X" amount of dollars -- and we have a lot of projects up there right now and they all seem to be in the same stage.

Commissioner Willner said, "I understand that Third Street and Fifth Street are just like Green River Rd. South and Boonville-New Harmony. We had to do Heerdink Lane; we didn't want to do that nor did we prioritize that. But they had to do it for us, because we're going to hook in with I-164. It's the same thing on Third Street and Fifth Street for the City. That is a mess down there and they need to do something about it."

Mrs. Cox interjected, "We didn't have to do Heerdink and we did not use road funds on Heerdink, Bob. Right?"

Commissioner Willner asked, "What part did we use?"

Mrs. Cox said, "We used bridge funds."

Mrs. Cox asked, "How did it ever occur that we are robbing funds out of the Eickhoff-Koressel Account?"

Commissioner Borries said, "I'm not sure; if they are unappropriated funds, then it would be my feeling that they should come out of that."

Commissioner Willner said, "Andy just took the path of least resistance, because to get the money ready to pay the state -- money we did not know we owed, he was going to do the quickest route (transfer money instead of advertising and taking the long way or two months' way for the appropriation). It's that simple."

Mrs. Cox said, "I thought the paper said he wanted it for Green River Rd."

Commissioner Borries said the transfer was just so we could pay the State the \$78,000.

Mrs. Cox said, "She said they asked for monies for both Lynch Rd. and St. Joe."

Mr. Borries said, "I've never received any finals on Lynch Rd."

Mrs. Cox said, "I've got a copy of that in my mail. They are both in there. Mrs. Cox produced the following:

November 18, 1987

To: Vanderburgh County Commissioners

Re: Final Claims for St. Joseph Avenue & Lynch Rd. Projects

Upon examination of the County's existing balances of the Local Road and Street Account, the following budget transfers

are recommended for the final claims of the St. Joseph Avenue and Lynch Road projects:

- 1) Transfer \$79,588.30- from Eichoff-Koressel (216.4741) to St. Joseph Avenue (216.4775).
- 2) Transfer \$27,220.16 from Eichoff-Koressel (216.4741) to Lynch Road (216.4776).

Transferring a total of \$160,808.46 from the Eichoff-Koressel Account will leave an account balance of \$490,639.84. This balance is sufficient to cover all existing contracts.

Should you have any questions, please contact me.

Rose M. Zigenfus  
EUTS

In discussing projects, Commissioner Borries said they are going to have to approve the Boonville-New Harmony project -- that's the first road off the interstate.

The Chair recognized Keith Lochmueller of Bernardin, Lochmueller & Associates.

Mr. Lochmueller said, "You and I both know that that road will be built -- and it will be built soon -- just because ....I have read the Boonville-New Harmony Rd. letter. Read closely what that letter says. I found out -- in other counties I read several letters and they are all saying the same thing -- a little computer program that Stan Yoder came up with -- he looked at all the projects throughout the State of Indiana. Where he mentions that right-of-way takes one year, we might get right-of-way done in three months. The computer program says a year. So when he looks at his activities -- if you will look at the letter -- and it says it is denied and then it says because we haven't met certain activities -- then it says we're holding and if you reach that point, then it will move to the next stage. That is what the letter says. That will be built and it will be built as soon as we (the County) have reached the stage to have the right-of-way -- you will see that project go on the letting list. I say this confidently, because I think it will happen."

Commissioner Willner said, "But you still know that it is subject to change?"

Mr. Lochmueller said, "Right."

Mrs. Cox said, "This letter is dated December 1st...and it reads -- 'We're forwarding to your consultant' -- and it's a set of marked-up plans -- and we are to return it with comments. This is why I say we're not quite yet done with it."

Mr. Lochmueller said, "The final plans are already sent in. The plans are in. The activity that has to be done is the right-of-way. Tom is finishing right-of-way documents and I think you're in the process of moving on up."

Commissioner Willner said, "But if they didn't want to move that set of plans up, they'd mark them up again for you. I understand that."

Commissioner Borries said, "I think there are several in this phase and I think the State Officials see a lot of pressure being put on by this County -- but we have to do what we have to do -- so we will just proceed. I do appreciate your comments on this."

