

**Vanderburgh County  
Board of Commissioners Meeting  
January 5, 1998**

The Vanderburgh County Board of Commissioners met in session this 5th day of January, 1998 in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the January 5, 1998 meeting of the Vanderburgh County Commission to order. We have pretty well our usual cast of players here this evening. Tony Greubel from the County Commissioners' Office; County Attorney, Joe Harrison, Jr.; County Commissioner, Pat Tuley; County Commissioner Bettye Lou Jerrel; County Auditor, Suzanne Crouch; and Charlene Timmons, our Recording Secretary. If you would, please stand and join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: The first item on our agenda this evening, we did not meet last week so the most recent set of minutes that we have is from the December 22, 1997 meeting and I would ask for a motion of approval of those minutes.

Commissioner Jerrel: I move approval of the minutes of that meeting.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: Prior to this meeting this evening there was a meeting of the Vanderburgh County Commission with the County Attorney and the County Auditor present in Executive Session. That meeting began at 4:30 p.m. and was completed at 5:30 p.m. Issues under discussion were the litigation or pending or threatened litigation against the county and also several county personnel matters. We have summary minutes of that meeting and I would ask that those be approved.

Commissioner Jerrel: I'd like to move approval of the minutes of the Executive Session.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Installation of new officers**

President Mourdock: Next on our action items we have the installation of new officers for the Board of the County Commission for 1998. I don't know how...we haven't formalized this real well, but I will do so and following the tradition of the past I would move that the President for 1998 be Ms. Bettye Lou Jerrel. Is there a second?

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Is there a motion, then, for the nomination for the position of Vice President of the Commission?

Commissioner Jerrel: I'd like to move that Richard Mourdock be the Vice President.

Commissioner Tuley: Second.

President Mourdock: I will again say so ordered. At that point, very happily, Bettye Lou.

President Jerrel: Thank you, sir.

Commissioner Mourdock: You don't take an oath or anything. You're just thrown into the fire.

President Jerrel: You just get right in there. Well, I don't have a speech to make. I would refer to our identifying bulletin board where on the left you will notice the things that we said we were going to do in 1997 and which we did. The ongoing projects are in the middle and I would just ask that Pat and Richard and I have a few weeks to arrive at some consensus on the column at the right which will be the Commissions' priorities for '98.

Commissioner Mourdock: Okay.

President Jerrel: The only comment I'm going to make is that I pledge to you this year as President there will be few political speeches, no posturing, goals clearly defined, openness, no stalling on tough problems and civility to all.

### **Resolution - 1998 meeting dates**

President Jerrel: The next item on the agenda--

Commissioner Mourdock: Before we go to the next, regarding the list over there since I will not be here next week are you looking to--

President Jerrel: No, I said a couple of weeks.

Commissioner Mourdock: Yeah, I know you said a couple of weeks. Are you looking to have a couple in a couple weeks just a listing from each of us priority-wise or do you want to use that evening to try to come to the consensus or what is your thought?

President Jerrel: Well, I'm...that's open. Pat, what do you think?

Commissioner Tuley: I think each of us could just jot some things down and from that though we can come up with a consensus among the Board members.

Commissioner Mourdock: Okay, so we'll try to do it...what would that be? The 19th or actually it would be the 20th. Is that right?

Commissioner Tuley: I'll send in mine.

Commissioner Mourdock: Okay, and that's the week you won't be here because you'll be in class, so you'll need to submit them. Okay. A hectic January. Okay.

President Jerrel: The next item on the agenda is the resolution that you have for the 1998 meeting dates.

Commissioner Mourdock: Just for the record, that calls for the Commission to meet at 5:30 in Room 307 each Monday with rezoning petitions to be heard on the third Monday of each month beginning at 7:00 p.m. and the Vanderburgh County Drainage Board meeting will be held on the fourth Monday of each month immediately following the Commission meeting. With the issue of scheduling going slightly beyond this, but we'll come back to that, I would move approval of these times and dates as specified in the resolution.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: The one question I have is for our Executive Session. I've noticed as someone once said that any job takes the amount of time assigned to it. We've been meeting starting at 4:00 and it always seems we go up to the wire, but I wonder if we had our Executive Sessions starting at 4:30, 30 minutes later, would we get as much done realizing that there may be rare occasions when we've got a contract to negotiate or litigation or whatever?

President Jerrel: What's your pleasure?

Commissioner Tuley: How do we legally handle that? If we advertise it will begin at 4:30 and then we need to, because of an extended item, move it up to 4:00 sometime what would we have to do to do that?

Joe Harrison, Jr.: We advertise each week ahead of time.

Commissioner Tuley: Oh, then that would be my pleasure.

Joe Harrison, Jr.: So, if you want to do 4:30 and for some reason you've got to make it 4:00 that's fine. We send out a notice each week ahead of time.

President Jerrel: Okay, is there a motion on the floor regarding that?

Commissioner Mourdock: I would move, then, that we have regularly scheduled Executive Session meetings on all Mondays except when Solid Waste Board meets and have those meetings commence at 4:30 unless otherwise announced.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: But we will send out notices as required by Indiana law.

Commissioner Mourdock: Sure.

President Jerrel: Okay, there was one other question about the meeting on the--

Commissioner Tuley: Next week?

President Jerrel: Uh-huh.

Commissioner Tuley: Yeah. Commissioner Mourdock announced last week or the last meeting that he would not be here. I will be here late, so I would like to move that the next meeting set for the 12th be moved to a start time of 6:30 p.m.

Commissioner Mourdock: I'll second that.

President Jerrel: So ordered. That will also have to be advertised.

Joe Harrison, Jr.: Yes, and we will send out...we'll fax and then if we can get it in the paper if we can do that, do you think tomorrow or the next day?

Charlene Timmons: Thursday.

Joe Harrison, Jr.: We have to do 48 hours in advance, so okay, plus some of our media folks are here, so I am sure they'll listen. Okay.

### **1998 Board appointments**

President Jerrel: The next item on the agenda is the board appointments for 1998.

Commissioner Mourdock: Okay, we have our list in the packet and it's probably easiest to do those...I think they need to be read into the record.

President Jerrel: Yes. Are you going to do the Commission appointments first?

Commissioner Mourdock: First thing, then, by way of the County Commissions' appointments, I would move that Commissioner Tuley serve as our representative on the Area Plan Commission.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: I would move that the County Commissioner appointed to the Data Board, to Community Corrections and to the EARC Board be the Commission President, Bettye Lou Jerrel.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: I would move that the Vision 2000 Board and the EUTS Board be filled by myself.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: For our citizen appointments we don't have many changes from last year, but for the Alcohol Beverage Commission I would move the appointment of Joe Kiefer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: For the Board of Review, Mr...is this correct?

President Jerrel: Uh-huh.

Commissioner Mourdock: Okay, Mr. George Koch and Jerome Richey.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Conventions & Visitors Bureau, Joe Harrison, Sr. and Joy Payne who have, again, both expressed a willingness to serve.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: On the Burdette Park Advisory Board, again, I would move that Don Hess, Kent Reddington and Jerry Schmits serve.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: The Community Corrections Board is a larger board, but all of these people have expressed an interest in serving or continuing to serve. Terry Noffsinger, Ed Bassemier, William Buckman, Gary Staley, Beverly Corn, Bobby Ogburn, John Browning, Allan Henson, Jeff Devine, our officer from this Board would be Bettye Lou Jerrel, and the last appointment would be Pheabe Dear.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: From the Emergency Management or rather for the Emergency Management Advisory Council these are by position. German Fire Chief, John Buckman; the Sheriff, Ray Hamner; and the Scott Township Fire Chief, Steve Labhart.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Our Board of Health appointment is the nomination of Gregg Gormley, a veterinarian here in town.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: I would move for the Human Relations Commission, Mr. Phil Mortis and Russ Lloyd, Jr.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: For the Library Board of Directors position I would move Rolland Eckels.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: The Pigeon Creek Greenway Advisory Board I would move Shirley James, David Ellison, Jim Mosley, Chuck Price, Tamala McCullough, Theo Boots, Blaine Oliver and Mr. Eric Reek.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: For the Redevelopment Commission I would move the reappointment of Harold Calloway, Dick Harris, Rolland Eckels, Brent Weil and Joan David.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: The final board is the Veterans Service Officer. I would move the reappointment of Mr. Mark Acker.

Commissioner Tuley: Second.

President Jerrel: So ordered. Do you have that? Okay.

Commissioner Mourdock: I believe that is all of our appointments. Charlene, the one appointment on Community Corrections I'm not sure you have the updated list. Yeah, you do, okay.

President Jerrel: I think there are two more vacancies that we're waiting for confirmations on.

Commissioner Mourdock: On Community Corrections?

President Jerrel: On Community Corrections, yes.

**Westwood Hills Subdivision - Assessment resolution**

President Jerrel: Okay, the next item on the agenda the resolution for Westwood Hills Subdivision.

Joe Harrison, Jr.: I believe you all have a copy of a proposed final resolution concerning the approval of the assessment roll for the project costs for the Westwood Hills project. Exhibit A to the final resolution contains the assessment roll that was presented to the Board two weeks ago. Each lot or tract owner will be assessed \$1,472.29. What I would ask on the second page of the resolution is that if there is anyone here to make any comments technically this is a public hearing for the consideration of the assessment roll and if there is anyone who wishes to speak at this time they should come up to the podium and do so. Being none that have spoken, what I'll do is just read the whereas and then down to the bottom:

“Whereas the Board has on the date hereof conducted the public hearing at which all interested persons have been heard and after considering such public comment desires to take final action confirming the project assessment roll, a copy of which is attached hereto as Exhibit A. Now therefore be it resolved by the Board as follows:

1. The Board hereby finds that the project lot or tract owners have been or will be benefitted by the road improvements in the amounts as listed in the assessment roll.
2. That the assessment roll is confirmed without modification.
3. That this resolution shall be in full force and in effect upon its a-doption.

The foregoing is adopted by the Commissioners this 5th day of January, 1998.”

If this resolution is adopted by the Board the Auditor's Office will be mailing out letters to all the lot owners notifying them of the assessment amount and the fact that they have 30 days from today's date within which to either pay that amount in full or opt for the payment plan which would be the bond issuance. The interest rate that is being proposed by the banks is 6.95% per annum and they would pay that over a period of ten years should they desire to do that. I would ask for a motion to confirm the assessment roll that was previously submitted to the Board allowing for this process to continue on. I think it will be completed in its entirety after this step the County Council has to consider an ordinance and following that the contractor will then be paid and the process will be over and then we'll have another one to consider down the road.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move approval of the final resolution on the roll for the assessments of the Westwood Hills Subdivision Barrett Law project.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Any group or individual wishing to address the Commission**

President Jerrel: The next item is for anyone that is not going to speak at another time. This is for the general public who would like to come forth and make a comment.

**John Stoll - County Engineer**

President Jerrel: Okay, County Engineer.

John Stoll: I've got one item. It's a travel request that I couldn't get on the consent agenda last Friday. It's for Tim Spurling to attend the INDOT Certified Tech Program up in Vincennes. This is a certified technician class that goes on through March. Tim doesn't have any plans to go up there every day. He is planning on going up there as little as possible and I would just like to get a blanket travel request approved for him to go up there on an as needed basis. This would be for a class on bridge deck construction inspection and on bituminous paving inspection.

Commissioner Mourdock: I'll move the approval of the consent items.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I have unless you've got some questions.

Commissioner Tuley: John, we were going to be walking a ditch out there in reference to Ward Road here? He gave me a three week break and called me today.

John Stoll: I figured since it was raining he would call. I was looking at that this morning and I was going through...since that all drains to the city I was checking in the city's drainage report to make sure they didn't cite that area as one of their problem areas so that way if we do change the direction of flow we are not putting additional water in something they identified as a problem area and that was not the case, so the next thing that I need to do is just find out what the approximate cross sections of ditches are where all of that drains. I haven't gone out and walked it as of yet, but that is the next step.

Commissioner Mourdock: Did you transmit to them, John, when last we spoke of this issue, and it's been several months, but the question was raised...in fact, I don't know that it was really phrased as a question, but more as a statement that if we are, in fact, going to either spend money adding the curb on the east side of the road or otherwise spending money somehow changing that drainage that we were also looking for some positive sign from the people who are most effected on making some investment there on their properties?

John Stoll: Didn't we say that whenever we were out there? The last time you and I were out there was probably last August.

Commissioner Tuley: I know it was still warm.

President Jerrel: I'm not sure that they listened to that though. I think it would be worth repeating that again.

John Stoll: Okay. None of them want open ditches from what I see including the one running alongside the house. What Mr. Bell told me was that the ditch along his house was piped because there were septic problems out there and they had sewage running through there so rather than having an open ditch with sewage they put a pipe in. Whether or not that's the whole story behind it I don't know. I don't even know if Mr. Bell knows since he wasn't there when the pipe was installed, but I can relay that to them

again that if we do our work then they are going to be expected to do what's needed on their properties as well.

Commissioner Tuley: I think we did do that in letter form at one time that before we would do anything there had to be a commitment that they would do theirs. In fact, I think the letter stated more or less that they would do theirs...almost do theirs first or simultaneous with us.

John Stoll: I thought we stated that to them one way or another.

Commissioner Mourdock: Yeah, we definitely put in the form of a letter to the people out...Ms. Heck...um--

John Stoll: Oh, yeah, Radio Avenue.

Commissioner Mourdock: Off Hillsdale. Yeah, I'm not sure we put it in a letter. You may be right, Pat. I know the theory was the same that if we were going to make the investment that we expected them to make some investment along the way, too, because everyone was saying there was no one solution and we didn't see the necessity to make a fix only to not to have it be a fix.

Commissioner Tuley: Right. I think we had that discussion. I think you asked John to draft up the letter and I am pretty sure you're the one that actually penned the letter, John.

John Stoll: I know we sent one letter asking whether or not they would participate in things like a Barrett Law-type of project, cutting a ditch out behind their houses and things like that, but I don't remember the exact wording on whether or not--

Commissioner Tuley: I don't either now. It's foggy.

John Stoll: --it said you're going to have to do your work before we do ours.

Commissioner Mourdock: Yeah, would you check your file and recirculate that letter because--

John Stoll: Sure.

Commissioner Mourdock: --I'll guarantee with the coming of the season that we will hear from them very shortly because it's going to rain.

John Stoll: Yes.

President Jerrel: Okay. Any other questions? Thank you.

John Stoll: Thanks.

**Milton Hayden - County Garage**

President Jerrel: County Garage.

Milton Hayden: I don't have that much.

President Jerrel: You have your report from the Garage in front of you and if you have any questions...I would like to thank Milton for having some of his men come down and help last Friday and today and maybe tomorrow morning to finish up the moving and they were a big help. It would have never...couldn't have done it.

Commissioner Mourdock: At the Auditorium?

President Jerrel: At the Auditorium.

Milton Hayden: Thank you.

President Jerrel: So we appreciate it.

Commissioner Mourdock: I have a pothole to report. I can't think where it is. Hold on one second. It just went through my head. Oh, it's on Inglefield Road, close to the railroad tracks, if you would. That one got reported to me.

Milton Hayden: Okay.

Commissioner Tuley: Milton, this HERPICC magazine that we get, the Pothole Gazette--

Milton Hayden: Uh-huh.

Commissioner Tuley: --there is an article in there about mailboxes in the county right-of-way and I know in the past in talking to some of your guys out there that has been a problem for us in some cases.

Milton Hayden: In some cases there has been.

Commissioner Tuley: Yeah, I mean it may not be widespread, but I was asking Joe, and in here it was asking does anybody have an ordinance addressing that and talks of a policy in effect that is written that says, you know, how it would work if they built inside right-of-way and hinders snow removal and replacement boxes that have been damaged and stuff.

Milton Hayden: We do have a...we do have in a similar respect, the county. They have to be back so far off the right-of-way.

Commissioner Tuley: Right.

Joe Harrison, Jr.: I'll take a look at that.

Commissioner Tuley: They're asking for a response and if you two can get together maybe somebody could respond and just basically it is an information gathering thing and if it is still a problem for us or do we need to revisit it? If we don't, fine. It just was in this magazine.

Milton Hayden: Okay.

President Jerrel: Thank you.

Milton Hayden: Do you have anything else?

President Jerrel: Huh-uh.

Milton Hayden: Thank you.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: The only thing, John, I need to speak with you some time this week on the...what's the name of the apartment complex there on Burkhardt and Lloyd?

Commissioner Tuley: Williamsburg.

Joe Harrison, Jr.: Has Jeff Burke communicated with you since the last time we met?

John Stoll: I haven't heard anything from them.

Joe Harrison, Jr.: Okay, well they are going to be getting with you. I spoke to their counsel up in Indianapolis and they're going to talk about the fencing, the iron rod fence.

John Stoll: Yeah, they are wanting to put a wrought iron fence rather than a chain link fence in.

Joe Harrison, Jr.: They're going to try to propose something to you and have you speak with the state.

John Stoll: Okay.

Joe Harrison, Jr.: I think if we can get over that hurdle we'll get that resolved, but maybe you'll be hearing from them this week. Otherwise, you and I can maybe get him on the phone and try to get this resolved.

John Stoll: Okay, sounds good.

Joe Harrison, Jr.: That's it. Nothing else.

President Jerrel: You don't have any--

Joe Harrison, Jr.: Well, I thought one of you all was going to bring it up. I do have... as far as the collective bargaining contract is concerned with the Community Correction workers. As we mentioned two weeks ago we reached a tentative agreement with the Teamsters Local Union 215 and I do have the signed contract by the Teamsters' Business Agent. I have an original and, I think, four copies of the same. It's a two year contract running from January 1st through December 31st of 1999. We were glad to get the negotiations resolved before the end of the year and would ask that you all approve the contract. Again, it has been signed by Mr. Whobrey. I think it was signed today, so their bargaining unit agreed to ratify the contract either today or before today. I'm not too sure when they did it, but they've done it and I would ask that you all approve the same.

President Jerrel: I don't think that there is any reason why we can't move old business right up there and do it at this time.

Commissioner Mourdock: I'll move approval of the new Teamsters contract.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Commissioner Mourdock: Just as one other bit of business with that, one of the exhibits to it, and I believe it is Exhibit B, talks about the Council authorization and we'll need to make a Council Call basically to approve funding for the increase that is designated there.

President Jerrel: Is that a motion to go?

Commissioner Mourdock: It is specifically a motion, but since it is this Wednesday I won't be in town and I would ask that you do that.

President Jerrel: Alright.

Commissioner Tuley: Second.

Commissioner Mourdock: So ordered.

President Jerrel: Anything else?

Joe Harrison, Jr.: That's it.

### **Superintendent of County Buildings**

President Jerrel: Okay, Tony do you have anything that you--

Tony Greubel: Actually, I don't have anything unusual to report tonight.

President Jerrel: Okay.

### **Steve Craig - Burdette Park**

President Jerrel: Alright, Burdette.

Steve Craig: The only thing outside of our packet that I have to say is probably to Bettye is that I talked to Ed Batteiger today and got everything straightened out with him on the removal of those and he told us we had a two week period that we could get in and how we had to wear hard hats and abide by the rules because it was now theirs.

President Jerrel: He was part of the moving crew.

Steve Craig: Yes. We saved a lot of stuff that I think the county, you know, in general will be able to use in the future and that is stuff that we hated to see go.

President Jerrel: No, I'll tell you I really feel good about what we've been able to salvage because it will all be used.

Steve Craig: Yep.

President Jerrel: It probably would have just been thrown away.

Commissioner Mourdock: You sent us a letter not too long ago, Steve, about the plants and shrubbery and such. Did you forward that on to the Building Authority?

Steve Craig: Yeah, that's what I was talking to Bettye about.

Commissioner Mourdock: Oh, okay.

Steve Craig: Is that I contacted the guy that is running the thing from Industrial Contractors today about getting coordinated with him to remove the bushes and trees.

President Jerrel: Our project person, I think, it's Hoefling.

Steve Craig: Danny Hoefling, Ed Batteiger and Mark Elpers.

President Jerrel: Okay, that's it.

Commissioner Tuley: I've got a question. No, no, no, not that quick. Joyce had called me, Steve, because of the Day Camp and the Auditorium.

Steve Craig: Yeah.

Commissioner Tuley: Could you guys make contact with Mark Acker over at the Coliseum and see if that has the potential to be a pick-up/drop-off spot?

Steve Craig: Yeah, we can do that.

Commissioner Tuley: Yeah, somewhere--

Steve Craig: Do they open that early?

Commissioner Tuley: Well, that was going to be the question that you'll have to find out to see if that is even a viable option. I mean, they may be open to it, but it may not work because there is no--

President Jerrel: I have another suggestion.

Commissioner Tuley: Okay.

President Jerrel: If that won't work why couldn't we ask the Community Center if that would be a possibility? I think--

Commissioner Tuley: I think what Joyce was looking for, too, was that they are looking for a little bit of guidance from us that we do still want to do the drop-off/pick-up point if at all possible.

President Jerrel: Right.

Commissioner Tuley: Because their concern is--

Steve Craig: Yeah, that is really helpful, you know. I mean, it saves the people from, you know, going across the other half of town because we've got them from Newburgh on.

President Jerrel: I was just thinking they have that great big entrance room at the Community Center.

Commissioner Mourdock: Uh-huh.

President Jerrel: Which might work.

Steve Craig: Who would be the contact person for the Community Center?

President Jerrel: I'm not sure, Randy Giles?

Commissioner Tuley: I understand it may.

President Jerrel: It may be Randy Giles.

Joe Harrison, Jr.: Or check with the Parks Board or is Robin--

President Jerrel: Robin Welcher--

Joe Harrison, Jr.: --Hayes still there.

Steve Craig: Robin Hayes?

President Jerrel: Yes. She is. Yeah, that would be handy.

Steve Craig: Okay, is that it?

Commissioner Tuley: That was it, Steve, I'm sorry, but Joyce had asked...called me today and reminded me that we needed to get back with her on that.

Steve Craig: Yeah, we're losing our spot down there for a couple of years anyway.

Commissioner Tuley: You lost it today, I think.

Steve Craig: Yeah.

Commissioner Mourdock: One other Burdette item that I had forgotten and it doesn't involve Steve directly, but your presence here reminds me of it. When we did the budget hearings last year and the situation came up on the building and funding, you'll recall, Bettye Lou, that I told them that I would appear before them the first meeting of January to make sure we reauthorize that line item. Again, since I won't be here this Wednesday would you please do that on our behalf?

President Jerrel: Yes, and we did submit that in December.

Commissioner Tuley: We did submit that?

President Jerrel: Yes.

Commissioner Tuley: Alright.

President Jerrel: We submitted it in December for the \$500,000 to be reappropriated.

Steve Craig: Okay. Thank you.

### Consent items

President Jerrel: Okay, under the consent items do you have a motion?

Commissioner Tuley: I'll move approval.

Commissioner Mourdock: I will second with one additional item, at least on my final it does not have that we have also in the consent items letters from the Commissioners to each of the employees at the Auditorium and I think we need to include those just for signature thanking them for their service over there and also explaining to them what their last check and benefits will be.

Commissioner Tuley: If that's an amendment to my motion I'll accept that amendment.

Commissioner Mourdock: I'll second.

President Jerrel: We do have, if you just added, the pink slips and all that is included in our signature file. Okay, so ordered.

### Scheduled meetings

President Jerrel: You've got your scheduled meeting list attached.

### Old business

President Jerrel: You've done the union contract under old business, how about new business?

Commissioner Tuley: Where are we in terms of some additional members for the Blue Ribbon Committee, as you teemed it?

Commissioner Mourdock: Right, that was on my list here as well. The one...well, the several areas that we spoke of, and I don't have my list in front of me, but the public...or the--

President Jerrel: Tony, would you get that list for me?

Commissioner Tuley: The defense attorneys.

Commissioner Mourdock: --defense attorneys was the one that was suggested--

Commissioner Tuley: Right.

Commissioner Mourdock: Mr. Lantz was suggested and then there were several others suggested.

Commissioner Tuley: I forgot, water under the bridge, we're we going to do just one on that?

Commissioner Mourdock: We had talked about two, but I am here right now to say I'd prefer if we do one just because the size of the group is growing fairly large or seems to be.

President Jerrel: He's going to chair that group.

Commissioner Tuley: He is?

President Jerrel: Mr. Mourdock.

Commissioner Tuley: You are?

Commissioner Mourdock: If that is alright with you.

Commissioner Tuley: I don't have a problem with it. Do you have time?

Commissioner Mourdock: Well, we're going to do it in the evening. We sent out the letter requesting that they meet at 5:30 and I suspect that it will consist of maybe as many as four meetings. If it is in the evening I will give up whatever time I can to do it that way.

Commissioner Tuley: Okay. No, I don't have a problem with you chairing it. What about the--

President Jerrel: We need a lay person.

Commissioner Tuley: That's what I was getting ready to ask.

President Jerrel: Yeah, we need a lay member.

Commissioner Tuley: You think it would hurt...I mean, don't you think we need a minority member from the community, minority community?

President Jerrel: Now, let me see. We've got Ray Hamner, Art Gann, Harris Howerton, Judge Knight, Judge Young, Stan Levco, Richard Mourdock, whoever the President of the County Council is, and Jeff Lantz, Steve Utley and we need lay member and that would give us 11 members.

Commissioner Mourdock: That's a very good observation.

Commissioner Tuley: Yeah.

President Jerrel: Do you have a recommendation?

Commissioner Tuley: I don't. It just dawned on me that we probably should have a minority member on there at least.

Commissioner Mourdock: What about Bobby Ogburn?

Commissioner Tuley: Bobby would be alright.

President Jerrel: He is on the Community Corrections Board. Do you want to ask him if he would serve?

Commissioner Tuley: Yeah, I can call him.

Commissioner Mourdock: Do you want to call him?

Commissioner Tuley: I'll call him. It doesn't make any difference.

Commissioner Mourdock: I'll tell you what, I'm going to be out of town for two weeks, so if you would.

Commissioner Tuley: I'll call him.

President Jerrel: Okay, do you want to make a motion to that effect if he agrees?

Commissioner Tuley: I'll move that Bobby Ogburn's name be added to the list.

Commissioner Mourdock: I will second.

President Jerrel: I'll say so ordered and then we can send the other letters when Council meets and you call back and then we can get--

Commissioner Mourdock: I have not spoken with Mr. Lantz. Has anyone spoken with him about possible service?

Commissioner Tuley: No.

President Jerrel: I spoke to him the other day, but it was more in general terms about the issue and for him...we needed his input because he served eight years as prosecutor and more years--

Commissioner Tuley: Yeah, I have a back-up if for some reason he doesn't want to do it. Tom Montgomery.

President Jerrel: Okay. Alright, well, let's just wait until I hear from Pat on Mr. Ogburn and then the Council completes their meeting. The meeting is scheduled for the 21st of--

Commissioner Mourdock: The 21st of January at 5:30 in this room, Tony, or I think it's probably in the other?

Tony Greubel: I'll have to check. I think I put it in 303.

Commissioner Mourdock: Yeah, I think so, too.

President Jerrel: Okay, so we are ready to go and--

Joe Harrison, Jr.: I'll have, if you could, you ought to send out notices. Tony can send out notices on these meetings similar to Executive Sessions--

President Jerrel: Sure.

Joe Harrison, Jr.: --out ahead of time. Just make sure you indicate what room it is in.

Commissioner Mourdock: Tony, have we gotten any response back from the letters that

were sent out previously?

President Jerrel: They all have agreed to serve.

Commissioner Mourdock: Oh, good. I was...no I won't say it.

President Jerrel: They were all anxious to know who the other members were going to be, but Sarah just told them that we would send them the list as soon as it was completed.

Commissioner Mourdock: Very good.

### New business

President Jerrel: Okay, new business.

Commissioner Tuley: None here other than the EMA resolution that somebody has on here.

Commissioner Mourdock: That was the same item I had was to finalize that.

President Jerrel: There is a draft of a EMA resolution under new business to declare--

Commissioner Mourdock: Okay, we're declaring a week here?

President Jerrel: Uh-huh.

Commissioner Mourdock: I'll move then, I believe, on behalf of the Evansville-Vanderburgh County Emergency Management Agency that we proclaim the week January 19th through January 25, 1998 as Earthquake Preparedness Week with the purpose to be to reduce loss of life and limit the interruption of public service, resume business operations, manage response and recovery operations in a timely manner. Also, in conjunction with that there will be a tabletop exercise held on January 21, 1998 at the Emergency Operations Center of the Evansville-Vanderburgh County EMA.

Commissioner Tuley: I'll second your resolution.

President Jerrel: I'll say so ordered. Is there any other business to come before this Board?

Commissioner Tuley: There is a bid summary. Is this in there by accident? Is this for next week?

President Jerrel: That was in there because they were having a meeting and they asked to remove it because they have rebid.

Commissioner Tuley: Oh.

President Jerrel: I'm glad you mentioned that because there is something that we need to do. It was removed from the agenda, but if I may go back to old business we need to reject the bids for the server and they want to rebid.

Joe Harrison, Jr.: What's the...if I could ask, what was the bid number on that? Do we have that?

President Jerrel: I don't have it.

Commissioner Tuley: I have VC--

Joe Harrison, Jr.: Here it is.

Commissioner Tuley: --97-18.

Joe Harrison, Jr.: Yeah, VC97-18, server for the Assessor. Is that County Assessor?

President Jerrel: Yes.

Commissioner Tuley: I believe.

President Jerrel: So we need to reject that bid.

Joe Harrison, Jr.: Reject the bids that were submitted?

President Jerrel: Yes.

Joe Harrison, Jr.: Is there a motion?

Commissioner Tuley: I'll so move.

Commissioner Mourdock: Second.

President Jerrel: So ordered, and they would like to rebid.

Commissioner Tuley: So moved.

Commissioner Mourdock: This is for the Assessor?

President Jerrel: Yes, for the server.

Commissioner Tuley: For the rebidding of the server.

Commissioner Mourdock: I'll second the motion to rebid.

President Jerrel: So ordered. Lynn came in this afternoon and gave us that information, so that is the reason it didn't get on here. Any other business?

Commissioner Mourdock: You overlooked....just for the record the scheduled meetings.

President Jerrel: No, we did that. Scheduled meetings listed.

Commissioner Tuley: You talked about that.

Commissioner Mourdock: Okay, alright. I was busy typing. I'll move adjournment.

Commissioner Tuley: Second.

President Jerrel: Alright.

The meeting was adjourned at 6:15 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
John Stoll  
Milton Hayden  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
January 12, 1998**

The Vanderburgh County Board of Commissioners met in session this 12th day of January in the Commissioners' Hearing Room of the Civic Center Complex at 6:30 p.m. with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I would like to call the Vanderburgh County Commissioners meeting to order please. We don't have a very big crowd and we appreciate those of you that are here. I am going to introduce to you the members sitting up here. On my right is Tony Greubel, who is the Administrative Assistant; next to him is our County Attorney, Joe Harrison; next to me is County Commissioner, Pat Tuley; to my left is Charlene Timmons, who takes the minutes and appreciates not very much talking; and next to her is the Auditor, Suzanne Crouch. If you'll join me now for the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of the minutes.

Commissioner Tuley: I will move for approval of the minutes of the January 5th meeting.

President Jerrel: I'll second and say so ordered.

**Extension of bid - APA025-97, commercial fueling**

President Jerrel: We have two items on the agenda from Lynn Ellis who isn't with us this evening. The first one is the approval of the extension of bid APA025-97 for commercial fueling with Busler Enterprises. What is your pleasure?

Commissioner Tuley: I will move for acceptance of the recommendation to approve the extension of bid number APA025-97.

President Jerrel: I'll second and say so ordered.

**Award bid - APA008-98, batteries**

President Jerrel: The next is a late addition and this concerns batteries and I guess cell phones, is that what this is? No, it isn't. It's just batteries.

Commissioner Tuley: This is automobile equipment.

President Jerrel: Yeah, okay.

Commissioner Tuley: This is automobile and equipment batteries to Evansville Battery as per her recommendation, I move approval of the award of bid number APA008-98 to Evansville Battery with a total estimated cost of \$18,098.64.

President Jerrel: Is that...does she mean the total estimated annual cost for both city and county or do we pay half of that or the full amount?

Commissioner Tuley: I think we just pay for the part that belongs to us, but the estimate for both city and county and the \$18,000 figure.

President Jerrel: Eighteen, okay. Would you see which meeting he is...just make sure. Okay, the next item on the agenda--

Joe Harrison, Jr.: Was that voted on?

President Jerrel: Yes, I said second--

Commissioner Tuley: Oh, I didn't...okay, I didn't hear you.

President Jerrel: --and so ordered. I'll say again, but I said it.

**Jayne Berry-Bland**  
**Election of officers to Board of Finance and 1997 financial reports**

President Jerrel: The next item on the agenda is the County Treasurer.

Jayne Berry-Bland: Jayne Berry-Bland, County Treasurer. This is basically just an annual meeting that we have to have per state statute for the Board of Finance. It's to organize and to elect a President and a, I guess, secretary. It is also a time that I am to present the settlement from 1997 which is an odd thing that state law requires the Treasurer to do this. I'm a small minute part of this. Actually, I do collect the money, but Mr. Fluty from the Auditor's Office has ran copies of both spring and fall settlement of where the money went and that we did balance. He did only run one copy for me. It's impossible, actually, that you could follow it to make copies of these, so if the Commission so desires I can have him run some more copies tomorrow, but I would like to present these at tonight's meeting.

President Jerrel: Okay. Let's have an official motion to accept her--

Jayne Berry-Bland: Tony, did you get these in their packets?

Tony Greubel: Yes.

Commissioner Tuley: Okay, I will so move at this time for the acceptance of the settlement report as outlined by the County Treasurer.

President Jerrel: I'll second and say so ordered. You have a copy, so this is ours? Yeah, we'll keep it.

Jayne Berry-Bland: You should have in your packets...I believe Tony has put in your packets a listing of the investments for the month ending December, 1997. It is a little different format that we've presented in the past, so if anyone has any questions or problems with the format please let me know because we can change it. We felt like this was a little easier to read. We have included both the fund investments and the general fund all together. They are separated at the bottom, though, with the amounts at the very end of the report how much was invested in funds and how much was invested in the general fund money.

President Jerrel: I like it.

Jayne Berry-Bland: Thank you.

President Jerrel: I think it is easier to read. I do, I like it.

Jayne Berry-Bland: I think so, too.

Commissioner Tuley: Okay, do we need an acceptance of the report?

President Jerrel: Yes.

Commissioner Tuley: I'll so move.

President Jerrel: I'll second and say so ordered.

Jayne Berry-Bland: During this time we are to elect a President--

President Jerrel: During this time?

Jayne Berry-Bland: Yes.

Commissioner Tuley: The first meeting--

Jayne Berry-Bland: This is an annual meeting and we are to...the Board of Finance is comprised of both the Commissioners and the Treasurer. Actually, this Board's function we would not have another meeting during the year other than to delete or add new depositories.

President Jerrel: So one of the three of us will be President and one of the three of us will be secretary and we do it right now?

Jayne Berry-Bland: Yes.

Commissioner Tuley: Can you not serve in any of these capacities?

Jayne Berry-Bland: I can. I didn't last year. I think we got the Auditor's Office to provide as secretary from last year. Charlene, is that not correct?

Suzanne Crouch: (Inaudible.)

Commissioner Tuley: It would make sense.

Jayne Berry-Bland: The reasoning was because you are already taking the minutes and that it would just be easier for the Auditor's Office to be also the secretary.

President Jerrel: Okay, Pat.

Commissioner Tuley: How did we do it last year? Was the President of the Commissioners President of that Board as well or not?

President Jerrel: Were we all three on it?

Commissioner Tuley: Okay, Pat Tuley and Bettye Lou formed the Board of Finance and Richard was President of the Board and Suzanne Crouch be secretary was your motion.

Jayne Berry-Bland: It's really a formality is all it is in case that we have the need sometime during the year to add or delete a depository.

Commissioner Tuley: Do you want to be President then?

Jayne Berry-Bland: It doesn't matter to me.

Commissioner Tuley: I mean, like you said unless there is another bank that comes into town that we may have to include--

Jayne Berry-Bland: Right.

Commissioner Tuley: --so I would be willing to move at this time that Jayne be...I'm sorry, Ms. Jayne Berry-Bland be appointed, as County Treasurer, be appointed President of the Finance Board.

President Jerrel: I'll second and say so ordered.

Commissioner Tuley: Okay, I would like to move at this time, then, due just because the functioning of the secretary I would like to move at this time that Suzanne Crouch, the County Auditor, be appointed as secretary.

President Jerrel: I'll second and say so ordered.

Commissioner Tuley: Okay, so then all the rest of us are just members.

Jayne Berry-Bland: Thank you.

**Extension of bid - APA048-97, paging services**

President Jerrel: Okay, the next item on the agenda--

Commissioner Tuley: Excuse me, back on Lynn I think we have one other item here.

President Jerrel: Okay.

Commissioner Tuley: Because you mentioned it. You said something about the paging service and extension of the contract and that was asked to be, I think, extended in this letter.

"Approve the extension of bid number APA048-97 for paging services to Arch Communications at the attached unit prices. Prices will be continued through December 31, 1998."

It says:

"The contract should be expanded to include voice pagers which are included on the attached pricing schedule. Voice pagers were not included in the original award."

That is her recommendation, so at this point in time I am willing to move for the approval of the request of the Purchasing Director as outlined in this letter.

President Jerrel: I'll second and say so ordered.

### **Sherman Greer - Emergency Management Agency**

President Jerrel: The next item on the agenda is Sherman Greer.

Sherman Greer: Good evening. First of all, I want to make sure that you understand what a tabletop exercise is that we are having on January 21st. Tabletop exercise is a requirement by the Federal Emergency Management Agency...one of the requirements by the Federal Emergency Management Agency that we exercise our plan on an annual basis or we have an actual event. Over the last couple of years we have been fortunate, but unfortunate to have actual events that we've had within our community that our plan was put into effect. This year along with the Disaster Resistant Community or as Mr. Witt, James Lee Witt, refers to them as the Impact Communities, we are going to attempt...or we are going to have a tabletop exercise in the Emergency Operations Center at 113 Diamond Avenue on January 21st between the hours of 1:00 p.m. and 3:30 p.m. This is a low stress, low impact type exercise. It is more decision making by elected officials, appointed officials, department heads. We'll also have the State Emergency Management Agency from Kentucky and also the State Emergency Management Agency from Indiana there. This is in a joint effort with the Disaster Resistant Community project that Evansville and Henderson has been working toward for the last year, since April of last year when we had our strategy meetings in how we were going to develop disaster resistant communities here in the city of Evansville and Henderson. Any questions about that?

President Jerrel: No, except have you sent this notice to all the county officials?

Sherman Greer: Yes, county and...all the county officials and city officials have been notified.

President Jerrel: Are you doing any follow-up?

Sherman Greer: We're going to do a follow-up this week to make sure that they...as a reminder to send it out again to make sure that everyone has gotten it. We have just as a count the other day there was 71 people that we notified. With the attrition rate we don't feel that 71 people are going to be there. All of the County Council people, all of the City Council people, most of those people are not going to show up.

President Jerrel: A lot of people are working, too.

Sherman Greer: Pardon me?

President Jerrel: A lot of people are employed outside of government.

Sherman Greer: Exactly. We understand that, but we do need to have some elected officials there, appointed officials there so that some of these decisions can be made. They can be made by department heads to a certain extent, but when we get into getting a proclamation for a presidential declaration that has to come from a County Commissioner or another elected official that can write that proclamation. We encourage everyone to try to be there. We're also going to have people in there from Kentucky that are going to observe. From Henderson it is going to be more in an observing capacity at this time. The next one that we will have we'll have it in Henderson and we will then be in an observation mode there from Henderson. We are also in the

process of trying to get a mutual aid agreement along with Henderson, Kentucky or with the State of Kentucky and the State of Indiana, so if we do have any emergency or disaster situations those things are already ironed out prior to any emergency or disaster situation we may have. That goes along with Mr. Witt's Impact Community that he is working on right now. I would also like to take this opportunity to introduce my new Deputy Director for Emergency Management. The gentleman's name is Mr. Adam Groupe. Adam has an extensive background in Emergency Management and is from Illinois, up around the Chicago area. He has a background in law enforcement dispatching and emergency medicine. He is also a volunteer for some for us as a radiological officer which is still mandated by the Federal Emergency Management Agency for any type of nuclear attack or incident that we might have, so he is very knowledgeable in that area and that was an area that we were weak in for some time until he came in. Mr. Groupe is here--

President Jerrel: We welcome you.

Commissioner Tuley: Welcome on board.

Sherman Greer: The only other thing that I need to ask you about is we sent over a draft or a proclamation for Earthquake Preparedness Week. Did you get that?

Commissioner Tuley: I think that was approved last week, wasn't it?

President Jerrel: Yeah, we did. We approved it last week.

Sherman Greer: Okay, that proclamation for Earthquake Awareness Week will be from January 19th through the 25th. Just as a reminder to you, the United States... the worst earthquakes that we've had in the United States happen in the months of January and February, the 1811 and 1812 earthquakes, so we thought maybe this would be a good opportunity at this time of the year for--

President Jerrel: Have you done any teaching in any of these offices on drop and cover and where to go? Have you done anything like that?

Sherman Greer: No, ma'am we haven't. We developed a plan some years ago that we have throughout the facility--

President Jerrel: But nobody has demonstrated to offices where are the safest locations?

Sherman Greer: No. No, we haven't.

President Jerrel: That might not be a bad idea for you to do.

Sherman Greer: Okay. We also have Tornado Awareness Month is coming up in March and April, so it is something that we could all maybe compact into one thing and do that for the offices here. That's about all I have. Are there any questions about the upcoming drill? We also have Mr. James Lee Witt, the Federal Emergency Management Agency Director, which is a cabinet position now, that is going to be in town February the 14th at a breakfast...at the Chamber of Commerce breakfast at the stadium. He will be here for approximately two and a half to three hours. January...what did I say?

President Jerrel: February.

Commissioner Tuley: That's Wednesday. This Wednesday morning.

Sherman Greer: Okay, it's this coming Wednesday, the 14th. He will be here to make a presentation on his Impact Communities. I think he has got some accolades for Evansville for the work that we have done so far. We're looking forward to that and we're more and less getting him for another hour or hour and a half after the breakfast to answer some questions for us and see what we can do to even make things better for our community.

President Jerrel: Okay, thank you very much, Sherman.

Commissioner Tuley: Thanks.

Sherman Greer: Thank you.

**Any group or individual wishing to address the Commission**

President Jerrel: At this time anyone that has any comments to make, anyone who would like to say anything?

**John Stoll - County Engineer**

President Jerrel: Okay, let's go to our County Engineer.

John Stoll: First of all I've got the deeds for the Maasberg and Gabel properties out on the Maasberg Road Bridge project. I would just like to have them run through the meeting and the Commissioners acknowledge acceptance of the deeds. There is no signature lines or anything for the Commissioners on this, but we just need to run it through the meeting to show that we acquired the right-of-way and the Commissioners did accept it.

Commissioner Tuley: Okay.

President Jerrel: Did you read John's recommendation.

Commissioner Tuley: Yeah, yeah. John called me about that, too. That's fine. Is this the one Mr. Maasberg was just up here--

President Jerrel: He signed it.

Commissioner Tuley: --and said he wasn't going to do this?

John Stoll: Right. After the contractor spent many hours out there discussing it with him and we made a slight adjustment in the bridge. Basically, it is going to be moved about four feet...I can't remember if it is north or south to be honest with you, but we are making a slight adjustment in the location of the bridge to address Mr. Massberg's concerns about the skew of the bridge and with that in mind he went ahead and signed off on it.

Commissioner Tuley: We just need a motion then to accept these?

John Stoll: Yes.

Commissioner Tuley: I'll so move.

President Jerrel: I'll second and say so ordered.

John Stoll: The next item I've got is a change order on the Seminary Road culvert replacement project. This is for an increase of \$753.09. The reasons for the increase are primarily due to slight overruns in asphalt and a greater overrun, 34.3 tons, of stone because of poor soil conditions that had to be removed out there at that job site.

Commissioner Tuley: Okay, \$753.09 then it is an increase?

John Stoll: Yes.

Commissioner Tuley: Okay, I'll move approval at the recommendation of the Engineer for the increase of \$753.09.

President Jerrel: I'll second and say so ordered.

John Stoll: Next I've got a set of street plans for MIB Subdivision. This is the subdivision up at the northeast corner of Lynch and Oak Hill. Here is the focus of discussion during the meetings.

Commissioner Tuley: Site Review meetings or...?

John Stoll: Back when that subdivision was being approved everybody was concerned about its proximity towards the Lynch and Oak Hill intersection--

Commissioner Tuley: Yeah.

President Jerrel: Right.

John Stoll: --and that is the detail of how this is going to be addressed. Basically, they are going to provide a right turn lane into the site. It will be a northbound right turn lane in and then up north of their entrance road they're extending the left turn lane to provide a left turn lane in there, so hopefully that will take care of as many traffic concerns as we can possibly take care at that location. It's a difficult site given how close it is to Lynch and Oak Hill, but I think that plan should work fairly well.

Commissioner Tuley: Okay, so you recommend approval of the road plans?

John Stoll: Yes.

Commissioner Tuley: I'll so move approval.

President Jerrel: I'll second and say so ordered.

John Stoll: That street is a curb and gutter street. I forgot to mention that. The next item I've got is a recommendation for acceptance of storm sewers outside of county right-of-way in Malibu Park Subdivision, Section 4. This is 25 feet of 12 inch pipe, 164 feet of 18 inch pipe and 436 feet of 21 inch pipe. The grand total of fees that is paid by the developer is \$1,250. The pipes were installed in accordance with the plans and it is

recommended that they be accepted.

Commissioner Tuley: Outside the right-of-way you said?

John Stoll: Yes.

Commissioner Tuley: Okay, I'll move approval of the acceptance of the pipes as identified by the County Engineer outside the right-of-way in Malibu Park Subdivision.

President Jerrel: I'll second and say so ordered.

John Stoll: Next, last Friday I faxed you a memo concerning culvert installations, driveway culvert installations that Stan Lutz and I were talking about. Basically, we're asking that the county discontinue their policy of installing driveway culverts for commercial and industrial properties mainly because the commercial and industrial properties are typically associated with permits that are already going through Site Review and they would involve the construction of a commercial industrial building, so all that taken into consideration the equipment needed to install a pipe should be out there on a job site already where the residential and agricultural land uses may not have the ability to get the culverts installed and that way the county can still provide that service to them. If the county does discontinue that, the commercial and industrial installations, it would free up the crews to do culvert installations underneath county roads or ditching or whatever other work needs to be done and there is always plenty of that to go around.

President Jerrel: I'd really like to...if we could have a motion to include the letter of recommendation from you on this culvert policy to be included in the minutes.

Commissioner Tuley: Okay, I'll so move the change in the policy that will eliminate the installation of culverts along commercial and industrial properties and allow the county to continue to install culverts for residential and agricultural land and that the letter of recommendation from the County Engineer be included into the record.<sup>1</sup>

President Jerrel: Second and so ordered.

John Stoll: Next I have three claims. They are \$600 each for the appraiser fees for the court appointed appraisers for the Euler property at the southeast corner of Burkhardt and Lloyd. We got this too late to get it on the consent agenda, but it's money that we have to pay the appraisers in order to get the right-of-entry all squared away.

Commissioner Tuley: Okay, I move approval of the claims as outlined for the payment of \$600 each to three different appraisers for the work done on the southeast corner of Burkhardt and Lloyd for the right-of-entry.

John Stoll: The appraisers were Robert Reid, Bill Bartlett and Hugh Miller.

President Jerrel: I'll second and say so ordered.

John Stoll: The final item I've got, I checked through our files and we have never sent any letters specifically stating that the county will do ditch work on Ward or Anthony or St. George or anywhere out there contingent on any of the property owners doing ditch

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<sup>1</sup>Letter immediately following transcribed minutes.

work on their properties. The letters we had sent never specifically stated that unlike the letters that Richard was talking about where we did put that in writing on the Walnut and Radio drainage problems.

President Jerrel: Would you want to...you're familiar with what we've talked about. Would you want to work on a draft of a letter?

John Stoll: Sure.

President Jerrel: And then next week maybe we could take a look at it because I think...I know Richard felt very strongly that it ought to be and you've been the contact person.

Commissioner Tuley: Yeah, they've been contacting me. John, I think the last thing and the one thing that we were looking into was running that water down and crossing over St. George into the ditch along...I'll call it the Whirlpool property and I'm not sure that is right. What would the property owners have to do if that was the solution that we came up with?

John Stoll: That's the one thing I want to check on before we send a letter. The ditch between Bell's house...is it Savage that lives on the east side of Bell? Anyway, the east property line of Bell he has got that 12 inch plastic pipe that was in what was once a fairly large ditch the way we understand it. That needs to be opened up, but the only problem is I need to make sure there is somewhere for that water to go if it was open ditched. The pipes that everybody has put in out there are such a mess that it's about impossible to determine where all the water goes. I know it ends up coming out that brick structure in front of Tabor's house, but from there on down I don't know exactly where that water would go. So to make a long story short, I need to make sure there is a place if he does open that ditch up that there is a place for the water to go properly.

Commissioner Tuley: Let's go back since it has been a while since we talked about this because I thought the last thing that we were trying to work out if it was even feasible I thought we were going to raise the crown of the road so that the water on the west side stays west and the water on the east side would come down. The wall that diverts it behind the houses would be taken out. The water would still be allowed to continue down, I guess, the east side of the road along Ward Road--

John Stoll: All the way down to St. George.

Commissioner Tuley: --down to St. George. So if we did that would there be a need to go between Savage and Bell's house and open that up?

John Stoll: The one thing that we were going to delete off that was putting a...repaving the road to put a larger crown in it because if we ditch the whole east side then that water could cross the road and it would just be intercepted before it got down to Tabor and Bell--

Commissioner Tuley: So it wouldn't be a raising of the crown then?

John Stoll: Right. As far as the pipe along Bell's house he is going to get water down there no matter what--

Commissioner Tuley: Okay.

John Stoll: --because his house is built in the natural drainage valley.

Commissioner Tuley: Okay.

President Jerrel: Yeah, I think that's the house...if that's the house, you know, that is next to...what is it?

Joe Harrison, Jr.: The wall is right here.

President Jerrel: Yeah, right. The wall is there. This pipe is not big enough.

John Stoll: No, that's where there used to be a fairly large open ditch and it turns and heads east and I know during heavy storms it is spraying out the top of this--

Commissioner Tuley: Yeah, Tabors.

John Stoll: --Tabor has built. It's from here on down--

Commissioner Tuley: We don't know what is going to happen to it. Is that not where...what's the two gentlemen's names?

President Jerrel: Garrett and--

Commissioner Tuley: Garrett, yeah. Don't they live down this way?

President Jerrel: Yeah, they live right down...here is where they are.

Commissioner Tuley: You know what is going to happen if we divert a bunch of water on them.

President Jerrel: Here they are right here.

Commissioner Tuley: We're going to see those guys again.

President Jerrel: Rucker and Garrett, yeah.

John Stoll: The drainage that exists, the water that comes off this natural valley off the southeast corner of Knob Hill and Ward is going to come down here no matter what whether...he needs something larger in there it's just that not knowing where the water is going to go I couldn't say for certain what exactly needs to be done there, but they're going to see that no matter what we do.

Commissioner Tuley: Okay, alright. I think that's the bottom line then. If that is going to be the case then we do need to draft some letter and let him know that, which is what Richard feels very strongly about that if, in fact, we're going to make the commitment to do anything down here--

President Jerrel: The crown.

Commissioner Tuley: The crown or ditching or whatever--

President Jerrel: That it is going to keep--

Commissioner Tuley: --he has to be committed to do this.

John Stoll: No matter what we'll have...we really wouldn't need to crown it at this point if we went with the assumption of ditching the whole way because this water just comes down the hill and cross the road--

Commissioner Tuley: It just would collect.

John Stoll: It would collect in that ditch and then go on down to St. George.

Commissioner Tuley: But because of the natural terrain there even if that water gets in this ditch it is not going to stay in that ditch is what you're saying. It's going to be a natural flow to go this way?

John Stoll: There again it's all based on the design storm frequency. Everything that Valerie did was based on 50 year storms and the storms that caused them the problems, the biggest problems, greatly exceed 50 years storms.

Commissioner Tuley: He called me this morning and he said he knows what the Surveyor has said and what the Engineer has said for that retaining pond up here on Knob Hill--

President Jerrel: Uh-huh, up here?

Commissioner Tuley: Yeah, up here. Right now he is saying that little half inch brought that little ditch behind their house up to the edge the other night. He is saying they are getting more water now in a half inch rain where they didn't have to worry about that before.

John Stoll: There is really nothing that I've seen that actually feeds that retention pond at this point up on Knob Hill. I've not seen it during any kind of rainstorm of any kind, but it surprised me that it causes that much of a problem just the fact that they dug that hole up at Knob Hill. I could be wrong.

President Jerrel: Well, why don't you try to think through--

John Stoll: Some sort of letter.

President Jerrel: We need to see something and then each one of us has a little piece to this.

Joe Harrison, Jr.: The only thing that I was going to suggest, though, is I really believe that if they are going to have to pay some out of pocket costs, which is what you're talking about, they're going to have to be committed to do something I would get that out front right now. I mean, get a contractor or someone to give them an estimate as to what you believe needs to be done and tell them. You know, they can get their own contractor. You can meet them out there on-site. They can get whomever they want to give them an estimate, but you need to be there and say this is what you all need to do and have that contractor come back with the estimate. Who know what it is? Whatever that amount is that is going to have to be...you know, that amount will have to be, I think, paid up front before the county or the work has got to be done up front before you all do anything. I mean, I don't know how else you can do it.

President Jerrel: The bad thing is John is not completely sure when they widen this

where it is going to go.

Joe Harrison, Jr.: You're going to have to wrestle with that.

John Stoll: It's going to go down the street towards Garrett, but how whether it ends up in the street, in that mixed up mess of pipes that the people have put in the ditch, who knows?

President Jerrel: Every circumference under the sun runs up and down that street--

John Stoll: And every pipe material, too.

President Jerrel: --and some of that stuff needs to be cleared out down here and we still have the Utility Department...I don't know whether it was SIGECO and Waterworks and whoever all is in there needs to get the trees out.

John Stoll: Charlie Thomas with the Water and Sewer Department told me last week that he is still pursuing that. It hasn't been tossed by the wayside as of yet, but he is trying to pursue it.

President Jerrel: That's just one more thing that needs to happen.

John Stoll: Right.

Commissioner Tuley: Something needs to be moved on this though. Here is the concern that I've got. All summer we have been tied up with road projects. Now we're into the time of year where these are the kind of things that maybe we can get some kind of...I think Joe is absolutely correct. Telling them that you need to do this or at least not telling them up front that you need to do this is going to be a problem because we're having all these discussions and if they are not going to agree to do that and we can do all this and without that change it doesn't help them at all there is no sense in us wasting the money. I think somehow along the line we do need to get a letter put together that says, okay,--

John Stoll: I wouldn't say it wouldn't help them at all as far as us ditching. If they didn't do anything and we did ditch the east side we would be intercepting some of the water that is crossing the road and ending up down on Tabor and Bell right now, so we would take away some of the water regardless of whether he did his work on his lot or not, so--

President Jerrel: But he needs to be clearly aware that we're not--

John Stoll: We're not fixing everything.

Commissioner Tuley: I think someone on this Board said, well, okay so he gets four inches of water in his basement instead of eight. I mean, he still has a problem.

President Jerrel: He's going to be mad.

Commissioner Tuley: Yeah.

John Stoll: There, again, that--

President Jerrel: We need something to start--

Commissioner Tuley: And I think that's what I'm...I'm not doing a very good job, but somewhere along the line if it's this letter, but we need to show them that we're moving at least in some direction, I guess, is what I am getting at because the concern is if we don't start something now we're going to be right in the rainy season and we'll go right out of the rainy season right into the construction season and we'll still be having this discussion this time next year.

President Jerrel: If we're going to ditch it...if we are going to ditch the east side we need to know how much is going to cost and--

John Stoll: It was around--

Commissioner Tuley: You have those costs, I think.

John Stoll: Yeah, it was around \$50,000. Before Valerie went on maternity leave she finished it all up.

President Jerrel: If we're going to do it we need to get going.

Commissioner Tuley: I think the key here goes back to what you eluded to is that Richard wants and what Joe recommends that we need as well is that initially there needs to be a letter that tells them we're exploring these options. We know what it is going to cost us, but we're not committed to doing this until such time that we know you're committed either with a payment in advance or the work done in advance.

John Stoll: And something that says that no matter what we do it's not going to fix all of it.

President Jerrel: That's the paragraph that's got to be in there.

Commissioner Tuley: That's got to be included in there and that has to be in bold highlight and underlined or whatever.

Joe Harrison, Jr.: That might be your first sentence.

President Jerrel: I mean, the east side of that street is going to help them, but it is not going to solve it because that is a natural swale. That's what that is back there.

John Stoll: Right.

President Jerrel: It's a natural--

John Stoll: They filled in a lake upstream from that which caused problems, problems, problems.

Commissioner Tuley: The water has got to go somewhere that was going in that lake.

Joe Harrison, Jr.: But it very well could be if they find out that the cost is \$10,000 or whatever for the work that they have to do they may all agree well we don't want to do any of that and then if that's the case the Board will have to decide what they want to do next if anything.

Commissioner Tuley: Yeah.

Joe Harrison, Jr.: I think you may have to go out there with them some time. They are going to have to hire their own contractor and you have to make sure that you explain to them what the county's position is as far as what they want to do and what you'll do or what the county will do.

Commissioner Tuley: What they need to do.

Joe Harrison, Jr.: Yeah, specifically.

Commissioner Tuley: Let them get their own cost or whatever. I think that's a good idea. If you could just agree to meet with their contractor and just lay it out on the line and let the contractor come back and give them a bid and then we'll go from there.

John Stoll: Okay, I'll draft something up and see what I can come up with.

Commissioner Tuley: I don't think anybody wants to spend that kind of money and then not have them do something. I mean, we can't do it all for them I guess is what it comes down to. We definitely can't go on their property.

John Stoll: Right. Yeah, we've told them that before that it's just a natural drainage--

Commissioner Tuley: Yeah, I think time has gotten away from them though. We need to remind them. Time has a way of giving us convenient memories.

John Stoll: That's all I have.

President Jerrel: Okay, thanks a lot, John.

Commissioner Tuley: Thanks.

### **County Garage**

President Jerrel: We have a report from the County Garage. They did finish up, you know, on Monday we did haul more stuff over to the Coliseum and all these places than you could ever imagine.

### **Burdette Park**

President Jerrel: There is also a report from Burdette Park.

Commissioner Tuley: We need to move acceptance of the report from the County Garage and Burdette Park? I'll so move.

Commissioner Tuley: I'll second and say so ordered.

### **Superintendent of County Buildings**

President Jerrel: Tony, do you have anything to report?

Tony Greubel: Not tonight.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: Consent items.

Commissioner Tuley: Oops. What about Joe?

President Jerrel: Oh, I'm sorry.

Joe Harrison, Jr.: I don't have anything.

Commissioner Tuley: Oh, okay.

President Jerrel: I just checked you off.

Commissioner Tuley: You want to get out of here. I don't blame you.

President Jerrel: Well, I--

**Consent items**

Commissioner Tuley: I'll move for approval of the consent items.

President Jerrel: I'll second and say so ordered.

**Scheduled meetings**

President Jerrel: The scheduled meetings are attached. If there...we have a holiday coming up next Monday so we will meet on Tuesday.

**Old business**

President Jerrel: Under old business we have three appointments.

Commissioner Tuley: To the Community Corrections Advisory Board to fill out the Board membership?

President Jerrel: Yes.

Commissioner Tuley: I would move at this time then that Leia Darden, Ross Rudolph and Mark Mattingly be appointed to the Community Corrections Advisory Board.

President Jerrel: I'll second and say so ordered and ask Tony if he will send that completed list, fax it to Harris Howerton and Judge Young.

Tony Greubel: Yeah, I'll do that in the morning.

Commissioner Tuley: Okay, thank you.

**New business**

President Jerrel: Is there any new business to come before the Board? Hearing none, is there a motion to adjourn?

Commissioner Tuley: So moved.

President Jerrel: I'll second and say so ordered.

The meeting was adjourned at 7:07 p.m.

***Those in attendance:***

Bettye Lou Jerrel

Patrick Tuley

Joe Harrison, Jr.

Suzanne M. Crouch

Charlene Timmons

Tony Greubel

Jayne Berry-Bland

Sherman Greer

Adam Groupe

John Stoll

Others unidentified

Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
January 20, 1998**

The Vanderburgh County Board of Commissioners met in session this 20th day of January in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m. with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I would like to call the Vanderburgh County Commissioners' meeting to order. Just by way of information for you I would like to introduce the members that are here. On my right is Tony Greubel, our Administrative Assistant; next to him is the County Attorney, Joe Harrison, Jr.; to my far left is Charlene Timmons, who is the Recording Secretary; next to her is Suzanne Crouch, the County Auditor; and next to her is County Commissioner, Richard Mourdock; and I am Bettye Lou Jerrel. Pat Tuley was unable to be here this evening. I would like for you now to join me with the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of minutes--

Commissioner Mourdock: Which we cannot do because I was not here last time and minutes were just for you and Pat.

President Jerrel: Oh, that's right.

Commissioner Mourdock: We'll have to defer that for a week.

**Certification of Executive Session**

President Jerrel: Alright, the next item on the agenda is the certification of the Executive Session. We did have an Executive Session that began at about 4:20<sup>1</sup> and ran until 5:30 and we discussed personnel matters and litigation and I would call for a motion.

Commissioner Mourdock: I'll move approval of the summary minutes of the Executive Session.

President Jerrel: I'll say second and so ordered.

**Lease agreement renewal - Drug & Alcohol Deferral Service**

President Jerrel: The next item on the agenda is Bill Campbell with the renewal of the lease agreement for the Drug & Alcohol Deferral Services.

Bill Campbell: The lease agreement that you before you is the same lease agreement that has been certified by this body for the last eight or nine years. There is absolutely no change either in cost or in space or in any other way.

President Jerrel: Have you reviewed this?

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<sup>1</sup>See page 25 for additional comments.

Joe Harrison, Jr.: Yeah, it's fine.

President Jerrel: Okay, is there a motion?

Commissioner Mourdock: Just for the record I'll note that it is for a 36 month period.

Bill Campbell: Yes.

Commissioner Mourdock: I'll move approval of the lease agreement between Riverside Oil, Incorporated as the landlord and the Vanderburgh County Board of Commissioners for the purpose of a lease for the Drug & Alcohol Deferral Services.

President Jerrel: I will second that motion and say so ordered.

Bill Campbell: Thank you.

President Jerrel: Thank you.

**Mary Arnold, DMD - Flood mitigation resolution and signature cards**

President Jerrel: Next on the agenda is Mary Arnold to discuss a flood mitigation resolution.

Mary Arnold: You should have in your packets a resolution requesting the approval and the setting of the prices for the four properties in the Union Township flood mitigation program. Your packet should tell you the appraisal is the average of the two appraisals and that sets the offering price. In this particular program, since it is a totally voluntary program, if the offers are not accepted by the property owners it ends the program. The county does not go into eminent domain. There is no negotiation on the offering price since it specifically states that it is the average of two certified appraisals, which it is. I am respectfully asking that you approve the setting of the price on these four properties. Along with that there is also a need for new signature cards to be sent to the state and you have a copy of those. Ms. Jerrel, Ms. Crouch and Mr. Harrison will need to sign all the copies as originals and I will need to submit those along with some other documents to the state.

President Jerrel: They're in the signature file.

Commissioner Mourdock: Okay. Just one question, Mary. It is my understanding, and from the time I saw the packet maybe something has changed, but of the four properties we have reason to believe that one of those offers will not be accepted. Is that right?

Mary Arnold: At this time I am assuming that all four offers will be accepted.

Commissioner Mourdock: Oh, okay.

Mary Arnold: I had a conversation very late Friday evening with one of the owners of the property and at that time he indicated that he would be accepting the offer.

Commissioner Mourdock: Okay.

President Jerrel: Okay, so if we...if the resolution is approved then you make the offer

and if they accept it then that is the end of it and if they do not then that is the only chance that they have to participate?

Mary Arnold: That's correct.

President Jerrel: They will own the property, but there will be no money change hands.

Mary Arnold: That's correct. This..the offering, assuming that you do approve the resolution this evening, the offerings will be made yet this week and then they'll have sufficient time to respond to that offering. At that time they will have...if they respond yes they will have to provide us with an abstract or at least an updated commitment for title. We will continue the process at no cost to them until we get clear title, all the title work being back in, and that should take anywhere from 30 to 45 days before they have the actual receipt of the offering price.

Commissioner Mourdock: The offering price does not include any costs for razing the structures on it right?

Mary Arnold: That's correct. This is--

Commissioner Mourdock: This is just transaction price.

Mary Arnold: --strictly for the acquisition of their property. What will come out of this is any taxes, liens or judgements against the property in order to attain clear title. However, no closing costs, title updating or anything like that will be charged to the owner of the property.

Commissioner Mourdock: I'll move approval of the flood mitigation resolution and also the new signature cards as submitted by Ms. Arnold.

President Jerrel: I'll second and say so ordered.

Mary Arnold: Thank you very much for your time.

### **Contract - City/County telephone system**

President Jerrel: The next item on the agenda is Kelly Culiver with a new contract for the city/county phone system.

Kelly Culiver: This is just a resigature of your original agreement with Ameritech. It's also rolling in the City of Evansville now under your agreement with the School Corporation, so it will be the School Corp., Vanderburgh County and the City of Evansville under one unified system with Ameritech. We are just asking for you all to resign that agreement including the City of Evansville under there.

President Jerrel: We should receive some money back?

Kelly Culiver: You should be receiving an immediate decrease in your bill because you no longer will be charged for caller I.D. services which you currently are being charged for which are \$7.50 a piece which there are quite a few.

President Jerrel: Do we need to take any action tonight?

Kelly Culiver: Mr. Harrison has five copies of the agreement if they could be signed.

President Jerrel: Four.

Kelly Culiver: Oh, okay, I'm sorry. Four and one blank. I do have to take them to the Board of Public Works tomorrow morning.

Joe Harrison, Jr.: Yeah, I have reviewed the agreement and I believe on page...I guess it's page nine the Commissioners will need to sign and you'll need to make a motion approving the agreement with Ameritech and then she will take the document to the other entities that also need to sign.

Commissioner Mourdock: I'll move approval of the signing of the new contract with Ameritech for city/county telephone service.

President Jerrel: I'll second and say so ordered. If you would like to wait just a moment then we can get these signed right now.

Kelly Culiver: That would be great. Thank you very much.

**Public hearing - Establish right-of-way on Eickhoff Road**

President Jerrel: The next item on the agenda is the public hearing for the established right-of-way of Eickhoff Road. At this time I would like for our engineer to come forward. Thank you.

John Stoll: The need for this hearing came about due to some problems that have arisen as a result of the Ashley Place Subdivision. What had happened was back when this subdivision was platted last year the subdivision plat showed that there was a 55 foot right-of-way south of the subdivision on Eickhoff Road. When that subdivision went to Area Plan Commission for review and approval there were no remonstrators stating that there were any problems with any right-of-way and nobody in my office was aware of any problems regarding any right-of-way, so the subdivision was approved and since that time a water line was installed out there on the west side of Eickhoff Road in what was thought to be county right-of-way, but it turned out that it was private property owned by Mr. Temme, Mr. Don Temme. This is...the location that I am talking about is on the west side of Eickhoff Road. It's adjacent to the area highlighted in red there at the intersection of Eickhoff and Hogue, so we had a 25 foot right-of-way on the east side of Eickhoff at that point, but there is no documented right-of-way on the west side of Eickhoff at that point.

President Jerrel: Is that where this arrow is right here?

John Stoll: Yes.

President Jerrel: Okay.

John Stoll: Once the water line was installed we were contacted by the city attorney, Kevin Winterheimer, asking us to go through the laws regarding declaration of an apparent right-of-way to declare right-of-way out at that location since we have a county maintained road out there. We just resurfaced that road last year and it has been maintained for quite a number of years. We never could find an exact date of acceptance for Eickhoff north of Hogue or an exact distance that was accepted, but we

do find references that it has been maintained by the county since at least 1974. That was in some Commissioners' minutes whenever there was some discussion regarding the acceptance of Chapel Hill Subdivision. We've maintained the road for at least 24 years it appears. Once the city attorney requested that we look into the declaration of the apparent right-of-way Cedric Hustace, in Joe Harrison's office, worked with me on this and he outlined the procedures we needed to follow and back at that time is when the Commissioners authorized me to make a determination of the apparent right-of-way which was deemed to be 20 feet at that time. We went to the west bank of a small ditch that exists out there across Mr. Temme's property. Since that time we've not found any records that the county has or has not maintained that ditch, so I don't know whether or not or how that plays into the declaration of the right-of-way. We know we've maintained up to the edge of the pavement since we just resurfaced it last year, but we have no records that indicate that we've maintained the ditch. That's in discussions...I got that from the discussions with Rick Dickinson and Milton Hayden. Once we made the determination that it was 20 feet then it was advertised for the public hearing and we notified all of the abutting property owners and then, I guess, now is the opportunity for anybody to comment regarding whether or not this is an accurate assessment of what the right-of-way should be or whether or not it should be changed in some manner.

President Jerrel: Do you have any questions before we ask for public input?

Commissioner Mourdock: No.

President Jerrel: Is there anyone here who would like to give input? Do you need to swear anybody in or anything?

Unidentified: I would like to direct a question--

President Jerrel: Do you want to come on up to--

Joe Harrison, Jr.: Just come on up.

President Jerrel: --the mike and give us your name.

Ron Warrum: My name is Ronald Warrum. I'm an attorney here in town and I represent Don Temme, the landowner on the west. If I might address a question to John, is there a paved road out there, John? Eickhoff Road, is it paved in that area?

John Stoll: Yes, it's paved.

Ron Warrum: From the centerline to the edge of the pavement on Mr. Temme's property how far does it go?

John Stoll: From where now?

Ron Warrum: The centerline.

John Stoll: The centerline of the section line?

Ron Warrum: The section line.

John Stoll: The section line is offset (inaudible comments not made at mike).

Ron Warrum: Are you saying today that you indicated that you've done some research since you made your preliminary claim? Are you saying that it's not 20 feet today? Is it 13?

John Stoll: On the basis of the way the law was written we made the determination that it was 20 feet. Whether or not we can claim right-of-way for (inaudible) so much of pavement, that is really not spelled out in the law. I don't want to practice law up here, but the law did specify what (inaudible) declare right-of-way.

Commissioner Mourdock: Again, that is 20 feet from the section line, John, or from the centerline of the road?

John Stoll: Section line.

Commissioner Mourdock: Which is on the east side of the road?

John Stoll: Right.

Ron Warrum: The section line is almost in the center.

Commissioner Mourdock: No--

John Stoll: Not if (inaudible).

Ron Warrum: Okay, alright, thank you. On behalf of Mr. Temme he does object to this, this preliminary finding. Andy Easley is the surveyor and engineer that originally made this survey and representation that there was sufficient right-of-way and that there was a 55 foot right-of-way and that was not true. He was working for the subdivider. I don't know who he was working for when he prepared this map. In fact, on the west side of the road there is no legal right-of-way, none. On Mr. Temme's property there is no legal right-of-way. The road doesn't extend 20 feet onto his property. The Water Works relied, again, on the subdivider and started the water line. They did not finish it. Mr. Temme asked the Water Works to stop and they, in fact, did stop. They're not going to go forward with this. There is no legal right-of-way, there is no apparent right-of-way because there can't be. All this ground belongs to him. I just suspect that you folks are being put in the middle on this because since there is no legal right-of-way you're going to have to pay for anything you decide to take from Mr. Temme. The statute says you have to pay him if the apparent right-of-way exceeds the legal right-of-way then the county must proceed to acquire the apparent right-of-way, so you're going to have to buy this from Mr. Temme and it's not your problem, it's the developer's problem. Now, I'll be glad to try to answer any questions. I'm pretty familiar with the area out. I can't tell you exactly where the section line is.

Commissioner Mourdock: I have a question that is one of those legal terms of art that I don't know that I've ever heard until a moment ago. Apparent right-of-way, Joe, give us some understanding of those terms. I mean, what legal bearing does that phrase carry with it?

Joe Harrison, Jr.: Well, the county has maintained that road for a number of years, if you want to use the word apparently. You would assume that they have right-of-way with respect to that particular road. I don't believe Mr. Temme is claiming that the road is his property.

Ron Warrum: It is clearly his property.

Joe Harrison, Jr.: What I am saying is there is...he recognized, I think, over the years has recognized an apparent right-of-way even though it's not described that way of record.

Commissioner Mourdock: For the road itself?

Joe Harrison, Jr.: For the road itself. Typically, that would be of record, okay? I don't know the length of the road out there in question. I don't know if it's 1,000 feet or 1,000 yards or exactly what we're referring to, but the issue involves not only the road but possibly right-of-way or additional property on either side of the road. That essentially is what is before us now. What's before us is beyond the width of the road is what is before this body.

Commissioner Mourdock: Okay, I understand that, but the term apparent right-of-way is that implying a certain right such as an adverse possession would grant?

Ron Warrum: That's really--

Joe Harrison, Jr.: Yes.

Ron Warrum: --a very good question. The statute does not define apparent right-of-way, so you're asking Joe questions that has no easy answer.

Joe Harrison, Jr.: I think that, again, over time you would assume, and I don't think Mr. Warrum would think otherwise, I think he is here tonight not contesting the width of the road, are you? I mean, tell me if you are.

Ron Warrum: We believe that entire piece of property belongs to Mr. Temme, but there is, in fact, a road on a portion of it.

Joe Harrison, Jr.: That's right and the road has been maintained by the county for --

Ron Warrum: Several years.

Joe Harrison, Jr.: A number of years.

Unidentified: The only thing the county has done is paved the road. They have not maintained the ditch. They have been asked, called numerous times to come out and mow it and they have not. They drive down it with a tractor/mower and they come right back out with it with the mower up. They don't even put it in gear. There has been a culvert that is out of condition. They have not looked at that or replaced that.

Commissioner Mourdock: Just for the record--

Unidentified: If you go back, okay, go back on this right-of-way on the abstract, my abstract, they do not have an apparent right-of-way, easement, road right-of-way nothing. The center of the road--

Commissioner Mourdock: Just for the record--

Unidentified: Pardon?

Commissioner Mourdock: Just for the record state your name and address. I'm sorry to interrupt you, but--

Don Temme: Okay, my name is Don Temme and I'm representing myself at the property on Hogue and Eickhoff. Alright, years back Leo Hillenbrand put that road in and didn't ask my father about it, he passed away back in '65, so I have no way of knowing if there were any papers that were signed or not, but to the best of my recollection there wasn't anything signed to my knowledge.

President Jerrel: Mr. Hillenbrand was a Commissioner at that time or not?

Don Temme: I don't know what he was. His name was Leo Hillenbrand and that is Peter Hillenbrand's father. There was no right-of-way given. There wasn't any right-of-way sold for that. Now, it never was updated or any real estate transferred over or anything, okay, to the county. Now, then they come along with this Ashley Place...like I say, there was bricks and rocks and everything else was put in there for roadbed under that...for the base at that time. Alright, then this Ashley Place they want to come in in a very haphazard, hurriedly manner and want to put it in before anyone could catch any if, ands or buts. You know, check the I's and the T's. Alright, I begin to question this thing why they put this in. It just didn't seem right to me. I wasn't asked anything about the utilities. They started putting the water in and I got to thinking about it, looked it up and asked them to stop. The water was supposed to have been 10 feet west of where it is. The sewer is supposed to be in next to the blacktop.

Commissioner Mourdock: Both of those being on the west side of the road?

Don Temme: Yes, that is where it was supposedly planned to have been. Beings that Rick Broerman, the developer of the subdivision, he and I got together on a price and he was hot and heavy on me for two solid days from morning until night and all of a sudden he went cold potato. Alright, then he comes along and says something about \$6,000 and I told him I didn't need \$6,000 as bad as he did so he goes on the east side and was supposed to bore under all blacktops and driveways and give a written letter and personal contact with the property owners, which one is present, and he did not. He cut four blacktop roads. That ticks a lot of neighbors off out there on Hogue Road right now they almost have to stop to go over that cut. Eickhoff Road is bad. There is a four or five inch drop in that blacktop. The edges of the blacktop where they put this water line in is breaking off they've put it so close to the blacktop. The blacktop is breaking off. There is no roadbed. They have destroyed the roadbed on that edge.

Commissioner Mourdock: I'm not questioning, Mr. Temme, whether or not all those things are relevant because certainly in the big picture they are. The question regarding the right-of-way, Joe, since you're our counsel, what do you recommend here as far as our course of action? Clearly there is a question that's brought up that --

Joe Harrison, Jr.: Well, I think before you go further you'll want to hear from some others. I think Mr. Broerman is here and probably has counsel, I believe, here for him. I can cite to you the law as to what you may want to do or what you may not want to do and go from there.

President Jerrel: Okay, could we just hear what anybody else has to say and then we'll come back to you guys.

Ron Warrum: I would like to address one of Mr. Mourdock's questions. In seeking this

apparent right-of-way the developer or the county gained certain rights. Right now as I view it no one has the right to do anything other than on the road. I'm not sure Mr. Temme would agree with that, however, I think at best now there is a right to use the road. That would be the best position for the county. You have no right...no one has the right to install water lines or electric or sewers or anything west of the west...yeah, west of the west line of the road. Now, if you do this and make it an apparent right-of-way I am of the opinion that the way this statute relates to other ones then utilities like this can use Mr. Temme's property and I think that's the reason this statute says you have to pay for it, but that's available to the Water Works now. They can pay for it now. There is no reason to get you in the eminent domain field. They're in it just as well as you.

President Jerrel: Thank you. Mr. Ziemer.

Ted Ziemer: Ladies and gentlemen, my name is Ted Ziemer and I'm the attorney for Rick Broerman who is the developer of Ashley Place. I think the issue here today is not about what Mr. Broerman has or has not done in connection with his development, the issue is whether or not under the statute the County Commissioners have a right to declare apparent right-of-way for this roadway. I want to mention two elements of the statute. One, it says that the county will make a preliminary finding of the apparent right-of-way by using the best available evidence including physical observation from the ground and the air. So you are deciding what this right-of-way should be from what you can see out there. The statute further says, and I think this is what Mr. Warrum is referring to, it says that the apparent right-of-way of a county highway established under this section is the right-of-way for purposes of use and control of a county highway by the executive. If the apparent right-of-way exceeds the legal right-of-way then the county must proceed to acquire the apparent right-of-way. The legal right-of-way here is going to be...first of all, everyone is absolutely correct that there is no instrument of record which creates a right-of-way over this real estate. However, the county has a right-of-way over this real estate by prescription and that is by using the roadway for public purposes for more than 10 years. As a matter of fact, the roadway, and I believe the ditch adjacent to the roadway, has been used by the public for more than 40 years. Chapel Hill Subdivision was platted in 1956 and it has been used as a roadway since that time. It was first paved by the county in 1974 which is 23 years ago, well over the 10 years for prescription. It was repaved in 1986 and it was paved again, I believe, in 1996. Our information is that there is no written record that the county has, and this is not just this particular roadway, showing maintenance of the ditches. Ditches are maintained by the county and often there are no public records to indicate that has taken place. There are individuals at the County Garage who indicate and have a recollection that work has been done in the ditch adjacent to this paved portion of Eickhoff Road. In addition to that, as you know, the county in every case that it can does include ditching on the side of the roadway to carry water and so forth off the roadway and to prevent, you know, water from gathering on the roadway. We say that the legal right-of-way is the right-of-way that the county has by prescription whatever that is and we believe that is the 20 feet running from the section line to the west side of the ditch. If we took any more than that under this statute, then the landowner would have to be paid, but since that is the legal right-of-way by prescription, not by a deed, not by an easement or any other grant, but by prescription the county under this statute can declare that is the apparent right-of-way and it becomes the right-of-way. The statute, the other statute, that Mr. Warrum is referring to is one that says that on all public roadways in this state public utilities have the right to lay public utilities on, upon or along the public right-of-ways in this state. If the county does as I think it should do which would be to declare a public right-of-way running 20 feet from the section line to the west which would be to the west side of the ditch on the west side of the paved roadway then that would be an appropriate apparent

right-of-way and it would allow for the public utility, Water Department, to install the lines that are there. If you have any questions I'd be happy to answer.

President Jerrel: I have a question. I don't know whether maybe John ought to answer it for me, make it a little clearer for me where this section on the east side, this marker that we're using, can you show me?

John Stoll: Sure. Based on the survey it's about--

President Jerrel: Okay.

John Stoll: This is Hogue Road, this is Eickhoff. The section line is roughly just a ballpark guess this is about 1/3 the width of the road and 2/3 of the width of the road would be on the west side over here.

President Jerrel: Okay, and you're saying 20 feet from there, okay, because the road is what...how wide?

John Stoll: About 18.

President Jerrel: Eighteen to 20? That helps me. I couldn't get a handle on that. Do you have some thoughts, Mr. Harrison?

Ron Warrum: Ms. Jerrel, I think--

President Jerrel: Is there someone else that wishes to speak? I'm sorry, the podium was blocking my view.

Unidentified: I'm going to be the other pain.

President Jerrel: It's alright.

Jack Hunsinger: I'm Jack Hunsinger and I'm up on the other corner across from Temme.

President Jerrel: Okay, do you want to give us your name and address?

Jack Hunsinger: Jack Hunsinger at 8519 Hogue at the corner.

President Jerrel: Okay.

Jack Hunsinger: Let's qualify maintained by the county. I have not...I've been there 10 years and I have not seen anyone cut the ditch except Don Temme on the west side of Hogue. I have been the only one to maintain the ditch on the east side of Eickhoff, I'm sorry. We go down there and when there is a flood we clean all the debris from the drainage pipes so the water can go through the pipe instead of over the road and that has been that way for the last 10 years. The county has never been out there. Agreed they paved the road, but now it is being destroyed by the utilities that are being installed. It's being undermined. This is going to have to be repaired, I'm sure, before summer is over.

President Jerrel: Uh-huh.

Ted Ziemer: Can I ask a question?

President Jerrel: Sure.

Ted Ziemer: You mentioned drainage pipes.

Jack Hunsinger: Right, there is a storm drain pipe that goes across Eickhoff and it has been flattened since they installed the sewage pipe through my yard.

President Jerrel: In other words, the construction process--

Jack Hunsinger: Three hundred and sixty feet of it.

President Jerrel: --helped flatten it out?

Jack Hunsinger: Right. I was told that they were going to cut underneath my two driveways. They cut them both right through the middle. Ripped them out.

President Jerrel: And destroyed the culverts?

Jack Hunsinger: Then destroyed the culverts. They're flat. They were having a problem to start with and now they're going to have to be replaced and they are going to have take the up road before summer is over I'm sure. The county has never been out there to mow one piece of grass in the ten years that I've been there. Granted the road was paved, but that is the only thing that I've seen done and that was immediately before they started this construction back on Temme's property or whoever owns the property back there now. I'm not sure who owns it.

President Jerrel: Okay.

Jack Hunsinger: This Andy Easley sent me this historical and statutory notes that are talking about being able to install utilities and such along the roadway, but it says:

“However, the utility shall review its plans...”

Were these plans not reviewed to avoid this action?

President Jerrel: Do you want to--

Jack Hunsinger: However, the utility shall review its plans with the County Executive before locating the pole, facility, appliance or fixture. I guess that includes the water pipes and stuff. Was this not reviewed?

President Jerrel: Do you want to let Mr. Stoll speak to that?

John Stoll: These plans were submitted by Jim Williams of the Sewer Department on the sewer plans. I do not work with them on the location of the water line.

President Jerrel: So we have a problem and now we need to solve it.

Commissioner Mourdock: Let me repeat part of this back, Joe, and all of you and tell me if I understand this correctly. With where the road is presently there is no serious contention one way or the other as to the county's claim to that road, and I'm talking just

the road itself, not any apparent or other right-of-way on either side. If, in fact, the county declares an apparent right-of-way to go to the west bank of the ditch on the west side of the road that additional footage would, I guess, automatically become available to the Water Utility Department so they could run their lines down to it or through it, along it or whatever. If on the other hand we do not act to broaden our right-of-way then based on the other statute that Mr. Warrum and Mr. Ziemer referred to the utility could still act to acquire such right-of-way. Is that correct?

Joe Harrison, Jr.: It could.

Commissioner Mourdock: It could, but it will not.

Joe Harrison, Jr.: Also, the one thing you mentioned though I think the county at some point should act upon the road itself to make it clear that right-of-way is established pursuant to this statute, the roadway itself. The width of the roadway. If you all choose to go that route and not choose to do something beyond that the very least if not tonight at some other time you may want to at least do that at some point.

President Jerrel: What's going on right now out there? Anything? I mean, is it all at a standstill?

Jack Hunsinger: Lots of mud.

Don Temme: Again, I'm still Don Temme, I haven't changed my name yet. It seems to me like its for a private concern only. I have been told...at first I was promised, yeah, a tap in on the sewer that they would pay it, \$3,000. Then they come along and are going to give me water tap in two places. Then he comes along and put this sewer in, pressure sanitary, at the top of the hill in a man's yard and didn't even talk to him about it and from there on it's a manhole and it's gravity sewer down to Wolf Creek and it goes up east up on Danny Bateman's property to the sewer line up towards West Terrace which comes from Heartland Ridge. Okay? I can't use the utility, you can't use the utility. It seems to me like it is all private concern only. There is no community involvement at all. No community can benefit from any of this mess.

President Jerrel: Would that help some if we could have the tap in if the tap ins were available?

Don Temme: I was going to go along with some of that and being compensated for something that they're taking from me, which it took from my father when they put the road in to start with the original Chapel Hill Subdivision, okay. No one talked to me ahead of time on this. All of a sudden they're going...it was unaware of me, they're putting...I heard that they were going to put a subdivision in. All of a sudden they're pushing trees over. Then they want to put the utilities in. I was told that, no, I could not tap in on the sewer because it's pressure. They said I could tap in if I wanted to blow my commode lid up on the bathroom ceiling. I said, well, then being something about a check valve put in. Yeah, I could be a double...be a triple brass check valve. I said it sounds to me like it is triple trouble. Anyhow, that went down the tubes, no sewer and no water, but yeah I've got to put up with all that, too and with the neighbors. They put a...we weren't even informed that they was going to put a manhole in at the top of the hill. I understood it was going to be pressure all the way to tap in to the other line, but it wasn't.

President Jerrel: Well, what I am trying to find is some common ground here. That's

what I am looking for. Is there any common ground?

Ron Warrum: Ms. Jerrel, to answer the question you asked--

President Jerrel: Come on up so that she can--

Ron Warrum: To answer the question you asked about what is going on out there now, nothing is going on out there now. Originally, the developer was going to go out into Mr. Temme's soybean field and put this sanitary flow line and he was going to put this water line down on Mr. Temme's property and then we had several discussions about all this and Mr. Temme and I brought it to the attention of the Water Works Department that they had no right to do that and they stopped. They had already started and hadn't contacted anybody, but they did stop when we brought up the fact that there wasn't any right-of-way. Now, discussions continued between the developer and Mr. Temme and those finally broke down and then the developer, instead of putting this sewer line along the west side of the road where he had no right-of-way, he chose to use the east side, the east side, where he had sufficient right-of-way and that's what Mr. Temme and the other gentlemen are speaking about because they were going to...they represented that they would drill under these folks driveways and that didn't happen they just went right through with their, I suspect something like a backhoe, and put the sewer line down the east side of the road where they have a right-of-way, legal right-of-way, but they don't want to do that with the water line because they have it almost all the way across Mr. Temme's property where they don't have the right to have that. Now, the Water Works has been paid to put this water line in by the subdeveloper and they just stopped. The Water Works just stopped and said we don't want any part of that. We've been in contact with Mr. Winternheimer. I don't believe they're going to go forward with it. It's a subdeveloper's problem here and Mr. Easley is a part of that and evidently prepared the preliminary plan. I would suggest that even if you do decide there is a right-of-way an independent survey be done to show where the section line is.

President Jerrel: Mr. Ziemer did you want...?

Ted Ziemer: Yes, I feel we have a lot of things before the Commissioners today that I believe are irrelevant. Mr. Temme has opened the question of various taps and so forth that were going to be given to him and I was in the room when the negotiations were taking place with Mr. Temme and yes those things were considered. I'm not a plumber so I don't understand blowing the roof of your...or blowing the top off your toilet or not, I mean, I just don't understand that sort of thing.

President Jerrel: I do. I'm a plumber's daughter.

Ted Ziemer: Nonetheless, it was indicated that Mr. Broerman was willing to give him any number of taps and it would have to work out...what's the word that you used for water flow and all that? I mean, it would have to be physically possible to do it and he was glad to do it. Since he raised that issue what Mr. Temme finally wanted Mr. Broerman to give him was \$50,000 to put this sewer line along the edge of the roadway and Mr. Broerman declined to do that and the negotiations did break down. I think that is all irrelevant. What we're really talking about is what is the apparent right-of-way of Eickhoff Road over this length of real estate? We maintain that the apparent right-of-way runs from the section line...and this has been determined by the County Engineer and Mr. Easley and Mr. Easley is a professional engineer, so he has determined that, and it runs to the west side of the ditch. Now the only real conflict we have here tonight is whether or not the county maintains that ditch. Mr. Temme says that it does not. I don't quarrel with his

saying that. I say that he is an interested party. What we really need to know is whether the county knows whether or not it maintains that ditch. The county usually maintains ditches that run alongside of its roadways. The reason that the Water Department went in there and started putting the line in without asking anybody is because they believed that it's a public roadway and it has a right-of-way alongside of the roadway to put its line in. It was after that started that it was brought to the attention of everybody that there had been no declaration here. When we get north of this real estate, this yellow line going on up, there is declaration of right-of-way all along there. It's a public right-of-way and it runs throughout the rest of that area and it is also paved up to here. For some reason there was never a declaration at this point and I don't know why, but we maintain that the apparent right-of-way of the county does run to the west side of the ditch and if the county declares that the apparent right-of-way then the water line or sewer line, whichever it is, is in the right-of-way.

President Jerrel: I would...yes, sir. Okay.

### **Tape Change**

(Problem with recorder, some comments not picked up).

Commissioner Mourdock: Are you ready? Okay.

Steve Nurrenbern: I don't think that the county would necessarily be proud to say that they maintained it in the manner that it was maintained as far as that goes. Number two, Mr. Ziemer indicated that there is an established right-of-way north of the property. That's not exactly true. In fact, they've given us papers asking us to say that there is a right-of-way north of there. I know that is not this discussion now, but it is not necessarily in agreement with what he said. Thank you.

President Jerrel: Okay, well--

Ted Ziemer: Just to be sure I didn't represent anything, there are legal documents which describe a 30 foot right-of-way for Eickhoff Road either by way of an exception from deeds or subject to real estate conveyed by deeds or reserved by deeds and I have told you on the telephone it's our opinion that creates a public right-of-way. Some people take the position that it may not. Most county land attorneys in Vanderburgh County would say that language creates a public right-of-way and that's the basis on which I (inaudible).

President Jerrel: Jack, do you want to comment to that and then we'll--

Jack Hunsinger: Jack Hunsinger. Here is the 30 foot that he is talking about underneath here.

President Jerrel: Yes.

Jack Hunsinger: And then it stops here.

President Jerrel: That's kind of pretty much what we've got.

Jack Hunsinger: Oh, okay. I didn't know you had that.

President Jerrel: Yeah, the same thing.

Jack Hunsinger: I'm sorry.

President Jerrel: I'd like to make a suggestion and I know it probably isn't going please anybody in this room, but I want to speak with Mr. Stoll in the presence of County Garage personnel and have some surveying instrument of ours before we make a decision on this. I mean, that's personally the way I feel because I have listened to all of you and I think everybody is telling the story exactly the way they view it and I think the Commissioners should make a decision based upon what we are able to determine to be fact and I haven't been able to do that in the last 35 minutes.

Commissioner Mourdock: Yeah, the comment that someone made regarding...I think it was Mr. Warrum made about having a survey that is perhaps independent. It would be nice to know where the centerline is and know what else is out there and if I heard John correctly, and you'll correct me if I said this wrong, but I don't think you had any survey that you worked off of other than the Easley survey that raised this whole question?

John Stoll: Right. The only reason Easley was requested to do the survey was because we didn't have available staff to do the survey in the time that they had wanted. They wanted to get this hearing moving ahead as quickly as possible and at that time everybody in the office was busy on other projects, so that's the reason why the--

Commissioner Mourdock: So the Easley survey was, in fact, done for the county? It was not done for Mr...whatever with Ashley Place? Broerman, is that right?

John Stoll: Easley didn't bill us for it. He may have...we requested it from Easley. We didn't pay for it. Whether or not Broerman did I couldn't say.

Commissioner Mourdock: Okay. I thought you said Easley was working for us, but he wasn't? Okay.

President Jerrel: Would this, John, the suggestion that I made because I would like to, you know, have you discuss this at the garage. I would like some more information on that. Is that something we can do in a week?

John Stoll: Probably not right now. Maybe in two weeks.

President Jerrel: Two weeks from tonight?

John Stoll: The only problem is that the same people who are the inspectors on the job are the same guys that would end up doing the survey and I guess we can pull Tim off the Frontage Road design for a day and we'll get him and another inspector out there.

President Jerrel: I think it would be helpful if we could do this from our perspective and I know these people are all waiting for answers as quickly as possible. What's your feeling?

Commissioner Mourdock: We can do that. It's still going to be a tough decision. I see someone from the County Garage coming forward and saying either yes they have worked the ditch or no they haven't. If they say yes they have then it's these folks word against the people at the Garage word and we're going to have to make a decision still, but I would like to hear from the Garage. If, in fact, they say they haven't used that ditch, haven't maintained the ditch, then that certainly gives more credence to folks here tonight who are saying that it's not an apparent right-of-way, but my speculation is they'll

say they have.

John Stoll: Like I said earlier whenever I did talk to Milton and to Rick they said they had no records of it, so--

President Jerrel: Well, they may not have been maintaining it then and maybe they...they do have work orders. I mean, their daily--

John Stoll: The reason we drew it up originally and requested the Easley survey to determine where the west bank of the ditch was simply because it would be better to have a ditch, but if we legally can't then so be it. We just need to clear it up in regard to the road issue.

Commissioner Mourdock: Yeah, and maybe that's the next issue is if, in fact, that it turns out that is the case we still have to act to clear this thing up one way or the other whether it's going the full 20 feet over to the west side of the ditch or whether it is some line that's not 20 feet, but maybe, I don't know, 10 feet...whatever the right number is, I don't know. But maybe you'll have another recommendation for us that way, too.

John Stoll: So you want us to survey it with our own crews to determine what distance we come up with as far as how far it is to the west bank of the ditch and also to the west edge of the pavement?

President Jerrel: That would be the apparent right-of-way and also clarify the ditch maintenance. We need to do that.

John Stoll: Okay.

President Jerrel: In two weeks?

John Stoll: Yes.

President Jerrel: Okay.

Ron Warrum: Just to make sure I'm clear on that, I think John said two things he would need to figure to the end of the road--

President Jerrel: And to the west side of the ditch. Yeah, right.

Joe Harrison, Jr.: I think that he would come back with a recommendation to this body for their consideration, but I believe that legally we would probably have to go through this procedure again.

President Jerrel: You mean the public hearing part?

Joe Harrison, Jr.: Yeah, right. If there is a change done from what's out there now what was advertised...if there is a change to that, I think we would have to do it again and notify the homeowners because the--

Unidentified: Change or reduce it?

Joe Harrison, Jr.: I think the Commissioners would have to...I think the statute contemplates some proposed change while we're here this evening. That hasn't been

done this evening and I think if there is a proposed change I think the Commissioners would have to act upon that. That would then be a preliminary finding again and we would have to go through the process one more time. I think tonight they could have made that change if they wanted to and then act upon it, but I think what they were asking for is an independent...you know, a county survey of the area and then a discussion with the County Garage.

Ted Ziemer: Can that be done in two weeks?

Joe Harrison, Jr.: Well, that's what Mr. Stoll is saying he can do.

Ted Ziemer: No, I mean can we do the necessary advertising and so forth so that we can make a decision in two weeks.

Joe Harrison, Jr.: Well, I think he has got to make a recommendation to the body for them to approve then for publication purposes. I think we could have it within ten days maybe after that.

Commissioner Mourdock: I think what Mr. Ziemer is saying is if tonight was a public hearing it was so advertised to act, if John is prepared to get something back to us two weeks from tonight will we be able to act based on that same set of advertising?

Ted Ziemer: Exactly, the people are here that...

Joe Harrison, Jr.: Well, my recommendation would be that if they waive that notification, that's fine, but there may be other homeowners out there that were notified that aren't here this evening. That's my concern. I mean, if this is all the neighbors and they waive I don't think there is a problem.

Ted Ziemer: I'm wondering if it couldn't be interpreted that he has made the preliminary finding. Of course he did that three weeks ago and then it was advertised and now we're here for a decision and it was advertised as taking place tonight and now the people who are here who are interested in the county have now said we want some additional information. It seems to me like that just clarifies and in two weeks if that is the date that the Commissioners set we come back and then the county can do what it could have done tonight with the additional information it has. I mean, that's your call, Joe.

John Stoll: Could we just send certified letters out to the same people that we notified the first time around? Does the law specifically say we have to advertise? I mean, we could get the letters out if we just need to notify everybody.

Ted Ziemer: I guess we're just trying...I mean, it is getting critical.

Joe Harrison, Jr.: Everyone has to be notified and you have to have a public hearing and the next hearing would also be a public hearing because the people would then be able to make their same objections. That's the only thing.

President Jerrel: Can the public hearing be in two weeks with adequate notification?

Ted Ziemer: That's really what I'm asking, Joe, can it?

Joe Harrison, Jr.: I just don't think they're going to have that information, but I think it's possible that we can set that. I mean, I just don't know if he is going to have that

information in time. It may be the following week.

John Stoll: If we have to follow the same procedures as the first time the legal ad had to have the map in there showing the apparent right-of-way for the one that has got the 20 feet there, so if we modified that we won't have anything like that until after a survey is done, so we wouldn't be able to have a legal ad and go through that notification process in two weeks because it would take several days to prepare another map all by itself. By the time we got the map say that was some time next week that would be the earliest day we could get anything over to Charlene to publish the legal ad.

President Jerrel: What's the days? How many days?

John Stoll: Right.

Joe Harrison, Jr.: Well, it was published two weeks apart. It was 10 days. Ten days prior to the dates...prior to today is when they advertised it. I mean, I think it's possible, you know, within a month, but I can't see having a hearing within a month.

President Jerrel: Okay, since we are in a position of examining this we need a motion for some action. Your pleasure.

Commissioner Mourdock: My pleasure, huh? The course of action that we are talking about here with the readvertisement of it I swallow hard to say this, but I think that being our course of action all we can do is put the motion forward to advertise is it not, Joe, for the public hearing? Go down this road again?

Joe Harrison, Jr.: Well, I think you could do that today, but I think you would ask for the County Engineer to, you know, have a survey done or from his office and then communicate with the garage and get back with you all with some recommendation one way or another and then have a hearing on that as soon as possible. If you want to set that go ahead.

Commissioner Mourdock: I'll move that we direct the County Engineer to reevaluate the survey and also to acquire a written statement from the County Garage as to whether or not it has performed any actions to maintain the right-of-way on the west side of the road. Also, then I would move that we direct the County Engineer to advertise for another hearing for the apparent right-of-way of Eickhoff Road at the as soon as possible date.

President Jerrel: I'll second and say so ordered. If they have any written documentation out there.

Unidentified: (Inaudible comments made from audience.)

President Jerrel: You want to come up and...

Commissioner Mourdock: The point of reevaluating the survey was just making sure that-

Joyce Waters: Joyce Waters, I own property at Hogue and Eickhoff Road on the southwest corner. My question is when you say reevaluate the survey are you still going to use Andy Easley's survey or are you--

President Jerrel: No.

Joyce Waters: --going to have the county--

President Jerrel: The county.

Joyce Waters: Thank you. I commend you for that because when they put the sewer line on mine they still used Easley's survey, too, and I still don't know where the center of the right-of-way is because they used Andy Easley's and I'm sorry I want to county to pay for it...not to pay for it, but I want the county to authorize it. I don't want Broerman's paid guy to do that and I don't think we should have to live with that.

Commissioner Mourdock: And that's the point of having a true survey done.

Joyce Waters: Reevaluating the survey makes it sound like you're going to use Easley's survey.

Commissioner Mourdock: Oh, no, no. That was not the point.

Joyce Waters: Thank you.

President Jerrel: Okay. Alright, are we ready to move on?

### **Knights Township Trustee Poor Relief Standards**

President Jerrel: Item G is the Knight Township Trustee approval of poor relief standards.

Ron Warrum: Ms. Jerrel, if you'll excuse us we'll try to get out of here quietly.

President Jerrel: We understand that you don't wish to stay and do the rest of this.

Unidentified: Thank you.

President Jerrel: Uh-huh.

Ron Warrum: Thank you.

President Jerrel: Okay...there's nobody here.

Commissioner Mourdock: Oh, okay. I thought there was someone back there. It's just John, alright. I'll move the approval of the Knight Township Trustees relief for...the poor relief standards as submitted.

President Jerrel: I'll second and say so ordered.

### **Vanderburgh County Economic Development appointments**

President Jerrel: The next item on the agenda is the Vanderburgh County Economic Development Commission. This is a little bit premature in that we have not made an appointment, but there has been two other nominees...or one other nominee and we can authorize that one until ours is in.

Commissioner Mourdock: Okay, I'll move the appointment of Al Umbach, Jr. to serve as

Vanderburgh County Economic...or to serve on the Vanderburgh County Economic Development Commission.

President Jerrel: I'll second and say so ordered.

### **1999 holiday schedule**

President Jerrel: Also in your packet is the holiday schedule for 1999.

Commissioner Mourdock: I'll move approval of the holiday schedule as published for 1999.

President Jerrel: I'll second and say so ordered.

### **Any group or individual wishing to address Commission**

President Jerrel: The next item on the agenda is the one where anyone that wishes to appear before this body may do so. Is there anyone?

Commissioner Mourdock: They've left.

### **John Stoll - County Engineer**

President Jerrel: Okay, and then the first order under department heads would be County Engineer.

John Stoll: The first item I've got is already in the signature file. It's our annual certification that says that we have no covered bridges. This is something that we have to submit to the state every year and it's in the signature file for your approval.

Commissioner Mourdock: I guess that means we're going to have to cancel the festival? I'll move acceptance of the notification that we do not have any covered bridges in Vanderburgh County.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: Would have been a good festival, too.

John Stoll: The second item that I've got is a recommendation to award the Old State sanitary Barrett Law sewer to BMB, Incorporated in the amount of \$113,304. BMB was the low bidder on the project and in working with Joe over the past couple of months we finally got everything taken care of where the project can finally be awarded.

Commissioner Mourdock: I'll move approval of the contract with BMB for the Old State sewer Barrett Law project.

President Jerrel: I'll second and say so ordered.

John Stoll: Also on that same project is the result of the delays in awarding the contract I would like to recommend that we extend the completion date to July 31, 1998.

Commissioner Mourdock: So moved.

President Jerrel: Second and so ordered.

John Stoll: That's all I have.

President Jerrel: Okay, thank you.

### **County Garage**

President Jerrel: There isn't anyone here from the County Garage. We do have the report in our packets.

### **Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: In speaking with the Auditor's Office they have expressed an interest in assisting the County Commissioners with the sale of surplus county property, real estate, and they will be working with the Commissioners Office and we are tentatively looking at a date for a sale for the available parcels for March 30, 1998. Hopefully, we can stay on that schedule. I believe I have...oh, is there a motion to that effect to set that date and if we have to change it, obviously, we'll move it.

Commissioner Mourdock: I'll move that as a target date we use March 30, 1998 for the sale of surplus county properties.

President Jerrel: I will second and say so ordered.

Commissioner Mourdock: That's real estate, just to formalize the motion there.

Joe Harrison, Jr.: I believe the Auditor's Office has a deed down there that was prepared by our office regarding a piece of property that was on tax sale and apparently the owner of that property came in and redeemed, paid off, the taxes so what the county is doing is conveying that piece of property back to the owner, the previous owner.

Commissioner Mourdock: I'll move that we release and quitclaim to OPI Properties, LLC, Lot 5 and the adjoining one half of Lot 6 in Block 16 in Stockwells Enlargement of the City of Evansville as recommended by the County Attorney.

President Jerrel: I'll second and say so ordered.

Joe Harrison, Jr.: Lastly, there is a piece of legislation that is pending before, I think, the Indiana Senate regarding cellular telephone towers. Currently Indiana Case Law seems to imply that local communities have very little control over the siting and construction of cellular towers within communities and this piece of legislation that has been introduced by Senator Server would permit local communities control over...some control over the siting and construction of cellular telephone towers within their jurisdiction. We'll have to see how that proceeds down the road, but that would certainly be of interest to the local community because the way it is basically set up now is that if someone has a concern over the siting and construction one of the options is to go before the Indiana Utility Regulatory Commission and complain to them and it's difficult, obviously, for

people from here in Evansville to go up to Indianapolis and attend such hearings, so we'll see how that piece of legislation proceeds. That's it.

President Jerrel: Okay, thank you.

### **Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings report?

Tony Greubel: This morning I attended a meeting at the airport about the foreign trade zone...activating the foreign trade zone at the airport. We're going to meet every other week to follow up on that to look at who tenants might be and how to pay for it...how to pay for the operations.

President Jerrel: Keep us informed.

Tony Greubel: I'll do that.

### **Steve Craig - Burdette Park**

President Jerrel: Burdette Park. While Steve is walking up here, both Steve and... you had two people right? Two of you were here from Burdette and the two people from the Garage, Milton and Rick Dickinson. We had...and the Auditor was here. We had an in-service this morning. It dealt with sexual harassment and also with hiring appropriate interview questions for new hires and also disciplinary processes and issues that deal with the correct way to make these assessments and it was well attended, about 25 people, and it was good. I appreciate you coming, Steve.

Steve Craig: It was very informative, too.

President Jerrel: Thank you.

Steve Craig: The only thing that I have outside of the packet is that we had talked about finding a new place for the Day Camp to have a downtown pickup. I talked to Mark Acker and he has met with Joyce and they worked out an agreement. It went real smooth. He gave her an area where the kids can meet and they're going, I think...I don't if they...I think she might have talked to Pat or somebody about getting a time zone there so that the buses can get in that side street like for an hour in the morning and an hour at night there shouldn't be no parking so that the buses can come in and pick the kids up without having any problems.