Following further brief discussion, the Commissioners agreed they had never seen a final bill on the Lynch Rd. project.

Mr. Willner said Mrs. Zigenfus' letter also indicates the balance left in the Eichoff-Koressel account is sufficient to cover existing contracts -- so what is the big deal?

Commissioner Borries requested that the Board move along with the balance of the agenda.

RE: CLAIMS

Veach, Nicholson, Griggs Associates: Claim in the amount of \$5,062.00 for Green River Rd. South, Project ME-340(4) survey.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

RE: EMPLOYMENT CHANGES

Center Township Assessor (Appointments)

Gary Lee Coursey	R. E. Deputy	\$514.94/Pay	Eff: 12/7/87
Shirley E. Stucki	Office Deputy	\$35.00/Day	Eff: 11/24/87
Brian E. Gates	R. E. Deputy	\$705.13/Pay	Eff: 11/24/87

Center Township Assessor (Releases)

Shirley E. Stucki	Office Deputy	\$35.00/Day	Eff: 11/14/87
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German Township Assessor/Reassessment (Appointments)

Betty L. Singer	Clerical	\$35.00/Day	Eff: 11/10/87
Karen Wagner	Clerical	\$35.00/Day	Eff: 11/23/87

Area Plan Commission (Releases)

Beverly Kempf	Zoning Invest.	\$13,000/Yr.	Eff: 12/2/87
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Prosecutor (Appointments)

Bettye Norrick	Legal Sec'y.	\$13,500/Yr.	Eff: 11/23/87
Douglas R. Brown	Dep. Pros.	\$19,999/Yr.	Eff: 11/19/87

Circuit Court (Appointments)

Robert V. Howerton	Supv. Trainee	\$8,230/Yr.	Eff: 11/23/87
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Circuit Court (Releases)

John K. Bushrod	Supv. Trainee	\$8,230/Yr.	Eff: 11/13/87
Bryan Mayhew	P.T.W.R.	\$5.00/Hr.	Eff: 10/25/87
James Conklin	P.T.W.R.	\$5.00/Hr.	Eff: 11/07/87

German Township Assessor (Releases)

Karen Wagner	Clerical	\$35.00/Day	Eff: 11/23/87
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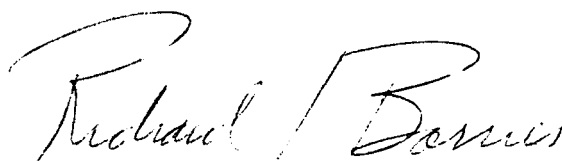
There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 6:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	David Miller
	R. L. Willner		
	S. J. Cox		
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>
	Andy Easley	Bill Bethel	Bill Jeffers
	<u>BLDG. COMMISSION</u>	<u>PURCHASING</u>	<u>AREA PLAN</u>
	Roger Lehman	Susan Jeffries	Bev Behme

OTHER

Jim Hughes/Manatron, Inc.  
Charles P. Simon/Simon Governmental Services, Inc.  
Ted Ziemer, Jr.  
Dick Lythgoe  
John Blair  
Thomas P. Whitsitt  
Charles Wolfe  
A. C. Lubbehussen  
Jeff Knight, Attorney  
Mike Schopmeyer, Attorney  
Dick Hartmann/Deig Bros.  
Tony Wilson/T.E.C. Construction Engineers  
Judy Stricker  
Al Folz  
Shirley Reeder  
Harry A. Tornatta  
H. J. Luebbehussen  
Jim Angermeier  
Rick Lents/C.P.C.  
Dennis Buttram/Construction Products Corp.  
Jerry Knight  
Fred Stocker/Citizen's Bank  
Ray Schmitt  
Robert T. Dorsey  
Darvin Elpers  
Harry Elpers  
Clarence "Bud" Winiger  
John R. Bernard  
Vance Thomas/Chamber of Commerce  
Jerry Crawford/Chamber of Commerce  
David Jenkins/Chamber of Commerce  
Keith Emge/Metropolitan Evansville Dev. Council  
News Media

SECRETARY: Joanne A. Matthews



Richard J. Borries, President



Robert L. Willner, Vice President



Shirley Jean Cox, Member