President Jerrel: That will be included when those notices start going out?

Steve Craig: That's all I've got from Burdette.

President Jerrel: Okay.

Steve Craig: I would like to make a statement. On the discussion you had earlier with the ditches and that, I worked for the Highway Department for two years down the road and these guys claim that, you know, nobody has ever worked on the ditches. Where I have worked for 15 years the county has never worked on my ditches because I maintain them, and I mow it and if they get clogged up I clean it out. The guy made the

statement that every time it rains that they go down and clean the ditch out and he said the county don't mow it so he mows it. Well the county doesn't clean every foot of ditch in the county. They only do the ones that need it. If these people have been cleaning their ditches for all those years and they've been mowing them for all these years there would be no reason for the county to be out there doing work because they maintained their own ditches because they don't have a record of them cleaning the ditches at my houses because I take care of them.

President Jerrel: Is that kind of like my sewer outlet?

Steve Craig: Yeah.

President Jerrel: Okay.

Steve Craig: But I mean when he said that it was, you know, to prove it, you know, that's hard to prove if they have never had a problem because the people maintain their ditches then there is not going to be any proof. If they would have a complaint and the county didn't come and do it then they would say they didn't maintain it, but if the guys said he was mowing it and he is cleaning it out all of the time then there is no reason for the county to be out there working on that ditch all the time. Just an observation that I make. Thank you.

President Jerrel: Got that, John?

Commissioner Mourdock: There is an empty chair, Steve, please fill it! No, that's a good comment.

President Jerrel: Yeah, it was helpful.

### **Consent items**

President Jerrel: Okay, consent items.

Commissioner Mourdock: I'll move approval of the consent items that are in the packet and that includes employment changes, travel requests and the County Treasurer's monthly report.

President Jerrel: I'll second and say so ordered.

### **Scheduled meetings**

President Jerrel: You have your scheduled meetings attached.

### **Old business**

President Jerrel: Is there any old business?

Commissioner Mourdock: Before we...well, kind of in between those two items the scheduled meetings and the old business, we had previously scheduled at the first meeting of the year to have several different meetings on Tuesday during the year and I would move at this time because Commissioner Tuley has classes on Tuesday night

that the meeting...the regular Commission meeting on February 17, which was scheduled for a Tuesday, the May 26th Tuesday meeting and also the September 8th Tuesday meeting be canceled.

President Jerrel: I will say second and so ordered.

Commissioner Mourdock: Doing high fives over here? Just also formally then for the record, the Rezoning that would be done on the 17th would instead be moved to February 23rd and the Drainage that would be scheduled for May 26th will, in fact, be moved to May 18th.

President Jerrel: We'll have to readvertise all those. Okay. That is a motion?

Commissioner Mourdock: Right, that was a motion.

President Jerrel: Okay, I'll second and say so ordered.

### **New business**

President Jerrel: Under new business.

Commissioner Mourdock: New business, just as a reminder tomorrow afternoon at 5:30 we will convene the jail overcrowding assessment group and as part of that I've had some lengthy discussions with Dr. Sue Ellspermann who will serve as kind of a moderator for that meeting. I would move that we direct through our professional services category, if you will, that we direct the County Attorney to draft a contract with Ms. Ellspermann in the not to exceed amount of \$1,500 for her to facilitate and moderate and otherwise direct the meetings that we'll be having.

President Jerrel: I'll second and say so ordered. Is there any other business to come before this Board?

Commissioner Mourdock: Joe, is there anything else you need from me on that? I can get with you.

Joe Harrison, Jr.: If you would just provide me with name and address and all that and I'll speak with you if I have any other questions, but you've just approve the contract subject to execution.

Commissioner Mourdock: Yeah, and for what it's worth even though Pat is not here I have spoken with him about just contracting with her although he had not heard the amount until now.

Joe Harrison, Jr.: Again, is the first meeting...?

Commissioner Mourdock: Tomorrow night at 5:30.

President Jerrel: I need to make a correction. When I was announcing our Executive Session we didn't begin until 4:30, so would you correct those?

Commissioner Mourdock: The summary minutes...no they're here in front of me so they are correct at 4:30.

President Jerrel: Okay, is there any other business to come before the Board? Hearing none, is there a motion to adjourn?

Commissioner Mourdock: So moved.

President Jerrel: Second and so ordered.

The meeting was adjourned at 6:52 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Bill Campbell  
Mary Arnold  
Kelly Culiver  
Ron Warrum  
John Stoll  
Don Temme  
Ted Ziemer  
Jack Hunsinger  
Steve Nurrenbern  
Joyce Waters  
Steve Craig

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

**Vanderburgh County  
Board of Commissioners  
January 26, 1998**

The Vanderburgh County Board of Commissioners met in session this 26th day of January in the Commissioners' Hearing Room of the Civic Center Complex at 5:38 p.m. with President Betty Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I would like to call the Vanderburgh County Commissioners' meeting to order, please. By way of introduction, on my far right is Tony Greubel, the Administrative Assistant; next to him is our County Attorney, Joe Harrison, Jr.; next to him is Pat Tuley, County Commissioner; at the far left is Charlene Timmons, the Recording Secretary; Suzanne Crouch, the County Auditor; and Richard Mourdock, County Commissioner; and I'm Betty Lou Jerrel. Please join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Under our action items is there a motion to approve both the July 12th and July 20th minutes because--

Suzanne Crouch: January.

President Jerrel: Of January, because Commissioner Mourdock was not here at the one meeting and you were not here at the other.

Commissioner Mourdock: Right.

Commissioner Tuley: I'm going to move for the approval of the minutes from January 12th.

President Jerrel: Is there a second? I'll second and say so ordered.

Commissioner Mourdock: I'll move the approval of the minutes of January 20, 1998.

President Jerrel: I'll second and say so ordered.

**Certification of Executive Session**

President Jerrel: B, the certification of Executive Session. We did have an Executive Session and it began at 4:30 and we discussed litigation and pending and threatened litigation and county personnel matters.

Commissioner Mourdock: I'll move approval of the summary minutes of the Executive Session for this evening's session.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Bid opening - Daylight sewer project**

President Jerrel: The first item on the agenda is Mike Robling to...is he here?

Commissioner Mourdock: I don't see him.

President Jerrel: I don't see him. Okay, well let's move on to Lynn Ellis.

Tony Greubel: No. Commissioner, all we need to do is open...have permission to open the bids that have already been collected.

Commissioner Tuley: And take them under advisement then?

Tony Greubel: Yeah.

President Jerrel: Okay, is there a motion?

Commissioner Mourdock: I'll move approval of the opening of the bids for the Daylight Sewer project.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Permission to advertise - VC9802, Old Courthouse air conditioning**

President Jerrel: Now, Lynn Ellis.

Lynn Ellis: I would like to request permission to advertise for bids for air conditioning at the Old Courthouse. John Stoll and Faye and I have been working on putting a bid together and John has redone the specifications and we're working with an architect at this time to assist us and we are hoping that this time we'll get a winner and be able to proceed with the project, so I request permission to advertise.

Commissioner Mourdock: Refresh my memory. Did we do it last time and everything was over bid? Is that right?

Lynn Ellis: Yes, that's correct. It was over budget and it was over the prevailing wage requirements. The first time it was rebid because it wasn't properly advertised and then it exceed prevailing wages the second time.

Commissioner Mourdock: I got it, yeah. It comes back to me now.

Lynn Ellis: So three is the winner, right?

Commissioner Tuley: Hopefully.

Commissioner Mourdock: I'll move that the third time be a charm that we advertise the bid for VC9802 for air conditioning at the Old Courthouse.

Commissioner Tuley: I will second.

President Jerrel: I'll say so ordered.

Lynn Ellis: Thank you.

President Jerrel: Thank you.

Commissioner Mourdock: So far so good!

**Phil Lieberman - Welfare to Work Gatekeeper report**

President Jerrel: The next item on the agenda is Phil Lieberman who is going to talk to us about the Welfare to Work report.

Philip Lieberman: I'm Phil Lieberman of Phil Liberman Associates. We are the gatekeeper for the Initiative Based Assistance Program and I'm here to present our quarterly report for the Initiative Based Assistance Program. I've given each of the council members a packet of information and I want to just review that information and then I'll answer any questions you may have. We started the program...the Commission approved the contract for the Initiative Based Assistance Program for us retroactive to July 1st of '97 and we opened the doors at C.K. Newsome Center, just down the street, August 25th and so everything I'm going to tell you now is the services we've provided since that August 25th opening. A correction on item number three, it says page two and it really should say page three. This handout lists the staff and services and other information. On January 19, 1998 we've had about 590 requests for information and applications and of those requests 369 have returned applications and are asking for services. In pages four to six of this handout lists the activity day-by-day that we've had for services and if you'll look at that you'll see that we've had people come in every day asking for services and some of the times we'll have as many as 13. One day we had 22, 11, 14 people coming in asking for services and then we give them the applications. They have to bring back certain documentation and almost every day somebody brings back forms and ask for assistance in the IBAP program. If you'll remember, there are four categories in the Initiative Based Assistance Program: child care, transportation, job training and education and safety net. The child care has the most users, 166, and job training has the fewest at this point of six and I'll address that issue in a few minutes. A positive note for the IBAP program and its funding is that Lieberman Associates is also the Vanderburgh County voucher agent for the child care development fund. Because of that...not because we're the...in that role as the voucher agent the state has told us that any child needing child care that comes from a family of 150% or less of poverty and meeting a few other guidelines the state then will provide funds for that child care. Therefore, the gatekeeper program, the IBAP program, is going to move all the families from the IBAP program into the voucher therefore freeing up a substantial amount of dollars to flow into the other three areas, the safety net, job training and transportation. We're in the process of moving that now and probably in the next 30 to 45 days all the families on the child care portion of the IBAP program will be moved over to the CCDF program. We're actively marketing now the IBAP program and as I mentioned earlier we just have a few people that are using the education and training component of this program. I think that is because of the rules that we had to follow and we found some employers now who are interested in using some of those dollars to train their employees so those employees will be at a better off position after the training program. Those rules that we have to follow is that the family has to have a child under 18 in the family, the family has to be under 150% of poverty and the family

adults have to be working 25 or more hours a week. We've talked to two major types of employers about how to use these dollars to make their employees better off and my guess is in the next 45 days we'll have positive news back to the Commission and to the Council about the success in this kind of program we're trying. We've had a lot of positive comments in this program. I mean, you help almost 200 people and there is no other way that these people would receive assistance aside from this program here it's a very positive note and people actually come back into the office after they receive their money and their funding and have used and received their services with this money and actually tell us how good of a program it is. It has really been, I think, a real successful program. I think it's really great that the Commission and Council had vision to do this kind of a program. It has really paid off in this community. We're located, as you know, over here at the C.K. Newsome Center. It has worked out to be a very good location. It's near the Courts, it's near the Administrative Building, near the Division of Family and Children and we've had a good relationship with the City Park's Department in running that organization down there. We have five employees that are actually stationed in C.K. Newsome and we have some support staff at our other office at Washington and Weinbach. Item number 11 on the report that I've given shows the amount of money that we started with and the balance in each of the accounts and it really...those numbers come from the remaining pages in the documentation. All I've done on item number 11 is summarize. Questions?

President Jerrel: Okay, does anybody have questions?

Commissioner Tuley: Just one and it's not really a question as much as is clarification, Phil. I thought I heard you use the word cash or something like that. We're not paying any of these people direct cash, correct?

Philip Lieberman: That's true. It really works by a voucher system. A person will come in and request assistance and we will write them essentially a voucher and we will pay the service provider directly, so the service provider sends us a bill and on a every two week basis we pay those bills. We actually have a process set up with the Auditor where we...and the County Commissioners where we submit our claims and get payment and send our checks out to everybody.

Commissioner Tuley: Yeah, that was the way I thought it was going to be set up. I just thought I heard the word cash and it kind of got my attention.

Commissioner Mourdock: Yeah, you heard that because my ears picked up on that, too. I think your exact words were when they get their money, which wasn't exactly what was meant.

Commissioner Tuley: Yeah.

Philip Lieberman: Oh, okay. When they get their assistance.

Commissioner Tuley: Yeah, okay.

Commissioner Mourdock: Phil, a couple of questions and you probably don't have the answers for these, but I know the job training issue is one that the Welfare to Work Council has spent some time talking about in their monthly sessions. Just as a reminder when these businesses you're working with if they come back to you with some recommendation I think it's not only fully appropriate, but I think it's required that this Board approve those before you implement anything. The plan that you're

working under now, the IBAP program, is what was approved by this full Board, so if there is going to be changes made I think this Board needs to do that. I'm not saying that...speaking as one, I'm not adverse to that. We want to get the most bang for our buck, but we need to know what is happening with it.

Philip Lieberman: Okay, maybe I misspoke again. It wasn't that there were going to be major changes to the program. They have ideas of ways to implement the program the way it stands now.

Commissioner Mourdock: Right.

Philip Lieberman: But if there would be changes...actually, we go not only to you, but we have a task force that the Commission has set up that has five or six members on it that we actually convene and ask policy questions to get guidance from them also.

Commissioner Mourdock: Okay, just kind of as a follow-up to that I know the Welfare to Work Council as a whole has been meeting monthly. I know they met last month...or last week rather when we had the jail meeting, so I wasn't there, but one of the issues they've talked about there consistently is how they do begin to resolve this job training thing because at the start of that group that was thought, you know, that's where there would be some well spent dollars and it appears there is not the need, so I see this as an evolving program.

Philip Lieberman: Yeah, my personal feeling is that there is a need. It's a matter of educating the people that are already in the work force of how they can take advantage of it.

President Jerrel: Do you have any information concerning the number of organizations or institutes that deliver job training services? I guess I'm not thinking exactly of...well, maybe I am thinking of including union trades, you know, journeymen. I don't think that's exactly what we've talked about, but I have in mind...I know Ivy Tech does this. I know PIC has this, but do you have that information?

Philip Lieberman: We've talked to both Ivy Tech, the Evansville Black Coalition, to USI, to a number of different organizations that had training programs and made presentations to them even before we won the contract as part of our team building approach, so they are aware of the process. The problem is coming up with a program that we can complete in six months for a certain amount of money where the recipient of this program will be better off at the end of that period of time. They may learn more, but will they get more money out of it? Will they get a raise? Will they have better benefits? It's trying to work that kind of relationship out between paying this educational place money and showing actually an improvement in this person's life that we are finding difficult.

Commissioner Mourdock: That goes back to one of the rules that we put in place was we wanted to have something that was measurable. If we were just going to train people and they weren't going to get any benefit out of it, then we were saying that wouldn't be a wise use of dollars. So we put that hurdle in there and I am not backing away from that hurdle, I still think it's an important one, but without question it has made it a little bit more difficult.

President Jerrel: Do you have a sense that the employers in our community are

looking for someone that has the potential to be trained rather than for specific training?

Philip Lieberman: The two types of organizations that we're talking to in one area they have the employees and they can use this money to train their employees and bring that employee up to a higher level of skill and therefore they will pay that employee more money.

President Jerrel: Right.

Philip Lieberman: Actually, that's for both of these components. We've talked to a number of different employers, it is just a matter of them finding a way to use this money. The money is there for training. There has to be measurable outcome and that's not an easy thing for an employer to say, yes, we'll give this person extra money or benefit.

Commissioner Mourdock: Just by observation, at one of the Welfare to Work Council meetings, I think it was the December meeting, a local businessman who serves on that council who hires quite a few people at the lower end of the wage pool made the comment that you don't have to worry about training people for me, I'll train them, but I just want to make sure that they know that they are going to be at work on time five days a week every week. Get there at eight in the morning and be there until five and those kind of soft skill type training items that you hear so much about often in the national news seem like they've got a lot of...there is a need for that here as well. I think those are hard things to train personally, but that seems to be a lot of the demand.

Philip Lieberman: Right, we talked initially...we talked to the EBC about training programs and they had a program similar to what you were talking about and it's a matter of keeping those people in the program because they can come for a period of time and we didn't want to risk the money if the person is not going to continue on and guarantee that this training will make a certain amount of money if the employee stopped, if the potential employee stopped half way through the program, so it's a matter of how do we get this person into the program and keep them motivated enough to continue in the program and finish.

President Jerrel: Any other questions?

Commissioner Tuley: No, just an observation. It's unfortunate that we're having that problem with six people requesting this given with Toyota, AK Steel and the various things we see going on here that the fear, I think, the greatest fear, and I think, Richard, you're on the Vision 2000 Board, the greatest fear for continued economic development in this community is a viable workforce. We have to find some way to connect this together and improve some people's skills.

Commissioner Mourdock: Yeah, we have very much a paradox where we have the business community thinking there is no one out there who is work ready. We have a job training program that is available to help make people job ready and clearly we have people coming off welfare who otherwise need to upgrade their skills.

Commissioner Tuley: Yeah.

Commissioner Mourdock: It's like each of those three groups don't have any recognition that the others are out there.

Commissioner Tuley: Can't connect, yeah.

President Jerrel: Okay, well thank you very much.

Philip Lieberman: Thank you.

Commissioner Mourdock: See you in 90 days, Phil.

**Economic Development Commission appointment**

President Jerrel: Okay, the next item on the agenda is an appointment. Just to refresh your memory, the Vanderburgh County Economic Development Commission was established and the County Council nominated Al Umbach and we approved his last week and this City Council appointment needs to be approved by us and we still have ours to make later. Okay, is...

Commissioner Tuley: I would...I'm sorry. Go ahead.

Commissioner Mourdock: I was just going to say I think this notice that we have here is just simply advising us. I don't know that we need to take action do we?

President Jerrel: Yes, we do.

Commissioner Tuley: We actually have to approve their recommendation.

President Jerrel: Yeah, we actually have to do it.

Commissioner Mourdock: In that case I'll move that we accept the nomination of the Evansville City Council in appointing Mike Malone to the Vanderburgh County Economic Development Commission.

Commissioner Tuley: I'll second.

President Jerrel: I'll say so ordered.

**Any group or individual wishing to address the Commission**

President Jerrel: At this time on our agenda there is time for anybody that wishes to address the Commission on any item. We have--

Commissioner Mourdock: A lot of visitors.

President Jerrel: --a lot of visitors. We have a Drainage Board meeting that follows this. Maybe some are there for that, if any of you have a comment that you want to make to the Commission at this time?

Commissioner Mourdock: Students, I think.

President Jerrel: Yeah, North High School?

Unidentified: USI.

President Jerrel: USI and North High School, okay. Well, we welcome you.

**John Stoll - County Engineer**

President Jerrel: Going on now to the section Department Heads, County Engineer is first.

John Stoll: The first item I've got is the leases for this year for the Old Courthouse Preservation Society for our office space. Mark Acker submitted me his lease as well. These leases are the same leases that we signed last year other than the dates being changed to '98. I recommend that they be approved.

Commissioner Mourdock: I'll move the approval of the lease agreement by and between the Old Courthouse Preservation Society and the Vanderburgh County Engineer's Office.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Commissioner Mourdock: The second one--

John Stoll: Veterans Service is in there as well.

Commissioner Mourdock: Yeah, the second lease is for an agreement between the Old Courthouse Preservation Society and the Veterans Services of Vanderburgh County.

Commissioner Tuley: I'll second.

President Jerrel: I'll say so ordered.

John Stoll: Okay, next we need to set a date for our annual road hearing.

President Jerrel: We spoke today and John told me that we have had it in the past as early as February and as late as April and he recommended March 2nd. Is that date...?

Commissioner Mourdock: That date works for me.

President Jerrel: Okay, because we'll need--

Commissioner Mourdock: I think we need at least a month's notification on that.

Commissioner Tuley: I'm sorry.

Commissioner Mourdock: Just by way of motion then, I'll ask that we move the approval of March 2, 1998 at the regular Vanderburgh County Commission meeting for the annual road hearing.

Commissioner Tuley: I'm sorry. I'll second.

President Jerrel: I'll say so ordered.

John Stoll: The final item I've got, I've prepared a draft of a letter to Mr. Bell out on Anthony Drive. It is not complete as of yet. I've seen some punctuation errors just reading it right now, but I'll pass you a copy of this out and then if you see any changes you would like for me to make let me know. Basically, I am pointing out three factors. One, that the ditch along the east side of Ward may divert additional water down south along the Whirlpool property and if that causes a problem we may have to look at ditching the north side of Anthony Drive at a later date to switch that water that currently runs east. If we cut the new ditch along Ward we'll run it south. If that causes a problem, then we'll have to go back and switch the water back to the east, so we wanted to make him aware of that issue that just because there is just an open ditch proposed along Ward Road right now that doesn't necessarily mean that there may not be a need for one along Anthony later. The second item that I'm pointing out in here is that the ditch would be sized for a 50 year storm which will not address the problems he is seeing simply because the problems he has seen several times have been a result of storms that greatly exceed a 50 year storm, so in regard to that I recommended that he hire his own consulting engineer to address his own drainage problems within his lot and also because he lives in somewhat of a natural drainage valley I have also recommended that's another reason why he needs to have a consultant address his drainage because nothing the county can do will change the fact that the water is going to run southeast from the corner of Ward and Knob Hill down to his property.

President Jerrel: If everybody will just take a draft because that's what we thought... that would be the easiest way to do and if you see something missing or if in concept it's okay just--

John Stoll: Yeah, let me know. I can make whatever changes you would like. Like I said, it's not totally completed as of yet.

Commissioner Mourdock: Is it your expectation that this letter will be specific to Mr. Bell or is this, and I don't want to use the term too broadly, but is this kind of a form letter to also go to some of the other neighbors?

John Stoll: Probably Savage and Tabor as well.

Commissioner Mourdock: How about further down? Rucker and--

Commissioner Tuley: Kind of...we kind of use Mr. Bell, though, as kind of the neighborhood contact person. I mean, he is the only one that...I don't know if anybody else has been contacting you, but he is the only one that has always contacted me.

President Jerrel: Right.

Commissioner Mourdock: No doubt if this goes to Mr. Bell everyone else will see it.

Commissioner Tuley: Yeah, I think so.

John Stoll: I don't think Rucker, even though the water has come close to his property, I don't believe he has been damaged by the storm water like Mr. Bell has.

President Jerrel: Right.

John Stoll: Mr. Garrett, I believe, has primarily had water in his backyard which has

washed some gravel into his yard, but I don't believe he has had any damage on his house because of storm water.

Commissioner Tuley: Joe just pointed out a good thing. Based on some of the things that we've just seen out on the southeast side we probably ought to go ahead and get a list together of everybody up and down there and maybe go ahead and copy it...go ahead and send it to Mr. Bell, but go ahead and copy it just in case so it doesn't come back later, well, we didn't know that's what you guys were going to do.

Commissioner Mourdock: Real good point.

John Stoll: One thing in regard to that that I was thinking we would do is once we get a more firm set of plans as far as typical sections for the ditch and things like that, and pipe sizes, be very specific and tell the people this is what the ditch is going to look like, this is what size pipe we are going to be putting in under your driveway and things like that rather than just saying open ditch.

Commissioner Tuley: Yeah.

President Jerrel: You might want to add a number four on there that when the plans, you know, exactly what the ditch will look like.

John Stoll: Circulate those?

President Jerrel: Yeah.

John Stoll: Valerie did size all that. I just haven't gotten back into it to the extent that we've got a bid ready set of plans.

Commissioner Tuley: I don't think we need to know at this point in time, but I just think they need to be made aware that this is what we're looking at and these are the rules that we are going to play by and I think at that point in time--

President Jerrel: I like the letter.

Commissioner Tuley: I do, too. I think it is very well done.

President Jerrel: I think it's what we need to be doing.

Commissioner Mourdock: Yeah, we need to move and that's a good solution.

Commissioner Tuley: He called me again today.

President Jerrel: Did he? Well,--

Commissioner Tuley: I told him that John would be here tonight and I am sure that John was preparing a letter for us.

Commissioner Mourdock: Yeah, okay.

John Stoll: I'm sure the ditches there will be about as popular as the ones in the city, but reconstructing the road, lowering it and putting curb and gutter is not really financially an option based on how much that would cost us.

President Jerrel: Okay, do you have anything else?

John Stoll: That's all I've got.

President Jerrel: Okay, thank you very much. We have the County Garage report.

Commissioner Mourdock: Excuse me. Before we do that, the letter we just looked at is it...I'm kind of taking it for granted, but I just want to be sure. Are we planning on getting with John between now and next week and giving him any revisions to that letter so that what we would then act on that letter next week?

President Jerrel: Well, yes, if you would be comfortable with that. I'm comfortable with the letter as it is now.

Commissioner Tuley: Yeah, with that fourth addition added just basically as a subscript almost...or postscript that we will forward them unless you're not comfortable with it.

Commissioner Mourdock: Well, I would just like to see the final draft in writing.

President Jerrel: Sure.

Commissioner Mourdock: So if you would add number four and let me take more than the 30 seconds I just saw to read it and read over it and then we'll all be ready to go next week.

Commissioner Tuley: Okay.

John Stoll: You did want that coming with my signature on it didn't you?

Commissioner Mourdock: Absolutely.

President Jerrel: Yes, yes, yes.

John Stoll: No problem.

<b>County Garage</b>
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President Jerrel: Okay, you do have your highway report. The County Attorney, what do you--

Commissioner Tuley: When are you going to give that letter to John since the Highway is not here.

President Jerrel: Yes, right. Let me see.

John Stoll: Rode Road?

Commissioner Tuley: Yeah.

John Stoll: I've already got a copy.

President Jerrel: Do you have a copy of it?

John Stoll: I received copies of it Friday. There was a problem out there, and I have not been back out there since it was resurfaced by the county. Basically, we had tried to mill it down to address the drainage problem.

President Jerrel: You have the same letter that we have?

John Stoll: That's it.

President Jerrel: Okay. Alright, if you would--

John Stoll: Yeah, I have not been back out there since the additional work was done so I don't know the extent of the problem. Last summer Tim Spurling and Tom Goodman, I believe, were the two that went out there and took some survey data to try to figure out what needed to be done to make it drain, so I am not sure off the top of my head what was done that did or did not correct the problem or made it worse or whatever.

President Jerrel: Right.

John Stoll: So that is something we'll have to look into, but we had originally planned to mill it down to try and make it drain better and it obviously must not have worked.

<b>Superintendent of County Buildings</b>
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President Jerrel: Okay, thank you. Mr. Harrison?

Joe Harrison, Jr.: Can you go to Tony first please?

President Jerrel: Yeah, okay.

Tony Greubel: I've got two issues. About an hour ago Richard Schmitt from the University of Southern Indiana faxed a letter to the Commissioners saying that they're going to contact Jerry Ramsey to have a meeting of the Common Wage Determination Committee on February 2, 1998. He is our representative. A few minutes ago I received some lease agreements between the Old Courthouse Society and the Veterans Service Office and the County Engineer.

Commissioner Mourdock: Those are the ones that we just approved. I just wanted them in the packet.

Tony Greubel: Okay. Alright, I was just a little bit confused about that. Other than that, I don't have anything to report.

President Jerrel: Okay.

Commissioner Mourdock: I don't know that we acted on the County Highway report.

President Jerrel: Yeah, is there a motion regarding that?

Commissioner Mourdock: I'll move the acceptance into the record of the Vanderburgh County Highway Department progress report for the period from January 16 through January 22.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: Are you ready or do you want me to go to Burdette?

Joe Harrison, Jr.: No, I think I'm ready finally.

President Jerrel: Okay.

Joe Harrison, Jr.: If you would like I'll read the Daylight Sewer bids into the record. There were...let me see how many. I think there were eight bids submitted. Yeah, eight bids submitted.

1. Reynolds, Inc. of Orleans, Indiana
  - Lump sum material price: \$ 490,000.00
  - Lump sum labor price: \$ 638,000.00
  - Total lump sum amount: \$1,128,000.00
2. Top Grade Excavating, Inc. of Huntingburg, Indiana
  - Lump sum material price: \$ 509,470.00
  - Lump sum labor price: \$ 563,340.00
  - Total lump sum amount: \$1,072,810.00
3. Deig Bros. Lumber & Construction of Evansville, Indiana
  - Lump sum material price: \$ 600,020.00
  - Lump sum labor price: \$ 714,148.00
  - Total lump sum amount: \$1,314,168.00
4. Peters Contracting, Inc. of Owensboro, Kentucky
  - Lump sum material price: \$ 523,000.00
  - Lump sum labor price: \$ 401,000.00
  - Total lump sum amount: \$ 924,000.00
5. B.M.B., Inc. of Evansville, Indiana
  - Lump sum material price: \$ 587,675.00
  - Lump sum labor price: \$ 410,734.21
  - Total lump sum amount: \$ 998,409.21
6. Peyronnin Construction of Evansville, Indiana
  - Lump sum material price: \$ 673,716.00
  - Lump sum labor price: \$ 367,280.00
  - Total lump sum amount: \$1,040,996.00
7. J.H. Rudolph & Co. Inc. of Evansville, Indiana
  - Lump sum material price: \$ 450,000.00
  - Lump sum labor price: \$ 390,000.00
  - Total lump sum amount: \$1,623,000.00

They've got listed a lump sum contract price of \$1,623,000, but that can't be right, so anyway I just want to read into the record what it says, but again the lump sum

material price, \$450,000. The lump sum labor price, \$390,000, but the total lump sum contract price as they have listed, which doesn't make sense when you add it up, is \$1,623,000.

8. Blankenberger Brothers, Inc. of Cynthiana, Indiana
- |                          |                |
|--------------------------|----------------|
| Lump sum material price: | \$ 529,900.00  |
| Lump sum labor price:    | \$ 496,600.00  |
| Total lump sum amount:   | \$1,026,500.00 |

I would ask that these bids be taken under advisement and reviewed and come back at a later date.

Commissioner Mourdock: Charlene, did you have a clarification on something? Okay, in that case I move the bids as read by the County Attorney be taken under advisement.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Joe Harrison, Jr.: Two other matters. The next is an agreement has been provided to me by the Purchasing Department for Burdette Park for a contract with Posey County Farm Bureau Co-op regarding, I guess, it's two particular contracts regarding gas storage equipment rental agreement. Apparently they have purchased natural gas products in the past from Posey County Farm Bureau Co-op Association and these agreements are for one year regarding the purchase of materials from them and they have asked that the Commissioners sign these two documents regarding a one year agreement for both type of purchases.

President Jerrel: Tell me the names of the two organizations.

Joe Harrison, Jr.: Well, it's Burdette Park and both contracts are with Posey County Farm Bureau, it's just two different types of materials that would be purchased. One, I guess, relates to an annual rental fee for natural gas of \$63 per time and also there is another agreement that talks about a \$50.40 purchase. One is a thousand dollar...I'm sorry, a thousand gallon tank and the other is a 500 gallon tank, so the agreement is relating to those two items.

Commissioner Mourdock: Both of those are coming to us with the recommendation of City/County Purchasing?

Joe Harrison, Jr.: Yes, from Purchasing to execute the same.

Commissioner Mourdock: I'll move that we execute the two contracts with Posey County Farm Bureau as recommend by County Purchasing and the County Attorney.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Joe Harrison, Jr.: The last item I have is an agreement for consideration by the county with Aiken Management to facilitate four Broadway events to be booked at the Vanderburgh Auditorium once it is renovated. First of all would be for the year 1999 to 2000 and the second would be for the year of 2000 to 2001. The county has

had a similar agreement with Aiken Management for the bringing in of at least four events during session in the past. The last agreement, I believe, was executed back in 1995. This would enable Aiken Management to start pursuing those Broadway shows at this time since they have to plan pretty far ahead and I would ask that you all consider. It's the same agreement, it's just two original copies of the same. Again, it's for those two particular years after the auditorium is renovated in 1999, so it would be the balance of 1999 and the year 2000 and then the year 2000 and 2001.

Commissioner Mourdock: Basically, we're committing to holding dates for them?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Is that two per year or is it four each year?

Joe Harrison, Jr.: Four during each cycle.

Commissioner Mourdock: So a total of eight?

Joe Harrison, Jr.: A total of eight minimum. They will get with us, obviously, with the dates, but this would enable them to start looking for dates at this time.

President Jerrel: Also you might add we don't have a price structure in place for rentals, so they are just going to agree to whatever our price structure is.

Joe Harrison, Jr.: Yes, that is correct.

President Jerrel: Okay.

Commissioner Mourdock: Knowing that we're going to have a good facility over there by the time those dates roll around it's only prudent that we start the ball rolling, so I'll move approval of that contract holding dates for Aiken Management for the 1999/2000 season and the 2000/2001 season.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Joe Harrison, Jr.: That's all I have.

President Jerrel: Okay.

<b>Steve Craig - Burdette Park</b>
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President Jerrel: Steve, Burdette Park. You have your reports that have been submitted. Does anyone have any questions regarding those? Is there a motion to accept these?

Commissioner Tuley: I'll so move acceptance of the Burdette Park report.

Commissioner Mourdock: I will second. Just one other item and I don't think we have the slip ready to do this, but about...what? Eight or nine months ago Steve effectively became the acting manager for Burdette Park and I think has done a fine

job out there and has been busier than he ever imagined he could be, I would guess, but at this time I would move approval of Steve Craig as the Manager, not just the acting manager, but the Manager of the park.

Commissioner Tuley: That would be with the salary commensurate with the--

President Jerrel: I think he is getting that now.

Steve Craig: Yes.

Commissioner Tuley: Would it move you up to it, so now we'll make it permanent.

President Jerrel: No, he is already--

Commissioner Tuley: Salary-wise we moved him up? He is receiving the salary already for the position, so now we are just making it official and making him the manager?

President Jerrel: Yes, he is already receiving it, right.

Commissioner Tuley: I'll second.

President Jerrel: Okay, I'll say so ordered and congratulations. We appreciate your interest in making it a permanent position.

Steve Craig: Well, I thank you and I have enjoyed working with you this year.

President Jerrel: Thank you.

Steve Craig: It has been a pleasant surprise. Well, you hear a lot of stories come out of here and to be here every week is--

Commissioner Tuley: Can I take back my second?!

Steve Craig: Oh, no, that was a compliment. That was meant as a compliment.

President Jerrel: I think the very fact that you've begun attending the meeting has made it a better experience for you.

Steve Craig: Yeah.

President Jerrel: These two guys.

Steve Craig: I don't think you took that the way I meant it.

Commissioner Mourdock: No, we're putting you in this position because we appreciate your honesty!

Steve Craig: Yeah. One thing I wanted to bring up was that I have a meeting Wednesday with the Convention & Visitors Committee about some appropriations we had made with them and I was going to give you a summary of it when I come back next week. Another thing that I talked to Betty about, about getting somebody to manage the pool, preferably somebody that was older. Maybe a school teacher or something, as a summer job, and I am going to make a list available of those

positions that we're going to need to fill and maybe consolidate some of the jobs that we did have and maybe drop some of the jobs.

President Jerrel: Okay, and make some recommendations to us.

Steve Craig: Yeah, I'll have the whole list and everything for the next meeting.

President Jerrel: Did you announce last week if you did it or you haven't maybe you could...whichever wasn't here about the picking up of the Day Camp.

Commissioner Tuley: Over at the--

Steve Craig: With Mark Acker.

Commissioner Tuley: At the Coliseum?

Steve Craig: Yeah.

Commissioner Tuley: Yeah, Joyce and I did talk last week.

Steve Craig: Yeah, that's what I had told those two when you weren't here and that you had everything worked out except, I think, for some time signs for the--

Commissioner Tuley: Yeah, what I am going to try to get is...and I don't know who we get these through. Actually I was going to talk to Joe and maybe John. Since the pickup is going to be on the side of the building that if there is a way that we can get some signs erected that would prevent parking along those streets just during, like they do around schools, just during bus pickup and drop off times there would be no parking. We'll have to work with the City Clerk, I guess, in terms of enforcement.

Steve Craig: Yeah, it would only be for a 12 week period in the summer and like the guy said they could come and change the signs after the 12 weeks, you know, because they are only going limit the parking for, I think, it's an hour in the morning and an hour in the afternoon or something.

President Jerrel: Well, we need to probably get on that though.

Commissioner Tuley: Yeah, I'll give them a call in the morning.

Steve Craig: Okay. Well, that's it and thank you very much.

Commissioner Tuley: Thanks, Steve.

President Jerrel: Thank you, Steve.

<b>Consent items</b>
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President Jerrel: Okay, under consent items we have the employment changes, travel requests are all listed. We do have a request from Area Plan that was for a local seminar that has been submitted and they're going to, you know, they'll pay for it, but it has a price break if over five people attend and then over ten and they do have, I think, 13 people now that will go to that. We do have two issues, Christ the

King and Highland are requesting two one day adult pool passes for charity and the other issue is the Evansville Boat Show request for a pool pass. That's more expensive and we have been trying to steer away from that. They promised they would do a lot of advertising so it is just whatever you think. They wanted two, but they'll take one. Whatever your recommendation is.

Commissioner Mourdock: Well, I don't have any problem with the first two, with Christ the King and Highland. The second one though, I don't recall doing something like that in the past for what is clearly a commercial venture, meaning the Boat Show. I realize what they're saying is they're going to try to do some advertising for the park, but I don't know what that consists of out there. I guess I am kind of hesitant out there.

President Jerrel: Tony, did you speak to them, the Boat Show?

Tony Greubel: Uh, I spoke to them last week.

President Jerrel: Well, what was said?

Tony Greubel: I didn't hear the first part of the question. Yeah, I did speak to them.

President Jerrel: But I mean what was the motivation for us to give...?

Tony Greubel: In the past Burdette Park has donated some season...two season passes for families and then they've received...they made up sort of a small billboard that they put up at the Boat Show like for a sponsor, so it is some free advertising in return and a lot of people go to the Boat Show.

President Jerrel: And it would cost \$300.

Tony Greubel: They want a donation worth at least \$50, so we could give one season pass. That has a value of \$150, but in the past they have been given two.

Commissioner Mourdock: What do they do with it? Do they raffle it?

Tony Greubel: Oh, they auction them off.

President Jerrel: Auction or do they draw a number or something?

Tony Greubel: I was told auction.

Commissioner Mourdock: Now I am even more skeptical.

President Jerrel: Is the Boat Show this month?

Tony Greubel: Yeah, it's February...it's pretty soon. It's in two weeks.

President Jerrel: Is it something that you want to think about until Monday?

Commissioner Tuley: I don't know. We've kind of taken a change in the way we did this effective last year and tried to limit these free passes and stuff and I think Richard is correct in pointing out...I mean, this is not anything technically not-for-profit. It may be listed and fall under that category, but I feel a lot more comfortable with the first two requests than I do this one.

Commissioner Mourdock: How about this, I'll move that we approve the consent items except that we strike the request from the Boat Show.

President Jerrel: Okay.

Commissioner Tuley: Okay, that's fine. I'll second that.

President Jerrel: Alright, and I'll say so ordered.

### **Scheduled meetings**

President Jerrel: You've got the scheduled meetings list.

### **Old business**

President Jerrel: Is there any old business?

Commissioner Mourdock: Just by way of an update and I know Pat was out of town the other night. The Jail Commission meeting I thought went fairly well. It will meet...that committee will convene again on February 4th at 5:30, so that had good discussion. Everyone who was invited showed up and everyone who showed up participated, so I think we've got a good process working there.

Commissioner Tuley: Where were you meeting?

President Jerrel: In the table room between the Council and--

Commissioner Tuley: I was going to say that was Area Plan night meeting.

Commissioner Mourdock: Ah, that's right it is.

Commissioner Tuley: Yeah, but if you are not in Council chambers it won't matter.

Commissioner Mourdock: Right, yeah, we won't be there. Bettye Lou, you were there. I don't know if you have any comments you want to add or any issues.

President Jerrel: I just went to observe. I was very pleased with the interaction of the members of the committee and they agreed on more than they disagreed on. I think they established the items that were of greatest priority and I think that's probably what they are going to begin working with next week.

Commissioner Mourdock: It's an interesting process and even as I went home I was kind of amazed by it having been through it. Logic tells you that if you put 10 or 12 people who are pretty familiar with a problem in a room that when you ask those 10 or 12 people to list the main problems they're all going to agree immediately what they are and then they are just going to run out of things to list. It ended up we had 91 problems listed and when we started to work through them to see which were the most important it was like number 69 and number 45 and number 18, so it's an interesting process. I think we're going to have something workable and I think everybody at this point is committed to it which is the most important thing. I wasn't sure when the process started if people would really feel a sense of ownership or commitment to it, but I think we're headed the right direction.

President Jerrel: I do to.

Commissioner Tuley: I hope this doesn't come out the wrong way. I know you had conferred with both of us who are not on that committee about the hiring of Sue Ellpersmann. Did we do that officially someplace?

Commissioner Mourdock: Yes, we did. We did that at the last meeting.

President Jerrel: We did that officially at the last meeting.

Commissioner Tuley: I was going to say, I didn't see it in here, but I just wanted to make sure that we did do that because I am in agreement with that activity.

Commissioner Mourdock: Right.

Joe Harrison, Jr.: If I could add a contract was sent to her and we're waiting to get it back for execution by the Commissioners.

President Jerrel: Here it is.

Commissioner Tuley: I missed it. It's in there.

President Jerrel: Yeah, it's in there.

Commissioner Tuley: All it says is new business, but it didn't spell it out on the agenda what it was.

Commissioner Mourdock: Another item of old business just by way of update, this Wednesday at 5:30 the ACORN group will, again, reconvene and I'll be sitting in on that meeting and my purpose in calling that group together is to see what if anything else that group feels it can do to help direct the community, maybe the actions of this Board, maybe the actions of the Evansville EPA in dealing with our air quality issues, so I'll keep you posted on that one.

President Jerrel: Okay. Any other--

Commissioner Tuley: I have no old--

President Jerrel: Okay. Alright, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:27 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
Philip Lieberman  
John Stoll  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
February 2, 1998**

The Vanderburgh County Board of Commissioners met in session this 2nd day of February in the Commissioners' Hearing Room of the Civic Center Complex at 5:35 p.m. with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. The first item on the agenda are the introductions and I'd like to begin on my far right, Tony Greubel is the Administrative Assistant for the Commissioners; next to him is Joe Harrison, Jr. who is the County Attorney; immediately to my right is Pat Tuley, County Commissioner; the far left, Charlene Timmons is the Recording Secretary; next to her is Suzanne Crouch, the Auditor; and Richard Mourdock, County Commissioner; and I'm Bettye Lou Jerrel and I welcome all of you. We can line up some more people over here. I don't want anybody to have to stay outside, so why don't you all come on in and just get over on that side. At this time I would like to have you join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: We'll begin with our action items. The first item on our agenda is the approval of the minutes of the last meeting.

Commissioner Mourdock: I'll move approval of the minutes of January 26, 1998.

Commissioner Tuley: I will second.

President Jerrel: I'll say so ordered.

**Certification of Executive Session**

President Jerrel: The next item is the Executive Session and we did have an Executive Session that met from 4:30 until 5:30. We dealt with pending litigation or the threat of litigation and county personnel matters. I would ask for a motion.

Commissioner Mourdock: I'll move approval of the summary minutes of tonight's Executive Session.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Bob Dillow - Renewal of county insurance contract**

President Jerrel: The next item on our agenda, item number C, was removed.

**DADS - Approval of contracts for instructors**

President Jerrel: The next would be DADS, the approval for contracts for instructors.

Those are in your packets and that is for the individuals that work on behalf of the DADS service. This is a similar contract to what we have had in the past.

Commissioner Mourdock: The County Attorney has had a chance to look at this I presume?

Joe Harrison, Jr.: Yes, I believe there are...how many of them? Five of them?

Commissioner Tuley: Five is what I've got.

Joe Harrison, Jr.: They're the same contracts that we had last year and they're fine and if you all will make a motion to approve the same. You might want to do...I think you can do them all together just so that you mention that there are five of them.

Commissioner Mourdock: I'll move for the approval then of the five contracts for the Vanderburgh County Drug and Deferral Service personnel.

Commissioner Tuley: I will second.

President Jerrel: I'll say so ordered.

### **Voices for I-69 - Renewal of contract**

President Jerrel: The next item is the renewal of contract for services for Voices for I-69.

Commissioner Mourdock: Looking at it again, I think everything with this, as it has been in the past several years as far as supporting the organization, this body has gone on record at least three years in a row I know supporting what they are doing, so I would move approval of the agreement for services contract with the Voices for I-69 in Vanderburgh County.

Commissioner Tuley: I will second.

President Jerrel: I'll say so ordered.

### **Appointment - Greenway Passage Advisory Board**

President Jerrel: The next item is the Greenway Passage Advisory Board and while you're looking at that on your agenda the reason for this, the appointment that we had made resigned and they're recommending a replacement.

Commissioner Mourdock: I'll move the appointment of Ms. Linda Getty to the Greenway Advisory Board.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

### **Appointment - Economic Development Commission**

President Jerrel: The next is our appointment to the Economic Development

Commission. We've been making these one a week.

Commissioner Mourdock: We've only got 49 weeks to go this year. I'll move to appoint Becky Kasha, who is a local attorney, to the Vanderburgh County Economic Development Commission to serve as one of our Commission appointees.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Any group or individual wishing to address the Commission**

**RE: OAK HILL ROAD SEWER PROJECT**

President Jerrel: Well, that gets us down to any group or individual that wishes to address the Commission. I know that it would help me a little bit...is there anyone in here that is not here specifically to speak or listen or address Azteca? Is there any other group here?

Eric Schwenker: Oh, yes.

President Jerrel: Well, let me ask you, are the ones that raised their hands back there with you?

Eric Schwenker: I imagine they are.

President Jerrel: Okay. Alright, if the Azteca people do not care they're a small group and it concerns a sewer project that we've been working on with them for a long time. Is that alright? Okay, Mr. Schwenker.

Eric Schwenker: Thank you very much, ma'am. I have appeared before you in the past concerning the sewer project for Oak Hill Road to include Bexley Court, St. George Road, Rode Road as well as Oak Hill Road. The engineering and design has been completed on that and has been turned over to the County Engineer along with the specifications and also a listing of the various residences out here from the tax rolls so that our information should be complete. I was under the impression that you were going to be able to publish a preliminary resolution tonight. I find that is not possible and I believe, however, that you will be able to do it next week. Is that correct?

Joe Harrison, Jr.: Hopefully.

Eric Schwenker: Hopefully, okay. A couple of the stumbling blocks that were brought up, I believe, we can overcome so that we would like to get the paperwork moving so that when the nice weather comes, it can't get any nicer than this, but it's bound to get a little worse sometime, but in the spring we would like to be able to start, as they say in the trade, digging ditches. If everyone here tonight in support of the Oak Hill Road Sewer project, would you all please stand.

President Jerrel: Oh, you've got a lot with this group, I'm sorry.

Eric Schwenker: Well, yeah, I am trying to stuff the ballot box!

President Jerrel: Well, I don't know where I got the idea that there were only three or four, but we welcome all of you here. Mr. Schwenker, would you mind just for the record

giving your name and address. We all know you, but just for the purposes in the mike.

Eric Schwenker: Certainly, my name is Eric Schwenker, 5214 Oak Hill Road, Evansville, 47711. As they say, all of my support can sit back down again!

Commissioner Mourdock: Just to clarify something, Mr. Schwenker, and, Joe, I know your comment wasn't fully in jest there when you hopefully we'll be able to advertise next week. I would just like to clear up for the record what needs to be done so that we can act on that next week.

Joe Harrison, Jr.: Well, there are a couple of things that the County Engineer is still reviewing the specs and the plans and the cost estimate provided by Mr. Schwenker's engineer. Mr. Stoll, the County Engineer, would then have to give his own estimate as to what the project cost will be. It is possible that the project dimensions may change and if that is the case, then the estimates, in fact, would change. The boundaries would change. Those are some issues that we're still working on. Is that correct?

Eric Schwenker: I would like for the project to proceed as it is now and as it has been planned. If, in fact, it has to be reduced any, then that will lower the cost. Nothing that is hanging fire will increase the cost.

Joe Harrison, Jr.: The only thing, though, once we get to the point where we have to create the specs for bidding purposes we'll have to have everything lined up at that time and that's why it would be helpful to have everything exactly the way we want it up front for purposes of bidding and awarding a bid, etc.

Eric Schwenker: I think that Mr. Easley, who is our engineer on the job hiding back there in the corner, can give you good information with respect to that in terms of anyone bidding on the job.

Joe Harrison, Jr.: Well, that's...that will be down the road, but certainly I think hopefully we'll be able to move forward...the Commissioners will be able to move forward with the consideration of a preliminary resolution next Monday. If that is the case and they are able to do that, then the next step would be that particular resolution or a portion of it will then be advertised in the newspaper giving the homeowners affected by the project an opportunity to come and voice their support or objection for the project. The Commissioners, at that point, at a public hearing would then either confirm, modify or rescind the preliminary resolution and then from that point on there is a period of time within which those who may be opposed to the project can do some things if they want to fight it and then after that, after that period has run, then the project can be let out for bids and proceed forward. Hopefully, within the next few days we'll know a little more and maybe the Commissioners can go forward.

Commissioner Mourdock: Okay, and just to clarify one thing, John...this is County Engineer, John Stoll. You heard all those comments. Do you think you will be able to get this reviewed prior to next week so that we could act on a preliminary resolution next week?

John Stoll: Same response as Joe's. Hopefully. We want to verify the cost estimate. That's the biggest concern at this point because of all the problems that were created on the Old State sewer we want to make sure it's right to where it is not going to cause us bidding problems on down the road, so that is my main focus and on the way over here Andy Easley did submit all the revised drawings and the specifications and a list of property owners and a cost estimate, so I've got it all in my hands since I last spoke with

Joe and with Eric, but hopefully tomorrow I can get into that and see where things stand. That is the tentative plan is to proceed with next Monday. There's one--

Commissioner Mourdock: Speaking of...go ahead.

John Stoll: I was going to say there is one other issue in regard to some easements that I need to get with Joe to address, but once that issue is resolved, that could be the other potential stumbling block. Once those two issues are resolved. we can proceed from my perspective.

Commissioner Mourdock: Speaking as a voice of one here, but I suspect representing the other two folks here, we would sure like to see it next week if we can get it, but if it means having it the week following to make sure it's right so that we don't stumble and have a problem later on with the bids, you know, let's do it.

John Stoll: Okay.

President Jerrel: Thank you very much for your patience.

Eric Schwenker: Thank you very much. As soon as it is ascertained as to which night that the actual resolution can be issued, do you want a bunch of us folks back down here again or will this showing carry over? What do you think?

President Jerrel: I'm inoculated. I'm for it!

Commissioner Mourdock: Yeah, I think we're all very supportive we just want to make sure the mechanics are done correctly.

Eric Schwenker: Oh, yeah.

Commissioner Mourdock: For all of you who are here tonight for the first time, Mr. Schwenker knows us all by first name in the hallway here and he has represented all of you very well.

President Jerrel: He has been a real workhorse on this.

Eric Schwenker: Thank you very much. I just hope I get my wooden floor!

Commissioner Mourdock: He'll have to explain that to you in the hallway.

#### **RE: AZTECA ODOR PROBLEM**

President Jerrel: Okay, if you're ready to proceed we do have some students here. USI students? North High School? Okay. We're ready now for the discussion, anyone else that wishes to appear before the Commission and is there a spokesperson?

Unidentified: I don't know how you want to do this.

President Jerrel: Well, just whoever wants to go first and we'll hear from both sides.  
Bruce Ungethiem: It seems that the treatment of waste--

President Jerrel: Do you want to give your name?

Bruce Ungethiem: Okay. My name is Bruce Ungethiem. I live at 2037 Fleener Road.

It seems the treatment of waste is a hot topic this evening, so what we're here to talk about tonight is the waste treatment facility that Azteca currently runs on the north side of Evansville. Just as a show of hands, how many people here are here for that reason? Okay. We're here tonight to talk about a problem that's near and dear to our noses. We have suffered through this for the past couple of years and we come here not only to discuss a problem, but hopefully to discuss a solution and I know that doesn't happen too often with people who come up here to discuss problems. To give you a brief history of where this topic has started I want to read you a couple of things from the minutes of the July 28, 1994 Vanderburgh County Council meeting. The first one is Ken Robinson, who is Vision 2000, talking. He states:

"Aside from a very clean and efficient operation the plant will have a highly specialized testing facility to ensure quality of the raw corn and the final product. The facility will also have production control capabilities using the most advanced food processing technologies available today."

The next statement I want to read is from Frank Herrera, who is the Chief Financial Officer of Azteca. He indicates that:

"We are basically an agribusiness company and generally we are what the industry would consider an environmentally clean operation. By that we mean that everything we do, everything we process, complies with state and federal regulations for their environmental control issues. We have been very, very careful and everything that we do is to maintain that kind of clean environment. It behooves us and it behooves the community."

Frank also goes on to say that:

"One of the first things that we did when we were looking at this site was to contact the Indiana Department of Environmental Management so that we could find out what the requirements were and we could work with IDEM in making sure that everything we did, all the processes that we were in compliance with, your requirements, the federal requirements, we are working very close with them."

I'm not quite sure he had in mind how they have been working with them recently. A statement from Don Hunter who was on the Commission at the time:

"The firm will be producing an environmentally clean product."

Another statement from John Bittner, who was the Vice President, I think, at the time of Farm Bureau who is now President:

"In closing, I am very excited about this. It seems like a clean industry. I talked to a gentleman who flew out there and took a look at the plant and he said that you could eat off the floor."

Obviously, all of these people, when this was proposed, were under the distinct impression that this was going to be a very clean operation. I think all of us know here that there have been some problems with that. Azteca began their operation in 1996 and the residents out in that area have gone from excited, to cautious, to concerned, to tolerant, to angry and to now wanting action, okay? From IDEM's own report they have cited violations that Azteca has had since they started up on December 11, 1996; April 9, 1997; June 27, 1997; August 21, 1997 and on September 5, 1997 they received a

Notice of Violation of the state law. On September the 8th, if you recall, I came before you and have a written request and let me read what the request was at that time.

“To the County Commissioners,

To issue written notice to the lessee to correct defaults mentioned and to inform them that they have 60 days to do so per the lease agreement Section 15 Defaults. Failure to do so and the county will be forced to take further legal action including possible termination of the lease as defined in the lease agreement.”

That was September 8 County Commissioners’ meeting. After that we met with the people from Azteca. We worked on a plan of short-term and long-term objectives and we thought we had that situation well in hand. Azteca did hire a second contractor to go through and make some recommendations. Unfortunately, on December 6, 1997 and again on January 13, 1998 Azteca again had violations of their state permit and January 21, 1998 the Indiana Department of Environmental Management sent Azteca a Notice of Unlawful Acts and an Order to Cease and Desist Unlawful Acts. Now if you count those up, I think that’s seven or eight violations that IDEM specifically cited. I think if you talk to the people out in the area there were more than that that didn’t get cited. What I would like to do now is go to a document that was sent out by Geraldo Oseguera, most of us call him Gerry, but since I have been Mexico a lot I’ve learned how to say that, in which he issued a press release, basically, saying that the consultant’s report consisted of long-term...or short-term recommendations that have already been implemented by Azteca. This was dated on 11/21/97. Let me read the short-term recommendations. Item number six in those short-term recommendations is:

“To provide operator backup personnel trained in duties and responsibilities and monitor the process 24 hours a day.”

The last two incidences that occurred, specifically the incident that occurred on January 13 went for 11 hours unmonitored, so you can understand why we are concerned. On...like I said, on January 21st Indiana Department of Environmental Management did issue and Notice of Unlawful Acts and an Order to Cease and Desist and they cited 16...excuse me, 15 separate violations of state law. If you want copies of this I can provide you copies of this. Then we go to Azteca’s response to that and this was issued on January 28. It was issued by Gerry. Basically, the comments here was:

“It’s mentioned in our letter to IDEM dated January 14 a very limited amount of irrigation water ran into the ditches.”

We question whether 200,000 gallons is a very limited amount of water, but we’ll let that go. Further on it says:

“Azteca was attempting to contain the situation and simply neglected to immediately report the incident.”

According to state law they need to report an incident, a spill, two hours after it happens. In the last two cases that we know of that was not done. So as you see, that is why the citizens of northern Vanderburgh County have gone from cautious, to concerned, to tolerant, to angry, to here tonight ready to take action. Our current situation right now, Azteca’s management of this waste water treatment facility and their track record regarding this is very poor. IDEM’s enforcement capabilities on situations like this is very limited. Now that’s not my position on that. I’ve talked to both State Representatives

and a State Senator from this area and they agree. IDEM has a lot of ability to issue paperwork and a limited ability to issue fines and get action done. In fact, the State Representative's suggestion to me was to go before the County Commissioners and see if you can get something done and that is why we're here. The current situation is the county owns that piece of property that is leased to Azteca, that the County Council on January 7th voted to continue tax abatement on that piece of property and what we're here tonight to talk about is how the Commission can help the residents of northern Vanderburgh County put pressure on Azteca to get this situation resolved. We're not here to run them out of town. We're not here to stop their operation. We are here so that in July when we sit out in our backyard we'll be able to breathe. So what we're requesting, again, is the County Commission to vote to issue written notice to the lessee to correct the defaults mentioned and inform them that they have 60 days with which to do so per the lease agreement and also indicate to them that failure to comply with this will resort in further legal action and possible termination of the lease. There is a solution. Some of you may know I work for a food company. I get a lot of information because of the job that I currently hold and I would like to let you read an article. There is a process in Prepared Food Magazine written in November of 1997. This has to do with a company out in California who had to abide by stricter regulations and they basically now have a process that treats waste water that has absolutely no water discharge. Okay. I'm not going to stand up here and say that it comes at no cost because it does, but what we have to do is force Azteca to make sure that the solution to this problem is to fix it, not stall, and hope that we go away. One last thing, I had an opportunity to talk to John Bittner and John sent the following letter. John was in favor of this project when it was initially put into the County Council and I read you earlier what John's statement was. This statement is:

"I, John Bittner, spoke in favor of charging the taxpayers of the community extensive costs for an economic package to welcome the Azteca Plant. It was to be a clean, pure food operation producing a product using a high quality corn grown in the Tri-State. The company has repeatedly tested the limits to see how little they needed to do to get rid of their industrial waste. The people of this community have been waiting for Azteca to get their plant operating responsibly. Please do whatever needs to be done to correct this situation. After all our leaders did give away the farm to attract them."

Okay, I worked in a food manufacturing company for over 20 years. I've been on both sides of this issue. The business side of this issue and the other side of this issue and I understand how businesses approach situations of this type. Quite simply, Azteca, like any other responsible business, will find a way to spend as little time and money as possible to make the problem go away. Well, the problem hasn't gone away and I'm here to tell you that we're not going away either. What I am here tonight to ask you as Vanderburgh County Commissioners and owners of the land is to up the ante on Azteca's behalf and to make them realize that the least cost solution to this problem is to fix the problem. I ask this on behalf of the residents, some of whom are standing here behind me, who have put up with this smell for much too long. At least two summers have been wasted and we don't want a third. On behalf of the businesses in the area whose business is affected by the problem and I think we have Jim and Peggy who are here. They may stand up and talk about how that has affected their business. On behalf of the developers who are installing subdivisions close to the plant who want to sell houses. There is a subdivision going in and I don't recall how many houses are going in. Pardon? Twenty-six houses. I hope he can sell them in the wintertime. Ironically enough, I am here on behalf of the county who works very hard to attract new business in which it will be more difficult to attract new businesses if you go out there in the

summer and they have to smell that smell on that Highway 41 corridor. Finally, I want to assure you that our resolve is strong and that we will continue to apply pressure on all parties concerned until we can sit out on our porch on a hot summer evening without getting sick from the smell of an uncooperative neighbor. The time to act is now and the place is here. We request that you vote to send Azteca their 60 day notification.

President Jerrel: Let me ask the Commissioners, do you have questions you would like to ask Bruce or do you want to let anyone else speak and then save questions for later?

Commissioner Mourdock: I just have one question. Several times Bruce used the phrase that the county is the owner of the land. Just for everyone's benefit here I would like to clarify that. I know you worked with this from the County Council's point of view, but, Joe, I think you did also. Maybe you want to clarify how that title was held?

Joe Harrison, Jr.: It is my understanding that the title is technically in the name of the Vanderburgh County Redevelopment Authority which, you know, is a county entity, but it's not in the name of the county though.

Bruce Ungethiem: Can you explain who that is?

Joe Harrison, Jr.: Well, it's an entity that is created by statute and created by this Board. That is the entity that is leasing to Azteca and as a result of that bonds were issued. There is a financing mechanism called a TIF that is out there in that area that will serve to capture the tax dollars relating to the assessment out in that area and those tax dollars will then in turn be paid as rentals for the most part to pay off the bond issue over a period, I believe, of 20 years.

Bruce Ungethiem: That entity was established by this Board?

Joe Harrison, Jr.: Yes.

Bruce Ungethiem: And is responsible to this Board?

Joe Harrison, Jr.: I don't know about that, but it's--

Bruce Ungethiem: Well, they're certainly not responsible to the voters because they were not voted into that.

Joe Harrison, Jr.: Right, but this entity does appoint its members and those members can be removed by this Board, so in essence you're on track.

Bruce Ungethiem: Okay.

Commissioner Mourdock: That's a key point though and I'm glad you asked the way you did, Bruce, because while it was appointed by the Commission or it was formed by the Commission and the appointees were and are appointed by this Commission, even with those facts there that Board does not work as a subsidiary under the direct control of the County Commission.

Joe Harrison, Jr.: That's correct.

Commissioner Mourdock: That's not to dodge your issue. I don't mean it that way. I just want to make sure that everybody understands what the situation is there by the title.

President Jerrel: To help you see that, that's the same kind of lease rental agreement we have with the Building Authority for the bonds for the auditorium. Very similar to that. There is not a TIF involved, but there is a Building Authority and a Building Commission and they technically have that facility until such time as those bonds are paid off, so it is a way that the legislature established for bonding to take place without impacting upon the county's rate.

Bruce Ungethiem: I understand.

President Jerrel: It doesn't take away the issue. I mean, the issue is still here it's just that--

Bruce Ungethiem: From our standpoint we have to come to you.

President Jerrel: Yeah, right and you should. We're paying now the debt service. I mean, the county is paying it and those payments from revenues from Azteca will not kick in for another two years. This is an, you know, it's an issue that we want to solve for you, but it is also important there is over \$40 million invested out there. We want it to work.

Bruce Ungethiem: I fully understand and we want it to work too. We just don't want to have to smell it.

President Jerrel: That's why I am glad that you all are here. I just want to now proceed so that we can get the information on the table.

Bruce Ungethiem: Okay, thank you.

President Jerrel: Yes, sir.

Don Mottley: My name is Don Mottley. I'm spokesperson for a group called Save our Rivers. I was contacted back in August of 1997 about this substance in Big Creek. We traveled some eight to ten miles along Big Creek. It had traveled that far. If you would like to smell this so you know what these people are putting up with everyday, I have the jar and you can just get a whiff. Again, they had a spill in October. It wasn't a major. As a matter of fact, IDEM blamed the fish kill on a hog farm in the area and to this day I still have not found a large hog farm that would be discharging the same type of stuff. Then, again, on January 13th, so our concern is that this is eventually ending up in streams. This idea of some people that if they put this into the sewer it will take care of it. It's not going to take care of the odor. They're going to have to enclose those lagoons to take care of the odor. Again, the residents in that area were there years before Azteca came in. I look at Azteca as a nuisance to that area. People cannot enjoy the environment that they had before Azteca came in. Again, I do not live in Vanderburgh County, but Vanderburgh County residents have called and asked us to get involved with this issue and that's why I am here tonight.

Commissioner Mourdock: You do need to state your address.

President Jerrel: He did...oh, excuse me.

Don Mottley: It's 6222 Yankeetown Highway, Boonville, Indiana.

President Jerrel: Thank you very much.

Don Mottley: Do you--

President Jerrel: We have it.

Vonda Drone: Hello, my name is Vonda Drone. I live at 124 East Wortman Road. I wanted to get back to the financing package. I am a little familiar with bond issues. I've been involved in a few. To help them understand better, since I don't know the facts at all on this, was this a type of industrial revenue bond?

President Jerrel: No.

Vonda Drone: What was it?

Joe Harrison, Jr.: It was a special...I think it was a special tax revenue bond. It wasn't a general revenue bond and it wasn't an industrial revenue bond.

Vonda Drone: It was not an industrial revenue?

Joe Harrison, Jr.: No.

President Jerrel: No, it was not.

Joe Harrison, Jr.: It's a special taxing revenue bond, I believe. I don't have a copy of the bond issue in front of me.

Vonda Drone: Well, that's okay. Who is the credit enhancer on this or did you have to obtain one?

President Jerrel: We use H.J. Umbaugh & Associates, the certified public accountants in Indianapolis, with Ice Miller Donadio, the legal firm that established it.

Vonda Drone: That's the bond counsel. Who did the credit enhancement on this or was one required?

President Jerrel: Old National Bank is the one that does the--

Joe Harrison, Jr.: No, I don't think--

President Jerrel: No, they didn't?

Joe Harrison, Jr.: I think...well, this was sold on the market.

Vonda Drone: Right. I know, but sometimes you have to have credit enhancers to do that.

Joe Harrison, Jr.: I don't recall.

Vonda Drone: You don't know if you needed an enhancer or not, or insurance?

Joe Harrison, Jr.: No, I don't recall.

Vonda Drone: You don't know. What financial house did the bonds?

Joe Harrison, Jr.: Again, I don't have it in front of me, but I believe it was--

Vonda Drone: Come on, it was the same one that did the last one.

Joe Harrison, Jr.: --Bondsworth. What's...I don't know if Mr. DeLucio has a copy of the bond issuance there, but I think there were three.

Vonda Drone: Yeah.

Joe Harrison, Jr.: I think it was split up three ways.

Vonda Drone: Right, who was the lead?

President Jerrel: It wasn't Traub, it wasn't--

Joe Harrison, Jr.: It might have been Bondsworth. Was it Dean...

Vonda Drone: Dean Witter?

President Jerrel: No, not Dean Witter.

Joe Harrison, Jr.: I don't have it in front of me so I can't tell you, but there were three involved.

Vonda Drone: What was the size of the bond issue?

Joe Harrison, Jr.: I think it was around \$3 or \$4 million.

President Jerrel: It's \$1.65.

Joe Harrison, Jr.: No, wait a minute.

Commissioner Tuley: How much?

President Jerrel: It's \$1.65.

Vonda Drone: It's \$1.65?

Joe Harrison, Jr.: It was scaled back.

Vonda Drone: A small bond issue.

Joe Harrison, Jr.: It depends on who is saying that, I think.

Vonda Drone: You don't know the house that did the bonds?

Joe Harrison, Jr.: I would just be guessing. I think she might have it in the back.

Vonda Drone: Okay, well, while she is looking that up...now, do I understand that as part of the bond package Vanderburgh County agreed to pay the debt service for how many years?

Joe Harrison, Jr.: I think the county is paying up front for the first, I think, up until 2000 and then after that Azteca will pay thereafter and then make up the difference that the county paid up front.

Vonda Drone: Now, how do they pay that back?

Joe Harrison, Jr.: Well, they're--

Vonda Drone: Is that a separate agreement?

Joe Harrison, Jr.: No, the payments increase over a period of time and I can't tell you what the amounts are, the schedule is, but they increase over a period of time.

Vonda Drone: Yeah, I know that. The parent corporation of the company, is that a...I know they're in Indiana, but is the parent corporation a Texas corporation?

Joe Harrison, Jr.: I don't know. You'll have to ask them.

Vonda Drone: Are you a Texas corporation or what? What are you?

(Inaudible comments away from mike.)

Vonda Drone: Well, it has got to be incorporated somewhere.

Joe Harrison, Jr.: Their counsel can address that when he comes to the mike.

Vonda Drone: Is he here?

Joe Harrison, Jr.: You were just looking at him.

Vonda Drone: Oh, well--

Joe Harrison, Jr.: They probably have a lot of these answers for you, hopefully. I just don't have a copy of the bond issuance in front of me.

Vonda Drone: No, no. I'm not asking a bond issue. I'm talking about the parent corporation. Azteca, is it a Texas corporation?

Marco DeLucio: I believe it is a Texas limited partnership.

Vonda Drone: Alright. Yes, Ms. Jerrel.

President Jerrel: No, these were just...I was just looking for names.

Vonda Drone: Oh, it was \$1.65--

President Jerrel: That was the amount because I recall--

Vonda Drone: That was the amount. Do you have the bond issue right there?

President Jerrel: No, we do not, those are others. I thought I did and I didn't want to stay out. I'm sure I have it.

Vonda Drone: So you're not quite sure who the...well,--

President Jerrel: What is the issue of the issuance?

Vonda Drone: The...well, it's who ultimately owns the property. Now, the bond holders,

the house that issued the bonds, I would imagine just like any of us who have bought a house because that is how these things work, they actually own everything until the debt service is paid off.

President Jerrel: Right.

Vonda Drone: So that is what I'm trying to establish. Who actually writes...you know, we can look at Vanderburgh County, but we need to look at...we need to know who really that we need to go to other than you to help assist us in solving the problem.

President Jerrel: Well, you wouldn't have your problem solved by going to the bonding company. You wouldn't get your problem solved by going to the bank that issues the coupon payments for the bond holders.

Vonda Drone: No, no, not them.

President Jerrel: But you wouldn't...none of that is relevant to the issue of who is going to talk to Azteca. That has been a good faith...the people who bought those bonds bought them in good faith that they were going to be--

Vonda Drone: They're probably insured perhaps, so they're not going to be--

President Jerrel: They would have to be.

Vonda Drone: --out and I would imagine that it was an Indiana bond issue--

President Jerrel: Right.

Vonda Drone: --so people in Indiana it is tax free for them.

President Jerrel: No, it is not a tax free--

Vonda Drone: Oh, it's not a tax free bond?

President Jerrel: No, it's a Redevelopment Authority and that particular issue is not tax free.

Vonda Drone: Not tax free?

President Jerrel: It is not tax free.

Vonda Drone: Okay, okay.

President Jerrel: They expect to get--

Vonda Drone: Well, of course.

President Jerrel: They expect to get paid.

Vonda Drone: That's the whole...that's one of the main issues.

President Jerrel: Right.

Vonda Drone: You would be surprised what you can do when you call those bond people.

President Jerrel: Well, I don't know. I have never called them.

Vonda Drone: You've never called them, I know.

President Jerrel: No, I have not called them.

Vonda Drone: I would appreciate if you could find out who the financing house was that did...I just need to know the lead. I know they're...you mean you had three for \$1.65?

Joe Harrison, Jr.: Again, this was 1994 and I wasn't counsel for the Commissioners, but-

Vonda Drone: That's an awful small bond issue for three houses.

Joe Harrison, Jr.: The Council wasn't involved in that bond issue either, but if you gave your address what I'll do is get a copy of the front cover--

Vonda Drone: That's fine.

Joe Harrison, Jr.: --and mail that to you. Did you give your address whenever you stated your name?

Commissioner Mourdock: Yeah, on Wortman Road.

Vonda Drone: It's 124 East Wortman Road.

Joe Harrison, Jr.: Okay, thank you very much.

Vonda Drone: Alright, thank you.

President Jerrel: Okay, you're getting a lesson or two in state developed financing. Is there someone who would like to speak?

Peggy Bauer: My name is Peggy Bauer. My husband and I own Bauer's Grove Bauerhaus, Incorporated. My address is 13435 Darmstadt Road. You've been talking in legal terms here about a lot of things. I would just like to talk to you just as a lay person. Our business is 118 years old. One of the oldest businesses in Vanderburgh County. We have survived through all those years simply by trying to do the best that we could do with what we have.

### **Tape change**

President Jerrel: --is a copy of any bond that we have and the typical bond that is issued has a document like this that states the pay backs and when and what is due and at what rate and that's what I was attempting to find and I didn't want to stay in there the whole time, but this is what we have copies of that we'll get for you because this is our obligation.

Commissioner Mourdock: Okay, we're rolling, go ahead.

Peggy Bauer: Basically, to explain what we do at our facility is people come in for a good time and everything about their desire is to have a good time and good memories. We, over the last two years, have been experiencing times when we've had to apologetically explain to the customer as they're walking from the parking lot to our

building or they are coming up to have a company picnic or a church picnic that the smell isn't us. It has been very embarrassing. I don't know what you folks can do, but you've got to do something. I want to see Bauer's Grove last another 50 years. If we lose our customers...you know, no matter how much you can explain to someone the smell isn't us, it doesn't matter. All that we will remember is the smell whether it comes from us, whether it comes from someone else, the point is they're going to go elsewhere. They told us they would take care of it. We met with them in October. The gentleman, Frank...someone give me the last name... Herrera, said we will do whatever it takes to be a good neighbor and we said we hope so because we've been trying to be good neighbors to you. The information was given to him that basically through other consultants that you've got to close those lagoons, cover them. That will get rid of the smell. When it was mentioned that it would be a million or several million all of a sudden we almost could feel a different tone and you can see what they're doing. They're ignoring it. We've got a short window here before warm weather comes, the smell starts. Folks, this is not something that you can sit on. This is not something that Azteca can sit on. We're going into our third summer and, yes, we have lost company picnics. You know, I cannot go to that company and say, excuse me, are you leaving us because of the smell? I mean, that is only pointing it out more isn't it? We just need help. That's what we're all here for. Now I don't want, by any means, to point out that our business is important. Every single person here is important. There are some people that are experiencing far worse than what we do. It all depends on the air flow, but some of them cannot sleep at night because they don't have air conditioning and they have to keep their windows pulled down because of the smell. That's horrible. That's times of 50 or 60 years ago that people had to live in that kind of condition. We, in Vanderburgh County, should have better living conditions than that. Please, please put some kind of emphasis on them because they're not doing it. They tell us they will and they're not and this has been, like I say, going in...now we're going into our third summer. Thank you.

President Jerrel: Is there anyone here from Azteca that wishes to make a comment?  
Oh, excuse me. I'm sorry, you're so little I didn't see you!

David Ellison: David Ellison, 2040 West Baseline Road. I've got a little voice problem here tonight, so bear with me. I am representing Vanderburgh County Farm Bureau, Incorporated and Big Creek Drainage Association. As far as Vanderburgh County Farm Bureau, Incorporated we are not pleased with the way Azteca is representing agriculture. We have got a good relationship with our neighbors and we would like to continue that relationship, but as you've heard from this gentleman over here we have been blamed for several spills in Vanderburgh County and we're not responsible for either one of them. We want to keep our rapport with our neighbors and hopefully they'll continue having faith in us. As far as Big Creek Drainage Association, we bid on this ditch which their water flows into and we maintain this ditch all year round and if we do not do a good job you hold us accountable and hopefully you'll do the same thing to Azteca. Thank you.

Marco DeLucio: My name is Marco DeLucio. I'm an attorney here in Evansville. My address is 20 Northwest First Street in Evansville. I'm here this evening on behalf of Azteca Milling. We appreciate the opportunity to be in front of you this evening and we appreciate the opportunity to be here with our neighbors because I think despite what they feel we truly want to work with our neighbors to make that area a better place for them to live. Here is...and I think Mr. Ungethiem presented a pretty good summary of where...what the history was. He correctly pointed out that there were four violations that were issued through a Notice of Violation back through August. August was the last one of those excluding the two most recent which I'll talk about in a minute. That was at a time Azteca had contracted with MRV which was an expert, supposedly, of running

waste water treatment facilities for food operators like Azteca. Those discharges that occurred, and we're really talking about two things, we've got a discharge issue and we've got an odor issue and I am going to talk about the discharge issue right now. Those discharges occurred at a time when MRV was running the operation out there. In September a Notice of Violation went to Azteca. At that time Azteca aggressively jumped into the fray of running its facility out there. It hired in August its own certified operator to operate the waste water treatment facility. That fellow started, I think, towards the end of August and has been there ever since. Since that time, August--

Commissioner Mourdock: Excuse me, Marco, but I want to understand. So MRV was there, but then MRV was terminated?

Marco DeLucio: MRV was there and remains there. What Azteca did was hire its own operator--

Commissioner Mourdock: Okay.

Marco DeLucio: --to oversee the operations of the entity that was supposed to be running the facility. They continue to run the facility, but only under our direct supervision now. We posited that proposal with IDEM and they have accepted that and I think there has been a decent working relationship between Azteca and IDEM since. IDEM has been down and comes down and visits the Azteca facility probably about weekly, so I kind of disagree that IDEM doesn't have the wherewithal to monitor the situation. They certainly have found the ability to do so and I think that we're one of the most closely scrutinized businesses, certainly in this county, and we welcome that because we want to work with IDEM. We want to improve this discharge problem. Just so you understand the discharge problem, maybe an analogy might be in order and that...what Azteca does is take waste water after it has run through its system and goes into these lagoons and irrigates the 160 acre field that we're talking about here this evening, so it's a lot like watering your lawn to some extent only IDEM, the permit IDEM has issued to Azteca, prohibits water from running out of the yard so you can imagine if you tried to do that to your yard what it takes. You've got to be very careful. It's a technical thing that has be followed very carefully and they had MRV running that. They hired their own operator to begin to watch that. After Azteca hired its own operator in August, there really wasn't...hasn't been a discharge problem until I think was Mr. Ungethiem said December 6. I think our records show it was 16th. It was the 15th or the 16th. What happened that day, you might recall the very warm weather and Azteca was, for lack of a better term, experimenting to see what it could put down. It had...it put down too much. Immediately when they noticed the water into the ditch they pumped the ditch out, they ceased the irrigation and since that time they haven't irrigated to that extent even during warm days. The incident that occurred on January 13th was not at all...there was no experimentation going on there. Towards the end of the day the operator, before he left, went in and flipped the switch to turn it off. It didn't go off. We had an operator there that was there on the second shift, but by that time it was dark and they didn't notice that the water was on. They didn't notice that the water was on until the shift change at four in the morning. At that time they noticed the water was on and shut it off. It wasn't until 7:30, when it got daylight, when they conducted their normal routine inspections of the property that they noticed the water in the ditch. They immediately began trying to contact third party contractors to come and pump the ditch to get the water out of the ditch. Not all 200,000...there were 200,000 gallons that were irrigated. Not all of that went into the ditch. Some of it stayed on site and some of it stayed in the lagoon area, some of it stayed on the property. There was some that got into the ditch. What was in the ditch we pumped out. Obviously, I don't think they could have gotten all of it, so, yeah, there was some discharge into there. I think IDEM has

concluded that the discharge that occurred then wasn't sufficient to threaten the health or safety of the people in the area or the waterways, but they don't want it to occur, we don't want it to occur, so what we've done to implement...to stop that from happening again is we took a four step approach. Most of these things have been accomplished already. One thing that we're going to do is that the irrigation of the fields are only going to occur at a time a certified operator is present and monitoring the irrigation process. It will only take place during the daylight shift hours. There will be no more nighttime irrigation of the fields. This was implemented...this has already been implemented. They've also taken to when they shut off the water now is to break...to shut off the electrical breakers when they shut that off and lock those down so nobody can get in and get to them. They'll padlock those. The third thing that they're going to do which they haven't accomplished yet, but they'll accomplish by the middle of this month is to modify the software that runs the automated system to differentiate between the summer months and the winter months. In the summer months you can irrigate more because the ground is drier. It's generally drier conditions, so you can irrigate for longer periods of time. In the wintertime you can only do it for an hour or hour and a half under most circumstances, so they are going to modify their software in the event there is a manual mistake that the automated software will pick up and shut it off. Finally, what we just learned today and what you may have been reading about in the paper, during the winter months we have been working with the water utility here in Evansville to try to secure a permit so we could discharge waste water into the sewer system especially during the wintertime months and also as a backup for the summertime months when conditions aren't favorable so that we have another source to irrigate and to get rid of the waste water out there. This afternoon, and I'll share a letter with you in a moment, we received a letter from the Water & Sewer Utility which will allow us to discharge up to 50,000 gallons of waste water per day during the week and 100,000 gallons on the weekend which is really more than sufficient to take care of our immediate needs especially in the wintertime. That is the fourth step that we have taken to secure and to protect and make sure that we aren't going to have anymore discharge occur. That addresses the discharge issue. That doesn't address the odor issue and I think it has been correctly pointed out that the odor doesn't come from the facility itself. It was suggested, and I think when Mr. Robinson and Mr. Ungethiem read from the minutes about this being a clean operation. It is a clean operation. I've been inside the facility and it is quite clean and it's very safe and it is very environmentally friendly. What the problem is, is the waste water that is generated from that and the waste water goes through a process and ultimately ends up in the lagoons before it is irrigated or disposed of in other ways and that is the area which we're taking a look at. Back in September we met with the neighbors. At that time what was agreed that would be done would be a third party consultant would be retained by Azteca to come in and take an independent look. That took place in October and November of this year, and I think it was A.W. Goodman that came in as the consultant, and they made a series of short-term and long-term recommendations. Many of the short-term recommendations have already been implemented. The long-term solution, I think, which somebody referred to earlier, there were two solutions. One is to cover the lagoon and the second was to create on...there is right now an aerobic plant pond and an anaerobic pond and they were going to try to make both of those ponds aerobic. That was the recommendation that Azteca evaluate both of those to determine what would work best. That's what we've been doing since November. I think that report was issued on November 14th. On Friday the field work was rapped up out there and that analysis was done and what we are told right now, and with this afternoon...with me this evening is Gerry Oseguera from Azteca, is that the Board is going to receive that information and make a decision within the next 14 days what alternative it is going to take. So there is going to be action that Azteca is going to take. We will report back to the neighbors. We will report back to this Board. We will report back to anybody that we are told to report back to as to what decision is going to

be made. That allows...if a decision is made in that period of time that allows sufficient time for that decision to be implemented before the summer months come up which is truly the time when the odor problem is at it worst. It's in the hot months of July, August and September, so that gives us plenty of time to get that process working, to get it completed, to have the decision made. We're just trying to make an intelligent decision as to which of the alternatives is going to be better for us and we'll report back to you. Again, Azteca wants to be a good neighbor. It enjoyed the opportunity to be here. It wants to stay. It likes Vanderburgh County. It hires employees from Vanderburgh County and surrounding counties as well and we would like to stay. We would like to be a good neighbor and we would like to cooperate and work with both the neighbors and local governments to get that accomplished. If you have any questions we're here to address those this evening. Thank you.

President Jerrel: Well, there may be questions that the audience might want to address, too, specifically regarding...because as I understand that you've pointed out, clearly IDEM's issue is with waste water run off. They do not deal with the air. Primarily the run off water we've already...we know it consists of non-toxic materials, but the air smell is what most of the people are here for tonight.

Marco DeLucio: That is what I am suggesting this evening is that we understand that the neighbors are anxious for a decision to be made. It has taken some time. There is a lot of money involved and they want to make sure they make the right decision when they proceed to do something about it. What I am suggesting tonight is within the next two weeks that decision will be made and we'll report back. At that time, you know, I'm not...I can't say that the neighbors are going to agree with the decision. I think one of the things we've heard is that they want the ponds covered, so we are really exploring that opportunity and that option probably more than we're considering going to another option. That's what we want to report back and we'll have that decision within two weeks.

President Jerrel: Okay. Are there comments from the Board?

Commissioner Mourdock: Yeah, I have a question, Marco, and maybe Gerry would want to deal with this one as well. You mentioned that there is clearly two separate problems, odor and run off water and that is clear. I think there is also, at least from the comments and the calls I get, two different odor problems. There is one that I'll describe as the corn milling, very much the grain-type odor, and there is the other odor that is more the nature of the lagoon, the sewage treatment, however you want to--

President Jerrel: Putrid.

Commissioner Mourdock: Putrid, that's a good adjective. Hypothetically, if 100% of your waste water went to the sewer line to be treated by the city utility...hypothetically, if 100% of it went that direction would that putrid odor problem go away 100%?

Marco DeLucio: I believe so and I think the same thing holds true if it is covered.

Bruce Ungethiem: Can I respond to that?

Commissioner Mourdock: Just hold on, Bruce.

Geraldo Oseguera: My name is Geraldo Oseguera, 15700 Highway 41, 47711. I work for Azteca Milling. Just to answer your question, at this point the two options that we're looking at for the odor problem is like Mr. DeLucio said, covering the lagoon or

converting the lagoon to an aerobic lagoon. The option of not having the lagoon at this point hasn't been considered. It could be open since we have the opportunity of going to the city, but that would be a different scenario. The two main options that we are looking at is the two recommendations that our consultant gave us back in November and those are the main two options that the company has been considering. The field work was finished here the last week. Within two weeks we should get notice from our Board.

Commissioner Mourdock: I understand that and I worded it as a hypothetical question.

Marco DeLucio: I think the question is, though, I don't think to answer your question and I may have misunderstood it, I think even if you discharge it into the city you still have to hold it in the lagoon and treat it before it can be dumped into the sewer. It doesn't...just because you're using the city sewer doesn't mean you can dump it directly from that point, so the lagoons would have to be utilized even under those circumstances.

Commissioner Mourdock: So conceivably, and I realize this isn't what you're looking at this point, conceivably if you turned your anaerobic lagoon into an aerobic lagoon that might be a first step in ultimately putting everything into the sewer? Hypothetically?

Geraldo Oseguera: It's either one option or the other option. It either stays anaerobic, the way it is, with a cover or it becomes aerobic.

Commissioner Mourdock: Okay, how are you quantifying today the amount of odor that is coming off the aerobic versus anaerobic?

Geraldo Oseguera: Basically, just by monitoring. We monitor it every day. There is not a--

Commissioner Mourdock: What are you monitoring for?

Geraldo Oseguera: For odors. We have a couple...two of the operators monitor every day first thing in the morning and it's basically just based on what they smell. We also have a person from our safety department that during the summertime especially does it every day and goes around several miles around our plant and records in a log what we find we've been recording also any complaint from the neighbors and that gives also an indication of where the odors are, when they're worse and that has given us good information to know.

Commissioner Mourdock: What percentage of the, and I'll use Bettye Lou's adjective, of the putrid odor...what percent of the putrid odor is coming from the aerobic...or anaerobic lagoon down there at this point?

Geraldo Oseguera: It's hard to say a percentage, but most of it. I would say 95%.

President Jerrel: Is that inability to maintain that neutral status of the anaerobic lagoon or not? Did that help? You know at one point--

Geraldo Oseguera: We have made progress. The treatment facility has been running much better. There has been improvements. Even though we have seen improvements, we are not...we're still looking at the two options that the consultant gave us as two options. There is definitely improvements on the treatment of the water and the water that we've been irrigating has had lower levels of BOD's and COD's and we've been

monitoring those very closely the last few months and we have had very consistent treatment throughout the last few months, so we feel confident that the treatment has improved.

Commissioner Mourdock: Is that likely temperature related?

Geraldo Oseguera: Also, yes, sir. The weather helps. We've seen that when it's warm and when it's humid, especially early hours of the day and late hours of the afternoon, that's when it seems to be a little bit worse.

Commissioner Mourdock: How much are you putting into the lagoons per day at this point?

Geraldo Oseguera: Approximately 125,000 gallons. That's how much we produce a day.

Commissioner Mourdock: How many days?

Geraldo Oseguera: Five days a week.

Commissioner Mourdock: Pardon?

Geraldo Oseguera: Five days a week. We're running five days a week.

Commissioner Mourdock: Okay, what I am comparing in my mind as you said you have during the week now 50,000 gallons per day, but you just said you're putting 125,000 gallons per day into the lagoon.

Geraldo Oseguera: Yes, these numbers that Mr. DeLucio shared with you are numbers good for about a month, about five weeks. The city will be upgrading their lift station. That has been a bottleneck. They have given us a report today that they will finish their work the first days of March, so we are looking at about four more weeks. During those four weeks they will be receiving these amounts of water, 50,000 week days, 100,000 weekends. After they get the lift station upgraded, then we don't have a problem. We could if we wanted to or if we need to we could discharge the 125,000 to 130,000 that we produce.

Commissioner Mourdock: Conceivably 100%?

Geraldo Oseguera: Correct, if we needed to.

Marco DeLucio: I think it's important that one of the things they're considering is two options to get rid of the waste water so that they have a backup system. So you have the city as one option and you can also irrigate the fields as well.

Geraldo Oseguera: Up to this point we have only had one source to get rid of our water and that's irrigating. We don't have any other alternative. As soon as we get everything lined up to discharge to the city, then we will have two exits, irrigation and discharging to the city. What we're planning on doing is irrigating with all the safeguards. Being extremely careful with all the implementations that we have had during the summer months and we will go to the city in the winter months and in the wet months.

President Jerrel: Commissioner Tuley, did you have something?

Commissioner Tuley: More observations than they are questions at this point in time.

I'm sitting here and I admit I have not followed this probably as closely as I should have over the time, so a lot of this information is a little bit new to me tonight, but going back the investment out there is \$40 million dollars, is that right?

Geraldo Oseguera: Yes, sir.

Commissioner Tuley: Okay. There had to be a lot of time and resources spent in selecting the site. I mean, there were things such as the availability of the corn that you needed, the quality of the corn that you needed, the location to your market, which I believe was explained as the eastern United States, yet it seems there wasn't enough energy and resources dedicated to search and anticipating these kind of problems given the different climate, soil and everything else. That's hard to understand how that wouldn't have been an intricate part of that process. Now we are three years into it and we're still playing, and I'll use the word loosely, playing with ideas and concepts on how we can correct it. Credibility becomes a real question here and I understand why these people continue to be upset. I'm a little concerned, too, that right now at this point in time I would think any option out there has to be something that is open to consideration. I think we need...and I don't want sit here and make any threat that I can't back up and I'm not ready to move on the letter saying that we're going to shut you down or try to break the lease or whatever, but I would think within a short period of time you ought to be able to find some solution that is going to solve these problems and be able to delivery on whatever it is that you are promising because right now at this point we've got a lot of guesses and a lot of bad information and a lot of mistakes still being made.

Marco DeLucio: I agree, Mr. Tuley. That's correct and it has been three years. What we did do was select, and we spent a lot of effort, we thought, selecting MRV to come out and run it. That was a mistake and that has caused a lot of these problems. Azteca has been out there for six months now and we intend to present you with solutions to solve the problem. Any option is open game. We have the consultant that recommended two options to us which we thought were viable options and we are going to undertake those.

Commissioner Tuley: Okay.

President Jerrel: Yes, sir. Come on up, yeah.

Jeff Townsend: Please excuse me. I came basically straight from work. My name is Jeff Townsend, 13731 Martin Road. All I had time to do after work was to stop by my house, find out the wind has changed and now I am reaping the benefits of Azteca tonight, okay? It's not just a summer problem. It's a winter problem also. I don't know much about legal issues. From what I understand the September meeting you're wondering why research wasn't done...Mr. Hoy, who were the people...what was the group that went and checked them out and said that this was the most wonderful thing since sliced bread? What group of the government?

Unidentified: Vision 2000.

Jeff Townsend: Vision 2000 I understand went down and said, oh, God, we need them, we need them. We have been lied to ever since then. I feel as if Vision 2000 lied to us. This isn't their first milling process. I think the people were well aware of the odor, the lagoons, before they came to Evansville. I don't see how Azteca could have possibly realized that they didn't have a problem before they got here. They've been in this a long time. To address the issue of...was it January that the accident with the pumps ran...was it 11 hours? I was at the September meeting. That issue was addressed. It

happened two days in a row before that meeting and I know at the meeting because I discussed it about isn't there an operations room? I'm familiar enough with construction to know that when you go into a control room that there are panels with lights that tell you when things are running and when they aren't. When you're looking at a computer readout screen they are telling you when things are running and when things aren't. We addressed this problem in September about, hey, if they can't see that a light is on and go to a disconnect box and shut that pump off and solve the problem, you know, what is going on here? Is it not controlled? You know, at that point we found out that there weren't people there around the clock while it was pumping. It was all automated. Now I understand that there are people there around the clock, okay, yet they still can't shut that disconnect switch off. We were told in September that things would happen within 60 days. The people have been very patient. I'm begging for your help. My wife and I built a new home hoping to raise our children and grandchildren. There are people out here that have been in the Darmstadt area for generations and I think we've been very patient and we've heard so many promises from the Azteca group and they keep falling through. I'm begging your help. I think that something has to be done drastically now because we have met with them several times and nothing has been done in a decent businesslike manner. We get promises, we don't get results. I am begging you for results tonight. Thank you.

President Jerrel: Yes, Vivian.

Vivian Tucker: I'm Vivian Tucker, I live at 14300 Darmstadt Road. I just wanted to address a couple of points from the meetings that we've had with Azteca in the past and the things that were said and where we are now. We had our first community meeting in July of '97 with Azteca. Again in September at which time they agreed to have a consultant come and take apart the MRV operation and see where it was going wrong and make recommendations. On November 16th we met and sat down with those recommendations and it was...it's a very long technical list of recommendations that I don't know that any of us are really prepared to be able to fully understand all those. A couple of ones that really stood out in my mind is number one that a certified operator should always be on duty. Now going back to the very beginning of this whole thing, it's in the Indiana Code that a certified operator should be on duty at all times. It was stated again in September that, yes, we will do that. It was stated again on November 16, yes, we will do that. And, yes, they hired one, but on the night that this spill happened there was no certified operator on duty. When Azteca made their response to the emergency order that IDEM made they named an employee who was instructed to turn off the water. The operator that failed to do so, he is not a certified operator. He never has been. He has been employed with Azteca from the...or with MRV initially, I believe, and it was like this whole thing was dumped on him when actually it was Azteca's obligation to make sure that the place was manned correctly. It states in that response that at 4:00 a.m. they noticed that the water was spilling, but there was no indication of any run off into the ditches. They couldn't have possibly looked. There is no way that 200,000 gallons of water sits on land and does not fall into the ditches until a convenient time later that morning. It doesn't happen that way. For them to neglect to report to IDEM a spill when they know that they are being scrutinized and not unfairly and they say that they simply neglected to do so. That just won't hold water anymore. They're saying tonight now, yes, we'll go to the covers. Well...to cover the lagoons. That's not going to fully solve the situation. They have demonstrated time and time again that they are not able to manage these lagoons. If they go to discharging into the sewer they are going to have to hold that water in the lagoons for even longer than they do now because their BOD, or I believe it is biological oxygen demand, has to be dropped even lower before they can get into the sewer. It costs money to discharge into the sewer. It doesn't cost them money to irrigate onto the land. They're saying that discharging into the sewer is going

to help this. Who is paying for the upgrade of this lift that they are talking about? I honestly don't know and that may not be a problem, but the smell is no better. You don't have to send someone driving around the community to see where it smells. All you have to do is stand next to it and if it smells I guarantee you it's going to be taken somewhere and somebody is smelling it every day of the week somewhere. They have managed to talk, and talk, and talk, and the reason why I have lost faith at this time is because they stated specifically when they came into the community a certified operator. In the September meeting, okay, we'll correct that. In the November 16, yes, we're really going to correct that and it still wasn't corrected and now they're saying we'll go to the cover. Well, that's just the next cheapest thing because we are forcing the hand here, but I don't have faith in the recommendations. I think the lagoons need to go.

Vonda Drone: I'm addressing you once again.

Commissioner Mourdock: State your name please.

Vonda Drone: Vonda Drone, 124 East Wortman Road. You said that you were going to send me the front cover of the bond issue. After hearing what I've heard tonight I need to see the entire bond issue. You're not going to be able to send that to me. When can I come here and read...study the bond issue?

Joe Harrison, Jr.: I'll mail you a copy of it.

Vonda Drone: Okay.

President Jerrel: Okay, is there anyone else that would like to speak? New information? I'm intrigued by the discussion of what you're doing now and your reference to the two types of odors and I think everybody that has smelled it knows there are the two types. There is the corn residue odor and then the putrid odor. We're interested in the putrid odor because other farms have other odors that are, while they're not wonderful, they are acceptable by-products of industry. Your bond issue, Vonda, idea is fine, except it is a very complicated process. The county has an obligation which we must meet and we will meet. We don't want Azteca to go away. They've got a \$40 million investment. We have one avenue. We have your tax abatement money which we could ask that it be withdrawn. That would be a County Council decision, but the three Commissioners could participate in that. We've talked about 60 days. I looked at the calendar and I found that Monday, August 6th is about 62 days or 63 day.

Commissioner Tuley: You don't mean August.

President Jerrel: I mean April. April 6 is about 62 or 63 days. That's what I feel financially if we're going to do something the only place that we have any muscle to do anything is with the tax abatement because that is what we're paying and not the lease...the bond instrument is a good faith instrument that has been issued. I would recommend we target that April 6 date for some sort of...not a report, a solution.

Commissioner Mourdock: Let Phil go ahead, but I would like--

Phil Hoy: My name is Phil Hoy. I live at 217 Cherry Street and I am a County Councilman. I missed the last County Council meeting, but Mr. Wortman is here and from the minutes I read from that meeting the County Council in the January meeting unanimously voted six votes to extend the abatement. I don't know whether that can be taken back or not and that was in light of a report that we got several months ago and this

is just one more factor in what Azteca has said, but has not done and that is in the last report on abatement we got from Azteca their investment was only about 63 or 64% of the promised investment and the hiring was consistent with that, 63 or 64%. We were told when we voted for this that within two years there would 175 employees. There are not and the plant is not finished. My question, was that not extended for ten years? So, I mean, that's voted. There is not a way to go back and change that vote, is that correct?

Commissioner Mourdock: I'm going to interrupt you on that.

Phil Hoy: Can we remove that abatement or not? That's my question.

Commissioner Mourdock: That's a legal question. I don't know the answer. I'll turn to our counsel and I don't know if he knows off the top of his head, but my gut reaction is I think it could be.

President Jerrel: Yes, I agree.

Joe Harrison, Jr.: You need to check with the Council's attorney for the County Council.

Phil Hoy: Would you check also?

Joe Harrison, Jr.: I will check.

Phil Hoy: I'll ask Mr. Ahlers to check also.

Joe Harrison, Jr.: No one has ever asked me that question.

Phil Hoy: We've never been at this spot before. I think you need also to know that. I think maybe you may know that already because--

President Jerrel: We do know it--

Phil Hoy: But we are dealing with a company that made construction promises and hiring promises that have not been kept either. Thank you.

President Jerrel: In fairness to the company there has been a huge investment made out there. I don't know if it is in excess of \$40 million, but there is a major investment. I, again, I think we can...if we put a date and I'm going to let...I'm not a motion maker.

Commissioner Tuley: Well, go back to previous comments. They have a decision coming from their company in two weeks. I would like to hear in this forum what that recommendation is and what their steps are and their planned implementation and everything else.

Commissioner Mourdock: Let me add to the mix to that for a second because Betty Lou's comment about abatement is kind of where I was headed with this issue. First of all I appreciate all the folks who came here tonight who are neighbors who started their statements by saying we're not trying to run this business out of town because I hope you understand on this side of this table we are constantly faced with two dilemmas. How do we have more economic development in Vanderburgh County and how do we make sure that things that come here are acceptable to the neighbors. I don't know that's ever a totally perfect match, but as Pat said, credibility becomes a big issue here.

As far back as 1994 before the plant came there, there were these same basic questions being asked from that microphone and I know the minutes of the meetings of 1994 reflect that. The questions that I was asking Mr. Oseguera a minute ago regarding what you're doing quantitatively to know the odors that are coming off those ponds I think is very important because we can all deal with how we feel, but you said you have monitors out there that are checking for BOD, methane and whatever you're pulling out. I think those data are very important to what this Board acts to do. I heard it said that in two weeks we're going to take a new direction, understanding that we don't know yet what that direction is, but if you've got a string of data right now that shows where you've been, the action that you take as a result of your meeting two weeks from now better be an improvement. There has to be hard numbers to say that something has happened that is causing less emissions from those ponds. If that doesn't happen, then I fully concur with what Bettye Lou said regarding this Commission acting as a body to go to County Council to begin to deal with the issue of tax abatement. The one thing that always comes up on tax abatement is the lack of any good definable, what are commonly called claw back provisions. What happens if we give tax abatement to a company and they come in and they only stay a few months and leave? How does all that get handled? You know, it's not a comfortable thing to sit here and say I really want to see more economic development in Vanderburgh County and yet I feel we need to go after somebody who is a business who is trying hard to meet their obligations. I mean, it is difficult for me to do this, but I live in Darmstadt, too. I probably work closer to your facility than anybody else in this room and I know the problem is real. I know these people are most sincere in wanting it addressed. I'm simply saying I want to see it quantified. I'd like to get a copy of the records that you have obtained thus far. I want to see the numbers and, again, whatever action you take based on your meeting two weeks from now I want to see those numbers start to change. Marco.

Marco DeLucio: Real quick I just want to make sure, the decision that is going to be made in two weeks may be that we're going to construct a cover. That's not going to occur in two weeks.

Commissioner Mourdock: I understand that. I understand that fully.

Marco DeLucio: We probably won't see any significant...whatever decision is made, you probably won't see an immediate--

Commissioner Mourdock: But here is what I would like to see. Over in the lower portion of that chart we have a time line, a critical path engineering time line. Whatever the meeting is two weeks from today I would like to see the results of that meeting put in a chart like that that you forward to this Commission that we put on that board or some other board so that these people tonight understand what is going to happen and so that as those plans go into effect, the emission that you are talking about start to go down and if they don't start to go, then, Bettye Lou, I think you're right on. I think we have to deal with this from the issue of tax abatement.

Commissioner Tuley: I agree with both of you. I want that report presented in person on the 23rd since we don't meet on the 16th or 17th.

Commissioner Mourdock: Okay.

Commissioner Tuley: Then we can start having...I would like to have normal, regular discussion with this until we decide whether or not we want to go to Council or not to see. Right now I am not comfortable with a lot of things that have been said are going to happen.

Commissioner Mourdock: I have to agree with you, based on history.

Commissioner Tuley: Yeah, that's what I am saying. I want to see...the proof is in the pudding, as they say, and I want to see it.

Bruce Ungethiem: Bruce Ungethiem again. A couple of points of clarification.

Commissioner Mourdock: Time out. We need to change tapes.

Bruce Ungethiem: We talked too long, right?

### **Tape change**

Bruce Ungethiem: Okay. Bruce Ungethiem. A couple of points of clarification. One that Richard asked, the monitoring that has been going on with the smell to my knowledge is not quantitative, it's subjective. I want you to clarify that.

Commissioner Mourdock: Wait a minute. Yeah, let's clarify that because I think I heard Mr. Oseguera say the opposite.

Bruce Ungethiem: Do you have data on the monitoring of the smell?

Geraldo Oseguera: There is no way to--

Bruce Ungethiem: It's strictly somebody walking around. It's their perception of whether it smells or does not smell, so from your standpoint there is no data that you're going to find.

Commissioner Mourdock: Wait a minute. Let me come back to that. Gerry, if you would maybe go to the microphone to make the minutes easier for Charlene to transcribe. The monitors that you have for air do what?

Geraldo Oseguera: We don't monitor for odor. We can't do that.

Commissioner Mourdock: Okay, I misunderstood. I thought previously you said you did when I asked the question.

Geraldo Oseguera: No, what we monitor is for the organic load of the water. We are constantly monitoring the different steps of process and we can see for the last several months a decrease on the organic load of the final product. We've been treating the water better. If the water gets treated better the odors will be less.

Commissioner Mourdock: Okay, well--

Geraldo Oseguera: I'm sorry.

Commissioner Mourdock: I would like to assume there is a one-to-one relationship there between what shows up in the water and in the air and I would doubt...I mean, I would like to think that, but I doubt that is the case.

Geraldo Oseguera: There is a relationship even though there is not a physical way to measure.

Commissioner Mourdock: Well, I'm not sure there isn't a physical way to measure it.

You could certainly do hydrogen sulfide detection. You could do methane detection. I'm not an organic chemist, and my chemistry professors would swear that is true, but I think there are some methodologies out there that you might try to employ and maybe you could incorporate that, at least the discussion of that, in whatever you do between now and two weeks from now when you make your decisions. Again, I think the people who depend on their noses can tell us what the odor is, but to really see the affect of what you do it seems to me in your best interest to have some hard data to rely upon.

Bruce Ungethiem: Just to clarify that, when we met with Azteca, and I believe Bettye Lou was there, we asked them to install some monitoring equipment around those lagoons and that was not done. The other point that I want to make is that they mention that they are now getting the ability to discharge water into the city sewer system at up to 50,000 gallons per day. At what BOD or COD must you have that water down to in order to discharge that into the sewer?

Geraldo Oseguera: Less than 1,000 parts per million of BOD.

Bruce Ungethiem: Where in your process does your waste stream get to that point?

Geraldo Oseguera: The end.

Bruce Ungethiem: At the very, very end. Are you prepared to show data that indicates that the water that you're irrigating right now on the land is less than that 1,000 parts per million?

Geraldo Oseguera: For the last three or four months. Consistently at (inaudible comments not made at microphone).

Bruce Ungethiem: Okay, so to answer the question about taking the water to the city sewer system, that is after the lagoons and the lagoons will have to stay in order for them to bring the BOD down far enough to get the water into the city sewer system.

President Jerrel: I know we haven't...we've done a lot of talking, but I feel like we're heading in the right direction. I don't know what kind of a document we could enter into. The bonding part is a little bit complicated. The tax abatement is pretty clean.

Bruce Ungethiem: Can you explain...can I take this with me? Can you explain what the bonding issue has to do with the lease? Are they two totally separate things? If you pull the lease from Azteca can't the bond issue continue to go? I don't know that the two of them are tied together. What we're requesting is you put enough pressure on these guys so that they fix the problem and the only leverage that you've got at this point in time is they lease that ground. The bond issue, Azteca doesn't deal with because they didn't issue it.

Commissioner Mourdock: And what we're saying, I believe "we", is that we have two leverage points with that being one. However, there is a big liability that goes with that to the county which is if we foreclose or pulled that lease the county would then have to pay off those bonds.

Bruce Ungethiem: Right.

President Jerrel: That's exactly right.

Commissioner Mourdock: That day. That's a lot of money.

Bruce Ungethiem: Well, but the property is worth something.

President Jerrel: Well, now think about that.

Commissioner Tuley: It's a specialized plant. I don't know how much value there would be to it.

Commissioner Mourdock: Yeah, let me talk to the second pressure point which is the tax abatement which is the issue that I think makes the most sense for us.

Bruce Ungethiem: Right, and that's with the County Council and we plan to go there and request that they rescind that tax abatement as well.

President Jerrel: Well,--

Commissioner Tuley: Would you give us that week until the 23rd because I think...I'm not saying that you don't have clout with the Council, but if this Board decided to take action along with you guys...

President Jerrel: County Council has acted. It's going to take something to happen to change that action and legally we need to know exactly what those steps are.

Bruce Ungethiem: Okay.

President Jerrel: That's why I think this Board is the one that needs to initiate those efforts just as you have initiated the request for some means of determining results. You've come to us tonight and said you want something besides any more talking and we've said, alright, we're going to give...they've said they're doing three or four things to ameliorate the situation. We're giving them a few weeks to come back and give that. Then I think this Board has said to you, all of you tonight, that if there is no improvement, then we are prepared to take the one action that we know that we can take.

Bruce Ungethiem: When would that be? Let's assume that two weeks and nothing happens. What Council meeting are we talking about? The first one in March?

President Jerrel: I would say...you said 60 days. I would think that would be your target date.

Bruce Ungethiem: Well, the problem...the 60 days is written into the lease. That's where the 60 days came from. It says that they are to be given 60...if they violate any state, federal or local law the lease indicates that they have 60 days to correct that situation or lose their lease.

Commissioner Mourdock: Let me address that question for a second as far as the timing if I may.

Bruce Ungethiem: Sure.

Commissioner Mourdock: As far as what, again, what one Commissioner is comfortable in doing, I'm willing to say that we wait two weeks, we see what their action plan...what they develop. I would expect them to deliver that action plan to us on the third week. If on the third week we do not have in our hands what is a creditable, action plan that clearly is verifiable as far as the results and activities that are taking place, if at the end of three weeks we don't have that then we initiate a call on Council. If, on the other

hand, at the end of three weeks we have a document that does what I just explained, then I think we need to give them a reasonable time of perhaps three months to see how what they are putting into effect starts to make a difference.

Bruce Ungethiem: Okay.

Commissioner Mourdock: Again, let's all understand that if two weeks from today they say we're going to put a cover over the lagoon, two weeks and one day later they're not going to have a cover on the lagoon. It's going to take some time.

Bruce Ungethiem: I understand.

Commissioner Mourdock: I know, but I just want to say that. We've got to give them some time to do that. Again, I hope you understand our position. This is a good business. I mean, I understand the credibility questions that exist and I hope, Mr. Oseguera, you understand why we feel that concern, but let's move forward in a businesslike approach here that hopefully gets what everyone wants which is a plant that is working, that's hiring people, that's employing people, and yet that gets away from this odor problem that we all know about and the discharge problem.

Bruce Ungethiem: So let's set a date. February the 23rd.

Commissioner Tuley: We don't meet the 16th or 17th--

Bruce Ungethiem: You don't meeting the 16th, that's President's Day.

Commissioner Tuley: Right.

Bruce Ungethiem: So it would be the 23rd?

Commissioner Mourdock: That would be the third week?

Commissioner Tuley: That would be week three.

Bruce Ungethiem: Right, so on the 23rd...in the Commissioners meeting on the 23rd this will be discussed again--

President Jerrel: And we'll have a monitoring plan. We'll do just like we're doing the auditorium.

Bruce Ungethiem: Okay, and Azteca is responsible for providing that?

Commissioner Mourdock: Yes.

Bruce Ungethiem: If that does not occur or if that is not acceptable, then the following Council meeting, which would probably be the first Council meeting in March--

Commissioner Tuley: Correct.

Bruce Ungethiem: --you will take action?

Commissioner Mourdock: This Board would then go to the Council requesting action.

Bruce Ungethiem: Okay.

Commissioner Tuley: With a recommendation. Now, again, I would like to reiterate that I would like for them to be here on the 23rd to make that presentation.

Commissioner Mourdock: Right.

Commissioner Tuley: I don't care if that is counsel or the both of you.

Commissioner Mourdock: I have a hunch they'll be here.

Commissioner Tuley: You folks would be invited to come back that meeting as well.

Peggy Bauer: It's Peggy Bauer again. Could we not ask also that not only if they come up with the plan that they give us a guideline of time. Surely they will...when it would be completed, but not to say we'll give them three months to see because they can lag the three months and say, oh, well, we had delays here and there and then we truly are into the summer.

Commissioner Mourdock: I slipped into engineering speak, Peggy, I'm sorry. The critical path drawing that I spoke of does, in fact, indicate each of those things.

Peggy Bauer: When it will be completed?

Commissioner Mourdock: When it will be completed and what the affect should be on emissions as those steps are completed.

President Jerrel: You can walk around before you leave and look at the plan that is in that bottom right-hand corner and that has a weekly, monthly--

Peggy Bauer: Well, I heard that earlier, but I didn't hear him say that into the timetable that we were talking about.

President Jerrel: Right.

Jeff Townsend: May I real quick?

President Jerrel: Yes, sure.

Jeff Townsend: I don't even need the microphone.

Commissioner Mourdock: Yeah, you do.

President Jerrel: Yes, you do.

Commissioner Mourdock: It's not your problem. It's our sound system's fault.

President Jerrel: Think about Charlene.

Jeff Townsend: All I am asking you, Ms. Jerrel, something was said that really concerned me that I would like to point out to you and the rest of the people here that you were talking about a huge investment that Azteca has. A corporate investment of what...\$4 million?

President Jerrel: Forty million.

Jeff Townsend: Forty million? Those zeros get me. I want all of you here to please when you go home and digest what's going on here to please take into effect our huge personal investment.

President Jerrel: All of you.

Jeff Townsend: If a corporation decides to pull out because they're not a good neighbor, we still have our personal investment and our personal investment is losing here right now. You're talking about them losing. We're losing right now. Please keep into effect our personal investment.

Commissioner Mourdock: That's a fair statement because right now I think everyone is losing, Mr. Townsend.

Maurice Boltinghouse: My name is Maurice Boltinghouse, 3512 Schmitt Lane. I can fully sympathize with people as to the odor that they're enduring. As a child, kid, being raised I lived in the neighborhood of the Swift Packing Company and I'll tell you, you want to smell something red hot that was it. Then we always had or over time the First Avenue Dump when it would catch on fire and blow for weeks with water on it, steam, smoke. I would like to raise a question at this point. I'm wondering if from the point where they introduce this putrid water clear to the sewage treatment plant with our wonderful sewer system that we have are we going to vent this at each curb sewer outlet down through town? Thank you.

President Jerrel: Is there anyone else? We all have the date in mind, the 23rd. Okay, anything else that anyone wishes to say. Thank you very much all of you for coming. We appreciate your input. Thank you.

Commissioner Mourdock: May I just read something here?

President Jerrel: Sure.

Commissioner Mourdock: Just since we didn't actually have a formal motion I just want to say what I put in my notes and make sure we agree with this. I'm just going to read what I typed in:

"We acted to get a plan from them by February 23rd that would include a critical path diagram of dates, activities and emissions which should be expected. If this doesn't come through by the 23rd, we'll go to the Council and ask for tax abatement recall of some measure."

I think that's what we said.

Commissioner Tuley: I think that's what we said. Do you want that in the form of a motion? I'll be glad to second.

Commissioner Mourdock: Yeah, I make that in the form of a motion just to be safe.

President Jerrel: I'll say so ordered.

**John Stoll - County Engineer**

President Jerrel: Okay, the next item on the agenda is the County Engineer.

John Stoll: The first item I've got is in regard to the determination of the apparent right-of-way on Eichkoff Road. Over the past couple of weeks we've been trying to resolve what to do and as a result of the hearing we had two weeks ago and in working with Cedric Hustace and Pete Castelli, who is here this evening and represents Mr. Rick Broerman who is the developer of Ashley Place Subdivision, we've had some meetings and based on some discussions with Cedric Hustace he feels that we should pursue declaring the apparent right-of-way from Hogue Road all the way to the south boundary of Ashley Place Subdivision and that we should declare the apparent right-of-way only to the edge of the pavement, so with that in mind that is what I am asking you to authorize this evening for us to go ahead and do legal ads needed to have the public hearings and then revise the original legal description that was prepared the last time around which called for a 20 foot wide right-of-way and change that. It's about 12 ½ feet.

Commissioner Mourdock: Say it again very slowly, John. The right-of-way then that we would be taking as apparent right-of-way is to the west side of the pavement?

Joe Harrison, Jr.: It would be the width of the pavement.

John Stoll: Yeah, it would go--

Joe Harrison, Jr.: Solely.

John Stoll: It would run from down here at Hogue Road up to the south boundary of Ashley Place Subdivision.

Commissioner Mourdock: So what happens to the developer then as far as getting the sewer and water and everything up there?

John Stoll: The sewer has been installed along the west side...I mean the east side of the pavement for a portion of that area. I believe the sewer issue has been pretty well resolved, hasn't it? We're mainly dealing with the water issues.

Commissioner Mourdock: Okay.

John Stoll: As far as the water line issue, that will still be something that the developer will have to resolve. This would clarify the issue as far as the county is concerned since it would establish the right-of-way where our road is currently located.

Joe Harrison, Jr.: There is no action required tonight. This would just allow them to...if you approve a motion...there is an action required of a motion for advertisement for the legal pertaining to this and the consideration of the apparent right-of-way for that area.

Commissioner Mourdock: I'll move then the advertising of the right-of-way as recommended by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

John Stoll: How soon should we have that hearing or can we have that hearing? There is no meeting in two weeks.

Joe Harrison, Jr.: No, we don't meet in two weeks. You can either do it on the 23rd or you can do it the following week, the 2nd, so it is either 23rd...the thing is you're going to have to advertise. You may be running it close to even get it in.

Charlene Timmons: How many times do I need to advertise that?

Joe Harrison, Jr.: Well, you would have to do it...we'll pull the ad and see what we did before, but it will have to be...I think it was twice. You might want to do it March 1st.

Charlene Timmons: Do we have an ad--

Joe Harrison, Jr.: Prepared yet?

Charlene Timmons: --prepared?

John Stoll: We don't have the ad and we don't have a legal description finalized as of yet, but we can get that to you.

President Jerrel: Remember the road hearing is the 2nd.

Joe Harrison, Jr.: I'm sorry, March 2nd. I think you may want to shoot for that date unless you get it done this week and you might be able to do it on the 23rd.

John Stoll: Let's shoot for the 2nd then. That would probably be the safer bet.

Pete Castelli: My name is Pete Castelli, I'm an attorney with Ziemer Stayman Weitzel & Shoulders and I represent Rick Broerman. I have one question for John. You said to the width of the roadway. Now, the roadway does not extend all the way north to Ashley Point Subdivision. Are you just going to extend the width that it is the roadway, the 12 feet, all the way north?

John Stoll: Yes.

President Jerrel: Okay. Thank you.

Pete Castelli: (Inaudible comments made away from mike.)

John Stoll: Yeah, the 2nd.

President Jerrel: Do you have something else?

John Stoll: Yeah. I've got some letters. Again, I have made some slight revisions to the letter to Bob Bell and as long as everything is okay with this, then this is what I'll mail him.

Commissioner Mourdock: One question on that letter, John, and I'm not asking you to change the letter again since I did that last week, but just your letter doesn't explain how the water that we will put in the ditch on the east side of Ward Road crosses back over Ward Road to go into the ditch along the Whirlpool property. How are you going to do that?

John Stoll: It would go underneath at the Ward Road/St. George intersection. A pipe underneath that.

Commissioner Mourdock: Before you get to St. George Road?

John Stoll: Yes, just on the north side of St. George.

Commissioner Mourdock: Okay, right there at basically what would be the apron of Ward onto St. George?

John Stoll: Correct. Based on what Valerie had done she was assuming some sort of inlet box or manhole would be installed at the northeast corner of that intersection to take the flow that is coming down the east side of the pavement and combine that with the flow that is coming west...I mean, yeah, it's coming west on the north side of St. George to try and tie everything together.

Commissioner Mourdock: The only thing then, and I don't have a problem with that I just wanted to understand it, the only question I would raise for the Board is at one time we spoke specifically of making sure that the residents along Anthony Drive actually do something, actually commit to do something. This is recommending that they do something, but we're not actually causing them to make that commitment and I just wanted to make sure we all understand that. I mean, we're suggesting to them in the second...or in the paragraph labeled number two, you need to hire a consultant to address the drainage on your lot and then number three, this is another reason why you need to have a consulting engineer evaluate the drainage conditions of your property. At one time we talked about actually having them open up the ditches on their property before we invested this money and I just wanted to make sure that we're all understanding that.

President Jerrel: Yes, I understand that, but I want it in there.

Commissioner Mourdock: That they do? Okay.

President Jerrel: I want some kind of at the end the ditch may be installed when we say, well, the ditch along Ward Road may reduce the frequency of your flooding, it will not eliminate the problem. You need to hire...I mean, I think they need to have some--

John Stoll: Do you want me to add some statement in there that says that there is some sort of verification that he has done that and submits some plans to us before we proceed or something along those lines?

Commissioner Tuley: Wait. Let's...I hate to tell him to go out there and make a commitment to open up that pipe between his property without him first having some engineer come out there that he has paid for that would follow that or go along with that recommendation.

Commissioner Mourdock: Right, I am not suggesting that he not hire a consultant.

Commissioner Tuley: I know you're not. You're not saying we're making you, are you?

Commissioner Mourdock: No, no, I don't think...if he chooses not to hire a consultant, but opens up that ditch that's his business. If he hires a consultant who tells him to open up the ditch and he opens up the ditch that's his business. The only thing that I am concerned about is that we're going to put a bunch of money in this, we're going to do all these things, they haven't done anything to solve their own problem when that water comes down, as John says it will in this letter, from the southeast intersection of Knob Hill and Ward. I mean, if they do nothing and we fix our problem they still have a problem, correct?

President Jerrel: I think maybe paragraph three needs to have one more sentence added to it. I mean, you're talking about...I mean, I like the letter, but it says, you know, this is another reason why you need to have a consulting engineer evaluate the drainage conditions of your property. Even after the county does this, this and this there will still--

Commissioner Mourdock: But that is still a slightly different path then what I am saying.

President Jerrel: Yeah.

Commissioner Mourdock: I'm saying before we spend one penny doing these things, do we want to know that he spent some time, spent some effort, spent some money, fixing his own problem? If he hires a consultant I am almost certain that his consultant is going to say you need to tear that pipe out and do this, this and this and that will help your situation.

Commissioner Tuley: Right, yeah.

Commissioner Mourdock: Do we want to wait to spend anything until he does that, is my question?

Commissioner Tuley: The point, yeah, okay.

President Jerrel: Well, is that something that you talked to him about?

Commissioner Tuley: He explained on the phone that, you know, if we're willing to do this there are certain things short of putting a ditch in front of his and Anthony Drive I think that he would do.

President Jerrel: How are we going to know what they are if we don't get something in writing? We're not going to know.

Joe Harrison, Jr.: My only suggestion at all would be that before you do anything make it known in the letter that before the county is willing to consider any proposal that the county needs to have something in writing or hear from their consultant or something as to what they propose to do so it can be considered along with the county's plan.

President Jerrel: On their property?

Commissioner Tuley: In conjunction.

Joe Harrison, Jr.: Right, in conjunction.

Commissioner Mourdock: Just, Bettye Lou and Joe, you guys weren't here at the time. This is no different than what we did up on Hillsdale Drive.

Commissioner Tuley: True. You're right.

Commissioner Mourdock: We have a precedent for doing this.

Commissioner Tuley: The only concern, if he opens that ditch up beside his house and we do what we're doing what happens east of him?

Commissioner Mourdock: Mr. Rucker and Mr. Garrett.

John Stoll: No substantial change.

Commissioner Tuley: With nothing else being done?

John Stoll: I wouldn't really see a substantial change. The water that is crossing the road...crossing Ward Road right now, it should not be heading east. If we cut a ditch in there we'll intercept that water so that will reduce what Rucker and Garrett would see and then in combining that with whatever may or may not be done on Bell's property--

Commissioner Tuley: So they'll have no adverse effect, more or less?

John Stoll: No.

Commissioner Tuley: Mr. Bell stands to gain a bunch by not having that water in his basement.

John Stoll: Right.

Commissioner Mourdock: Rucker and Garrett--

Commissioner Tuley: They don't change.

Commissioner Mourdock: Yeah, they gain if we do our plan--

Commissioner Tuley: Less water that they get on them.

Commissioner Mourdock: Right.

Commissioner Tuley: I can go along with that.

President Jerrel: So what do we want? Something in that last paragraph that says what?

Commissioner Mourdock: Real simply stated, before the county initiates its plan we would like evidence that you have acted to resolve the drainage issues on your own property.

Joe Harrison, Jr.: You may go further and say to, you know, call John to communicate what plans you have in mind to resolve such issues whatever they are. Have them call you before a certain date so that you can get a deadline.

Commissioner Mourdock: With that change...if you have it clear, John, with that change I would move approval that we send this letter to Mr. Bell under the County Engineer's signature.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Did you get that letter mailed yet?

John Stoll: The next problem is getting some people out there to survey it where there is no right-of-way on the southeast corner of Anthony and Ward. We'll have to work coming from an invert elevation of the pipe, work northward and invert working

southward, so that will be a controlling factor on what we can do out there. The next thing that I've got is a change order on the Green River Road culvert replacement project. This was contract VC97-11-01. This results in an increased cost of \$346.76. The contractor on the job was Southwest Engineering and the reason for the increase was some overruns in stone and asphalt due to some unsuitable soil conditions that had to be addressed.

President Jerrel: Is there a motion concerning this?

John Stoll: It's recommended that it be approved.

Commissioner Tuley: I would move approval of the change order number one in the total amount of \$346.76 on the culvert replacement on Green River Road based on the Engineer's recommendation.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is the street plans for BCH Subdivision. This is on Green River Road and this was discussed at last week's Drainage Board. At that time the Surveyor's Office had wanted to postpone any decisions on this until we had a chance to review the street plans. Since that time we did review the street plans and we asked for a few changes on the plans themselves. Basically, it's a 41 foot curb and gutter street. It will have a right turn deceleration lane constructed on Green River Road for traffic going into the subdivision. The pavement section exceeds the county's minimum standards. One thing in particular that we're going to ask for is that the storm sewer...where this subdivision's storm sewer will tie into the Green River Road storm sewer we're going to ask that the developer be responsible for boring that sewer underneath the pavement rather than open cutting the pavement on Green River Road to try and minimize the damage to the existing Green River Road since that has only been opened for a few years now. We had asked the consultant to provide some additional details in regard to an orifice plate which would just restrict the flow in the storm sewer system and then basically help detain the water to the required run off rates required by the Drainage Ordinance. The engineer provided that and in discussions with Bill Jeffers at the Surveyor's Office one other issue we had discussed was water ponding elevations in the street and as a result of that Jim Morley, of Morley & Associates, submitted a letter which I have a copy here that says that during a 25 year storm one inlet will have approximately one inch of water in the gutter line for the 25 year storm and during the 100 year storm there would be about a six foot path open for traveling, but the rest of the street would be under water. While that sounds bad, that still conforms substantially to the requirements of the Drainage Ordinance and it would leave the street passable, but we did want to point out that just like about most streets on the east side that it will have quite a bit of water standing in it during 100 year rainfall events.

Commissioner Mourdock: I'll move approval of the street plan as recommended by the County Engineer for BCH Commercial Subdivision.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. Is it appropriate for us to temporarily adjourn and deal with the drainage with this same issue?

Commissioner Mourdock: Do you want to do it that way?

Joe Harrison, Jr.: It would be better really to do it after the meeting.

Commissioner Mourdock: Okay, that will make it easier for Charlene if we do it that way. Any other issues, John?

John Stoll: That's all I have.

Commissioner Mourdock: Okay, while you're standing there I have one. I see Tim's work report. He had Replas frontage road. What is happening there?

John Stoll: Based on the discussion with Tim last week he has probably got another couple of weeks left of design work that you have to do on that and then we've got to pursue through right-of-way dedications from Replas and from SIGECO. I spoke with Ed Hafer about a couple of weeks ago and he gave me the name of the person that I needed to contact with SIGECO for their right-of-way dedication, so I am going to get in touch with them and try and get that resolved.

Commissioner Mourdock: Okay.

John Stoll: We've cored the pavement and the existing road surprised us all, but it has eight inches of asphalt, so we will not need to remove that. We'll just mill off the surface and seal up some cracks and that should save us some money. All in all, Tim should be able to get the road done hopefully in the next couple of weeks.

President Jerrel: Thank you.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: Okay, the next item on the agenda is the County Attorney. I think I've got three items. First, I have the signed contract back from Sue Ellspermann of Ellspermann & Associates regarding the facilitator duties that she is providing in connection with the Jail Assessment and Recommendation Committee. She has signed the original and it needs to be executed by the Commissioners. I've got an original and a copy, but you all may want to sign both of them. We can provide her with a copy and the Auditor's Office can send me back a copy of the original after it is executed.

President Jerrel: Is there a motion?

Commissioner Mourdock: Just one question, I haven't seen it. Does that have a not to exceed figure in there?

Joe Harrison, Jr.: Yes, it was not to exceed \$1,500 and that's what was set forth in the agreement.

Commissioner Mourdock: I expect when all is said and done given the tenure of the meetings it will probably be about \$1,200. Having said that, I'll move approval of the contract with Ellspermann & Associates.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Two other items. The second is...I think Tony may have a copy here, there is a change order from Environmental Management Consultants regarding additional work on the asbestos removal by Liberty Environmental Specialties, Inc. in the sum of \$2,700. This related to extra floor tiles that were not known to be in the facility that had to be removed after the removal of carpeting and these tiles contained asbestos and that was the need for the removal of these items. Again, it was not known that these tiles were underneath the carpeting. I think Tony has the change order and that needs to be approved.

President Jerrel: This isn't an original, but I guess...is this all you received?

Joe Harrison, Jr.: If you all could execute that and I think the original will be forthcoming and you can supplement that at a later date.

President Jerrel: Okay.

Commissioner Mourdock: I'll move approval of the change order with Environmental Management Consultants for asbestos removal.

Commissioner Tuley: Second.

Commissioner Mourdock: So ordered.

Joe Harrison, Jr.: The last item, counsel for Williamsburg on the Lake...we filed a condemnation action regarding some property and temporary easements that we need to obtain at Williamsburg on the Lake for the Burkhardt Road project and counsel for Williamsburg on the Lake has indicated that they are going to grant the county right of entry even though we have not come to terms on a settlement between the parties. We think the lawsuit will be resolved and in their good faith effort to get the matter resolved they are going to permit us a right of entry to get on the property so we can begin doing the work that we need to do along the Lloyd Expressway area where the fence is there. So, hopefully, John will be able to get United and the others out there, Blankenberger, out there on the property within the next month or so to begin work and hopefully we'll have that lawsuit resolved within the next month.

President Jerrel: Is that all?

Joe Harrison, Jr.: That's it.

### **Superintendent of County Buildings**

President Jerrel: Tony.

Tony Greubel: I don't have anything to report.

### **County Garage and Burdette Park**

President Jerrel: We do have a report from the Garage and a report from Burdette Park. Milton has strep throat and Steve didn't have a place to even get into the room, so if you would like to accept those.

Commissioner Mourdock: Okay, I'll move that we accept both the County Highway report and the weekly work report from Burdette Park.

Commissioner Tuley: Second.

Commissioner Mourdock: Just one quick issue on Burdette Park. We last week acted and had that question come up about the nonprofit corporations using the facilities out there. It's a continuing question and I guess I would just look at this point to ask, Bettye Lou, if you would meet with Steve to get a recommendation from him that he could bring to this Board. There is certainly cost and time and all kinds of things and how the staff out there has to deal with those things, so I would like to hear from him firsthand before we make any judgements.

President Jerrel: Okay, well, I'll say so ordered on the acceptance of the reports and I'll be glad to meet with Steve. I met with him briefly tonight, so he is prepared.

### **Consent items**

President Jerrel: Under consent items, then, I would recommend that we remove Item D until such time as we make a decision.

Commissioner Tuley: The request is not until May anyway.

President Jerrel: Right. But A, B and C?

Commissioner Mourdock: I'll move approval of consent items A through C.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Old business**

President Jerrel: Is there any old business to come before the Board? Just by way of a report, I am beginning to meet this week with a member of the Auditor's Office to go to individual offices to initiate the implementation of the time accrual system and we'll be coming over to see you in a few weeks or a month. I mean, I don't know. I think you're not until summer, but we're going to do it one-on-one and get your...they'll be almost custom designed to fit your office, so that is proceeding.

### **New business**

President Jerrel: New business?

Commissioner Mourdock: Two issues somewhere between old and new. The ACORN group again met last Wednesday night. Comments were everywhere from very helpful and let's keep working together to very inflammatory and this is a waste of time, so I think the nucleus of that group will stick with us and we are going to continue to try to roll that out into the three county area that the state is concerned about which is Warrick, Posey and Vanderburgh.

President Jerrel: Pat, may I go on that same topic just a minute? I would suggest that we get that application and advertise for the position of our Ozone Officer as soon as possible.

Commissioner Mourdock: Yeah, Tony, perhaps you could stick that in our packets this coming week so we can review and maybe discuss it next week. I agree, that's a good thought. We need to start moving that direction because new regulations are tough. The other bit of continuing business is just as a reminder this Wednesday night the Jail Assessment Committee will get together again and you're more than welcome to attend.

Commissioner Tuley: Okay. No, that's okay. What I thought was new business I just talked with Joe and he is already on top of it and he is looking into the storage tank removal.

President Jerrel: Right, I talked to Carol this week. He wanted to know some specific information about when they were installed and what kind of relationship they have, whether they are grandfathered or meeting the standards. Did you get any contact from the Garage?

Joe Harrison, Jr.: No, I haven't.

President Jerrel: Well, I call her again. They were to send that to you. Is there anything else?

Commissioner Mourdock: I'll move adjournment.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you all very much.

The meeting adjourned at 7:45 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Eric Schwenker  
John Stoll  
Bruce Ungethiem  
Don Mottley  
Vonda Drone  
Peggy Bauer  
David Ellison  
Marco DeLucio  
Geraldo Oseguera  
Jeff Townsend  
Vivian Tucker  
Phil Hoy  
Maurice Boltinghouse  
Pete Castelli

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
February 9, 1998**

The Vanderburgh County Board of Commissioners met in session this 9th day of February in the Commissioners' Hearing Room of the Civic Center Complex at 5:43 p.m. with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I would like to call the Vanderburgh County Commission meeting to order. I apologize to you for the lateness. The first item on the agenda is the introductions. To my far right is Tony Greubel, our Administrative Assistant; next to him is Joe Harrison, Jr., our County Attorney; Pat Tuley, County Commissioner; to the far left, Charlene Timmons, our Recording Secretary; Suzanne Crouch, the Auditor; Richard Mourdock, County Commissioner; and I'm Bettye Lou Jerrel and I would ask you to join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first action item is the approval of the minutes of the previous meeting, February 2nd.

Commissioner Mourdock: I'll move the approval of the Board of Commissioners' meeting of February 2, 1998.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Bob Dillow - Renewal of county insurance contract**

President Jerrel: Next on the agenda we have a presentation from Mr. Dillow and Mr. Hofmann. I don't know who is going to do what. Both of them?

Bob Dillow: My name is Bob Dillow. I'm a partner with Greg Hofmann of Torian, Hofmann & Dillow Insurance, Inc. and we are here today to make a presentation on the renewal proposal for the property and casualty coverages of Vanderburgh County running from February 1 of '98 to February 1 of '99. Commissioners, you have in front of you a packet that on your right side lists the proposal in detail from the Penco Insurance Company and on the right side a quick summary of the proposal from our agency. As you can see, the renewal is again with Penco Insurance Company. We would like to point out that the property limit is now \$69,036,940 based on the values listed directly below that. You'll notice that there are four items marked new. Extra expense coverage under your data processing is a new item at \$500,000. Transit coverage, which is contents coverage for any of your contents away from premises in transit, is added at \$1 million. Ordinance or law coverage, which would increase the cost of construction of rebuilding an existing building due to new ordinances or laws, is currently added at \$150,000 and we're trying to determine if that number, in fact, can be increased. Valuable papers coverage, which is the expense to duplicate the data on paper records, it has been added at \$1 million. Those items added up equal the \$69,036,940. Now a very big item, we believe, is the next one, the earthquake coverage which used to be at full limits of property values several years ago was substantially reduced during the earthquake scare. Each year that number has been gradually

increased. We're pleased to report that this renewal includes earthquake insurance now at full property limits. The professional loss control services from Penco, which were instituted last year at three visits, will now this year be increased to four visits, so we're now up to quarterly visits from the Penco loss rep. You can read that miscellaneous medical malpractice coverage has been extended to include the entities listed in that area. I would like to point out that workers' compensation is starting the second year of a two year policy, so the payrolls, etc., remain the same as reported a year ago. The total annual premium of \$524,788 is a savings of \$47,407 from our presentation last year. Recommendations. The entity insurance audit and inspection company is paid by the county to constantly review our work and make recommendations to us and you as to improvements to enhance the coverages of your insurance policies. We received their newest report November 20th and would just like to report that we are negotiating with the company on potential coverage enhancements and any enhancements as well as costs, if any, will be brought back to you at a future meeting and then the comments that are shown are just there for your reading at a future time. We're prepared, Greg and I are, to answer any of your questions.

President Jerrel: Are there any questions?

Commissioner Tuley: Not really a question. Well, I guess it is a question. On the workmen's comp that we're into the second year of a two year policy, so I guess this year then you'll be out looking at other providers to--

Bob Dillow: That is correct.

Commissioner Tuley: --see if we can...okay.

Bob Dillow: You purchased a year ago a two year policy payable in annual installments.

Commissioner Tuley: For two years? Okay. So then this year we'll begin...near the end of this year we'll start some kind of negotiating and see what we can come up with?

Bob Dillow: That's correct.

President Jerrel: That provider is Willis?

Bob Dillow: Penco.

President Jerrel: Penco.

Bob Dillow: Again, we have been negotiating. You may remember last year with improved coverages we reduced the county's insurance premium by \$14,171 within our first month of working on the program. With the full year to work we were able to reduce it the \$47,407 this year.

President Jerrel: So that means it will go down again next year. You'll have to beat that, is that it?

Commissioner Mourdock: I think each year I have been on this Board I have heard the insurance people report it's going down, so let's just get to zero and get it over with. Every year it's lower than the year before is what I hear.

Bob Dillow: We'll consider that a challenge that you want broader coverage and lower premiums next year again.

Commissioner Tuley: And when we wake up you'll tell us what really happened, right?

President Jerrel: I think it's appropriate that we do entertain a motion to extend this coverage from February 1st to February 1 of '99. Is there a motion to that effect?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. Anything else that you would like to...any other questions? No, thank you very much.

Bob Dillow: Thank you.

### **Phoenix Commerce Center - Contract suspension**

President Jerrel: The next item on the agenda is the Phoenix Commerce Center construction agreement.

Joe Harrison, Jr.: In front of you is an agreement signed by Hardaway Construction, the bidder or the successful contractor, I should say...the successful bidder in the contract on the Phoenix Commerce Center project. This document in effect suspends further work in connection with the Phoenix Commerce Center project and after April 1st of this year if the contract with Hardaway is not assigned to a potential purchaser of the Phoenix Commerce project, then the contract will terminate. This document sets that forth and releases the county and Zeigler from all further obligations with respect to the current contract. That contract was executed...or was entered into last year. It's 97-08-04, is the contract in question. Again, Zeigler has made arrangements with Hardaway to pay and has paid the amounts that were owing to date and Hardaway has then consented to releasing Zeigler and the county from future obligations should the contract not be assigned to another potential buyer before April 1st of this year. I would ask that a motion be made to execute this contract on behalf of the county.

President Jerrel: Are there any questions first?

Commissioner Tuley: No, but I'll so move.

Commissioner Mourdock: Second.

President Jerrel: I'll say so ordered.

### **Redevelopment Authority appointments**

President Jerrel: The next item on the agenda are the appointments for the Redevelopment Authority. Is there a motion to that effect?

Commissioner Tuley: Just a question real quick. Are these renewals instead of current members?

President Jerrel: The one change would be Bob Dillow.

Commissioner Tuley: Okay.

President Jerrel: Because the previous was the insurance agent and we've put the insurance person on there.

Commissioner Tuley: I'll so move.

Commissioner Mourdock: I will second. Just reading those into the record, that is to appoint John Stoll, Fred Kitch and Bob Dillow to the Vanderburgh County Redevelopment Authority.

President Jerrel: I'll say so ordered.

### **USI - Permission to use county roads for 15K run**

President Jerrel: The next item on the agenda is from USI and it is requesting permission to use the county road for 15K run.

Commissioner Mourdock: And as has been past practice they did include the insurance certificate that we're always concerned about, so with that in the package I will move that we work with them to establish the Gilles Run this year.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

### **Any group or individual wishing to address the Commission**

President Jerrel: Now, any individual or group that wants to appear before us.

Commissioner Mourdock: Sheriff Hamner being here for something and I know I would otherwise bring this up as new business, but since he is here we'll do it this way if it is alright with him. The Sheriff presented to me a request that the Commission approve which basically would work through the Department of Justice, but specifically the National Institute of Corrections, to have them review our overall criminal justice situation and, Sheriff, I'll ask you to make a few comments.

Ray Hamner: What this entails is a request that I had made at the latter part of last year asking them to come in and assist us in determining our jail status, the criminal justice system as we see it in the community, what can we do to alleviate some of the problems that are in the jail and get a second opinion as to, you know, what is transpiring here. They have agreed almost to coming in. They need a signature from myself and from one of the Commissioners in order for them to come in and do this. It entails about a four day visit from the people from the National Institute of Corrections and they have no agenda when they get here other than to interview the people in the criminal justice, the courts, all the people connected with the judicial system. They will go back with the data that they take with them and make a recommendation as to what their opinion may be as far as the conditions and what may be causing our problem here.

Commissioner Mourdock: I was just going to say it costs us nothing.

Ray Hamner: The cost is nothing. The county bears no cost whatsoever.

President Jerrel: Since you will likely want the signed copy, Tony, would you make a copy for the record so that we can have this.

Ray Hamner: You may want to have this as well. This is the document that we worked off of and will give you a lot more information.

President Jerrel: Is that an extra one or do you want us to make a copy of that.

Ray Hamner: I need a copy of this as well.

President Jerrel: Okay, so we have it.

Commissioner Mourdock: Just one other comment, as you know we've got the Jail Assessment Committee going on. This is something totally aside from this and as Ray said, he started it even before the end of last year, so this was ongoing.

President Jerrel: Right.

Commissioner Mourdock: I'll move approval of the signature for the request to the National Institute of Corrections to evaluate our local system.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Ray Hamner: Thank you.

President Jerrel: Okay, is there anyone else that is here? We have students in the audience. USI?

**John Stoll - County Engineer**

President Jerrel: The next item represents our department heads, and first is the County Engineer.

John Stoll: I've got a street acceptance request for Eagle Crossing Subdivision, Section 2. This is for 180 linear feet of Birdie Circle. This street was constructed according to the plans and it is recommended that the street be accepted.

President Jerrel: Is there a motion to that effect?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

John Stoll: That's all I have unless you've got some questions.

Commissioner Mourdock: I have a question or two. Number one, Lynch Road, what is the latest, John?

John Stoll: I spoke with Ron Miller of E & B Paving and he told me that he estimated that they would get the project completed in late April as long as the weather cooperates.

President Jerrel: I though April 1 was the deadline of the contract.

John Stoll: The contract has 51 work days left in it, so by INDOT's standard...I mean, INDOT's contract that would actually take the completion out into June.

President Jerrel: You mean...what is it that they have to do that takes that much time?

John Stoll: They bid it on a work day basis and just by virtue of the fact that rain days don't count against the total in the contract that's how they still have that many of the work days left, but he estimated that they would get done in late April.

President Jerrel: I guess I don't...if there is not very much work to do I just don't see what they gain by delaying.

John Stoll: He didn't think they could really start until the middle of March. He did tell me that they would put together a better estimate and schedule the work that they would be doing out there and they would get that to me soon, so once I get that I'll forward it to you.

Commissioner Mourdock: You and I have talked in the past briefly, John, is there any way in the future even where there are projects or maybe especially when there are projects like this with state money involved that we can have some incentives to get these projects done in a more timely fashion?

John Stoll: We could talk to the state and see whether or not they would be cooperative in putting some sort of incentive clause in the contract, but since I have been with the county I am not familiar of any contract that they've done that on. I've heard of elsewhere in the state they have done that, but I'm not sure how they did it.

Commissioner Mourdock: I know of a few where they've done it and basically required people to work two shifts and those kind of things to get projects done. It doesn't necessarily cost more. In fact, it usually ends up costing less and you get your road built faster. Ongoing concern that we get that thing done.

Commissioner Tuley: John, there is no segment of that that is done though, right?

John Stoll: No.

Commissioner Mourdock: Changing subjects, then, one other inquiry for you and I have a letter that I would ask this Commission to approve that you've both seen basically just asking that henceforth with our consultant, and we have a consultant working with the County Engineering Department now, but any consultant that we have I think we need to do maybe a better job as far as dictating what it is that they're doing, how they are doing it and keeping some gauge as to the progress they're making. So, John, I've got a letter I'll give to you just giving you a little bit of direction as far as how we might handle those billings in the future. Secondly, along with that you don't need to do it at this moment, but would you give me a call in the next couple of days and give me an estimate as to how many hours you think you would need our consultant, the one you're presently using, for this coming year so that we can plan for that?

John Stoll: Yeah, I'll try to come up with an estimate.

Commissioner Mourdock: Yeah, and I understand it's an estimate, but it is something that we need to get a good track on and make sure you're still satisfied with the level of performance that you are getting and if you're not speak up.

John Stoll: Okay.

Commissioner Mourdock: I would ask for a motion to approve this letter.

President Jerrel: Well, do you want to make the motion?

Commissioner Mourdock: Yeah, I'll move that we approve the letter dated February 9th regarding policies on the recording of work done by consultants through the County Engineer's Office.

Commissioner Tuley: One real quick question.

Commissioner Mourdock: Sure.

Commissioner Tuley: Now that's for...is he doing work for anybody other than John?

Commissioner Mourdock: Not at this point. Originally it was with the auditorium, of course, but since that has turned over to the Building Authority he is not looking at that at this point.

Commissioner Tuley: I just wanted to make it easier on John that John is only signing off on hours that John knows about or signs.

Commissioner Mourdock: Right, and what I would assume, and let's use the Garage for an example. If there was some need for him to do something there that a similar thing would go to Milton and Milton would sign off on it.

Commissioner Tuley: That's fine. I'll second.

President Jerrel: And I'll say so ordered.

### **County Garage**

President Jerrel: There isn't anyone here from the Garage, but I did have the opportunity this afternoon to meet with the Infrastructure Committee and it was kind of interesting. I learned a lot and I can see why you...it was a good idea that you organized it. Today we talked about the issue of what's going to happen with roads that are new roads to be paved or existing roads and cuts by SIGECO or the Sewer and Water and I asked them to be sure that we had something by March 2nd since we're going to be--

Commissioner Tuley: Doing the road hearing?

President Jerrel: Yeah, we're going to do our road hearing March 2nd. The one issue, they have a map that is circulating and it has, and this is just information for you, everything we have, the city has and I mean, it was very interesting. The map is now at SIGECO, but they've done some downsizing so that person is no longer there, so we're waiting to find out who is going to take that responsibility.

Commissioner Mourdock: I have been told that person's name. I don't recall what it is off the top of my head.

President Jerrel: Would the name Sears be the person?

Commissioner Mourdock: Yeah.

President Jerrel: Robbie Sears.

John Stoll: Robbie Sears is the person I have been working with right now.

President Jerrel: Yeah, they didn't say for sure that's who it was going to be--

Commissioner Mourdock: That is who it is.

President Jerrel: --but he was not here, but Bob Gulick has the map.

Commissioner Mourdock: Oh.

President Jerrel: Yes.

Commissioner Tuley: Bob is no longer there.

President Jerrel: Yes. I mean, Bill is going to find the map. Bill Higgins. That's his job tomorrow.

Commissioner Mourdock: Bill would be a good one to do that.

President Jerrel: Yeah, but anyway, but we do have the Garage report, so we need a motion to accept the report.

Commissioner Mourdock: I'll move acceptance of the Highway Garage report for the week of January 30th through February 5th.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: I was going to ask John if he wanted to inform the Commissioners on the Oak Hill Road Barrett Law project. Last week Mr. Schwenker was here and we didn't know if he would, in fact...or if we would, in fact, be in a position to do the preliminary resolution and we are not. It may be a while. I just wanted John to update the Commissioners on where that project is.

John Stoll: There are still some issues regarding the easements on whether or not the people are willing to sign off on all the easements needed to make the project happen the way it was originally drawn up, so if they can't get those easements locked in then they'll have to modify their project. As it stands now, there are portions of the project they wouldn't be able to build on the basis of the way it is drawn right now and also I've just

started going through the cost estimates and I want to get with a couple of contractors to ask them if the estimates that we've got would be realistic, so hopefully within...by the time the next Commissioners' meeting rolls around at least the cost issues will be resolved, but as far as the easement issue that is somewhat in the hands of Schwenker and Andy Easley.

Joe Harrison, Jr.: One of the questions they had, just for your information, had to do with whether the county could pursue eminent domain proceedings for them and I didn't think so, but I did the research and the answer is no. They said, what if we put up some money and factor that in, and the answer is still no. So, as John said, if they can't obtain the certain easements that they need they are going to have to scale the project back somewhat and that is what they're going to have to look at, but that in turn will change the cost estimates. Before the Commissioners can consider a legitimate preliminary resolution everything has got to be order and John has to submit an engineer's cost estimate as to what he believes the total cost of the project will be and he is just not in the position right now to do that because that is a crucial part of the preliminary resolution and then the subsequent hearing, so he has got to have the right information to make that assumption.

John Stoll: Since we typically have them bid out sanitary sewer projects I don't have a bunch of data that I can refer to, so that is why I need to get with some contractors to find out what kind of costs they would be looking at to put this in the ground.

Joe Harrison, Jr.: That's all I've got.

### **Superintendent of County Buildings**

President Jerrel: Tony.

Tony Greubel: Something out of the routine last week, I had lunch with Ken Robinson, the Economic Director of Vision 2000. We just discussed economic development in general in the county just to get some feel for what is going on.

President Jerrel: Thank you.

### **Steve Craig - Burdette Park**

President Jerrel: Burdette Park.

Steve Craig: Good evening. One of the things, I guess, we need to bring up is if we were going to transfer any money for the advertising and how much to transfer and where we're going to get it.

President Jerrel: Just for your information, Steve and I had a long meeting today about just lots of things, lots of issues. Some people have left Burdette that had certain talents and we're trying to tap into the School Corporation to find, you know, students in small motor classes and some specifics. We also worked on some advertising ideas and during budget time last year there was somewhat of a discussion, and I wasn't there, but apparently the one group of Councilmen wanted more money given and one wanted less money and the end result was they didn't give any money. Steve and I looked at one area where there are some funds that could be transferred and it won't affect the park because there is another employee and Steve who can oversee the pool maintenance

and that was an \$8,600--

Commissioner Tuley: Austill?

President Jerrel: Yeah.

Steve Craig: Yeah, Dave Austill.

President Jerrel: We were going to transfer...ask for permission to transfer that into the advertising account, but we need your permission.

Commissioner Tuley: What was going to be the total amount allocated?

President Jerrel: Just the \$8,600.

Commissioner Tuley: Oh, \$8,600?

President Jerrel: We're going to start there, uh-huh.

Steve Craig: Yeah, that was Dave's wage for a year.

Commissioner Mourdock: It's my recollection, since I was at the meeting, I think the original thought was 15?

President Jerrel: Ten.

Commissioner Mourdock: Ten. Okay, so we're at \$8,600 instead of 10?

President Jerrel: Uh-huh. So we do need a motion.

Commissioner Mourdock: I'll move approval of the transfer of the \$8,600 from the employee account to the advertising account.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Steve Craig: And we got rejected on both of our requests from the Evansville Convention & Visitors Bureau. We had requested money to fiberglass the swimming pools and another request to paint the office because it was in dire need, but we got rejected on both of them.

President Jerrel: We're doing some research and all three of us were on the committee to select Aztar.

Commissioner Tuley: Yeah.

Commissioner Mourdock: Yeah. I never thought about that. I guess that is right.

President Jerrel: Yeah, we were, all three of us. The County Auditor is doing some research for us, but was that funding...it says in the printed documents for Burdette Park, it doesn't specify anything. Do you remember anything?

Commissioner Tuley: I could be mistaken, but I thought the request was at that time there was talk of that multipurpose building and I thought it was for preliminary design work or something like that, but I thought it was tied. I don't think Aztar is going to come back and say if you spend it on anything else we're going to take it back, but I think it was predominately for or at least the discussion was for the multipurpose--

President Jerrel: See it just says--

Commissioner Tuley: Yeah.

President Jerrel: I can't find anything. I've gone through every scrap of paper and I am going to go see if Leslie has got anything, but it just says for Burdette Park.

Commissioner Tuley: Yeah, talk to Leslie or the Mayor because I think the Mayor may have been involved in that negotiation.

Commissioner Mourdock: May have, huh?

President Jerrel: Well, at any rate we were just talking about if we had the balance that we could perhaps go ahead and do the fiberglass lining of the large pool this summer.

Commissioner Mourdock: How much of a budget item is that, Steve? The lining of the pool, that is pretty expensive.

Steve Craig: To do both of them it was \$260,000, but I think one of them is \$125,000 and one of them is \$132,000.

President Jerrel: We thought we would do the larger surface area one. Anyway, there is nothing to vote on.

Commissioner Mourdock: Right.

President Jerrel: We've got to find out--

Commissioner Tuley: Yeah, find out if it was dedicated specifically. Again, I'm like you, I know anything I've seen in writing from them just says for Burdette Park, but I think it was presented under the idea that it would be dedicated should that ever happen. However, if we never build the darn thing I don't think they expect us to just let it sit there forever.

President Jerrel: Well, I'll look some more by the next meeting and Steve is going to. We do have the half million that is committed to that project.

Commissioner Tuley: Right.

President Jerrel: At least it is--

Commissioner Tuley: That's set aside.

President Jerrel: It's set aside, but if, you know, and we can talk about it, but it would be an opportunity to get that new fiber lining and get that going in time for this season.

Commissioner Mourdock: How much lead time do you need on that, Steve?

Steve Craig: They can start the second week into March and still get one of them done by then. They was going to do both of them from the beginning of March until we open, they could have got both of them done. Simms Painting was the lowest estimate that I got.

Commissioner Tuley: You would still have to bid it anyway, I think.

President Jerrel: We would have to bid it, though, yeah.

Steve Craig: Yeah, we would have to put a bid out.

Commissioner Tuley: Back on the advertising for a second. Steve, can you, before next week or whatever, come back and give us a history on the advertising because it seems like we've always dedicated a lot more money to advertising. I realize this \$8,600 is a start, but I would like to know what the history has been for the last, I don't know, five, six or seven years of what we've spent or set aside for advertising and I know it won't be dollar for dollar correlated, but I would like to see also the revenues in those corresponding years. I realize bad weather and things like that will come into effect. I'm not opposed to spending minimal amounts on advertising if we're not getting our bang for the buck, so to speak, but I don't know off the top of my what that history is.

Steve Craig: I can't give you exact figures either.

President Jerrel: We were looking at things that, you know, the poll for instance indicated that 99 or something percent know Burdette is there, so we need to do advertising that targets those things that we need to get people in to. We went over...the rentals are fine. That Day Camp can't take any more kids.

Commissioner Tuley: Can't take any more.

President Jerrel: So the only thing is the pool and with as many television stations as there are now unless you put a sizable concentration, which they've never had,--

Steve Craig: Not on one. They've spread them out pretty thin.

President Jerrel: You can invest a huge amount of money. Now the city spends a little over \$5,000 for all of their facilities and they do it primarily on an insert, you know. So, anyway, I asked him to do the same thing you did.

Commissioner Tuley: I'm not advocating anything one way or the other, I'm just saying let's just look at the history of it and maybe in the past we've spent more than that and maybe numbers will show it doesn't matter and we don't need to spend the money.

Commissioner Mourdock: Let me throw one other wrinkle in there, too, because with the fact that the Day Camp is over subscribed or could be.

President Jerrel: Yeah.

Steve Craig: Fills up every time.

Commissioner Mourdock: Yeah. Is that something that is a revenue generator for the

park?

Steve Craig: It makes good money.

President Jerrel: Yeah.

Commissioner Tuley: It's self sufficient.

Commissioner Mourdock: Okay, and if it is would we do better to shift some money around to have more people available to run that specific program if it meant we would have more people coming in the door and thus generate more revenue to do other things? That's a big complex sentence. That's a big complex question.

Steve Craig: Yeah, but I understand. Yes, if we had--

Commissioner Mourdock: Do we have the facilities?

Steve Craig: --the multipurpose building and what it should truly be. If it should be a...disregard the skating rink. We have need at Burdette for a larger building. First of all, our largest building only holds 200 people and there are not many wedding receptions that are 200 people. We turned away 77. We kept track last year of people wanting a larger building for a facility and that is without advertising. Our Day Camp, when we talked about multipurpose building, it doesn't have to be a skating rink, but if we had a larger building that holds 500 people, then the Day Camp could be put in there because right now we house it in three different buildings and it is very inconvenient and not very safe. The insurance company has approached us about running the kids all through the park. We had talked about building a building maybe that holds 500 people and then the Day Camp could expand to as large as they want to because it's an excellent program, it's in the country, you know, it's not like in town. The rest of the year we could rent the building which, you know, our rentals are on a high right now. We could use it for proms, you know, wedding receptions.

President Jerrel: What is the time span of the Day Camp.

Steve Craig: The Day Camp is 12 weeks.

President Jerrel: I think that has to be factored in.

Commissioner Mourdock: Sure. Right now without having that building out there you are doing the Day Camp in three buildings.

Steve Craig: Right.

Commissioner Mourdock: Is it physically possible to have more kids out there doing it in four buildings, five buildings? I mean, if that isn't possible the rest of my question doesn't matter. Are we limited by facility or are we limited by people running the program?

Steve Craig: Yeah, we use the three largest buildings.

President Jerrel: But you would have to have more people, obviously.

Commissioner Mourdock: Right, but if you don't have more buildings--

Commissioner Tuley: If you don't have the facility, then it doesn't matter. It's all moot.

Steve Craig: Right, the facilities are what are full. The Bishea Building is full every day. The...18 is full every day. Lakeside is full every day and we don't have no place, you know, because of the elements we have to have a place to put them every day, you know, inside if they need to be in there. We just don't have the space inside. You know, the park is big enough to accommodate--

Commissioner Tuley: The next building that is available is not large enough to really help you? The fourth building.

Steve Craig: Right, well, they use one of them now for the arts building. You know, they go over there and do their art things in another building.

President Jerrel: I think the question is, too, you know, we have to decide if we're happy with what we are doing or do we want to make it bigger?

Commissioner Tuley: True.

President Jerrel: So, I mean, that is another issue.

Steve Craig: The thing about it is, it's like hard, you know, when you have little kids that are wanting to go to your camp and you start turning them away and it gets to be 20 and 30 and 40 kids you turn away per session, you know, people know that it fills up early and that, you know. Is there a need for these kids to be doing something productive in the summer? You know, some parts in the park may not need to expand. They may need to be brought in a little bit, but I think the day camp, just the merit of it alone, you know, having a facility for our kids in the summer like that, I think, has some merit to look at expanding it somewhat. We have to separate that from the rink thing because, you know, that's a different issue. That is what it was all going to be lumped into one thing, you know, and that is how it keeps getting bogged down. There might be a need for part of it and the other part there might not be the need.

President Jerrel: We do have another issue that we asked Steve to look into. You want to just explain on the buildings, the rentals?

Steve Craig: The rentals?

President Jerrel: You know the letter.

Commissioner Tuley: The Board member's feelings on reducing rentals.

President Jerrel: I don't know if you brought that with you.

Steve Craig: No.

President Jerrel: I think Joyce sent that.

Steve Craig: Oh, yeah. Well, I knew about it. I didn't bring a copy of it. Yeah, they...she never did get hold of Michael, but, you know, our opinion is that we shouldn't give it to anybody either. Just, you know, because it could have a snowballing effect, but second of all we're not making any money yet.

President Jerrel: The issue is we get requests for free rental from not-for-profit agencies and, you know, we don't really have any criteria to use, so we asked the Advisory Board to do this recommendation for us and as Steve pointed out numerous churches have already rented and paid for theirs so we don't have a treatment that is fair because many, in fact, most of them pay for it. Then we get the ones that request that the fee be waived, so we just asked him to take a look at what the Advisory Board thought and asked them to call and they made a recommendation, so that is what you have before you.

Commissioner Mourdock: I'll move then as a policy issue that we adopt the recommendation of the Burdette Park Advisory Board to discontinue the free...um...

Commissioner Tuley: The free or discounted, yeah.

Commissioner Mourdock: The free or discounted rental agreements for buildings at the park.

Commissioner Tuley: That's why we've got them out there. I'll second.

President Jerrel: And I'll say so ordered.

Commissioner Mourdock: Yeah, when they make a--

Commissioner Tuley: I'm hard pressed--

Commissioner Mourdock: --recommendation it's hard to, yeah, ignore it.

President Jerrel: Do you...we do need to accept Burdette's listing of their activities this week.

Commissioner Mourdock: I'll move acceptance of the Burdette work report.

Commissioner Tuley: Second.

President Jerrel: Is there anything else, Steve, that you would like?

Steve Craig: No, I think we got it all and a couple extra.

Commissioner Tuley: There is a letter in there from Joyce, too.

President Jerrel: Yeah, let's--

Commissioner Tuley: Is that something--

President Jerrel: Yeah, that's part of our acceptance. Oh, you're talking about--

Commissioner Tuley: Some of the equipment.

President Jerrel: Yes, this is part of the inventory and I'll need this back, Charlene, in my part. We...do you have a copy? We have now an inventory of everything everybody has.

Commissioner Tuley: Okay, that was going to be my question. Since they didn't go to

Burdette we do know where they did go?

President Jerrel: Oh, yeah, right. We've got...everybody had to sign a piece of paper when they walked out the door, so we know where every single thing is that was in that auditorium. Frankly, it is...most of it is with the Building Authority.

Commissioner Tuley: Okay.

President Jerrel: And what they don't have the Coliseum is storing. Burdette has the items that are not marked off.

Steve Craig: Right.

President Jerrel: SWIRCA took some of the risers and they've sent a letter acknowledging what they have. I think that's it.

Steve Craig: One thing I was going to ask, if the County Garage wants something that we have--

President Jerrel: Oh, yeah, and the County Garage.

Commissioner Tuley: I was going to say, there are things out there that the Garage may need.

Steve Craig: What would be the procedure of us giving it to them?

President Jerrel: Well, you mean some of that?

Steve Craig: That stuff not--

President Jerrel: Well, if they wanted it I think you just write a letter so that...I would change it from your list to the Garage's list because the Garage got a large saw and, you know, they didn't take very many things, so if you want to move something to them--

Steve Craig: There is some stuff that they had asked about and I told them, you know, that we would write it down.

President Jerrel: Yeah, I think that you guys just work that out so long as we've got an accurate inventory.

Steve Craig: Okay.

Commissioner Mourdock: Going back to the prior issue for a second, I think, Tony, if we get a request for free use of some of the facilities at the park or if you get them out there, Steve, in the letter that we send out to those people we need to either attach a copy of what we received or at least make reference that we are quoting the Advisory Board.

Commissioner Tuley: Good idea.

President Jerrel: Thank you very much.

Steve Craig: Thank you.

### Consent items

President Jerrel: The next items represent the consent items. If there are any particular questions? The claims journal is here for you to see. We have a report from the Treasurer, the Auditor. We have two travel requests from the Assessor, one from the County Treasurer and one from Weights and Measures.

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Scheduled meetings

President Jerrel: You do have a list of the next scheduled meetings. Remember, we've got no meeting next week and the following week we do have--

Commissioner Tuley: Azteca and rezonings.

President Jerrel: --rezonings, Azteca and drainage, so I don't know if the drainage...Bill hasn't let me know if he moved it up or back. He is going to let us know. There were not a lot though.

Commissioner Tuley: Okay.

President Jerrel: There is not a lot of meeting.

Commissioner Tuley: It only takes one of those, though, to get a good crowd.

Commissioner Mourdock: It's going to be long night.

President Jerrel: Well, it may be a long night, but at any rate we don't have a meeting next week. I know that is upsetting to the members of the press and the media here.

### Old business

President Jerrel: Is there any old business to come before the Board?

Commissioner Mourdock: One bit of old business that I have is our board over there. At least as far as my own perspective here as a voice of one, I would like to see us put a couple of dates and more clearly define a couple of those items that are up there for this coming year. We have kind of carried over from last year. Some of them, logically, that makes sense, but I think we need to expand or be more specific on some. One of them that strikes me right away is the auditorium. Even though the construction side of that is sort of off the chart as far as we're concerned, we still have a number of tasks ahead of us that I think we need to do in the next six weeks and that would include deciding how we want to manage the facility for the long term. Do we again go with private management or try to do something different? How we coordinate the book for all the scheduling of events over there? What the rental rates are so the Visitors & Convention Bureau knows those and last, but not least, how we name the facility? I think

we need to set a goal for ourselves and get that done in the next six weeks.

President Jerrel: I think in that same discussion we have had some indication that the Visitors & Convention Bureau would be willing to maintain the book in the meantime. I asked Tony today to contact Ameritech about...or VanAusdall about a message on the auditorium phone telling people when they dial the number that, you know, the message that we are under construction and if they are interested in a future date to make a contact and we gathered up all the information that we'll be able to look at regarding potential revenue for each part of it because it's going to be a different facility. The Visitors & Convention Bureau is working on a brochure with the new rooms that will be available to promote it.

Commissioner Mourdock: But will they be able to issue anything until they know what the rental rates are, what the formal name is?

President Jerrel: Well, you know the materials you gave me from the history of that?

Commissioner Mourdock: Right.

President Jerrel: I asked them to take all of that and make some recommendations to us that included a review of rental rates all over this area for comparable facilities and that is what they are working on right now.

Commissioner Mourdock: Okay.

President Jerrel: While it is our decision at this point--

Commissioner Tuley: We're waiting on feedback from them?

President Jerrel: Yeah, I think they're in a much better position to give us some guidelines.

Commissioner Tuley: When I was over there last month they were pushing, though, for a name and rates.

President Jerrel: Yeah, so I told them we would get on it and they do have all of that and we're trying to coordinate it, but I thought it was necessary that we need a message on that line over there.

Commissioner Tuley: Is there any way...are they part of the Simplex System, do you know, Tony, the Convention & Visitors?

President Jerrel: No.

Tony Greubel: The Centrex System?

Commissioner Tuley: Centrex, I mean.

Tony Greubel: No.

Commissioner Tuley: Okay, never mind. It would be really nice if we could just punch one and it would automatically forward their call over to them.

President Jerrel: I think we should use their number. Did you call today?

Tony Greubel: I haven't got hold of Dave yet.

President Jerrel: Okay, I asked Tony to get an okay to use their phone number so that they can have the book and they do have a copy of...we were kind of working on a design for a calendar book similar to the one they have.

Commissioner Mourdock: Could we use March 16th as a get all these things done date?

President Jerrel: Sure. Okay, who is going to do what?

Commissioner Mourdock: As far as the rates, are they presenting us with a set of proposed rates? Is that what I heard you say before?

Commissioner Tuley: Your dates, are they pertaining to the discussion we just had on the auditorium or all of that stuff?

President Jerrel: All of those things?

Commissioner Mourdock: Specific to the auditorium.

President Jerrel: We'll know that...I mean, we have to talk to David Dunn.

Commissioner Mourdock: Okay.

President Jerrel: If the 16th is alright and they feel comfortable doing that--

Commissioner Tuley: We should be able to come up with the name.

Commissioner Mourdock: Yeah, I would just like to have that whole situation of the auditorium out of here.

Commissioner Tuley: Resolved.

President Jerrel: They do want to get some printed material and they are ready to go with that.

Commissioner Tuley: They're...as you all know and we're already being hit up a lot and they can't tell.

Commissioner Mourdock: That was the only thing I had in mind referencing the board up there. As far those other issues, one other one that we have that is old business, but that I know this job description for the Ozone Officer and potential advertisement for that which Tony sent out.

President Jerrel: Well, it has gone to Joe now.

Commissioner Mourdock: Okay.

President Jerrel: Because it has to be legalized.

Commissioner Mourdock: Okay, once Joe gets the ADA, FMLA, AM and FM and

whatever else needs to be on there--

President Jerrel: Yeah, and we're going to advertise. In the...was that ad satisfactory?

Commissioner Mourdock: It was to me.

President Jerrel: It's a Health Department...it's within the Health Department, but we asked the resumés be sent to us so we can look at them and set up an interview schedule.

Commissioner Mourdock: Is it appropriate now where we are in the process to go ahead and make a motion to run the ad though?

Joe Harrison, Jr.: Yeah.

Commissioner Mourdock: I move that we go ahead and advertise the position of Ozone Enforcement Officer as approved by the Job Study Committee.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**New business**

President Jerrel: Is there any new business or any other items that we want to get? Did we finalize the letter that we were sending out to the Bells?

Commissioner Tuley: It went out, apparently, today. John had some things that he was concerned about, I guess. He talked to me and I think he talked to you and I think he talked to Richard.

Commissioner Mourdock: John is still in the audience very intently reading an article or something right now.

President Jerrel: He doesn't even hear us.

Commissioner Mourdock: Hello, John Stoll. Yes? Did the letter to Mr. Bell go out?

John Stoll: Yes.

Commissioner Mourdock: Okay, yes, it did.

President Jerrel: We did have one interested economic development option and I did send a letter and I put that in your file so you could take a look at those. Well, we'll get a report from United on the others. That's really their...

Commissioner Mourdock: With our road hearing certainly we'll get the schedule--

Commissioner Tuley: That is the 2nd.

President Jerrel: March 2nd.

Commissioner Mourdock: I have no other old or new business.

President Jerrel: Okay, I'll entertain a motion to adjourn.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:32 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Bob Dillow  
Ray Hamner  
John Stoll  
Steve Craig  
Members of the media  
Others unidentified

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
February 23, 1998**

The Vanderburgh County Board of Commissioners met in session this 23rd day of February in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m. with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I would like to call the Vanderburgh County Commissioners' meeting to order. The first item on the agenda is the introduction of our staff and the Commissioners. On my right is Tony Greubel, who is the Administrative Assistant; Joe Harrison, Jr., County Attorney; Pat Tuley, County Commissioner; on my far left, Charlene Timmons, our Recording Secretary; next to her is Suzanne Crouch, County Auditor; and Richard Mourdock, County Commissioners; and my name is Bettye Lou Jerrel and I am a County Commissioner. I would like to ask you to join me now in the Pledge of Allegiance.

**Certification of Executive Session**

President Jerrel: We have some business and we will go through it very quickly. I would like to ask for approval of the minutes of our previous meeting.

Commissioner Mourdock: I'd move approval of the minutes for the Executive Session that was held tonight for the Vanderburgh County Commission regarding the security systems.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Approval of minutes**

President Jerrel: The next item is the approval of our regular minutes.

Commissioner Mourdock: I'll move approval of the minutes submitted for the meeting of February 9, 1998 and also we have in our packet for February 2, 1998. Did we not do those previously?

Suzanne Crouch: Those are Drainage Board.

President Jerrel: That's Drainage.

Commissioner Mourdock: Ah, you're right, you're right. I know why they are there now.

President Jerrel: Is there a second?

Commissioner Tuley: Second to the February 9th meeting, yes.

President Jerrel: I'll say so ordered. As I started to explain, we're going to go very quickly through some business so that we can get to the purpose of the meeting this evening and that is the discussion about an Azteca plan.

**Open bids - VC98-02 and VC97-18-A**

President Jerrel: So, the first item on our agenda is Lynn Ellis.

Lynn Ellis: I would like to ask permission to open bids this evening for bid number VC98-02. That's the air conditioning at the Old Courthouse, second floor<sup>1</sup>. Also, to open bids for bid number VC97-18-A. That would be the server for the Assessor and eight Townships.

President Jerrel: Is there a motion approving the opening of bids?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Letting of bids - APA014-98, traffic paint**

Lynn Ellis: The next item would be to approve the bidding of bid number APA014-98 for traffic paint. The bids will be opened at the Board of Public Works' meeting on March 19, 1998.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Advertising of bids - APA044-98, computer equipment**

Lynn Ellis: To approve advertising for bids and letting of bids for APA044-98. That would be for computer equipment, advertising for bids on February 26th and March 5th. The bids to be opened at the Commissioners' meeting March 16, 1998.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Advertising of bids - APA015-98, traffic signs**

Lynn Ellis: The next to the last item, because I need to add one item to your list this evening, would be to authorize the advertising and letting of bids for bid number APA015-98 for traffic signs. Bids to be opened at the Board of Public Works' meeting February 19, 1998, to be advertised February 26 and March 5, 1998.

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<sup>1</sup>Per conversation 2/26/98 with Lynn Ellis, City/County Purchasing, this should have been first floor.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Bid extension - Bid APA044-97, computer equipment**

Lynn Ellis: The other item is backing up to the computer bids, we have the vendor that currently has the city and county's computer bid has agreed to extend their contract until such time as we can get new bids in place. They have, in fact, lowered their prices to be more in line with current market. That was a problem we were having toward the end of the year. They were so much more expensive than market value, so they have submitted subsequent pricing and I would ask your permission to allow us to...provided the Data Board approves this on Wednesday, so this would be subsequent to the Data Board approval, that we authorize this bid to continue until the new bid is awarded.

Commissioner Mourdock: So I understand that, Lynn, is the bid that you mentioned before, APA044-98, is that then tied to what the current vendor does?

Lynn Ellis: Well, 044-97 was a bid that was in place and I am asking that the bid be continued. There has been confusion with wether we even had to bid this and it has been determined now that we do have to bid it and we cannot purchase off the federal contract. Because of that, then, I am asking that we be allowed to continue purchasing off that contract with reduced prices until such time as a new bid can be awarded which would be the end of March.

Commissioner Mourdock: Okay, and the old bid was APA044-97?

Lynn Ellis: Yes, sir.

Commissioner Mourdock: I'll move the continuation of that bid until the new bid can be processed and received.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Lynn Ellis: Thank you.

### **Local Welfare to Work Council - Approval of grant application**

President Jerrel: The next item on the agenda is the Local Welfare to Work Planning Council seeking a grant approval and that's in our file, Tony, is that correct?

Tony Greubel: It was on your stations when you came in.

President Jerrel: Okay. They wish to seek approval from County Commission to apply for a \$50,000 grant from the State of Indiana for a planning proposal to justify a local demonstration project.

Commissioner Mourdock: Is there anyone here to speak on that one? I don't think so.

President Jerrel: No, she isn't here.

Commissioner Mourdock: Okay, I'll move that we go ahead and file for that grant application or complete it and the resolution is in the back of packet here which I won't read into the record, but I'll move that we file for the grant to allow the demonstration project and further study of areas for needed assessments regarding the Local Welfare to Work issue.

Commissioner Tuley: I'll second.

President Jerrel: So ordered.

**Area Plan Commission - Permission to advertise ordinance amendments**

President Jerrel: The next item on the agenda is permission to advertise and in your folders you have an ordinance to amend Chapter 154 and ordinance to amend Chapter 151.12 and 151.27 and there would be first readings March 9 and March 16, but we need a motion.

Commissioner Mourdock: Okay, was that previously sent to us from the Area Plan Commission?

President Jerrel: Yes.

Commissioner Mourdock: Okay, I'll move approval of the permission to advertise the ordinances as stated.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Southwestern Indiana Mental Health agreement for EAP Services**

President Jerrel: The next item on the agenda is the Southwest Indiana Mental Health agreement. This is the same agreement that we have had in the past with a report of the utilization attached to it, so it would be a renewal.

Commissioner Mourdock: I'll move approval of the Employee Assistance Program for the Southwest Indiana Mental Health Center as submitted in the packet.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Authorization of advertising for Ozone Officer**

President Jerrel: Approval of the job description for the Ozone Officer.

Commissioner Tuley: Just a question.

President Jerrel: Okay.

Commissioner Tuley: Is it really a job description or an ad for filling the position?

President Jerrel: Filling the position.

Commissioner Mourdock: That's correct, yeah. The job description was approved by the Personnel Study Committee previously.

President Jerrel: And that was several pages long.

Commissioner Tuley: That was going to be my question. Okay. I would be willing to move approval of the advertisement.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Charlene Timmons: Could I ask a question on that?

President Jerrel: Yes.

Charlene Timmons: Will you guys...will Tony be advertising that or do you want me to?

Commissioner Mourdock: Or one other choice, would the Health Department advertise it since formally that person would work through their office?

Suzanne Crouch: Where are they coming back to, what office?

President Jerrel: The resumés are to come to the Commissioners Office.

Commissioner Mourdock: In that case we probably ought to do it.

Charlene Timmons: How many times do you want it placed and where?

President Jerrel: You call it.

Commissioner Mourdock: I would suggest we run twice, probably on Sundays, in Evansville and Indianapolis.

Commissioner Tuley: It's pretty good coverage.

Commissioner Mourdock: I think it's pretty decent coverage, yeah. I'll make that as part of the motion.

Commissioner Tuley: I'll second.

President Jerrel: So ordered.

**Azteca - Present plan to eliminate odor**

President Jerrel: Thank you very much. We are now to Azteca. We appreciate you waiting through the business end of that. Just to refresh everybody's memory, we were

here not long ago and we had a lot of information provided by several of you in the audience and the Commission listened. We heard some from Mr. DeLucio. Mr. Mourdock made a motion and I think just to paraphrase what he said, he wanted us to have something...well, I don't need to talk for you, you talk. You're the one that suggested it.

Commissioner Mourdock: I don't know what you handed me here. I mean, I recognize it as the minutes from our meeting, but I don't know what particular part. What I said at the time was that I felt it would be appropriate by this evening to receive some form of written formalized plan from the folks at Azteca as to how they are defining the odor problem and what steps they were going to put in place to deal with that and along with it to give us a good time line and a schedule by which we can both see what the plan is and mark their progress. I don't know that I said it in those same words, but that was the intention.

President Jerrel: And we'll take...I think if there are questions after it is presented that we would want to have those answered. Mr. DeLucio.

Frank Herrera: Commissioner Jerrel.

President Jerrel: Do you want...for the record give your name and title so we'll know?

Frank Herrera: Yes, ma'am I will. My name is Frank Herrera. I'm the Chief Financial Officer of Azteca Milling Limited Partnership. We have the plant out here in Evansville. We've been here...well, we started operating in April or May in 1996. We've been here since then. I was not here at the last meeting, but I do know what transpired. We're here before you to bring you up-to-date on what has transpired since that meeting and hopefully to answer the questions that you posed at that meeting. Just for a little background, last October or November we hired a consultant to come in and review what was the concern of the citizens of the area. That consultant took some time to review not only our processes but the whole situation and came up with two recommendations. One was to make the anaerobic lagoon totally aerobic...right? The other recommendation was that we cover the anaerobic lagoon. He did not recommend one over the other, but asked us to evaluate both of them. We then proceeded to do so and we finished that. We took it before our Board of Directors along with the proposed investment cost of each of the items which he proposed. Our Board met and approved the investment needed to cover the anaerobic lagoon which is what we are going to be doing. Now we have submitted to you the proposal, the information, along with a time frame of when that will be done. We have basically looked at various companies that specialize in covering lagoons. The one that we are in all probability going to issue the contract to is a company called Environmental Containment Systems. They have...they are one of the...from what we've been able to discover, one of the best in the industry. They are quite...they have a very good reputation for doing this kind of work and we will be looking at issuing a purchase order to this company next week. There are still some few details that are still being looked at, still trying to be worked out, but we anticipate that we will have these things ironed out shortly and that we will be able to issue the purchase order for the work to start. What this thing involves is that the cover is a high density polyethylene floating cover that will totally cover the lagoon. In conjunction with it there is going to be what we call a gas burning system that is going to be also installed that will burn off all of the gases that are emitted. As I said, we will be issuing the purchase order some time next week. Based on what the contractors, the suppliers, are telling us the schedule for the installation for the receipt of the materials is detailed there before you. We hope that by issuing the purchase order the first week of March that the lagoon

will be covered and the work will be completed by the last week in May. Now the gas burning system, we're in the process of evaluating that. We hope to issue a purchase order and select a contractor next week. We're negotiating with them because they are telling us that the equipment or the supplies or the items have an eight week delivery period so that we would not be able to start installing these things until the last week in April or the first week in May. They're giving us an estimated time of completion for the installation of that to be sometime in the fourth week of June. Now, in conjunction with that something that isn't part of this, but something which in our investigations have led us to believe that this will alleviate or help the problem is that we're going to be doing what we call a Bio Energizer system. This is a means where certain materials are issued...are applied to the waste water which reduces the solids in the water and thus by reducing the solids, reduce any odor causing agents in the thing. But this is totally more or less as a support of the covering of the lagoon, but the main the cost, the investment that our Board approved was for the covering of the lagoon. Hopefully we'll have everything done and everything will be installed and everything will be operational by the end of some time the fourth week of June.

Commissioner Mourdock: Question, if you would, Mr. Herrera. You confused me a little bit there at the very end. I understood what you were saying about the Bio Energizer system, but then you said your Board approved the funding of the lagoon cover and gas burning system. Did they not include funding for the Bio Energizer as well?

Frank Herrera: No, that was already...had already been approved. In fact, we've already started that application system about two weeks ago?

Geraldo Oseguera: (Inaudible comments not made at mike.)

Frank Herrera: Okay, we have already issued a purchase order on that.

Commissioner Mourdock: So that's an integral part of the overall plan? It's not an add on in any way?

Frank Herrera: No, no. It is just something that is going to help the system, okay? We feel that by reducing solids in the waste water it will assist in the process, but it is not a solution to the process, no. The solution is the covering of the lagoon.

Commissioner Mourdock: Okay, is the waste water that is then having the solids knocked out of it, is that the waste water that is going to be going in the sewer system that was described last time or is that, in fact, going to be irrigated?

Frank Herrera: No, that is not the...I don't know, Jerry, do you want...see, right now because of the weather, because it has been raining so much, you know, we can't irrigate. In fact, we haven't irrigated, from my understanding, since around February 2nd. We have started utilizing the city's disposal system for some of this waste water and so we have been already implementing that because weather has not permitted for us to be able to irrigate. The irrigation doesn't come out of this particular lagoon that we are going to be covering. It comes from the other one, is that correct?

President Jerrel: Are there any...

Commissioner Tuley: Not right now.

President Jerrel: Okay.

Commissioner Mourdock: There is no structure as such over the lagoon? It's simply a floating cover?

Frank Herrera: Well, as I understand there is a concrete slab that is going to be done all around the edge and that anchors the cover, you know, because it's...Jerry, do you have a sample of that? This is a sample of the material. It's pretty heavy and it needs a concrete slab. You know, exactly what the technical aspects of that, I'm not sure, but I do know that it has to be built all around the lagoon and that somehow anchors this covering.

Commissioner Mourdock: The last question I have then, is the gas system, the gas collection and flaring system, is that something that will be going on constantly or is that a system that basically purges gas? You burn it off and then when the gas builds up to a certain level you purge it off again?

Geraldo Oseguera: Continuous.

Frank Herrera: It is, it's a continuous system. I apologize. I'm not an engineer. I'm an accountant by trade, so some of these technical questions I'm not that familiar with, but it is supposed to be, as he said, a continuous system that is always going to be on with several safeguards to make sure that it doesn't go off.

Commissioner Mourdock: Okay.

President Jerrel: Would you be willing to answer any questions if we do have any from the audience?

Frank Herrera: Yes, ma'am, certainly any.

President Jerrel: Just questions about the system. We heard...I mean, we know what the problem is. We heard that when we all got together last month, but if there are any questions about this proposal and Mr. Herrera indicated he does have a specialist here that can speak to it that...yes, ma'am, come on up. I hate to ask you to do that, but--

Carol Schlumpf: Carol Schlumpf, I live on Inglefield Road. I just would like to know if February was the last time that you all did irrigate and if you did irrigate Saturday or not? Saturday night, because there was a smell Saturday night. You did not irrigate Saturday night?

Geraldo Oseguera: No, (inaudible comments not made from mike.)

President Jerrel: Do you want to just come up and say what you say in the microphones.

Geraldo Oseguera: My name is Geraldo Oseguera with Azteca Milling. The odors actually do not come from the irrigation. They come from the anaerobic lagoon and to answer the question, we did not irrigate Saturday. We have not irrigated since March 2nd or 3rd right before we had that big snowstorm.

President Jerrel: February.

Geraldo Oseguera: February, I'm sorry. We've been going to the city since February 10th, so we haven't irrigated for about 20 days.

President Jerrel: Okay. Yes, ma'am.

Vivian Tucker: Vivian Tucker, I live on Darmstadt Road. I have to say I strongly disagree. The irrigation does smell very strongly and that became very apparent during their last spill. You can ask any of the people that were working at PPG that day on how bad it was inside their plant and that was not the odor from the lagoon. That was from that spill going of over 200,000 gallons.

President Jerrel: Is there any enlightenment that you can give us about this or is this a difference of opinion or a fact or a comment?

Commissioner Mourdock: Let me take a stab at something here and I'm not an expert, but I'm not sure I'm hearing two different things. I'm hearing Geraldo say that the odor is not coming from the irrigation, correct? I think I just heard Dr. Tucker say that when there was the spill of 200,000 gallons you smelled it which is different than the irrigation, so as I say, I think those are two different things.

Vivian Tucker: They were irrigating and it was an over irrigation and it became very apparent at that time that the irrigation has a strong component of this smell. Covering the lagoon will not eliminate this smell.

Frank Herrera: Well, I don't know what to say to that. All I know is that back in October when we were having a meeting with the citizens I made the comment that we would go and spend whatever money it took based on some expert's recommendation that would eliminate the problem. This is the recommendation. I think was the recommendation advanced by not only the consultant that we hired, but several other people and this is what we're doing. We're trying to, you know, resolve the thing. I hope that we would be allowed to proceed and then see if this will take care of the situation. Our people tell me that the odor comes from the anaerobic lagoons and not from the irrigated water. So, you know, I don't know what else to say on it.

Commissioner Mourdock: As part of the plan that has been submitted, and I understand, Mr. Herrera, that you were not here last time, but one of the things we talked about was just having some type of quantitative measurement system and, obviously, this was on my desk when I came in this afternoon and there may be some explanation in there for quantitative. Do you wish to address that part of the issue?

Frank Herrera: Well, we have looked into it. We've consulted with several groups. In essence, what we've found so far is that there really isn't any system that will measure odors. What we have been able to find is that there is some measuring systems for some of the causes of odors. For example, hydrogen sulfite causes a kind of rotten egg odor, you know, so the device doesn't measure this odor, but what it does measure is to see how much carbon...sulfite, I'm sorry, carbon sulfite is present, so you interpolate from there. I mean, you assume that there is carbon...I mean, hydrogen sulfite, excuse me, if it is present, then that must be the thing that is causing this odor. We've found that there are instruments like that available, but that, you know, there is also a lot of variables involved in whether you could take an accurate reading. You know, things like temperature, wind, the humidity, the time. You could go at six o'clock in the morning and measure zero and three hours later it could be off the scale, so we really haven't found anything that could accurately, you know, measure anything. Most of it is basically subjective. Your nose, I guess, is the thing that is as good of an indicator as anything else.

Commissioner Mourdock: You're using almost exactly the phrase I used last week. Because it is subjective, that's why I made the comment that I would like to see something more--

Frank Herrera: We're still not done with this thing. We're still continuing to investigate to see if there is any kind of device that would accurately measure.

Commissioner Mourdock: I appreciate the fact that you're here, that you have submitted this package and I guess the question I suspect you're prepared for because you have to know this one is coming, what if this doesn't get it done? I heard you say a few minutes ago that you had told the neighbors out at Scott School when you met with them out there that you were willing and ready to make whatever investment it takes. What would be the next step if this doesn't work? I hope this does work, but let's just play what if for a second.

Frank Herrera: To be very honest with you, Commissioner Mourdock, you know I said that I would invest...I would convince the Board to invest in whatever the experts said would solve it. The experts came back and said this would solve it, so this is what we're doing. If this thing doesn't solve it then, you know, I don't know whether I should go back to the expert that we paid all this bunch of money to come up with this and tell him that it didn't solve it or what. He assured us that this would work, so that is what we're going on.

Commissioner Mourdock: Hope you have a money back guarantee, right?

President Jerrel: I have a question about the irrigation. Now, will irrigation still occur? I think the question we had last month was do you have a system in place now that will eliminate any long, lengthy irrigations that just create what Dr. Tucker describes? I'm not going to quibble about where the smell came from, the smell was there, so wherever it came from it was the problem. What kinds of things are you going to do to keep that from happening?

Geraldo Oseguera: The main thing that we are going to do, as we've already explained, is irrigate only when the conditions are favorable. We have that second alternative right now to go to the city, so we don't have the pressure of irrigation because the lagoons have a high level of water. That's really the main alternative that we're going to be looking at. We will irrigate...our intention is to continue irrigating, but we're probably going to irrigate mostly in the summertime only when the conditions are right. When the conditions are not right, wintertime, we will be going to the city which we have already been doing since February 10th. Besides that we have installed some additional safeguards to our computer system. For example, we have two modes. We have the automatic mode. We have the manual mode. Both systems have different safeguards where automatically the irrigation system cannot go on for a certain amount of time before it turns off by itself. We cannot irrigate certain fields for longer than 60 minutes in a whole day. The automatic mode...I'm sorry, the manual mode which didn't have a safeguard before this last accident, it has now a safeguard where it will automatically turn off if it is going on for two hours at a time, so we have besides the safeguards that we had prior to this incident we have installed some additional safeguards.

President Jerrel: Let me just ask one more quick question about the irrigation. If it, you said for one hour on the computerized system, is that an hour spread over a length of time or it is a steady hour?

Geraldo Oseguera: We have a program that switches. We have 16 fields.

President Jerrel: Yes.

Geraldo Oseguera: And each field cannot be irrigated for more than five minutes or seven minutes at a time. It depends on the location of each field, so the system automatically turns from Field A, to B, to C, and to D and every five to seven minutes it switches to the next one. We didn't have that a year and a half ago. It was very manual and perhaps the operator was doing something else and instead of irrigating five or seven minutes he irrigated 20 minutes in one particular field. That cannot happen any more. The irrigation system will automatically go from one field to another field in no more than five to seven minutes.

President Jerrel: The manual one is for a two hour limit?

Geraldo Oseguera: Two hour maximum. The operator will have it on manual, will tell the computer what fields we want to irrigate. There are some times that we don't irrigate all the fields depending on the conditions. The operator will be capable of telling the computer what fields he wants to irrigate and if he forgets to do something the computer will automatically shut off after two hours. If he wants to restart he will have to restart the whole process. Additional to that we have actually installed padlocks in the breakers, so we have instructed our operators that they physically need to go to our irrigation building, turn the breakers off, put the locks on and they log the time that they start irrigation and they finish irrigation.

President Jerrel: So that logging system is a matter of documentation?

Geraldo Oseguera: Yes, ma'am. More documentation and more safeguards that we have installed.

President Jerrel: Do you have a question?

Bruce Ungethiem: Bruce Ungethiem. I live on Fleener Road. I want to make a couple of points of clarification so that everybody understands what the proposal is about. They actually...there are two lagoons. There is an anaerobic lagoon and an aerobic lagoon. As I understand it, and I haven't had an opportunity to see the proposal, but as I understand it the anaerobic lagoon will be covered. The aerobic lagoon will not be covered and I am assuming that you will still use your aerators in the aerobic lagoon. If you've never seen an aerator it is kind of like an outboard motor turned on its side pushing water up in the air. When that happens obviously you're going to get some evaporation and with that evaporation you're also going to get what solids are in that water and then also to get in the air. That will continue to be a source of smell as long as they are running those aerators until they get the solids level to near zero. It will help the smell to cover the aerobic lagoon, but it will not eliminate the smell because there will still be a solids...a suspended solids level in that aerobic lagoon and I don't know what your suspended solids is in the aerobic lagoon? Around 1,000?

Geraldo Oseguera: (Inaudible comments not made from mike.)

Bruce Ungethiem: Less than 1,000, but there will still be some portion of solids in there that still needs to be decayed or digested and any time that solids decay you're going to get odor off of it. There is just no getting around that. The odor will be there. Will it be as bad as it is now? You know, that is something that we don't know at this point in

time until we've tried that. With regard to the gas burning system, I would like to understand a little bit more how that is going to work with the cover and how you're going to collect those gases out from under that cover and how you're going to keep them from escaping into the system because if you put the cover on first and then try to recover the gases second unless you've got some kind of collection thing all the way around the lagoon I've got a feeling you're going to lose gases out all of the edges. The third question I had was on the bio engineering system. Where are you going to introduce that in the system?

Geraldo Oseguera: The anaerobic lagoon.

Bruce Ungethiem: In the anaerobic lagoon.

Geraldo Oseguera: (Inaudible comments not made from mike.)

President Jerrel: Do you want to come up so we can catch this. Our Recording Secretary likes to catch these answers. The question was where were you going to initiate this system, the Bio Energizer?

Geraldo Oseguera: The Bio Energizer is actually a culture that will be added to the anaerobic lagoon.

Bruce Ungethiem: When that bio culture is introduced to the anaerobic lagoon it will cause additional odor because essentially what that bio culture does is assist in the digestion process of those solids, is that not correct?

Geraldo Oseguera: Yes, but I disagree with the point that it will create odors. One of the reasons why we are attempting to add it is to reduce solids and to reduce odors. We've investigated several manufacturers, several proposals that have been given to us and we believe that the Bio Energizer from this particular company seems to be a product that will work. We have presented some information to the Commissioners on several projects, some of them similar to ours, where this Bio Energizer has been used very successfully and has reduced considerably sludge in the lagoons, BOD levels in the lagoons, and odors in the lagoons. We're basically going after the product that we believe will perform the best.

Bruce Ungethiem: Okay. I believe it was Gerry that mention about the computer system that will be controlling this. I think that was part of the problem when we had the over irrigation back in January. My question to Azteca is has that computer system been validated and do you have ISO 9000 certification that it is without bugs or errors in it?

Geraldo Oseguera: Yeah, the computer has been validated. We had a computer technician from MRV, which is the contractor that we have hired to run the plant. He was in our plant for about three or four days two or three weeks ago making sure that the system was working properly and adding those safeguards that I already talked about. As far as ISO 9000, we are certified ISO 9000 in our plant. Our waste water treatment plant is not ISO 9000 certified.

Bruce Ungethiem: Is there a reason for that?

Geraldo Oseguera: It is just basically procedure. Our first step was to get certified on ISO 9000 in our plant. I honestly don't know if there are any plans to get certified ISO 9000 in our waste water treatment plant. I can't answer that.

Bruce Ungethiem: You don't have plans to do that?

Geraldo Oseguera: Not that I know.

Bruce Ungethiem: For those of you who don't know what ISO 9000 is, it is basically a set of standards by which you qualify a facility when you start it up. There is a series of check lists and things that you have to go through to become certified. I would strongly recommend that they get the waste water treatment facility ISO 9000 compliant. That will prevent another spill in the future. It won't prevent it, but it will reduce the possibility of another spill by the computer system malfunctioning.

President Jerrel: Well, I'm just going to have a comment. That is something that they have hired these people and they need to talk to them about that. I mean, I don't think we can give you recommendations. You've got to go out, you're paying for them, and you've got to find something that will work.

Bruce Ungethiem: I had one more comment.

President Jerrel: Sure.

Bruce Ungethiem: And it had to do with staffing and training. Some of the problems that I think Azteca has run into in the past six months or so are with regard with staffing and training of the staff that is involved with this waste water management facility and I would like for someone to speak to that as to how that is going to be different from what it was in the past.

Geraldo Oseguera: Yes, Bruce, you're right. Our contractor, MRV, had some problems with keeping some of the personnel. We went through two or three certified operators the first year. Fortunately, right now we have two certified operators that are running the plant. One works directly for Azteca, the other one works for MRV. The third person that was in the plant left about two or three weeks ago and after that MRV hired a third operator. Just today we were discussing this particular individual and I hope MRV can make an offer here in the next few days, so I am hoping that within two weeks MRV will have that second operator that works for MRV plus the certified operator that works for Azteca. We hope to have three certified operators running the plant hopefully within two weeks. We have two and MRV is about to hire the third certified operator.

Vivian Tucker: As far as trying to solve the issue as to where the odor comes from, whether it comes from the anaerobic lagoon or the aerobic lagoon, that is very easily determined by just taking a jar full of that water and smelling it and that gives you real good representation exactly what is being sprayed out into the air every time that we have an irrigation going on. The thing that I find most concerning after listening to all this is Azteca has had a lot of experience in terms of setting up these plants. They have a couple of other plants here in the United States and it seems like on this one with MRV coming it seemed like there was a lot of bumping into walls and one spill after another and a lot of unanticipated complications that have occurred and there has just been, quite frankly, a lot of walking into walls. The spills just have continued with the last one just being in January despite harsher and more stern warnings as time goes by. Now they are talking about gas and fire. We're not talking about water spilling on the ground into the ditches. We're talking about gas and fire. I don't have a lot of confidence in this. We have a petition circulating in the community that I would like to go ahead and present to you. It is still circulating. This is just the beginning of it. I would like to give you the original copy. I think that we need to see what that aerobic lagoon smells like.

I couldn't tell you that firsthand. I don't know.

Frank Herrera: Let me just make one comment on what Vivian just said. We have other plants, that's true, but none of the other plants have this situation. This is a unique situation with us. This is the only plant where we have a water treatment facility because in the others we just irrigate the fields. We came in here and based on our conversations with your Indiana Department of Environmental Management, with other groups, we decided that the best thing to do was to invest in a water treatment facility. We thought that would do what we needed to do in this particular community. We did not have any experience. I mentioned this before. We did not have any experience in waste water treatment facilities and because we did not have and because we wanted to have this thing run by somebody who did, we went out into the market and searched for somebody who was an expert in this field. That is why we contracted MRV. They have 20 years experience. Their recommendations were excellent and they were in charge not only of the design, but the construction and we signed a three year contract with them for them to operate the facility. We had hoped that in the three years we would gather enough experience in being able to manage so that we could then at the end of that period take over or extend the contract if need be. So we've found that we had to before...you know, the contract still has a little over a year to go and we've found that we've had to actively come in to the actual management of the facility because of the problems that MRV has been having. It was our facility, and since it was our concern, since it was our reputation, since it was our money that went into building these things we felt that we had to take an active part in the management which is what we are doing at this present time. Prior to being over here we had no experience. None of our plants have a waste water treatment facility.

President Jerrel: Is that new information or generally understood?

Vivian Tucker: That's been generally understood, however, I'm going to refer back to a July 28, 1994, it was a special called County Council meeting in which Mr. Herrera made a presentation. We have it verbatim:

"Then what comes out is basically clean water really. It has got very little organic solids and it has a PH of seven which is what water would normally have. Hopefully, this will remove the concept from a lot of people's minds that what we have here is a liquid waste. It is not. It is water with corn particles in that."

We were given a presentation that emphasized the fact that we wouldn't have these sort of problems. When this whole thing is minimized down to saying all it has are corn particles in it, how is anybody in this room that doesn't have experience in the waste water management field, how are they supposed to foresee what these problems are? We took this all in good faith and it was emphasized...it was questioned and it was emphasized that this was not going to be a concern.

Commissioner Mourdock: I have just a couple of quick questions. The packet that we've been given tonight you refer to what the engineering time line is and I think, Mr. Herrera, you were the ones who mentioned a consultant today. Was this also done by MRV or is there another consultant?

Frank Herrera: No, no, no. The consultant that we hired was --

Geraldo Oseguera: D.W. Goodman.

Frank Herrera: D.W. Goodman. No, it was somebody independent. Nobody from our end and nobody from the citizen's group end or anything like that.

Commissioner Mourdock: Okay, is MRV...is that right?

Frank Herrera: MRV, yes.

Commissioner Mourdock: Are they independent also?

Frank Herrera: They're an independent contractor, yes.

Commissioner Mourdock: They're not related to Azteca?

Frank Herrera: No, they're not.

Commissioner Mourdock: I forgot my other question. That's alright.

Commissioner Tuley: I know you only had two weeks to pull this together, but has this been submitted to IDEM for their review or comment or anything like that?

Frank Herrera: No, not that I know.

Marco DeLucio: IDEM doesn't review these type...excuse me, Marco DeLucio. IDEM does not review these. I mean, they don't have any jurisdiction and don't have any expertise in the odor area. They're concern has been with the runoff.

Commissioner Tuley: Just with the runoff.

President Jerrel: You know, I know that there is a level of frustration out there. I mean, you know it and we know it. I'm sure you have the same kind, maybe for a different reason, the same kind of frustration. We didn't ask you what your investment is, but is suspect that this is an expensive effort. I know that some of the people that have started this petition which deals with wanting to have IDEM revoke your land application permit is one issue. This is another issue. We asked for this to be given to us so we could monitor it and you've given us three copies. I would like to share one copy with, you know, a representative. I think perhaps, Vivian, I think I would like to give it to you. Okay, well, I would like to give it to Vivian because there is a great deal of information in here and I think it is important that the information...that other people have an opportunity to look at it. You've done what we've asked you to do and everybody in here hopes and prays it works because I think you used the term common nuisance. We want the neighbors who live near you to not be uncomfortable because this won't go away. Now, our job is to decide is this effort sufficient to watch and see if it works?

Commissioner Mourdock: That is the key question certainly and at the meeting two weeks ago or three weeks ago, whenever it was, clearly we laid down what we thought would be important steps. After we defined those we realized and we said that the day the plan was presented we didn't expect those steps to immediately start benefitting in results. In other words, it was going to be a process. I think we all agreed that the one thing that we didn't want to see and weren't trying to do is shut down Azteca and I think that remains the case. I think what they've given us tonight is something that we need to...since there is no real action on our part required other than to take this under advisement to see if the plan works. I would add to that, though, the one thing that I personally would like to see is clear evidence of the continuing commitment that we move

down this plan. Several times it was mentioned tonight you've got things coming up with purchase orders going out. I don't have the right to ask this, but I am going to ask it anyway. I would like to see copies of the purchase orders. I don't need to see the dollar amounts, those can be blacked out, but when those documents are put in the mail and when that equipment is ordered that is part of this plan I would like to see that as a positive step that those things are happening.

Marco DeLucio: We discussed that earlier this evening, Mr. Mourdock, and what we'll do and commit to do is to provide this Commission with a weekly report as to what progress and what has happened in the preceding week, so we'll keep you informed every step of the way every week.

Commissioner Mourdock: I still have the one concern regarding the water and the sewage treatment and I know, again, Geraldo last time mentioned that the lift station work that was going on was going to increase your capability of using the sewer if, in fact, that is needed. If you need to go into the water treatment area more certainly I want someone certified, but, Bruce, it would ISO 14000 not 9000. ISO 14000 deals with these types of environmental things. I think you're making progress. I know everyone in the room isn't going to be perfectly happy with that and that's why sitting on this side of this table is difficult sometime because we do want economic development and yet we do want it done responsibly and we do want good neighborhoods, too, because as I said last time, I live in Darmstadt.

President Jerrel: I want to ask Vicky a questions. Vicky--

Commissioner Mourdock: Vivian.

President Jerrel: I'm sorry, Dr. Tucker, how's that? Did you...you didn't intend for Azteca to have an opportunity to plan and invest in a system? You just want them shut down?

Vivian Tucker. No, no, not at all. As a matter of fact, at the last meeting Bruce Ungethiem shared with them an article out of Food Industry Magazine that had a very similar problem in which they were able to do away with the lagoon system. We don't want Azteca shut down. Let me say that. But we also don't want to continue with these current problems.

President Jerrel: The way I read this, I mean, I read it that we...I noticed a lot of the petitioners do not live in that area.

Vivian Tucker: That's true, but a lot of those petitioners come into the area.

President Jerrel: Right, but the intent is to give them an opportunity to solve the problem?

Vivian Tucker: Exactly. Right, and there is technology available to do that without a lagoon system.

President Jerrel: Okay, well, but I mean--

Commissioner Mourdock: Let me interrupt for one second.

President Jerrel: Okay.

Commissioner Mourdock: Dr. Tucker, if...hypothetically, if this worked it matters the same to you, correct?

Vivian Tucker: If this--

Commissioner Mourdock: I mean, if this works you don't care if they have lagoons or not.

Vivian Tucker: If this worked, I don't care.

Commissioner Mourdock: Right, okay.

President Jerrel: Well, that's what I meant because--

Commissioner Mourdock: I didn't mean that as a trick question, but I just want to be sure that we are trying...all of us are trying to see some real progress which, I think, is what the plan is.

President Jerrel: Okay.

Commissioner Mourdock: By the way, is this your notes? Do you need this? It looks like a femur to me, but I'm not sure!

President Jerrel: I think it looks like a patella.

Commissioner Mourdock: Maybe so.

Bruce Ungethiem: Some patient has just lost their medical records! If I may, let me make a suggestion. One of the reasons that I think that we have had so much trouble with this current situation is that when Azteca was awarded tax abatement there was no performance tied to that tax abatement on what they should do. Now that we are at this point what I would suggest or what I would ask Azteca if they're willing to do is to enter into a contract that would basically stipulate that they will eliminate the smell by a certain date and if they don't eliminate that smell by that date then two things will happen. One thing, the tax abatement will be rescinded and the second thing is that they will assume the payments on the bond issue for that property until such time as that smell goes away. What this does is give them a very good financial incentive to solve the problem. They have had other incentives for the past two years other than financial to solve the problem and it has not happened. I want to be able to link a financial incentive to Azteca to get rid of the problem because like you said, if this doesn't work what is our next step? For the residents of that county...the residents of that area the next step is we go through another summer with the smell and we're not willing to do that.

President Jerrel: Let me just mention something to you. There are stipulations that are just the legal stipulations for anybody that gets a tax abatement. We've got some Council people here, but that has to be...before you get a tax abatement you have to meet certain criteria. They don't deal with, you know, issues like this in that language.

Bruce Ungethiem: I would assume they deal with state law. You have to abide by state law.

President Jerrel: Yes, but they deal with numbers of people employed and, you know, if you've got a \$40 million investment and 110 employees that is the nuts and bolts.

What you're wanting is a covenant of some kind that is above and beyond.

Bruce Ungethiem: Well, what I am asking Azteca to do is they've provided a proposal that they say will eliminate the order...the odor in the area. I'm asking them to sign a contract that says that will happen or they will give up their tax abatement and start paying the bond issue so that the people that are sitting here that pay the taxes aren't paying for the smell that comes into their homes and into their yards.

President Jerrel: Marco.

Marco DeLucio: Just very briefly, that is something new that was sprung on us this evening, but I would say Azteca is putting their money where their mouth is. They are going to spend approximately half a million dollars on this project. They wouldn't be spending that half million dollars if they didn't think it was going to solve the problem. I think that is financial incentive enough for them. We have committed to report to you on a weekly basis to tell you what progress we have been making. We're going to be spending half a million dollars out there to alleviate the problem and to covenant or to enter into any other conditions regarding the tax abatement, I think, is premature at this point in time. I think they ought to be able to proceed to solve this problem and what they're doing is following the recommendations that an independent consultant gave them to do that said would solve the problem. They believe those are going to work. The consultants told them it was going to work. They're going to spend the money to do that. Let's let them try.

President Jerrel: Russell, I am going to give you this to take with you.

Commissioner Mourdock: Is that Dr. Tucker's?

President Jerrel: No.

Commissioner Mourdock: Oh, that's your copy?

President Jerrel: That's my copy and I want it back, but the tax abatement fiscal...is the fiscal body and I'm going to...we do have Councilman Wortman and Councilman Lloyd and they...I'm sorry, and Councilman Sutton and Councilman Hoy. Is there anybody else back there?

Russell Lloyd, Jr.: We've got four of them.

President Jerrel: That's four of them here and I think that's very good that we've got that kind of input. This is something that needs to be discussed and explained to the other three members at your meeting.

Russell Lloyd, Jr.: Right, when we do...Russell Lloyd, County Council. Right, when we do review the abatements. This has come up for discussion so we'll get...I mean, we can get copies made of this for the other Council members or if you guys can do that. We've got seven Council members. We have a meeting this Wednesday and then we have a meeting the following Wednesday. This Wednesday is the Personnel and Finance. Okay, I appreciate that very much.

(Inaudible conversations with the audience.)

Russell Lloyd, Jr.: Right, on all the various abatements that the county grants we do have

an annual review which is compliance with mainly like employment levels and the dollar investment as you stated, Ms. Jerrel, but that is where these discussions come and we've had some long discussions about Azteca and they have been forthcoming to the Council. Anyway, we appreciate that and we appreciate this.

President Jerrel: We need you here because we've got to act in concert and I know all of us are looking for a way to solve this problem.

Russell Lloyd, Jr.: Right, and I think asking you to have them come up with a plan seems to be a good solution, at least at this point.

President Jerrel: Yes, ma'am.

Bruce Ungethiem: Russ, before you leave could you clarify something as to when the last time this was voted on and what the vote was?

Russell Lloyd, Jr.: This was...it came up again to renew the compliance...or we reviewed the compliance. They all came up this summer and the ones that were out of compliance, I believe there was either four or six companies and one of them was Azteca, and that was passed six to one, I believe it was in September.

Bruce Ungethiem: You did not have another vote January 7th on that same issue?

Russell Lloyd, Jr.: Okay, yeah, there was another vote January 7th. It was six to zero. Councilman Hoy wasn't there and it was passed.

President Jerrel: Yes, ma'am. Give your name again so she'll know.

Carol Schlumpf: Carol Schlumpf, Inglefield Road. Okay, I'm assuming...now he is talking about these gases are going to come off this cover. I'm assuming these gases are going to be legal air gases? They're not going to cause any kind of air problems to any kind of wildlife or people or anything like that living around there? Another thing I would like to know about, you know, everybody has been talking about air. Nobody has been talking about what has been running on in those ditches. Now if you do this is this going to change what you're irrigating, the water that you're irrigating and are the ditches, the vegetation and the wildlife and everything there going to be okay? I mean, nobody has touched base on the ditch runoff at all and the penalties that they've had up to tonight.

President Jerrel: Okay, we need a comment to that.

Marco DeLucio: Very briefly on the--

President Jerrel: Do you want to say again?

Marco DeLucio: Marco DeLucio, I'm sorry. Very briefly on the runoff issue, they have not been applying since February. The steps that have been taken to resolve that problem have been to utilize the city sewer system which has been up and running since February 10. I believe that the estimate for the lift station completion is March 11 which would allow us to utilize that to a greater extent. The plan is to utilize the city system in periods of time when it is not practical due to weather conditions to irrigate the land. In the summertime they intend to continue to do that if conditions permit. If they don't they do have that alternate source through the city system. So those have been addressed.

We continue to discuss...I am told that we are in complete compliance with our land application permit at IDEM with the exception of the runoff that occurred in January. Azteca, as I mentioned at the last meeting, has been basically actively involved in the management of that facility since about August. There has been two occasions since then. One was a minor violation in December and a larger violation in January. They have since put more controls in as Geraldo explained to you to try to stop and make sure that does not happen again, so the packet we provided you tonight does not address that issue, but they are taking steps through IDEM and internally to address that problem to make sure it doesn't happen again.

President Jerrel: I have a question that may not even be relevant, but I have heard that the enormous number of field tiles that are on that one hundred and sixty something acres is one of the problems that causes the water...that's not a problem?

Marco DeLucio: I think...go ahead. I think it does. It poses a problem, but we can't remove those water tiles because the agreement with the prior landowner requires those land tiles, and it's in the deed, requires those to stay, so we have to, you know, dance around that a little bit and that's why you have 16 fields and five to seven minutes because they're still finding drainage tile out in the field that they haven't...really I think they've located most of them now, but every now and then a new strand pops up and what they try to do is find where those are and that impacts where they are going to apply and how long they can apply to a particular field.

Commissioner Mourdock: Marco, why is that deed restriction there? Are those same tiles draining adjacent acreage that the landowner still owns?

Marco DeLucio: The county acquired that property from Ralph Rexing and he farms real estate adjacent thereto and that was just one of the conditions that was imposed at the time of the conveyance.

Commissioner Mourdock: Has anyone investigated whether or not those tiles can be intercepted at the property line and rerouted around your property so that you're still meeting the conditions of that deed and then you could pull out those tile?

Marco DeLucio: I think the conditions say we can't interfere with them at all. I think that is what the deed says.

Commissioner Mourdock: Given the problems, has anyone spoke to Mr. Rexing to see if that deed restriction could be removed?

Marco DeLucio: We had ongoing discussion with Mr. Rexing on various issues. Not that particular one. Have you looked into that, to reroute the drains you understand? We haven't had that discussion with Mr. Rexing. We can try to do that.

Commissioner Mourdock: Just a thought.

Marco DeLucio: I think that hasn't been a major source of the problem because they have now located where all those drainage...they think they have and through the process they can eliminate the affect of that, so we don't think that's a major source of the problem. It makes it more difficult, but it is not the cause of the problem then.

Commissioner Mourdock: Just to add one comment and I sense we're winding down with this, the suggestion that there be contracts or whatever in place at this point as far as I

am concerned and Mr. Herrera said he's not a technical person and believe me I'm not a lawyer. I do feel though that what we've got right now is certainly an implied contract, if you will, to use a legal phrase in what you're saying you're going to do we trust you're going to do and obviously you understand that this Board still has the authority to go to the County Council and make a recommendation and certainly the County Council could act without a recommendation one way or the other from us. I think what you've presented tonight is a good faith effort of trying to move forward and move down the road and I appreciate it. I hope it works. I truly, truly do hope it works. I want to thank you for that and I also appreciate the attitude of all the folks here from Darmstadt because we have a lot of meetings with this many people in the room where there is a lot more screaming and yelling and finger pointing and that is never constructive. I think that the way all of you have handled this has caused it to be constructive rather than a hindrance to the process, so I hope we all win in this.

President Jerrel: That's very well said and I think we all agree with that.

Commissioner Tuley: Just a final comment. We've posted up on the board the progress or time line as Richard refers to it as to what they plan to do and when they plan to do it and have asked that they submit the contracts as they let them and what have you to this office, so they will be kept on file. Anybody is welcome at any time to come in and review that file and chart that against this chart that is posted here to make sure that they are complying and that you know they are complying.

President Jerrel: Is there any final message? If not we need to move on in our agenda. Thank you all very much for coming.

Commissioner Mourdock: Excuse me, Geraldo, could we possibly get several other copies of this? Do you have them made? Yeah, I'll give them mine and if you could get me another that would be great.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: Alright, we're under to gun. The first item on the agenda, the County Engineer is not here, so I'll go to the County Attorney. Have you opened your bids yet?

Joe Harrison, Jr.: Yes. There were two bids that...two particular items that were opened. The first has to do with the air conditioning at the Old Courthouse. There were two bids that were received. It's VC98-02.

1. US Industries Group of Evansville
  - Base bid: \$183,000.00
  - Alternate smoke detectors: \$1,592.00
  
2. JE Shekell
  - Base bid: \$168,000.00
  - Alternate smoke detectors: \$1,700.00

I would ask that you take these two bids under advisement and have those reviewed for their responsiveness.

Commissioner Mourdock: I'll move we take the bids under advisement.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The second group of bids that came in had to do with a server for Assessors. I guess that is the County Assessor and the Township Assessors. It's VC97-18-A. There were three bids that were submitted:

1.     Advanced Microelectronics, Inc. of Evansville
 

Server	\$15,414.14
Server tape drive	\$16,679.44
Defragmentation software \$	237.62
Sub Total	\$32,785.92
Performance bond	\$ 3,278.60
Total bid cost	\$36,064.52
  
2.     Automated Office Solutions of Evansville
 

Server	\$27,412.00
Server tape drive	\$ 995.00
Defragmentation software \$	250.00
Sub Total	\$28,657.00
Performance bond	\$ 269.00
Total bid cost	\$28,926.00
  
3.     Microworld of Torrance, California
 

Server	\$17,787.00
Server tape drive	\$ 7,240.00
Citrix tape drive	\$ 337.00
Defragmentation software \$	216.00
Sub Total	\$25,580.00
Performance bond	\$ 1,279.00
Total bid cost	\$26,859.00

I would ask that you take these three bids that were submitted for the server for Assessors under advisement and have them review for their responsiveness.

Commissioner Tuley: So moved.

President Jerrel: Richard.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The only other item I have relates to the Commissioners' real estate surplus sale that is going to be taking place within the near future. Initial bids it looks like are going to be coming in at the end of March. The Auditor's Office has supplied me with a list of properties that are going to be included in that particular sale and I believe next week the Commissioners will consider the procedure that is going to be followed with respect to such sale and that will be discussed at that time, but I do have a listing of all the properties that will be able to be considered and Tony will have a copy in the office if someone wishes to speak.

President Jerrel: There is no action?

Joe Harrison, Jr.: No action, it is just informative that this is a listing of those properties.

Suzanne Crouch: Do we need permission to advertise?

Joe Harrison, Jr.: No, it was advertised and it will be considered next week. We talked about it before and just didn't get the advertisement to you.

### **Superintendent of County Buildings**

President Jerrel: Did you have anything, Tony?

Tony Greubel: Milton came in late this afternoon with two late travel requests. One is for several people to go to the paving school in Mattoon, Illinois from March 30 through April 2nd and the other has to do with several county garage employees touring the Jasper Engine and Transmission facility in Jasper for one day on Friday, February 27th.

President Jerrel: Do you want to pass those down?

### **Burdette Park**

President Jerrel: The Burdette Park information that is in your packet, they will be back next week to review all of the material, but there is one request that they have that they would like to get the printing done for their Day Camp, so I would like to ask if you could give it--

Commissioner Mourdock: Yeah, I would move that we approve the 1998 suggested rates as submitted in Joyce's letter of...it doesn't have a date.

President Jerrel: Well, it's today.

Commissioner Mourdock: Yeah. Okay, as of today regarding the new rate schedules for the session, bus service, swim lesson, sports camp and those rates being \$135, \$12, \$12 and \$6 respectively.

Commissioner Tuley: Second.

President Jerrel: So ordered. I might say that in addition to that she has some break points for more than one child so could your motion be expanded to include all of the recommendations?

Commissioner Mourdock: Okay, I move that we include all the recommendations and submit that letter to the Auditor's Office then as part of the record.

Commissioner Tuley: Okay.

President Jerrel: Do you agree with that?

Commissioner Tuley: I would agree with the breaks on the more than one child, yes.

President Jerrel: I would say so ordered to that motion.

### **County Garage**

President Jerrel: We have the County Garage.

Commissioner Mourdock: Yeah, just for the record the County Garage report is in our packet and I move that we accept the report as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Oh, I was going to do that under new business. As long as we're under the County Garage also, I would move that we act to authorize pricing checks, if you will, and proposals for enhancing the security system at the garage especially including an electronic monitoring system and fencing.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Soil and Water Conservation District**

President Jerrel: We also have Soil and Water Conservation District report which is new and I would ask for approval of that.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **John Stoll - County Engineer**

President Jerrel: The County Engineer is here. There is one action item. Do you have that?

John Stoll: First I've got a change order on the Lynch Road project. This results in no net change in the cost of the project. This is simply replacing the median based asphalt with surface asphalt just for appearance sake. The contractor agreed to do it at no additional cost and it is recommended that the change order be approved.

Commissioner Mourdock: For Lynch Road did you say?

John Stoll: Yes.

Commissioner Mourdock: I move the recommendation of the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: I've got a sidewalk waiver request for Harmony Hollow Subdivision. This is a subdivision off of New Harmony Road up near Happe Road. This subdivision would extend a gravel road and there are no sidewalks on the existing gravel road. It's got large lots in the subdivision and since there are no sidewalks that this would connect to it is recommended the sidewalk waiver be approved. The sidewalk request...the sidewalk waiver request came from Mr. Randy Bauer.

Commissioner Mourdock: I move the approval of a waiver for sidewalks for the Harmony Hollow Estates as recommended by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is--

Commissioner Mourdock: Excuse me, John. Do we need to sign that plat?

John Stoll: No. Finally, I've got a revised schedule on the Lynch Road project and on the basis of a discussion last week with the contractor they are expecting the project to be completed the last week of May. I've got the schedule here if you would like that for your files.

President Jerrel: I would. I don't like that time table, but I guess there is more work that needs to be done than we thought.

John Stoll: This is a lot more detailed than the original schedule that they had given me a couple of weeks ago and there are a couple of things that this would hinge on. One would be the weather and the other there is an I beam that we are trying to get relocated at the northwest corner of Oak Hill and Lynch. This I beam is used for a wire for a SIGECO line and I believe we've got everything worked out to where SIGECO is finally getting that out of the way, but we are trying to get that scheduled now.

Commissioner Mourdock: Does this schedule, is it still fitting with the original contract deadline?

John Stoll: Yes.

Commissioner Mourdock: So this is just clarifying what is in the contract.

John Stoll: There are currently 51 work days left in the contract and this still would have it completed before those workdays have all been used.

Commissioner Mourdock: I noticed the footnote that says this is based on a five day work week. Can we mandate under the terms of our contract more than a five day work week to speed this along?

John Stoll: I don't believe even we could really mandate anything as far as work weeks because they have just been given a specific number of work days and if they think they can get it done by working two days they could probably go about it that way. On the Franklin Street bridge, when that project first started the contractor had a specific

number of work days allotted and they didn't start until two or three weeks after when they should have started and that was at their discretion, so I think the contract would be set up that the contractor can use the days as they see fit.

Commissioner Mourdock: Well, I would suggest just in our normal bidding process on future projects that we look at that because this is agonizing to see that road so close to completion and they have so much flexibility not to complete. I mean, I am not beating up on this particular contractor. To be honest with you, I don't recall who it is. I know who it isn't. I just would like to see us get some language in there that makes--

Commissioner Tuley: I don't disagree with what you are saying, but I think that was let by the state anyway.

John Stoll: I was going to say, we're at the mercy of the state on a lot of those on big dollar federal aid jobs.

Commissioner Mourdock: Sure, and that's obvious, but even when we do our own contracts we need to check that.

Commissioner Tuley: When we do ours, yeah.

President Jerrel: Is there any other item?

John Stoll: That's all I've got.

President Jerrel: Now, do you have a pink slip regarding Valerie in the folder?

John Stoll: Yes.

President Jerrel: Okay, alright.

Commissioner Tuley: John, can you...we have a road hearing next week. Could you...I got a call, I'm sorry, I'll share it. It's Igleheart from the alley west of Tekoppel to Woods Avenue. Can you take a look and see what kind of condition that road is in?

President Jerrel: Okay, is that all? I have done all of the department heads?

### **Consent items**

President Jerrel: We're ready to go to the consent items.

Commissioner Mourdock: There was something I saw regarding ditches and pipes to be cleaned. Is that part of this? It was on our desks tonight when we came in. Is that for the next meeting?

President Jerrel: Yeah, I think this is an--

Commissioner Mourdock: Advisory, okay.

President Jerrel: Yeah.

Commissioner Mourdock: I'll move approval of the consent items then.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Scheduled meetings

President Jerrel: You have a scheduled meetings list attached.

### Old business

President Jerrel: Is there anything under old business?

Commissioner Mourdock: Several updates. The ACORN group will meet again this Wednesday. Tony, did the notification go out?

Tony Greubel: Yeah, this Wednesday.

Commissioner Mourdock: Okay, I will continue to pursue that and also as an update regarding the Jail Committee hearings. We've had three meetings and worked through and basically identified three real problems to solve. As you may have read in the media we've narrowed it down to two and we actually have some proposals out there to make some positive changes. I think the most fundamental and, Pat, it is something you talked about early on which was the way we do our bonding and the fact that the process is no longer being utilized. The other is the fact that representatives from the Jail, the Prosecutor's Office and the Judges were not meeting regularly to review who is in jail and who they might be able to move through.

Commissioner Tuley: I saw that and that was something that I thought was important, too, and I'm glad to see that because we put them in there and forget about them, I think that's how things fall through the cracks, so I think that's great.

Commissioner Mourdock: Harris Howerton and I will be speaking sometime in the next couple of weeks to see how we might identify people who could serve in that type of position to do basically again what you described, Pat, of reviewing the cases and knowing who these people are and determining whether or not they are a good flight risk or bad and any recommendations we have for how those positions could be covered financially, I'll report back to you on.

Commissioner Tuley: Great.

Commissioner Mourdock: I think the process is working.

President Jerrel: There was a very obvious change, I thought, last Wednesday.

Commissioner Tuley: Was there? A move in a direction towards a solution, is that what we're saying? I mean, I don't want to put words in your mouth or say something that's not there.

President Jerrel: There was some give.

Commissioner Mourdock: Yeah, I don't want to use the term negotiating because that is too strong, but I think the process that we've worked through, and I have to compliment

Sue Ellspermann, she has done a marvelous job. Everyone in that room is just overwhelmingly please with the work that she has done. She brought people along to identify the problem, to get everyone to understand what the problems were and to make us all realize we all have a part of the solution. We have all bought into that now, so now we're all willing to give a little to get a little. I see that we probably will need, and I'll make this as a suggestion, I'm not prepared to do it tonight, but we're going to need to have Sue come back in for maybe two more meetings. The present contract we did with her--

Commissioner Tuley: Is exhausted.

Commissioner Mourdock: --basically we've exhausted. All the members of that Board feel the same way. In fact, when she said something to the effect that her speaking, I don't need to be there for the next meeting, they were all saying, oh, yes, you do. We want you here for that, so she does a great job.

President Jerrel: I would suggest you need to make a recommendation now that--

Commissioner Tuley: Negotiate.

President Jerrel: --we extend that appropriation because...I mean, we'll need to seek an appropriation for that.

Commissioner Mourdock: I would move then that we act to extend that and seek the appropriation as a maximum sealing for another \$1,500.

Commissioner Tuley: I'll second.

President Jerrel: So ordered.

### **New business**

President Jerrel: Anything under new business?

Commissioner Tuley: The only thing that I have under new business is I understand we need to go before the Council and get an appropriation for what is estimated to be about \$5,750 to run abstracts on some property that the county is trying to get rid of.

President Jerrel: Is that a motion?

Commissioner Tuley: I'll put that in the form of a motion.

Commissioner Mourdock: I will second.

President Jerrel: I'll say so ordered. Is there any other business? Hearing none, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:05 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
John Stoll  
Frank Herrera  
Geraldo Oseguera  
Carol Schlumpf  
Vivian Tucker  
Marco DeLucio  
Bruce Ungethiem  
Russell Lloyd, Jr.  
Others unidentified  
Members of the media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
March 2, 1998**

The Vanderburgh County Board of Commissioners met in session this 2nd day of March in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m. with President Betty Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. I would like to welcome all of you. We will follow the agenda and the first part will move rather quickly, so those of you that are here for the road hearing, we'll be there momentarily. I'd like to introduce to you the people in front of you. On my far right is Tony Greubel, he is the Commissioners' Administrative Assistant; next to him is Joe Harrison, Jr., our County Attorney; this is Pat Tuley, Commissioner Tuley; on the far left, Charlene Timmons is our Recording Secretary; next to her is the County Auditor, Suzanne Crouch; and Commissioner Richard Mourdock; and I'm Betty Lou Jerrel. I would like for you to join me now in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes of the Vanderburgh County Board of Commissioners' February 23, 1998 meeting as submitted in our packets.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Certification of Executive Session**

President Jerrel: The next item is the certification of our Executive Session which we did have. We met from 4:40 until 5:30 and we dealt with litigation and implications of a...implementation of a security system and we did hear some personnel issues.

Commissioner Mourdock: I'll move approval of the summary minutes of that meeting.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Rejection and rebid of VC9802, Old Courthouse air conditioning**

President Jerrel: The first item of business is the Purchasing Department, Lynn Ellis. Lynn Ellis: Okay, this evening I have a couple of items. The first is to request permission to reject bids received for bid number VC9802 for the air conditioning at the Old Courthouse. Apparently, the third try was not a charm and we're going to have to do it again. The low bidder failed to include the scope of work which was required with the bid. The higher bid is in excess of the amount of money budgeted for the project. I would request that the bids be rejected, we readvertise March 12th and 19th and open

bids for the fourth time on March 30.

President Jerrel: Is there a motion for that recommendation?

Commissioner Mourdock: Before we do, I know Faye Gibson had called me regarding the proposal and asked if we had any options, basically, under the pre-construction type meeting as far as talking in detail or maybe a pre-award meeting talking in detail about what the scope of work would be. Is that an option that we have, Joe? Have the two of you spoken of that issue?

Lynn Ellis: We can certainly conduct a pre-bid. The bidders in the previous attempts have just met directly with Faye at the Courthouse. A pre-bid was not held, but John and I can attend with Faye and make sure that the bidders understand everything. We all felt like the bid specs were very clear. The guidelines were spelled out.

Commissioner Mourdock: I guess, yeah, Lynn, that's part of what my question is and since this was being bid for the third time is it possible that the scope wasn't included because they had included it in their previous two other bids? I mean, I don't know, I'm speculating, but I'm just amazed that they went this far down the road and then screwed up with such a significant detail.

Lynn Ellis: Right, the low bidder has not submitted a scope in any of the three bids.

Commissioner Mourdock: Ah, okay. Well, that does put a different light on it.

Lynn Ellis: Right. That would be a way to rectify the problem, hopefully.

Commissioner Mourdock: Okay.

Lynn Ellis: We will schedule a pre-bid with this next one.

Commissioner Tuley: Faye, did you have a comment?

Faye Gibson: Yes. Faye Gibson, Executive Director of the Old Courthouse. The question I have is about not only the scope of the work, but the amount of money available for the work. Originally, when we began this process we requested \$187,500 because from what we could tell from our best guesstimates it would be in that ballpark. In this particular case then, apparently what was transferred from '97 and '98 was less than that.

President Jerrel: There is \$187,000. The project...\$10,000 of it was committed this year for some improvements, but we can put that back. I mean, it can be in there. That can be used. That wouldn't really have any bearing on the low bid though.

Joe Harrison, Jr.: What she is saying is that the Commissioners can request an additional amount of money to be put in there and that could be processed, but it is not there for the project today.

President Jerrel: And it would not affect--

Joe Harrison, Jr.: You can do it again and, hopefully, you'll have sufficient funds in there in case you have a higher bid next time.

Faye Gibson: I guess my question would be that if the next bids come in and we--

President Jerrel: Well, if they don't exceed \$187,000, but we would still like to have a low bid of like \$169,000 like we have.

Faye Gibson: I understand that, too, but since there was no scope of work attached to the low bid I can't effectively compare apples to apples. I don't even know if we're talking the same type of equipment or tonnage or--

Commissioner Mourdock: A \$169,000 of window air conditioners.

Faye Gibson: Exactly, window fans. You know, I've got those. In that case, if indeed the scope of work were to be inappropriate--

President Jerrel: Then you have enough to cover the amount, so that's not a problem.

Faye Gibson: Okay, but it just presented a problem for this time around.

President Jerrel: Well, because I think it would be prudent for us to at least make an effort to get the scope because both are responsible bidders and if you can save, you know, \$18,000 you can save \$18,000.

Faye Gibson: Absolutely, understood.

Commissioner Tuley: Would this be the appropriate time then to request to go before Council for any additional money that may be necessary?

President Jerrel: We could transfer or appropriate an additional \$10,000 and if you would like to make that in the form of a motion.

Commissioner Tuley: You've got a puzzled look down there.

Commissioner Mourdock: Well, I guess my puzzled look is if we do that are we not sending the signal to the people that would have to rebid it that we just upped the ante \$10,000?

Commissioner Tuley: I didn't use that amount of money, someone else did. Yeah, I understand what you're saying, but at the same time though if we don't put the money in there--

Joe Harrison, Jr.: You may never get the project.

Commissioner Tuley: Right.

Faye Gibson: Right.

Commissioner Mourdock: Good point.

President Jerrel: Well, you could make the motion.

Commissioner Tuley: I mean, I don't know how we would make the motion without stating how much money it is.

Commissioner Mourdock: Right.

President Jerrel: At this time, am I not correct, Tony, the amount of money in there is \$178,000? Carryover is an additional \$10,000 or \$12,000 more than that amount.

Tony Greubel: Yeah, presently we have \$178,000 that I asked Council for this year and then there was \$12,000 left over from last year and a purchase order which was paid out of the wrong...which paid out of the funds with a purchase order last year.

President Jerrel: So there is...the money is there. We can go get an additional...that money was going to be devoted to this security system and fencing and the things that we discussed.

Commissioner Tuley: Okay.

President Jerrel: So if you want...do you want to make a motion that we get the additional appropriation?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered. Okay, and you're ready to do your scope and the fourth time is the charm?

Commissioner Mourdock: Right, I'll move that we accept the recommendation of Ms. Ellis regarding the rejection of the prior bid for the Old Courthouse air conditioning.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: The fourth time, keep the faith, Faye.

Commissioner Tuley: Hopefully.

Lynn Ellis: And to also authorize the readvertising and the bidding.

Commissioner Mourdock: I'll amend my motion to include the readvertising.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Award VC9718-A, Server for Assessors**

President Jerrel: You have another?

Faye Gibson: Thank you.

Commissioner Mourdock: Thanks, Faye.

Lynn Ellis: Yes, ma'am. The second item is to award the bid for the server. I laid at your desk some updated information. Attached with that revised bid summary are some letters that were received from the low and the second low bidder. The low bidder, Microworld, has withdrawn their bid from consideration as has the second low bidder,

Automated Office Solutions. Both bidders failed to include required hardware with their bid and cannot fulfill the requirements under the bid requirements for the amount of money that they submitted with their bid, so they are asking permission to withdraw their bid and we are asking permission that the bid be awarded to Advanced Micro Electronics. They are now the low responsive and responsible bidder.

Commissioner Mourdock: Pursuant to that--

President Jerrel: Questions? Okay, hearing none do you have a--

Commissioner Mourdock: Pursuant to that recommendation I'll move awarding bid number VC9718-A as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Lynn Ellis: Thank you.

### **Willard Library - Archives Service Agreement**

President Jerrel: The next item on the agenda is the Willard Library Archives Service Agreement and just for your information this amount of money is in the 1998 budget, so we're not approving anything that we have to go to Council for. It was in our budget and it was approved at the amount that is in there.

Tony Greubel: That's correct and also Bob Dillow and Greg Hofmann reviewed the contract also from an insurance point of view and they're satisfied.

Commissioner Mourdock: The last page has a note that this page will be amended and signed. Do you have the signed copy?

Tony Greubel: In the signature file there is the correct page.

Commissioner Mourdock: I'll move approval then of the Willard Library Archives for Services Agreement.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Resolution - Joint Agreement for Data Processing**

President Jerrel: We now are looking for a resolution that you have in your packet. Bill, would you like to come up? It's the resolution providing for a joint agreement between county and city data processing. This was recommended by Steve Melcher, city side, and they presented the ordinance. It went to the Data Board and now it's to us and to help maybe work through and iron out some of the things that we had questions about. Tony, you will need to pass to us the folder that has those copies because we don't have them in our materials.

Tony Greubel: It's in your packets.

President Jerrel: Do you want to hit the highlights? You don't have a copy in front of you?

Bill Cottun: I'm Bill Cottun with SCT. The purpose of this was to define the Data Board so that it could better serve the city/county and give good direction in information technology procedures. One of the things that we are running into now is we need to prioritize the resources that we have available and SCT constantly looks to the Data Board for that direction. The city and county have recognized the importance of putting decision makers at the Data Board level and that is one of the things that we requested. In response to some of the things that we've asked for Leslie Blenner has worked, I know, with Joe Harrison on this to get the wording down so that we can get some good direction from the Data Board and also have some strong representation from the leaders in each department.

President Jerrel: We have had requests from other people to serve on this and at this time we have two appointments. One is Mike Russ, who is with the School Corporation and the other one is me. You know, I would be perfectly willing to pass, you know, this one around from time-to-time, but I like to keep track of what the finances are. It doesn't really bother if we have someone that wants to serve, I would be happy to let them sit in, but I will attend the meetings so that we have a better feeling about what is moving through. For instance, the GIS program and things that we've been trying to keep a handle on.

Bill Cottun: Right, we try to make sure that the Data Board is appraised of those type of initiatives and we also take our direction on where we're going to dedicate resources from the Data Board.

Commissioner Mourdock: As far as serving on the Board, Bettye Lou, I'm perfectly comfortable having you do that. I know you do have an interest in that.

Commissioner Tuley: And you're available.

Commissioner Mourdock: And you're available.

President Jerrel: Right, but I know there are other officeholders who would like to serve. I've had two request from other people that would like to be on it, so we'll work out something whereby other representation can take place and I'll still come anyway.

Commissioner Mourdock: As far as this resolution, I think it's obviously going to keep us going jointly with the city and try to provide the best...most bang for the buck, as they say, so I'll move approval of the resolution providing for joint agreement between Vanderburgh County, Indiana and the City of Evansville, Indiana concerning data processing services.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. Thank you.

**Cheryl Musgrave - Contract for IAAO class**

President Jerrel: The next item on the agenda is the County Assessor and this is for the approval of the contract for classes.

Cheryl Musgrave: I can answer any questions if you have any.

President Jerrel: This would be primarily for the Board of Review and...I mean, who all would be eligible to attend the classes?

Cheryl Musgrave: Anyone on the Board of Review, any Township Assessor and member of their staff, member of my staff. We have advertised it to the entire southern district of Indiana Assessors staff...Assessors and their staff and we still have some coming from out of county as well, but they pay to attend so the county is not out any money. Right now I think our count is at 13 students taking the class and we're still looking for more. Suzanne, if you would like to sign up we sure would like to have you there at this class.

Suzanne Crouch: I'd love to if my schedule permits.

Cheryl Musgrave: Okay.

President Jerrel: Are there any questions of the Assessor?

Joe Harrison, Jr.: The county is only paying for our own people?

Cheryl Musgrave: Yes, that is right.

Commissioner Mourdock: I can't think of many areas of government right now that are changing as fast or with less certainty than what some of the assessment is doing, so I would certainly move approval of the IAAO class contract as submitted to us by the County Assessor.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Public Road Hearing**

President Jerrel: Okay, next item on the agenda, public road hearing.

Commissioner Mourdock: Watch them rush to the mike.

President Jerrel: Charlene, did you do anything to sort of bring law and order to our road hearing? Okay, this is the way you all signed up, so I'm going to call you up in that order. Mr. Curt Wortman.

Curt Wortman: Thank you. My name is Curt Wortman, County Council representative from the 2nd District and I live at 14020 Darmstadt Road. I like this list and I would like to know possibly when you're going to get started? I noticed one item on there at the bottom of the page on this draft, St. Joe Avenue, Buchanan Road and Diamond Avenue resurface. That's been a bad section there coming down zoo hill to Diamond Avenue. That's been awful rough. It's concrete and I appreciate you putting that on there. I'm sure the motorist will more so than anybody, so I think that is something that really needs to be done. Now I know the state is possibly getting in the process one of these years of getting lined up to redo that intersection, but I don't think you should wait on that that long. But otherwise, I think it's fine because motorists can possibly see where their money is going. That's a good example, I think, if we do the roads and do them right. Also I might add, make sure the drainage is taken care of, too, when we build these roads so we just don't build them and water still run over them and that's why they don't last, see, on that, so I thank you on that.

President Jerrel: Okay, thank you. We have a question. Do you all in the audience have a list of the roads? Okay, we want to get them out there to you.

Commissioner Tuley: We could at least put one on the podium.

President Jerrel: We'll put this one on the podium so that you...pardon me? Tony, are you making copies? Okay. Okay, the next person that has signed up is Jim Raben.

Jim Raben: Good evening, Madam Chairman, Commissioner Tuley, Commissioner Mourdock. I'm Jim Raben, I represent the County Council 1st District. I thank you for allowing me this opportunity to come before you tonight. I'm here for two reasons. One is to voice my support for the proposed road projects. It appears as if there are roughly 15 or 20 projects that pertain to the greater west side and we're certainly thankful for that. I'm here for a second reason as well, and one that carries great importance to me and this being the Rosenberger and 62 area there at the Wal-Mart complex. What I am here to do tonight is to ask you to start some dialogue with the city and see what we can do as far as widening Rosenberger. We need some turn lanes and I know that the light in the intersection...the people responsible for that is INDOT, but if we could get something started. I know speaking on behalf of the County Council I would certainly be honored to do what I can to start some dialogue, but it's a real problem out there. It's a very dangerous area and this would only be a temporary fix. I want you to understand that, that there is much more that needs to be done in this area, but I am interested in seeing what we can do to widen it possibly all the way to Hogue Road along with the turning lanes and possibly even taking it as far as Upper Mount Vernon Road. I would ask that you do everything you can to get some dialogue started with the city, the County Council and City Council and see what we can do to get something moving forward on that.

President Jerrel: Any questions or comments?

Jim Raben: Any questions?

President Jerrel: No.

Jim Raben: Thank you very much.

President Jerrel: Thank you. Betty Englebrecht.

Betty Englebrecht: I'm Betty Englebrecht. I drive and I see trucks and all go across St. Joe and I see here that it is going to be resurfaced.

President Jerrel: Yes.

Betty Englebrecht: Well, it would be nice if we don't wait until the state or, I mean, whoever has work with it...it would be nice if we got it resurfaced rather soon because it is literally falling apart. Especially one side of the concrete area is just falling apart. You have that little bit of median in there to just drive over and it's really quite dangerous if there is a truck in front of you. I would like to put my support behind it and my radio station behind it, too, if we could. It is badly needed as part of the west side. Thank you very much.

President Jerrel: Uh-huh. Next on the agenda is Bill Tye.

Bill Tye: My name is Bill Tye. I'm the Transportation Committee Chairman for the

Westside Improvement Association. We also would like to voice our support for the resurfacing of St. Joe Avenue from Buchanan to Diamond. This has been one of the more common points of complaint directed to our organization is that area right in through there and the rough surfaces and we would hope that the county could possibly look at at least getting something done in through that area in as the immediate future as they possibly could. We've also been in correspondence with the Indiana Department of Transportation in Vincennes and here locally in hopes to get whatever help we can out of the state people that are involved in this area, but we do encourage you to look seriously at getting that repaired as quickly as possible. Obviously, several of the other comments that we've been having is one we've had numerous complaints considering the various cuts in the roads throughout the county for water lines, sewer lines or whatever have been installed and now the fill has broken down. We would like the county to take special attention to those and see if we couldn't as quickly as possible get some of those...the worst ones at least repaired. There are numerous ones all over the county. Also, the other thing that we would like for you to take a look at we're hearing a lot about the comments on the culverts and side ditches around the city and the control of water and we think this is something in the county that needs to be paid specific attention to and making sure that all the culverts are maintained the way they are supposed to so that the water does flow through those ditches and that the ditches are kept clean and eliminate as much as we can the washing from the rains. Of course, we're getting close to that time of year when this becomes particularly of high importance, so we would ask that you direct whatever attention you can towards just the maintenance of our ditches and culverts and so on to make sure that the water this spring is going to flow. We thank you for your attention.

President Jerrel: Just one comment.

Bill Tye: Yes.

President Jerrel: We do have some people from the County Highway Garage and they will be preparing a ditch maintenance list also with a timetable, so that will all be part of the record and be glad to welcome you to take a look at it or anything.

Bill Tye: Thank you.

President Jerrel: Nancy Markham.

Nancy Markham: I am Nancy Markham and I'm representing Busler Enterprises at the St. Joe and Diamond location. We were told approximately a year or year and a half ago that the road would be resurfaced and I would like to know if there has been a time set up, a definite date?

President Jerrel: John, do you have any information that you can share with us?

John Stoll: There is no date as of yet. We just recently found the documentation that is a county road rather than a state road. It was relinquished back in the 80's from the state to the county and we don't have a contract ready to go as of yet, but once we get the go ahead as far as this becoming a final list rather than a draft list we can get a contract out fairly quickly.

Nancy Markham: Well, we have had, as you know, we're filling in on the Diamond Avenue side, the state project there with INDOT for the state right-of-way should be completed by June 1 and then we'll finish filling in there and that is going to be commercial property there which we've had several business interests in that. One of

their major concerns is the structure in the area out there in the road and as well as Diamond Avenue, which I know you have nothing to do with.

President Jerrel: Right, that is not ours. Okay, you've heard the request and it's on our list to be completed and it was not on the list, I believe last year, but it is now.

Nancy Markham: Okay, thank you.

President Jerrel: You're welcome.

Commissioner Mourdock: Regarding Ms. Markham's question, and I don't mean to put this off for a minute, but I want to talk some more about the timing of a number of these projects before all this concludes, so I don't know if you were getting ready to leave the room, but because timing is an issue, too, you might want to hang around for a couple of minutes because I would like to put all this in context as to where we are timing-wise.

Nancy Markham: Okay, thank you.

President Jerrel: Okay, Laura Lamb and Aaron.

Laura Lamb: My name is Laura Lamb and I live at 14001 Bickmeier Road and like most of the rest of the people I am here to gain support for repaving, at least, Bickmeier Road which hasn't been resurfaced in probably 15 years or so. It does have a drainage problem which is probably the main cause of the road problem that needs to be looked at. I'm not exactly sure how long the road is or anything else. We don't expect anything to be perfect because we've lived with for several years without...you know, a 14 foot road it not adequate, really, but we have to live with what we have. The road itself is full of potholes and you can't dodge them. I'm here with the support of my neighbors and I have my husband here and Mrs. Mitz, also. I've given a little map to show who lives where. It has caused...the drainage problem has caused an erosion problem on an abutting property owner, the Martins, and we tried to remedy it when it first occurred. A friend of ours came to kind of build up the side of the road that had been washed away. That lasted for a while and then the next hard rain, that washed away and was continuing to wash away part of his property and he has been gracious enough to bring in loads of concrete blocks to dump to try to keep the road from washing away any further. That's my request.

Commissioner Tuley: It's on the list.

Laura Lamb: It is on the list and I understand though that it hasn't...that's not a for sure thing.

President Jerrel: That's what our Engineer and our Superintendent of the Garage have recommended that we do.

Laura Lamb: Okay.

President Jerrel: And we're here to listen.

Commissioner Mourdock: But you're right, it is not a sure thing. If 35 people stand up and demand that we do some other road that is not on this list and you're not here--

Laura Lamb: Right, that's what I am saying.

Commissioner Mourdock: --yours might be the first one to not be noticed, so you've done the right thing.

Laura Lamb: I think it has been on the list before, but it has been taken off.

President Jerrel: Well, we did manage to do 100% of the designated roads last year.

Laura Lamb: Last year, okay.

President Jerrel: So if these are all accepted tonight and we have the same sort of response that we should have 100% of them finished.

Laura Lamb: I want to say that the County Garage has come out to fill the potholes. Like we called last fall and they came out rather quickly to fill the potholes and it was maybe a month later they were washed out again and it was worse than when it started, so filling them is not doing the job.

President Jerrel: Okay, thank you. Jerry Jones.

Jerry Jones: My name is Jerry Jones, 2253 Cherry Lane, Evansville, Indiana. Hopefully, it will be Lyle Road one day. I brought this attention to you Commissioners last year about the possibility of fixing Lyle Road and I was told that maybe you would look at more seriously this year. I was kind of upset when I didn't see the road up on the designated list, but we all have our reasons. Let me go back over some stuff last year. I sent you all a letter stating the problem last year. It's a county road out by Burdette Park and it's perpendicular to Bayou Creek Road and Nurrenbern. It floods, part of it, when the river gets 41 feet. Now, I'm not up here trying to get it resurfaced or potholes, we just want a way to get to work, doctor's care or whatever. I'm very familiar with the road. We lived out there all our life and going to high school and college was very hard walking across the field and so forth. Doris and Laura Webster are here tonight. They've been out there about 50 years. They know what it is like. Well, we talked to Floyd Staub. There is no problem with the road being built up. The dirt is there. Again, they'll sell the dirt cheaply to the county. They'll do the work. Their right-of-way is guaranteed because they've got city gas there now. I've talked to the city Water Department. They said, well, get the road built up first because they didn't want their pipes that far down, so there is no problem with that. We just have to come up with the funding. You can argue about how much the road is traveled. It is not the Lloyd Expressway, but you have to live out there to be concerned with it is traveled quite a bit especially with the summer and the good weather like all roads. There are several hundred acres on the east side of Lyle Road that is laying idle and it will be productive, homes will be built. My brother is here tonight and will speak. We can get a permit very easy. I have been talking to Mr. Nunning. It is not in the flood zone. It's on the fringe. It's going to put a feather in Vanderburgh County's hat. I mean, it's growth to the county. It's a very nice place to live and I don't understand what is going on. I don't know the proper word to say, I don't know the right people. I'm not a Democrat or a Republican, I go either way, but there is no problem with a building permit. There is no problem with right-of-way. Floyd Staub...I talked to Gary last Wednesday. He is just waiting for the funds. I've talked to my brother about this. I know there are a lot of roads to be fixed. If the county comes up short we'll even donate our dirt. I mean, I wish you would take into consideration and put our road down for consideration. It's very important to us.

President Jerrel: Jerry, could you tell us just for, you know, to refresh everybody's memory because I'm going to ask John Stoll, there are how many current residents?

Jerry Jones: There are three residents currently, but there is going to be more and there will probably be less if they never fix the road up. I mean, they put gravel on it so what? It's still under water. Luckily this year it hasn't gotten up yet, but, you know, your March and April...it has got it in June before. Like I said, it's only about a block and a half to two blocks long. There is no problem getting the dirt. I mean, you can get it from us if you want. We just want a little county help. It's a very nice area and there would be a lot of homes built there, but you've got to get to work, you know.

President Jerrel: John, just for purposes so that we know what we're talking about, I had called John Stoll to ask him...you gave us an estimate last year of the cost and I called Jerry at school today to tell him that it wasn't on the list and I told him that we would have to remove...we have \$965,126 committed to all of these projects and what was the estimate that you gave us last year for this work?

John Stoll: It's \$90,000 to \$100,000.

President Jerrel: Okay, so we're going to have to make a decision and I wanted to tell Jerry that we would either have to commit to something like this and remove five of these or we're going to have to...that's the total amount of money that we have to commit.

John Stoll: The estimates on the County Highway sheet there are probably low if anything because at the time that was printed I didn't have the final asphalt quantities from Milton as far as the thickness of overlays that we're replacing on those roads, so I just assumed an inch of binder and an inch of surface, so it would probably do nothing but go up from that point rather than be less than that. That's just taking the thickness of the road and the county's current bid prices on asphalt.

President Jerrel: Describe the project so that we have it for the record.

John Stoll: Lyle Road?

President Jerrel: Yes.

John Stoll: That was raising, I believe it was about 1,000 to 1,500 feet of the road up to four feet. I don't have the specific quantities with me as far as what we used to calculate it, but we were assuming things like an 18 foot road and side slopes of about 2:1 which that would be stretching it as far the current standards go, but given where the road is it would be okay. The right-of-way issue, there wouldn't be enough right-of-way as it stands now, but there would have to be additional dedications from, like Mr. Jones said, probably the Staub side rather than the west side of the road simply because in the past that property owner had not been too cooperative on right-of-way issues. I'm trying to remember any other issues, really, on that. I can't remember anything that stands out in my mind.

President Jerrel: Any questions that you have?

Commissioner Mourdock: Just to give me some rough idea on fill, Mr. Jones you said it floods at 41 feet?

Jerry Jones: Yes, when the Ohio gets 41 feet it gets over the road.

Commissioner Mourdock: Just relatively, what was the Ohio last year when it flooded? I realize that was an exceptional year.

Jerry Jones: Thirty years ago it got what...45.7?

Unidentified: Forty-seven point seven.

Jerry Jones: Forty-seven point seven, 30 years ago it got that high, but that was 30 years ago. Normally, if it gets up to 42 or 43 if the road was raised four feet there would be no problem 99% of the time. I think, you know, John mixes with a lot of roads, but I think if you get out there and measure it's a little less than 1,100 feet and the road is adequate there, you know, the width and everything. I don't believe it's going to take as many cubic yards as we thought last year. I think that the cost would be lower if we maybe did some more figuring, I don't know. I do know it would be a nice place to live if we could have it done and I would appreciate it. You know, we can argue about how much a road is traveled. We teach our students, I mean I do, to be honest and fair, you know. Sometimes you don't have to go with the majority to be right. You've got to look at it and consider what this road is about not because it's on the east side. I'm not arguing east side west side here, but I just wish that some of the money would be put on the west side especially to the people who have lived out there for years.

President Jerrel: Most of the improvements this time are on the west side.

Jerry Jones: Last year, like I said a while ago, you people are nice, but we have to try to get what we can, but Lyle Road was put on the back burner last year and the information that I got...all much money and everything, I mean, next year we could have \$2 million allocated but we can always come up with one subdivision or two subdivisions, but I wish you would do what is right and fair. Thank you very much.

President Jerrel: Jerald Jones.

Jerald Jones: My name is Jerald Jones. I'm a property owner also on Lyle Road. To go back to a little bit of what my brother says, John is a relatively young man. My dad owned that property out there where we lived for over 50 years. I watched him walk, you know, quite a bit across that field because he couldn't have access to a safe road. I think the question before the County Commissioners is rather an easy one in my view. All...and I look down through this wonderful list of roads that we have here to fix and I know we have reasons to fix each and every one of them, but if you look I'd say well over 90%, maybe 95%, of the road expenditures is going to be resurfacing the roads which is great. We're not asking for that. All we're asking is for about four feet of fill dirt to make the road safe so we can have proper health care, so we can have access to our property like all families should in this county. We started our meeting with the Pledge of Allegiance. My wife mentioned to me, she said, you know part of that is justice for all. Not just justice for the majority, but justice for everybody. I think all people need safe roads. Particularly roads that don't flood and we're not asking for a lot. We will provide the dirt if the county will provide the--

President Jerrel: Do you live there now?

Jerald Jones: No, but I want to.

President Jerrel: Okay.

Jerald Jones: I want to very much. I was raised on that farm, but I don't want to be like my dad for fifty years. I think it's time to put a little bit of money back into some of the other roads that have been neglected for one reason or another. I think the question, like I said, it's pretty easy. All we're asking...the question is should we delay four or five

established roads in this county...established roads that has got concrete or blacktop already, it just needs resurfacing, can we delay those for one year and put a little bit of money for the families that have done without for so long? That's all we're asking. Thank you.

Unidentified: Has that road been accepted by the county?

Commissioner Mourdock: One other question before we leave that subject, John Stoll, when you quoted the price last year of being roughly \$100,000 were you buying barrow at that point in your estimate?

John Stoll: Yes, we figured \$8 to \$10 a cubic yard just on the basis of what previous projects cost on the barrow dirt.

Commissioner Mourdock: How many cubic yards were you looking at then?

John Stoll: That I do not remember. I didn't bring those cost estimates with me.

Commissioner Mourdock: Okay, but at \$8 to \$10 per cubic yard you were buying...okay, I'm with you now. You were not just buying the yardage, you were placing and filling the yardage.

John Stoll: Placing, compacting--

Commissioner Mourdock: Do you recall how much you used for actually acquiring the barrow?

John Stoll: It was just \$8 to \$10 a yard was trucking it in and placing just like in our other contracts.

Commissioner Mourdock: Okay, but I am hearing Mr. Jones say at this point they would give us...give the county the barrow and in your \$8 there was some number probably, and I'm going to guess here, a buck to two bucks per yard just to buy that barrow before you even trucked it in and placed it. Is that right?

John Stoll: You're talking about what would the cost be if the dirt was free?

Commissioner Mourdock: Right, how much are they saving us if the dirt is free?

John Stoll: I can't recall any projects off the top of my head where we actually had the dirt free, so I'm not sure what that would be.

Commissioner Mourdock: We always pay.

John Stoll: Yeah, that's for sure. I'm not sure what that cost difference would be. I'd have to talk to a contractor to find out more specifically what that might save.

Commissioner Mourdock: Okay.

Jerry Jones: I know John goes through a lot of figures, but I remember those figures very vividly. John had come up with 6,000 cubic yards of dirt and I remember, Richard, you multiplied the length, width and height and we divided by 27 and it came out to be two thousand five hundred and something cubic yards. I know it has to taper, but it doesn't come out nearly 6,000 cubic yards. His figures it was \$10 a cubic yard which

was \$2 too much because Gary Staub already said \$8 and he knows that we can get it from the county for \$8. You're talking \$12,000 too much there right off the top, but I think if you measure the road it varies in width and it will take near that much. It really won't. You're talking \$10 times 6,000. I mean, you're talking about \$60,000 in dirt. We're offering our dirt...and there was \$30,000 worth of rock they said and I don't know what the other 6,000 is going to be, but that is quite a bit of savings if we can work it out that way. I know Gary Staub would like to do the work. The dirt is there, you know, they've got the equipment and so forth. We'll make the offer for the dirt if it can be worked out.

Commissioner Mourdock: I just had one last comment. You say you think it will take less dirt. I don't know that I have ever seen one of those yet that took less. They always end up taking more because of the way it's compacted and tapered, so just a little voice of experience as much as anything.

Jerry Jones: Well, yeah. This road was based on 14 foot wide and I think John wanted to go out like 18, you know, you have to taper it up.

Commissioner Mourdock: It has to.

Jerry Jones: Yes, I understand, but if you measure the road it is not all the same width all the way down and some of that road is 18 foot already, so I am saying it will not take as much dirt as anticipated. I've done some measuring and figuring. I think I'm right, I don't know.

President Jerrel: Okay, Gary Sisney.

Gary Sisney: My name is Gary Sisney and I reside at 10525 Stephanie Lane. I'm here tonight representing 15 homeowners in the Stephanie Lane, Kelly Lane, Christopher Court area. We have approximately 15 here tonight if everyone would stand in our neighborhood and let the Board see who you all are. It's encouraging to see us on your list and I just wanted to petition the Board tonight. I brought a little show and tell. This is what some of our road is doing and it is in need of repair and we're just here tonight to petition that we would be on your active schedule for the year. I heard you say that it's not a guarantee that 100% of these get accomplished--

President Jerrel: Well, we did 100% last year.

Gary Sisney: Good. Well, I won't belabor this any more and waste any more of your time, but we appreciate your time tonight.

President Jerrel: Thank you. Is there anyone else that would like to speak to us about the roads? Just sort of some general information, John, would you want to come to the mike just a minute for the record? There are a number of projects at the bottom of the list that are proposed to be bid out and you want to repeat what you said because that is where we got...I came up with those numbers. You had estimated that to be about \$520,000?

John Stoll: Right, that should be fairly accurate on the basis of what we've paid on contractual projects in the past few years. The County Highway costs will probably be higher than the \$445,000 that was estimated on that one sheet simply because the asphalt quantities were probably figured too low. They were figured on the basis of an inch of binder and an inch of surface as far as the overlays go and there will probably be more than that just based on the list that Milton handed me this evening. I know he

had several roads that we're going to have two inch binder, inch and a half surface and things like that, so that cost will likely go up.

President Jerrel: So we're looking in the neighborhood of \$1 million?

John Stoll: Overall, yes.

President Jerrel: Okay. I wish we had...we could do more roads, but we're trying to take the recommendations of the ones that need the most effort now and this is a very respectable amount of money to commit to this sort of project. Did you have anything you wanted to add?

John Stoll: I think that about covers it as far as what I had.

Commissioner Tuley: Just a quick question. John, I think you had indicated to me the other day when we were talking about the road situation that the roads as a whole are in pretty good shape really.

John Stoll: Most of the through roads, yes. The more major roads.

Commissioner Tuley: So now we are going back and trying to clean up a lot of these?

John Stoll: Smaller ones.

Commissioner Tuley: Straighten these roads and fix these roads.

President Jerrel: The people that are here this evening are the ones that were put off while the larger ones were done.

Commissioner Tuley: Right, so hopefully then maybe by next year we may be in a position to do some of the things that we've just heard about, you know, roads like that. What I am hopeful is that maybe some of the people who have been here for several years and we just haven't got the money, next year may be that year that we might be able to do some of the things that we wouldn't normally be able to do. Is that just being overly optimistic?

John Stoll: If we don't have a bad winter maybe.

Commissioner Tuley: Okay.

President Jerrel: Commissioner Mourdock.

Commissioner Mourdock: A couple of questions on the numbers you put together, John. Do these numbers reflect any side ditching or is this just--

John Stoll: This is strictly asphalt. This doesn't include the labor costs for any of the paving crews and it does not include any ditching. This is just simply asphalt.

Commissioner Mourdock: Okay, it is based then on the asphalt prices that we've already received or that were rolled over from last year?

John Stoll: Right. We had three different sources for our annual bid on asphalt and the price that was figured was just the average of those three and I believe it came in right around \$22 a ton.

Commissioner Mourdock: Have we compared on the square yardage basis the...and I realize it won't always be apples to apples, but have we compared on a square yardage basis the cost of the county work versus that we're estimating on the contract?

John Stoll: I haven't, no.

Commissioner Mourdock: Would you do that for us?

John Stoll: The only problem, I don't know how as far as the labor costs. That would be the unknown. I'm not sure. I mean, maybe Milton could provide some of that, but I don't have any data on what the hourly rates for all the men on the paving crews would be.

Commissioner Mourdock: Moving into another area and Ms. Markham's comments about what the timing would be. We don't have it posted this year yet...oh, I'm sorry, Charlene. We don't have it posted this year yet, but we keep a graph over there on the bulletin board that shows our continual progress on the roads once we assign them as to how we're completing them. The County Garage and the County Engineer keep that up-to-date on a weekly basis so we know if we're six months through the year we better be 50% completed with the work that we've got. Last year was the first time we've done that. This year I would like to take a little bit different approach to it. I would like to know what sections of the county as we can define them on a map or otherwise what sections we're going to be working in and show more detail so that we see on a month-by-month basis how we are within those sections. It's in no one's best interest to start a road working over on the west side of the county and then stop that one and go clear over to the east side, move all the equipment over and then move to the north side back and forth. I would like to see something on a more specific basis so that we know that we're not hop, skipping and jumping all over the county to get those roads done. As part of that when you turn in that detailed plan, and I hope maybe we can get this next week or the following week, so that we can see when you're in a given area of the county what the dates are going to be that you're there so that we can get back to Ms. Markham and the others and say we expect that we're going to be in this part of the county, well, during the month of June or whatever because I think if we lay out the plan with more detail we're more apt to follow the plan with more detail. I know it won't be 100%, but I want to know what we're doing and that we are, in fact, making a good job tracking.

President Jerrel: We did do by sections last year, but maybe not totally and that's an important thing. I just want--

Commissioner Mourdock: The graph we kept was for the county as a whole and I would like to break that down even into section by section.

President Jerrel: The ditching the same way?

Commissioner Mourdock: Exactly.

President Jerrel: It makes sense that if we're going to pave in an area and complete that area we need to ditch the same way, and I know Rick and Milton are both here, so that we get it done in an area and then move on. I guess we could flip a coin who gets to go first.

Commissioner Mourdock: Ditching or paving?

President Jerrel: No, which area.

Commissioner Mourdock: Curt is pointing to Darmstadt!

Bill Tye: I would like to readdress please.

President Jerrel: You want to go ahead and let--

Commissioner Tuley: Yeah, the only thing I was going to say and, of course, you have to muddy the water with Curt's comment there real quick, but what I was going to say, and I wish the Jones were here because they're the ones that brought politics into this thing about being Democrat or Republican.

Commissioner Mourdock: Did they leave?

President Jerrel: They left.

Commissioner Tuley: These roads, if you really breakdown the roads here, I feel compelled to make this statement. There is something like 53 roads on here to be resurfaced or whatever. Twenty-four of them are on the west side. Now all of us run county wide, but the makeup of my district by residents is the west side and I'm the minority member here, so you know they're not doing any favors for me.

Commissioner Mourdock: You're not even running this year.

Commissioner Tuley: And I'm not even running, so really it comes down to need and money to match the need and that's how all the decisions are made when it comes to road paving, so I don't want anybody walking out of here thinking these are anything but recommendations from our Highway Department and our Engineering Department that these are roads that need to be done.

President Jerrel: I appreciate you saying that.

Commissioner Mourdock: Good comment.

President Jerrel: Mr. Tye.

Bill Tye: Again, speaking from the Westside Improvement Association, one of the things Shirley and I was noting as we were going through here was the number of roads that are situated on the west and the northwest portion of the county and we do appreciate the attention that is being drawn here and we look forward to seeing these completed. One comment I would like to make that is probably carrying these to something in the future, I also serve on the Citizen's Advisory Committee for EUTS. This was my first year being involved in that. I was disappointed in seeing the objections of a number of our people in the county to some of the proposals for recommended improvements in the infrastructure of our streets and roads around the county. One of the most severe problems that we have in this county is the fact that we have one road that you can travel from the east side to the west side or back from one side of the county to the other. We only have a couple or three roads that, basically, you can run half way unimpeded other than stoplights from north to south. As this county continues to grow it is absolutely imperative that we develop the infrastructure of our highways to move traffic across our county north, south, east and west without having to dump it all either onto the Lloyd Expressway, 41 or a few of the roads that meander across the western side of the county. I think we're going to have to make some very hard decisions and very quickly to identify where these roads need to go. We're going to have to obtain the property, we're going to have to get federal funding, whatever it takes, but get these things

because as you all know you drive anywhere across the county and we're seeing housing developments everywhere. Most of our roads are extremely narrow, blacktop, hard to drive in good weather let alone in poor weather and the traffic is getting only worse. I think the citizens of our county and our elected officials all have to recognize the fact that there is going to have to be some hard decisions made about right-of-way, about straightening roads, and there is really when you look at the existing roads there is not very many that can be relatively easily straightened and completed so that we could direct this traffic completely across the county.

President Jerrel: Your terrain is difficult out in the west side.

Bill Tye: Yeah.

President Jerrel: The Eickhoff/Koressel pathway is about the only straight shot.

Bill Tye: Right now.

President Jerrel: Right now.

Bill Tye: Yeah, in that area and then as we move north in the county however, you know, whether you...you can pick a couple...there is only two or three roads basically up there that exist now that for the most part run across the county. They need some straightening and stuff, but we're going to have to do something or we're going to have worse traffic jams than we have now. I think we really do have to attack this. I know the EUTS group and Citizen's Advisory and the tech committees and stuff spend quite a bit of time addressing this and, you know, when you look at the maps we're limited unless you go out and build completely new roads and that probably isn't the best solution either. We would like to rerequest or ask that you do look hard at these. I mean, everybody hates...when we mention Mill Road or we mention...

Commissioner Mourdock: Boonville-New Harmony.

Commissioner Tuley: Boonville-New Harmony.

Bill Tye: Boonville-New Harmony, but gentlemen...ladies and gentlemen, when you look at the existing highways those are probably the best fix for the least monies. We really do need to address these things because it is getting to be not just a minor problem, but a terrible problem within the county. Thank you.

Commissioner Mourdock: For my money that's been probably the best comment of the night from either side of this table. Quite honestly, tonight is an easy night for us to listen to all of you who are doing such a good job of presenting your points of view and you're doing it in such a calm and measured fashion. If you want to see the other extreme suggest widening Boonville-New Harmony Road. We had this room filled to the point where we had people standing behind us. You know, don't do that, don't do that. Yet--

Bill Tye: The reality is--

Commissioner Mourdock: The reality is no one wants to see this group or any other group east side to north side, you know. They look at the east side and see nothing but traffic problems and yet no one wants to really face up to that, so those are very good comments.

Bill Tye: Being a relative--

President Jerrel: Come up, Bill.

Bill Tye: Having lived in the area only eight or nine years, so I am still a newcomer, but beginning to feel like this is home to me, one of the most frustrating things is that the vast majority of the roads in this community don't go anywhere. You take off, you get on a road, oh, I want to get over there. I'm one of these people if I know the town and I want to go over here I can usually find my way there except most the roads you get onto suddenly turn and you're going the opposite direction.

President Jerrel: Bill, let me remind you of something real fast, you and the westsiders, on the Westside Improvement.

Commissioner Tuley: Careful.

Bill Tye: I live on the east side now.

President Jerrel: Well, but let me tell your committee. When you said that I'm thinking about all this work we're going to do on Fulton, the city is doing. I mean, the general taxpayer doesn't care, they don't even know where the city and county boundaries end, but they're going straight across Fulton which would be a good way to get and you're going to get right up there and the bridge is going to be over here, so we may need some help from you because the state has the money. We just need for them to prioritize us. It's already approved. We've got our money up. We've got our money in the budget. We just need some real support to force INDOT to allocate those dollars now.

Bill Tye: One of the worst problems with Burkhardt is the state built a major fence all the way across the county (inaudible comments not made from mike).

President Jerrel: You want to...come to the mike though, please.

Shirley James: I'm Shirley James. Actually the Greenway could help with that. We want to come under that bridge, the Fifth Avenue Bridge, and that project for us is in 1999, so that bridge needs to get done, so if we can send a letter of support we'll do it.

President Jerrel: I'll give you the names.

Commissioner Mourdock: Can I move to one other area regarding roads here?

President Jerrel: Certainly.

Commissioner Mourdock: This isn't on the list and no one has addressed it and I wouldn't expect anyone to, but just informationally perhaps as much as anything and I have no idea what the cost estimate would be on this, but I have been approached by the Posey County Commissioners to see if we would be willing to chip and seal County Line Road north of Baseline. I know Pat is aware, Bettye Lou you're fairly new to this you may not be aware, by state statute a county is responsible for the roads that are on the west side of the boundary and the north side, I believe. Even though it is County Line Road we're responsible for that road. In the past we've had an interlocal agreement or a bi-county agreement for some road maintenance there. Pat knows more of the details there.

Commissioner Tuley: Go ahead, I don't mean to look at you and cut you off. I'm going to get my Engineer and Highway guy up here, but I don't think Posey County lived up

to the last agreement we had with them, so I'm not too encouraged to do--

Commissioner Mourdock: Is that right?

Commissioner Tuley: --any other joint agreements until they live up to the last one. We built County Line West with the understanding they would maintain it and I understand they're not doing too good of a job. Milton is shaking his head. They're not doing too good of a job of doing that.

Commissioner Mourdock: Okay.

President Jerrel: You want to come to the mike? You don't want to come to the mike!

Commissioner Tuley: There went my chance of ever running for anything on state level!

Commissioner Mourdock: Probably so.

Milton Hayden: We did that from Baseline Road to--

Commissioner Mourdock: Schmitt?

Milton Hayden: Schmitt Lane and the understanding that we got with their agreement they were to do the ditching and have the road prepared when we go out there to pave it. When we got out there to do the job we had to pave the road and then they came back in ditched it and then the road started cracking after that and they said we didn't put down the right material, so it became into a big mess, but the road was done.

Commissioner Mourdock: Okay. Well, let me continue to pursue that then. That's why I like to bring it up in a meeting because I learned something I didn't know otherwise and I was not aware. I knew we had the deal with them on that section. I didn't know that we had a problem with it. I hadn't heard that.

Milton Hayden: Yes, we had a nasty problem with them.

Commissioner Mourdock: Okay, we have several things in the works that the state is imposing on us where we have to have better cooperation between the Commission of Posey, Vanderburgh and Warrick County and I was trying to build a bridge, not just a road there.

Commissioner Tuley: I took it out from under you, I'm sorry.

Commissioner Mourdock: That's alright.

President Jerrel: Any other comments? Any other comments from the audience? Okay, then I'll say that's the conclusion of our road hearing and at this point I need something in the way of a motion regarding these roads.

Commissioner Mourdock: I will move acceptance of the proposed highway projects to be done by the county crews and also the proposed contractual projects to be bid out as submitted to us by the County Garage and the County Engineer's Office.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Will it be possible next week or no later than the following week to have a more detailed timetable for the type of work, so that those of you who are interested can check back with us and find out when your road would be paved? Heads are nodding in approval, so we'll assume two weeks from tonight we'll have that timetable.

President Jerrel: Thank you all very much and if you would like to stay we've love to have you, but if you leave we'll understand.

**Public hearing regarding Eickhoff Road right-of-way**

President Jerrel: Okay, the next item on the agenda is the public hearing for Eickhoff/Koressel apparent right-of-way and you have in front of you an ordinance that established the apparent right-of-way. Would our Attorney like to speak to that?

Joe Harrison, Jr.: There is that proposed ordinance in front of you.

President Jerrel: Yes.

Joe Harrison, Jr.: But Mr. Stoll and probably Mr. Warrum and I'm sure Mr. Ziemer are going to speak upon this issue. This is one that, I think, came up before the Board about a month or so ago and there have been some discussions and some modifications since that time and it was readvertised as far as the apparent right-of-way dimensions and the last advertisement in the newspaper, I believe, was put in last Friday and so Mr. Stoll is going to inform you all about the matter.

John Stoll: Since last time that this was discussed we did make some modifications like Joe said. Basically, instead of declaring a 20 foot right-of-way like was done the last hearing it is now at 12 ½ feet which is the approximate west edge of the pavement for Eickhoff Road. This would run from Hogue Road up to the Temme/Nurrenbern property line for a grand total of 869 feet. I'm sorry, wrong dimension, 689.4 feet. The last time this was brought up at the hearing I had said that the section line was more oriented in the eastern third of the pavement. That was incorrect north of Hogue. Basically, the section line is fairly well centered in the center of the pavement, so, basically, measuring 12 ½ feet off the centerline of the road would give a good approximation of where this right-of-way would be located.

President Jerrel: Okay, is there anyone that would like to speak to this? Mr. Ziemer?

Ted Ziemer: Yes.

President Jerrel: Did you want to speak to this?

Ted Ziemer: Yeah.

President Jerrel: You didn't want to speak at the road hearing. You signed your name.

Ted Ziemer: Mr. Stoll, that would be then for a total width of...well, varying, but essentially what...32 ½ feet for Eickhoff Road?

John Stoll: It would be varying from 37 ½ feet to 42 ½ feet it looks like.

Ted Ziemer: In total width for the right-of-way? From Hogue Road up to the north line of the Temme property as we know it? The Temme/Nurrenbern? Madam President and members of the Vanderburgh County Commissioners, the road in questions or the area in question over which there is a petition for declaration of apparent right-of-way has

been used as a roadway for many, many years. It has been paved up to just, I don't know, six or eight feet south of the line that Mr. Stoll is talking about since 1974. The question that we have is whether or not the apparent right-of-way should not be extended to the west even further than the west paved portion of the roadway or the gravel portion of the roadway north of where the pavement ends up to the north Temme line. In support of this we suggest that first of all as we discussed, I think, at the last meeting on the south portion of the Temme property which would be roughly the south 300 feet, you say it's a total of 689, so it would be the south three hundred and forty something feet there aren't any dedicated right-of-ways for this portion, but there is a culvert constructed across the roadway which runs seven feet west of the roadway in toward the unpaved raw ground ditch area. That is certainly evidence of county use for property west of the roadway in constructing this culvert and maintaining it. Certainly at that location, and it's unusual to see use of a right-of-way by a county that only covers...I don't know how wide that culvert is, ten feet and say that's the only right-of-way that exists west of the paved portion of the roadway. Also, additional right-of-way is needed for maintenance of the roadway. We understand from talking to the Water/Sewer Utility and the County Engineer that there are many instances in Vanderburgh County of roadways that are paved and then utilities are laid next to the edge of the roadway, but there is no dedicated right-of-way for that so that the county is going to experience more and more requests like this where the utility finds that it has installed utilities, but it doesn't have the apparent right-of-way to have done so. Plus it is difficult to maintain this roadway if you have to stand on the road to maintain it. You generally have some right-of-way adjacent to the road which is used for machinery and equipment to maintain the roadway. That's just to the south portion of the Temme property. The north portion of the Temme property, as has also been explained to you, there are dedications of right-of-way. First a reservation of 30 feet of the west side...from the center line, then later a deed that said it was subject to 30 feet for a roadway and still later in the deed to the Temme family it accepts the real estate conveyed to the Temmes, accepts 30 feet for a roadway, so that in our opinion the Temme family doesn't even own that 30 feet. It was accepted from the real estate conveyed to them, so that real estate is there and it's available for public right-of-way. We have an affidavit which has been signed by Pete Hillenbrand who is a long time resident of the area out there. I'm going to give you, Madam President, a signed copy of that affidavit. Just to summarize for you, he indicates that his family, his father and himself, have owned the real estate north of the north line that John is talking about here running all the way up to the railroad and that they have used this roadway from Hogue Road all the way up to the railroad to provide access to property that they own to the north. The affidavit further indicates that other residents of the area, in item number 10, Ray Nurrenbern, Don Temme, Charles Deitch have openly and continuously used the Eickhoff extension all the way up to the north end to the railroad portion to get access either to their real estate or to real estate used by them. When he says real estate used by them he means real estate that was farmed by them. Real estate up in the northwest corner has been farmed and this roadway has been used as the means of access of getting to that property for many, many years as stated in the affidavit. Finally, in number 11, Mr. Hillenbrand swears that he is aware that five owners of property on the north side of Chapel Hill Subdivision have openly and continuously used this roadway for access to get to the backside of their lots in Chapel Hill Subdivision, so there is a long, long history of use of the roadway so that certainly by prescription the county does have a right-of-way there. The question is how wide the right-of-way is and we maintain that at least the deed that accepts the 30 feet off the east side of the north Temme property takes that property out of the ownership of the Temmes and that can only be for access to real estate to the north and the county could not be criticized for increasing the width of the right-of-way further west at least on the north portion of the Temme property to allow some area for utilities and also area for maintenance of the roadway. I have a photograph of that which shows where the paved portion of the

roadway ends and then it shows very clearly that there is a graveled area north of that which has been there I don't know for how long. Mr. Hillenbrand says in his affidavit that he didn't lay the gravel there and he doesn't know who laid the gravel there, but the gravel has been there for a long time and has been utilized by traffic going to the north beyond Chapel Hill and indeed beyond the area where it is proposed to lay out the new subdivision.

Commissioner Mourdock: Excuse me, Ted, we need to change the tape here.

Ted Ziemer: Sure.

### **Tape change**

Commissioner Mourdock: Okay.

Ted Ziemer: So in sum, while it will be good to have a declaration of apparent right-of-way that does cover the paved portion of the roadway and the graveled portion of the roadway up to the north Temme line or the line separating the Nurrenbern real estate and the Temme real estate, we suggest that to be orderly about this, to allow for future maintenance, to take into account that there is a reservation of right-of-way for roadway off the east side of the Temme property that at least for the north Temme property, and we think the south as well due to the culvert, that the right-of-way should be extended somewhat to the west beyond the paved portion to allow for maintenance of the roadway and for installation of utilities.

President Jerrel: Are there any questions of Mr. Ziemer?

John Stoll: A minute ago I said the total right-of-way width would be 37 ½ feet to 42 ½ feet. That was incorrect. The east side of the right-of-way runs 25 feet throughout the entire length of the area that we're discussing so that would make the total width 37 ½ feet, so basically we're just declaring the 12 ½ feet on the west side. Like Mr. Ziemer said, the culvert would present a problem in the future. We would have to go back to Mr. Temme or whoever would own the property and get temporary right-of-way to be able to work on that culvert, but since the edge of the pavement is consistently the only thing we knew that we had maintained, that's the reason why it was my recommendation to go with the 12 ½ foot declaration.

President Jerrel: Okay, Mr. Warrum.

Unidentified: I think Mr. Temme is going to speak.

President Jerrel: Okay, fine.

Don Temme: My name is Don Temme representing myself. Apparently counsel for Rick Broerman or Andy Easley is not...he doesn't have all his facts straight. He talks about apparents, you know, apparent right-of-way and such. Now that road...well, he is talking about a right-of-way that goes back and that was for ingress and egress so that the Deitch property, was prior to that the Schisler property, so it would not be landlocked. That property is north and south of the railroad track. The Hillenbrand property never went to the railroad track along this ingress and egress. Now, I guess what I really want to say is this. Andy Easley gave the okay to Gary Leek to put the water main next to the blacktop. That was one mistake. Rick Broerman just took it upon himself to say that the county had all their right-of-way, the width like he's talking back to the original 25 feet and 30 feet at one time. Had they done their homework, done their footwork and such,

I believe they could have eliminated a whole lot of this. You know, the subject being brought up at the meetings. On the accept, which was mentioned, on the north portion there is 30 feet granted on the abstract for roadway. No utilities were mentioned. The south portion was approximately 360 feet, there was nothing mentioned about any apparent right-of-way, any roadway, road easement and/or utilities. I was out there one day when the county survey crew was surveying. There still is no pin at the northeast corner of my property. It should be the property line in the roadway. The blacktop is still breaking off where they put the water line in north and south of Hogue Road. The gravel north of the blacktop...I don't know, I've been around there for a long time and there never was any rock or gravel put up there north of that except there might have been a little bit of trash concrete put in that wash and such coming up the hill from the fields. The culvert, yes, anytime you put a roadway in you have to put a culvert if there is a water ditch or a drainage you have to put a culvert in. It has to extend beyond either side of your traveled portion of the road up on top. The culvert is bad. The Water Department didn't help it any either when they put that water line in. Do you have any questions to ask me?

President Jerrel: Are there any questions from either Commissioner?

Don Temme: What has happened, what has really brought this about they went in and they was going to just put this...I mentioned this at prior meeting about Mr. Leo Hillenbrand put this road in without any due process, you know, for a right-of-way for the blacktop and since then, I mean, I'm not bucking the blacktop, but they want to put utilities in on that 360 feet and have no right-of-way for the road or utilities for that. I didn't want to be railroaded over which they started to and that's why we're at this stage of the game.

President Jerrel: Do you want to make some comments?

Joe Harrison, Jr.: Does Mr. Warrum want to make some?

Ron Warrum: My name is Ron Warrum. I represent Don Temme. I have just one question for John that I think he made clear, but as I understand it then the right-of-way on the west is in your proposal right at the edge of the pavement? That's all I have.

Ted Ziemer: One more comment, if I may, to follow up on what Mr. Temme had to say. As I said in my remarks, perhaps it is tenuous that there should be an extension of the right-of-way further west of the pavement for the south portion of his property because there has never been any dedication of right-of-way there at all. The right to declare an apparent right-of-way is due to prescription because it has been used by the public for more than 20 years and has been paved by this county since 1974, but for the north portion of the Temme property there are reservations and dedications and finally there is in the deed to the Temme family there is the exception of that 30 feet which Mr. Temme acknowledged and we think in that area at least to allow room for maintenance of the roadway that it would not be unreasonable nor would it be a taking to extend the width of the right-of-way for the north portion of his property some few feet, three feet, two feet, to the west of the paved portion to allow for that maintenance and that would allow for utilities to be in that area. Absent that, utilities will have to be put down the center of the roadway.

President Jerrel: Anyone else that wishes to respond to any of that? Yes, do you want to come up.

Ron Warrum: The utilities can be placed on the east side of the roadway. They have all the right-of-way they need to do that on the east side of the roadway or they can do it

anywhere in the road but the west side.

Ted Ziemer: And only to say the east side is full. There are already...what? Gas line, and the engineers say they can't put anything on the east side.

Commissioner Mourdock: I have a question for John.

Don Temme: Let me verify something. All utilities are already in place. The telephone cable is buried under blacktop, the gas line on the shoulder and the pressure sanitary is in. The water is on the west side. SIGECO has been out there in the last week or ten days and have installed larger poles and three phase electric service to go north, so there is...the only thing I know they can put out is fiberoptic cable. That's the only thing I know for a utility to be put in yet.

President Jerrel: Did you want to comment to that?

Joe Harrison, Jr.: Mr. Stoll might be able to provide some insight, but it is my understanding the blacktop roadway, Eickhoff Road, was recently paved a couple of years ago by the county.

John Stoll: Most recently last year.

Joe Harrison, Jr.: I am assuming that prior to that time it had been resurfaced probably several years prior to that, so the county has had a history of paving that particular road even though the right-of-way has not been noted on record and that's one of the reasons why we need to clear up this situation. There is an ordinance in front of you that establishes apparent right-of-way. On Exhibit A to the ordinance it actually has the legal description. Exhibit B has a drawing, but Exhibit A has the actual dimensions. Again, as Mr. Stoll has indicated, the right-of-way would essentially be the pavement of the roadway out there. The legal itself though, 12.5 feet in width is what is set forth in Exhibit A. If the County Commissioners are willing to consider the ordinance they would approve the same and then it would have to also be approved one more time next week if you are willing to consider it.

Commissioner Mourdock: Just to clarify the point that Mr. Ziemer was making, for that north 330 feet, or roughly 330 feet, where the accepted 30 feet of roadway or right-of-way is of record, or I guess that is somewhat contested, but at least where it was accepted out in some of the documents--

John Stoll: Right.

Commissioner Mourdock: --at this time you're not including all of that 30 feet?

John Stoll: Right.

Commissioner Mourdock: You're still only going to the edge of the pavement all the way up that length?

Joe Harrison, Jr.: That's correct and my recommendation on that is essentially because of the fact that that's the roadway that we've been paving and the rock in the other road out there that has been put in by the county in the past, so my recommendation is to not go beyond what we've been doing in the past and Mr. Ziemer is asking that we go a little further which I can understand his reasoning and that is up to the Commissioners to decide what they want to do, but my recommendation was to keep it at the dimensions

of the roadway as it exists today with pavement.

President Jerrel: Are there any questions that the Commissioners would like to ask either the attorneys or the landowner or Mr. Stoll?

Commissioner Mourdock: John, on the west side of this what is the drainage situation? I mean is there a natural drainage way?

John Stoll: There is a more defined ditch on the northern portion of Mr. Temme's property than there is on the section right at the northwest corner of Hogue and Eickhoff. That would constitute a small swale at best. Basically, from the culvert northward is where the ditch gets to be better defined.

Joe Harrison, Jr.: The only other thing I would add is that it's my understanding that there are no records of any maintenance of the ditch by the county and you would think that if there were some records in the past of some maintenance of that ditch that would imply that they were under the assumption that they should be maintaining it for right-of-way purposes and they haven't. They haven't done that in the past.

John Stoll: Right, there are no records in my office and none that Milton could provide either, so that is why we just used the approximate edge of pavement. The edge of pavement which was approximated by the 12 ½ feet has the right-of-way rather than assuming the ditch line like was previously done.

President Jerrel: Okay, what's your pleasure?

Commissioner Mourdock: I'll move approval of the ordinance as proposed and recommended to us by the County Engineer's Office and the County Attorney regarding the widening of the right-of-way for the Eickhoff Road north of Hogue.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. This is just the first--

Joe Harrison, Jr.: You might go on and do a roll call.

Commissioner Mourdock: Yeah.

President Jerrel: Okay, but it is the first hearing and I'll call for the vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: Commissioner Jerrel, yes. The next hearing will be when?

Joe Harrison, Jr.: It will be next Monday.

President Jerrel: Next Monday night.

Joe Harrison, Jr.: Then we'll publish the ordinance if it is approved next week.

Ted Ziemer: Question. Now on the hearing next week, is it necessary for us all to come back again?

Joe Harrison, Jr.: No.

President Jerrel: No.

Ted Ziemer: Thank you very much.

**Any group or individual wishing to address the Commission**

President Jerrel: The next item on the agenda is anyone that is here that would like to speak. Any group that is here?

Commissioner Tuley: I was just going to ask these folks here since they kind of walked in after the road hearing if they were originally here for that.

President Jerrel: Were you here for the road hearing?

Unidentified: Yes. We had a prior commitment.

President Jerrel: Did you see our roads? The roads that we...you want to come look at this. Were you interested in a particular...?

Unidentified: Bickmeier.

President Jerrel: It's on there.

Commissioner Tuley: It's on there and they spoke to it.

President Jerrel: And we approved it.

Commissioner Mourdock: We included in our list.

Commissioner Tuley: Okay. I just didn't want them to sit there all night.

President Jerrel: That's good. I'm glad you said something.

**John Stoll - County Engineer**

President Jerrel: County Engineer, Mr. Stoll.

John Stoll: I've got two items. First I'd like to request approval to reimburse SIGECO \$3,588 to relocate an I beam that is used as a guy wire for the...used to tie off a guy wire at the northwest corner of Lynch Road and Oak Hill. This relocation is necessitated by the condemnation suit at the Marathon gas station at that corner. In order that we can progress the Lynch Road project...there was an ongoing dispute about whether or not this was reimbursable or not because back in '93 SIGECO has originally relocated the I beam and once some proposals were made to try and settle the condemnation suit the property owner asked for a wider driveway which necessitated moving the I beam again. We contacted INDOT. They had said that they felt that this was a reimbursable item. I didn't think it was reimbursable since it was located within right-of-way, but in order to expedite the job Joe Harrison and I both felt that the best thing to do would be

to go ahead and pay it and get the thing moving ahead. So I am requesting authorization to go ahead and send SIGECO a letter saying we will reimburse them for their estimated cost of \$3,588.

President Jerrel: Five hundred and eighty-eight? That was my question. I didn't hear the exact amount, \$3,588 even?

John Stoll: Yes, that's just their estimate. They'll bill us for the actual time and materials involved, but that's their current estimate.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The other item I've got is a street plan approval request for Ashwood Subdivision. This is off of Bergdolt Road. There are two sections to this subdivision. One will come off Bergdolt Road and the other one will come in off of Rosewood. Those streets...I mean, all the new streets will be curb and gutter streets. Everything has been reviewed in my office and it is recommended that the streets be approved.

Commissioner Mourdock: I'll move approval of the streets in Ashwood Subdivision as recommended by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Did you say that's the last you had? Quick question then, John. We've spoken about Lynch Road and getting that thing opened up. Any chance we could expedite to get at least the section from Oak Hill Road to Green River opened? From what you said last time I think the better delay is out at the connection with Burkhardt.

John Stoll: The opposite. The majority of the work remains up in the vicinity of the Oak Hill intersection.

Commissioner Mourdock: Okay, can we go from Burkhardt to Green River?

John Stoll: I haven't discussed that with the contractor. I guess it could be possible. The items I know that they've got to deal with on that section would be finish putting the asphalt in the median, striping, and some grading of the side slopes, seeding and guard rail installation.

Commissioner Mourdock: Would you talk to them prior to next week and see if we can make some progress with that?

John Stoll: Sure.

Commissioner Mourdock: Tell them there would be a group of happy citizens!

John Stoll: They had told me I believe they are going to plan on starting work again in

a couple of weeks, so maybe they can start there first.

President Jerrel: It's going to be more and more difficult to explain why we aren't driving that stretch.

John Stoll: Some people are the way I understand it already.

President Jerrel: Is that right? Is there anything else?

John Stoll: That's all I've got.

President Jerrel: Okay, thank you.

### **Milton Hayden - County Garage**

President Jerrel: County Garage. You have the garage report. Do you have any questions or regarding that is there a motion to accept it?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Milton Hayden: Sonitrol.

President Jerrel: Yeah, right. We have in our packets some information regarding some proposals for a security system at the garage and they were reviewed and is there a recommendation for one of the three?

Commissioner Mourdock: I would move...well, with one condition I would move the acceptance of Sonitrol for the offer they've made for the security system and my one condition, if you will, not exception, but my one condition is that the first people notified in the event that a motion sensor or some other warning device is someone within the County Sheriff's Department.

President Jerrel: Right and this will be a complete system that includes audio sensors. On all sections it will have a punch in keypad with restricted uses and complete reporting. Is that a motion?

Commissioner Mourdock: That was a motion.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Milton Hayden: Thank you.

President Jerrel: Thank you for staying because I'm glad you got to hear all the road hearing information so we can be ready to move on it.

Milton Hayden: I'm glad, too!

**Joe Harrison, Jr. - County Attorney**

President Jerrel: Okay, County Attorney.

Joe Harrison, Jr.: I just have two particular items. One is a change order with regard to the Kronos contract with the Auditor's Office. I believe it is my understanding that there are sufficient funds in place for a change order in the sum of \$3,695. The original contract that was awarded had some features in it that were not accepted by the county, so the county had some extra funds available and now there is a need for some other items. Suzanne Crouch may have something else to add to this.

President Jerrel: What was the amount?

Joe Harrison, Jr.: The amount was \$3,695. Again, that funding is available.

President Jerrel: Do you have any comments?

Suzanne Crouch: That is just to upgrade the license from 250 to 500 workers at Burdette...to handle 500 workers at Burdette.

President Jerrel: Okay. Is there a motion to approve that change order?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Joe Harrison, Jr.: The other thing I have, the Safe House Community Corrections contract required an Exhibit C regarding the step pay wages for those individuals out there. I believe it was 17 or 18 who were on the step pay system. That has been completed and has been adopted by the County Council and I have copies in front of me if you would make a motion to accept this and then this would then be added to the contract. The contract required that Exhibit C be completed by...let me give you the date here. I believe it was April 10th. Let me see if I have it here. It had to be done by, yeah, I believe April 1st, so we're a little early on that, but if you would accept this then we can add this to the contract and I will forward copies over to Chuck Whobrey.

Commissioner Mourdock: You said Council has accepted this?

Joe Harrison, Jr.: Yes, this is what has been accepted by the County Council as far as the Salary Ordinance is concerned. The payout would not have been accepted by them. What has been accepted is the starting rate, the six month rate. The other rate is exactly what the Oliver System proposes for these certain classifications, so it's that same system set out over a period of two years, five years, ten years, 15 years, 20 and 25.

Commissioner Mourdock: I'll move approval of the document presented to us by the County Attorney labeled Step Pay Employee Wage Rate Schedule to be the amendment C to the contract with the Teamster for the Community Corrections facility.

Commissioner Tuley: Second.

President Jerrel: So ordered.

President Jerrel: Is there anything else?

Joe Harrison, Jr.: That's it.

### **Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I'm going to go before...at least with permission, I'll go before Council on Wednesday to request approval for the \$1,500 into contractual services for Ellspermann & Associates and to seek approval for some transfers in the auditorium budget so that we can pay the last of the bills from the auditorium.

President Jerrel: Those have been...this is the final action that they'll need?

Tony Greubel: Yes.

President Jerrel: Okay.

### **Steve Craig - Burdette Park**

President Jerrel: Burdette Park. We have in your packet a number of items that Joyce and Steve prepared regarding the funding and we also have a report to accept. Is there a motion to that effect?

Commissioner Mourdock: So moved.

Commissioner Tuley: This is the report we're talking about?

President Jerrel: Uh-huh.

Commissioner Tuley: Okay, second.

Commissioner Mourdock: Yeah, I'm sorry. I should specify that with a date and I didn't have my copy of it here in front of me. What's the date on the report, Pat?

Commissioner Tuley: To be honest with you I don't see it on the cover page.

President Jerrel: It was last...it was the 23rd.

Commissioner Tuley: You're right.

Commissioner Tuley: Presented for the 23rd.

President Jerrel: Steve has presented to us...you want to talk about the pool a little bit and what you would like to go ahead and begin doing?

Steve Craig: Yeah. As you know last year when we had submitted our budget we had submitted a plan to fiberglass the swimming pools because of the deterioration of the concrete and the sides of it. We had thought there needed to be something done and after looking into it it was not just painting, but it's 37 years old and concrete starts deteriorating I think about after 30 years or something is what they claim. We had looked into getting the pools fiberglassed and what we're trying to do is to see if we can

still get one of them fiberglassed this year and then some way get one fiberglassed next year. I had talked to the person when I had got the estimates on it, I got three of them, who said that we can still get it in if we start by March 1st to get it done by Memorial Day.

President Jerrel: Now, if the prices that you've given us are there we're going to have to bid.

Steve Craig: Pardon me?

President Jerrel: I said if the prices that you...the estimates that you gave us, we will have to put those out for bid.

Steve Craig: Right. I talked to Lynn and she said they needed to be advertised on 3/5 and 3/12 of '98 and then there would be pre-bid and if she can get it in tomorrow, then they would open the bids on 3/23/98 which would allow them to award the bids on 3/30 of '98 if everything would click.

President Jerrel: Is there any discussions or questions? This is about \$140,000 to \$180,000.

Steve Craig: It's \$125,809 for the swimming pool.

President Jerrel: Okay.

Commissioner Mourdock: I'm sorry, say that again, Steve.

Steve Craig: It's \$125,809.

Commissioner Tuley: This is for which part of the pool?

Steve Craig: It's what we call the slide pool. The ones that have the two slides. It's the larger of the two surface area.

Commissioner Tuley: Okay, the kiddie pool.

Steve Craig: The kiddie pool.

Commissioner Mourdock: Question, Steve. That number is so precise and refresh my memory, is that from just a budget estimate or is that from an actual bid that we did previously?

Steve Craig: I had got three estimates from three different companies on what they would, you know, charge to fiberglass our pools. The people that had done the city pools were in town this summer or this spring--

Commissioner Mourdock: But it wasn't a formal bid procedure?

Steve Craig: No.

Joe Harrison, Jr.: No, we have to bid it out.

Commissioner Mourdock: Yeah.

Steve Craig: I just asked them for an estimate of what it would cost.

Joe Harrison, Jr.: You certainly may get a lot lower bid or you may get a lot higher bid. You never know what it's going to be until you bid it out.

Commissioner Mourdock: This is one of those pay me now or pay me later type things if we let it go any longer, so I would move that we go out for bid for the resurfacing of the slide pool.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. We need permission to advertise. Do we need to do that also or that is just implied by the motion?

Commissioner Mourdock: I would say it's implied, but if it isn't I'll add that into the motion.

Commissioner Tuley: Second, just so we're covered.

President Jerrel: So ordered, okay. Now you'll work with Lynn on doing specifications?

Steve Craig: I got her all that information. I gave it to her prior to the meeting and I will get back with her tomorrow and see if she has got any questions on it, but we did sit out there and go over it.

Charlene Timmons: I believe that Lynn Ellis will do the advertising on that. I just wanted--

Steve Craig: Yes.

Charlene Timmons: --to make sure.

Steve Craig: Okay.

Charlene Timmons: You'll tell her that there was permission given? Thank you.

President Jerrel: Okay, is there anything else?

Steve Craig: Yes, we had submitted an application for manager of the swimming pool.

President Jerrel: Uh-huh.

Steve Craig: His name was Charlie Lawrence.

President Jerrel: Right.

Steve Craig: He is a school teacher at Bosse and that. I didn't know if--

President Jerrel: You need to get a pink slip.

Steve Craig: Okay, I didn't know if you three had discussed it or--

President Jerrel: Well, it was in your materials last week.

Commissioner Tuley: In this here?

Steve Craig: Yeah, from the 23rd.

Commissioner Tuley: With the name?

President Jerrel: Right.

Commissioner Tuley: Okay. I knew there were several openings out there, but maybe...that's right. I think I do remember that.

Steve Craig: One of them was the manager of the pool.

President Jerrel: Right. Yeah, you need to get the pink slip in when you plan to have him begin.

Steve Craig: Okay, yeah, it will be probably a month or so, but I have talked to him a couple of times over some stuff, but we will do that. One other position that we had an application for was the manager of the campground. I was wondering if you had time to discuss that application?

President Jerrel: That is also in your packet from last week. Do you have yours with you?

Commissioner Mourdock: I don't have last week's with me.

President Jerrel: Okay.

Commissioner Tuley: I've got last weeks, so let's find that because I remember seeing the various different openings that we had.

President Jerrel: It's working alright now, but as they get busier they want to make a decision about hiring someone and this is the lady that works third shift at Alcoa that lives adjacent to the grounds and--

Commissioner Mourdock: She had applied previously?

President Jerrel: Yes.

Steve Craig: Yeah.

President Jerrel: Steve recommended that we hire her and you did take all these before the Advisory Board, too?

Steve Craig: Yes, yeah. They unanimously thought it was a good idea.

President Jerrel: When were you recommending...

Steve Craig: I don't know. We have more people in there now than we've had in a long time. It's got 13 people.

President Jerrel: It's amazing. We changed the price and changed the rules and it got busier.

Commissioner Mourdock: We should have raised the rates a long time ago, that's what that means.

Steve Craig: We had a larger crowd last night or right now than we had all last winter at

any time and we have people making reservations for the summer.

President Jerrel: I'm just going to make a recommendation that you do your pink slips for when you would like to have these and turn them in so we can look at them.

Steve Craig: Okay.

Commissioner Tuley: Don't go away, Steve, I'm still looking for that.

President Jerrel: Charlie...or Mr. Lawrence?

Commissioner Tuley: Yeah, I don't...

President Jerrel: Do you want to describe Mr. Lawrence a little bit?

Steve Craig: He was a school teacher at Reitz, I think, for 13 years. He was basketball coach of the freshman and reserves, then he transferred to Bosse. I think he has been there approximately 15 years. He has coached some of their teams. He used to be the manager of West Side Swimming Pool a long time ago. He has twin daughters and one of them is a manager of Lloyd Pool right now and the other one is the swim team coach for them. He has worked around pools and that throughout his live. He used to teach swimming lesson at Breckenridge Camp over in Kentucky. He is a very nice man and I think he is very qualified for the job just from being a school teacher and beings he is going to be working with a bunch of kids and it's not going to be a culture shock to have, you know, some of these kids to speak back to him and, you know, not quite understand.

President Jerrel: He is also, you might remember, just to refresh your memory, the gentleman that was there has left to go to Indianapolis and become a police officer.

Steve Craig: Right.

President Jerrel: So we need to get somebody onboard and Steve came to me and was saying he needs to search and I said go at it. This is the person he came up with.

Commissioner Tuley: I don't have a problem with his qualifications. I just don't see it in there.

Steve Craig: We had turned it in--

President Jerrel: Last month.

Commissioner Tuley: In this?

President Jerrel: No, everything was in your last month's materials and then, you know...last week's because we didn't have--

Commissioner Tuley: Not in this report, you're saying under separate cover? I thought you were saying it was in here and I've not seen it in there. Let's go back...while we're on Burdette, let's talk a little bit about it because there was an article in last week's paper that I don't know where we're headed with it or what the discussion has been on it. Apparently there was some people at that board meeting that didn't hear the same thing. Can we get verbatim minutes just like these minutes are taken verbatim, so we don't have those kind of articles where we've got the Commissioners saying one thing, you've got board members saying one thing, you've got another board member saying something

entirely different? How much trouble would that be?

Steve Craig: We have them on tape.

President Jerrel: So we can listen to them.

Commissioner Mourdock: It won't be much trouble.

Steve Craig: We tape them.

Commissioner Tuley: You've got them on tape, so is it a problem? I mean, can we get them typed and submitted after they're approved by the people who were at the meeting approve them and then submit them down to this office.

Steve Craig: You mean to type the whole thing instead of a summary of it?

Commissioner Tuley: It would be nice because there is he said she said and they're all at the same meeting.

President Jerrel: I guess it would depend if there was someone there that does transcribing.

Steve Craig: Yeah.

Commissioner Tuley: Then the tape should be sent down here if there is a question, so it can be--

President Jerrel: Yeah, that would be the best thing to do.

Steve Craig: Yeah, we keep the tapes. I don't know if she has all of them, but--

President Jerrel: At any rate, just for the record Mike Duckworth had spoken about participating at some way in the park and he and Mr. Craig, Steve, have been meeting and we didn't have a proposal yet and he took it to the Advisory Board, but I think due to all of the differences in the way the board members reacted they thought it was a real good idea at the meeting and then for some reason reacted differently, so Mr. Duckworth did not submit a proposal to us even though they had worked on something.

Steve Craig: He had called me up last Thursday and told me he was no longer interested in the job.

President Jerrel: So much for that.

Commissioner Tuley: But let's just...we are going to be looking for somebody full-time, I hope, or someone? I don't care if it's a union employee that maybe can be upgraded to lead man or something like that. Is that where we are headed, please?

President Jerrel: Yes.

Commissioner Tuley: I don't think, and I don't know enough. I didn't get involved in those discussions with Mr. Duckworth so I don't know. It doesn't make any difference about him now since he's not going to be there, but Steve needs some help.

President Jerrel: Sure he does.

Commissioner Tuley: And it has to be on a full-time basis. Someone to fill in. You know we've got vacation we've got to get in for Steve and everything else.

President Jerrel: It's important that we have somebody that has experience with young people and with issues at the park rather than just a person without that kind of background, so I think it's important that we advertise and find somebody that fits that bill.

Commissioner Tuley: Times are getting short, too.

Commissioner Mourdock: Yeah, time is getting shorter. To use that phrase, that fits the bill, to me is kind of vague. You may know exactly what that means. Pat, you may know what it means, but I would like to see a job description put together or at least an outline of a job description, Steve.

Steve Craig: We have one.

Commissioner Mourdock: I think you're going to agree with what Pat just said. You need the help, right? Is that true?

Steve Craig: Yes.

Commissioner Mourdock: I'd like to see you put on a piece of paper what you think that person should be so that we know who to hire.

Steve Craig: I will. I agree with you.

Commissioner Mourdock: Okay, I don't know that you ever find exactly the right person for a job, but I know there are job descriptions that float around that sometimes get out of date, don't get updated, what have you and when you go to hire somebody, especially when we're in this administrative position where we're not at the park everyday like you are we can see a job description, hire somebody to fit that and that may not really be what you need. Even if it's not something as formal as going through the Job Study Committee and all the time delays required there, I'd at least like to see something on a piece of paper to tell us what we're looking for from your point of view since you've got to work with this person.

Steve Craig: I will.

Commissioner Tuley: Since we have an Advisory Board, is this something that you anticipate he'll work through and with the Advisory Board and then from them come to this body with a recommendation?

President Jerrel: That depends on what this body--

Commissioner Tuley: Should this body here find somebody and send them to the Advisory Board?

Commissioner Mourdock: Let me hone in on that. Are you saying the Advisory Board--

Commissioner Tuley: I'm not saying, I'm asking.

Commissioner Mourdock: Yeah, I know, but what are you asking? Are you asking do we look to the Advisory Board to make a defacto approval of the job description or the

person?

Commissioner Tuley: The person. Once the job description has been approved by this body at their recommendation, then do we give them the task of doing the searching for this person and then coming to us and saying--

President Jerrel: I don't know. This is a group where some of the members don't attend very often. I mean, we had one member that wasn't there most of last year, the one that did the complaining, so I don't know that I want--

Commissioner Mourdock: My answer to that is the person...the people in this case who are responsible when that person screws up are the ones who hire or fire, so we're responsible.

Commissioner Tuley: So it's coming to this body?

President Jerrel: That's right.

Commissioner Tuley: That's fine. I just wanted to know what the ground rules are.

Steve Craig: Okay, I was going to say because they won't meet until the middle of March again.

President Jerrel: No, we need to get moving.

Commissioner Mourdock: If you can get that to us this week sometime, Steve, as far as the outline. Like I say, it doesn't have to be a real official kind of thing.

Steve Craig: Yep. Well, we do have a job description.

Commissioner Mourdock: I know, but I want you to look at that job description and is it fully appropriate?

Steve Craig: Oh, I will.

Commissioner Tuley: Make sure it's right.

Commissioner Mourdock: Yeah, is it still right. Then if you've got somebody that you think begins to fit those characteristics it will be a lot easier for us to act.

President Jerrel: Okay.

Steve Craig: Is that it?

President Jerrel: That's it.

Steve Craig: Thanks.

President Jerrel: See you.

**Soil and Water Conservation District**

President Jerrel: Okay, moving through the agenda. We didn't get a report.

Commissioner Tuley: Soil and Water. No, and I was going to ask you did he call you last week?

President Jerrel: I called him and said Pat had a suggestion and I concurred with that and we want something typed and with dates so we could read it, but we didn't get anything.

Commissioner Tuley: He acted like he didn't understand. I said if you don't understand then you need to get back with you because I said what we had really wasn't acceptable by any three of the Commissioners here.

President Jerrel: No, and Tony sent an example of, I think, the Garage and the--

Tony Greubel: Burdette, I sent.

President Jerrel: Burdette, and he had them, but we didn't get a report.

Commissioner Tuley: So we still didn't get one this week then?

President Jerrel: No.

### Consent items

President Jerrel: Okay, consent items.

Commissioner Mourdock: I'll move approval of the consent items which includes employment changes, travel requests, the County Clerk's monthly report, Weights & Measures' monthly report, Willard Library annual report, the Department of Metro Development's Economic Development Program for '97.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Scheduled meetings

President Jerrel: Your scheduled list is there.

### Old business

President Jerrel: Is there any old business to come before our body?

Commissioner Tuley: I think we already got it.

Commissioner Mourdock: Just a quick update, less than 30 seconds. I met with the ACORN group again. They are hoping that their effort to better define the Pollution Prevention Task Force can be something done across county lines. I'm going to be meeting in the near future with the Posey and Warrick County Commissioners to see if we can keep working together with a similar group.

President Jerrel: On that, there is a story in the paper today. I don't know whether it is the Courier or the Press about the IDEM meeting and it's on the 16th.

Commissioner Mourdock: The IDEM tri-county meeting?

President Jerrel: Yes, and that is a Commissioner meeting and you're on it. Can you come and leave? I mean, are you going--

Commissioner Mourdock: I'll be glad to leave!

Commissioner Tuley: Is that rezoning night?

President Jerrel: Well, I'm trying to find out if it's going to be Pat and I.

Commissioner Mourdock: Yeah, obviously they had a lot of people to schedule. They had asked me about that date and I said I probably wouldn't be able to make that date. Maybe that was a hint, too, I don't know. Maybe they didn't want me on the group.

Commissioner Tuley: I think we can handle it from what I saw on the agenda for--

Commissioner Mourdock: The 16th.

Commissioner Tuley: --the rezonings aren't going to be that big of a deal.

President Jerrel: I thought you might...if you go it would be good for us to have that kind of representation and if there is just one I think you and I--

Commissioner Tuley: I thought we did three first readings.

Commissioner Mourdock: You're right, there were.

Commissioner Tuley: Even looking through the packet that I've got for Area Plan doesn't look...I mean, the only big one on there is Kite and that's not going to come back to this body. So I think we can handle it. I think you ought to plan on going.

President Jerrel: Yeah, I do too if you'd like to go.

Commissioner Mourdock: Okay, I'll do my best.

<b>New business</b>
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President Jerrel: Any new business?

Commissioner Mourdock: We've already done it.

President Jerrel: Any new business?

Commissioner Tuley: No.

Commissioner Mourdock: I'll move adjournment.

President Jerrel: Okay.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:45 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
Faye Gibson  
Bill Cottun  
Cheryl Musgrave  
Curt Wortman  
Jim Raben  
Betty Englebrecht  
Bill Tye  
Nancy Markam  
Laura Lamb  
Jerry Jones  
Gary Sisney  
John Stoll  
Milton Hayden  
Jerald Jones  
Shirley James  
Ted Ziemer  
Don Temme  
Ron Warrum  
Ron Warrum  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons

**Vanderburgh County  
Board of Commissioners  
March 9, 1998**

The Vanderburgh County Board of Commissioners met in session this 9th day of March in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m. with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I would like to call the meeting to order and I would like to present to you those of our members that are here right now. On my far right is Tony Greubel, our Administrative Assistant; next to him is Joe Harrison, Jr., our County Attorney; on my left, Charlene Timmons, the Recording Secretary; Suzanne Crouch, County Auditor; Richard Mourdock, County Commissioner; Pat Tuley, County Commissioner; and I'm Bettye Lou Jerrel, County Commissioner and I would like to ask you to join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of the minutes of our previous meeting. Is there a motion?

Commissioner Mourdock: I'll move approval of the minutes of March 2nd.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Convention & Visitors Bureau - Auditorium proposals**

President Jerrel: Following that, see how fast, Dolli? I would like to welcome the Visitors & Convention Bureau members. Dolli Kight is going to make a presentation to us. Thank you for being here this evening.

Dolli Kight: Hi, my name is Dolli Kight. I'm the Executive Director for the Evansville Convention & Visitors Bureau. I'm pleased to be here this evening. Over the course of the last year, I guess it is, our Commission as well as myself and our former Director, Peter Helfrich, have talked with the Commission and its members various times on the convention center and what the needs are in order for us to successfully market the center prior to its opening. We need business in there before it opens. The business that will be coming in 2000 is booking this year, so we need to get busy. So what we've done is put together a proposal for the Commissioners of what we would like to do to help in this interim period until such time that either a management firm or an individual is selected to take over managing the convention center. I have made a packet at your seats there on some of the points that I want to make tonight. Many of the things that have concerned us is, of course, the name, the rates and how we will go about marketing the facility. What we decided to do was to take a look at some of the centers that we will be competing with in our sales efforts. We surveyed 13 midwest convention centers and those are listed in your packet. Illinois, Tennessee, Alabama, Ohio, Kentucky and, of course, the centers in Indiana are all represented. What we wanted to look at was their rates, the promotion materials that they provide, and also the names of the facilities and what is important in selecting a name. I'll kind of start at that point with the name. Many marketing organizations, including our own advertising agency,

have told us that the name needs to be recognizable, needs to be easy to remember, it needs to tell where the facility is and what it is. So we've come up with something short and simple and that will allow us to kind of give a nickname, something that people here in Evansville can kind of call it. A nickname for it, and that is Evansville Auditorium and Convention Centre and we'll call the nickname, The Centre. We feel that it states in one short phrase exactly what it is, where it is. I know that it is a county owned facility, however, not many people can pinpoint where Vanderburgh County is even in the state of Indiana let alone in the midwest and throughout the U.S., the different areas we'll be marketing to. We then move on to what we feel is probably one of the most important aspects of us being able to market the facility and book business in that and that is rates. These convention centers, we took their rate sheets that they had included in their packets that they sent us and on pages four and five you'll see a rate comparison analysis that I did. I compared apples to apples as best I could and that is the same square footage for the different types of meeting rooms that will be available in our convention center, the exhibit hall, the ballroom, a meeting room and the auditorium. I averaged those up and came up with what I felt was close to what the rate should be for our center. We, of course, looked at our facilities in Indiana because that will be the facilities we will compete with most often especially for state association business. There are two sheets in there. One of the rate sheets is the rate analysis sheet for noncommercial convention, state association type business, religious association, those types of associations. The other one is for commercial or gated events, things that people would sell tickets to, a lawn and garden show, even an event in the auditorium. The different facilities, of course, they vary widely in their rates and we feel that's probably close to what we will need to be able to be successful and competitive in marketing the facility. The next few sheets are the exact room rental rates that we recommend along with discounts for multiple use of the rooms. If they're using just one room that's fine to go with the maximum rate, but then if you've got a convention in that is using the whole facility you need to be able to give them a little bit of break on the rates. We also took into consideration for conventions non gated events, food and beverage discounts. That's very important to a lot of these associations is do I get a break if I'm using a lot of food and beverage and eating a lot of meals in the center? So we took that into consideration along with using multiple rooms. Just for an example you can see from the ballroom there are ten different configurations for utilizing the ballroom, so we have to take all of that into consideration. Also, the move in and the move out, so if a group is moving in and they need to set up the room in a special way, of course, they're not going to want to pay the full rate if their meeting is not actually going on. A lot of times they may only need a half a day to move in and move out of the facility. Other things that we considered was, of course, catering. With catering it varies so widely among the facilities. Some of them are in-house caterers, other are outside caterers. Some of them are part of the management firm. We really feel that's going to be a decision that the Commissioners will need to come to when they go about selecting either a management firm or an individual to run this center. The most important thing, of course, is the quality of the food, the service, whether they're getting it quick and hot, and the ability to handle the job. Whether they can effectively service several different groups with several different food needs at several different times or all at the same time. That might be something to look at when you're looking at a management firm, whether they can package that all together. We looked at audio visual and decorators. Most of the centers had a sheet inserted of recommended decorators, recommended audio visual. I've put a list in your packet and we do have a located decorating company, Tri-State Decorators, here in Evansville. I listed two others that are real familiar to midwest associations. That's Excel and George E. Fern. Those are members of many of the meeting/planning associations that we are also members of. They are supplier members also, and the same with audio visual. We have two audio

visual supply firms here in Evansville. One is just across the street from the convention center, Audio Visual Services; Schmitt Photo and then another one that is well known to many state associations and regional associations and that's Markey's Audio Visual. You'll find them in many convention centers, especially in Indiana. Other things that we had an opportunity to see from the packets that they sent us from the other convention centers, their rules and regulations, their set up fees, their contracts and all of those are things that are a little bit outside of, I think, something we can analyze. The rules and regulations and the set up rates, I passed those on to Steve Utley because I think that really falls under his wing there with the Building Authority since they will be taking care of set up and actually running the center and the operations, the heating and air and all that information. Contracts is something I actually have with me and I also think that is an area that the Commissioners or perhaps legal counsel can take a look at and I'll leave those with you. They're everything from a couple of sheets to a whole booklet. Let's see, the last thing that we looked at was their promotional materials. Within the Convention & Visitors Bureau we have been talking for about a year on the need for renderings and a promotional piece so that we can market this facility. They did approve last year for us to have renderings done and we had those done and received those last October and I have brought a sample of those. These are prints. We have the originals down in our office hung up so people can see them. The next item was, what are we going to do about a brochure? So we talked with our wonderful ad agency and they did such a good job on such a short notice. They did this in about three weeks. We took all of the promotional pieces that we found real appealing to us that provided all the information and I'm going to give each of you a copy of what they've come up with. This is just a sample. It's a very nice. They utilized the renderings. We also worked the architects. In the center is a floor plan with information, places where we can drop in the meeting room capacities. There is a pocket on the side in there and I don't know if you'll recognize the artwork. That's the little swirly artwork that is outside of the convention center. We incorporated that. Many facilities use kind of a tiered approach to putting their rate information, their audio visual information so we've inserted that in there. We also included a reader reply card so that people could easily once they receive this ask us for more information. We can give them a call and get right to it working with them and booking the convention center for their meeting.

President Jerrel: Dolli, while you're taking a breath I have to say this. When we first had this conversation, David Dunn and Dolli Kight and I, I had no idea that you would be bringing us something this professional and I want to say before you even finish this is very well done.

Dolli Kight: Our ad agency is Oswald & Associates and they do a wonderful job for us.

President Jerrel: This is very, very well done.

Dolli Kight: So to kind of wrap everything up and I'll actually give you what our proposition is, we all know that the marketing is needed now. We've already started doing that. We have three groups, Cities and Towns, the American Ex-POW's and the Data Processing Management Association are committed to coming to the center. All of those are happening in October. I'm sorry, two of them are happening in October of '99. One is happening in October of 2000. We're working with about ten other groups. One of them, Association of Indiana Counties and we're looking at them for 1999. We have offered to have the phone service for the convention center transferred to our office so that people that are calling the convention center actually get someone on the other end to talk to. We are also getting ready to do some advertising. I brought one of the ads that we've developed and pending this meeting I'll be signing off on that to be

advertised in a couple of different association magazines within the next few weeks. We need to have a professional approach in order to build confidence with the customer so that they can commit to an unfinished product. Everybody is pretty shocked when they drive by here and can't imagine the finished product. That takes having a name and having rates and having nice promotional facilities. The Convention & Visitors Bureau has the experience in the industry. We have the staff. One of our staff members, when I hired them last fall, their responsibility was to look and solicit business that will use the convention center. That's their primary responsibility in their sales efforts. We will also offer a central site and central control of the bookings. You'll have one entity managing the date availability of the convention center instead of a couple of different people receiving phone calls and have to contact each other to find out if the center has been committed yet. What we want to do in partnership with the County Commission is to produce this promotional piece. We do have an approximate cost for the brochures and this is just a rough guesstimate at this time, we feel that we're going to need about 5,000 brochures at least to get us through the next year or so. We know of 2,000 associations that we can mail to tomorrow if we had it. The cost of the 5,000, our initial cost was \$20,000, so we were hoping that maybe we could share that cost with the Commission. We plan to market the convention center to state, regional and national associations. We plan to contact past users and make them aware that the facility is available. We've already started on that process by drafting a letter and we've begun to enter those names from the past three years' calendars into our data base so that we can send those letters out. We would like to hold a press conference announcing who they need to call whenever they want to book their wedding or their reunion party. We would like the power to negotiate rates based on the economic impact to the community. We would also like to set a policy regarding advance bookings and also to purchase reservation books to use to book the facility. Those books, again, they range in cost from \$200 to \$800. It just kind of depends on the information you provide. So I guess what we're asking from the Commission is that you empower the Convention & Visitors Bureau to take on this role in interim period and let us get out there and get busy booking the facility. Thank you very much for your time.

President Jerrel: Well, we probably need to take just a moment to get some reaction from the Commissioners and then depending upon what that is then some authorization for me to go ahead and perhaps do some Council Call for some of this.

Dolli Kight: Okay.

President Jerrel: We appreciate the money you've put up so far, but we will pay our share, I think, if that's acceptable. Comments?

Commissioner Tuley: Dolli, I would just like to start of by saying this really is much more than what I anticipated we were going to see tonight. I mean, this is truly professionally done and this is a super nice piece. I really like this. I like the name. You know, we would like for it to be named Vanderburgh County, but you hit the nail on the head when you said people know where Evansville is or they can find it much easier than saying Vanderburgh County, so I don't know the feeling of the other two Commissioners, but I kind of like The Centre as a nickname. As far as delegating and turning things over to you I don't know who else better to do it in the interim right now. From what we've seen right here and you guys are in the business of marketing and going out and bringing us conventions and we need to get started on it right now.

Commissioner Mourdock: Yeah, I like the piece as well. The only suggestion that I would make is somehow it's depressing having seen Les Misérables to see Les Miserables!

Dolli Kight: We could drop The Centre in which is what we did in this ad.

Commissioner Mourdock: That was a joke, that's all right. This is a very nice piece and I'm surprised you can get this for four bucks a piece. Quite honestly that's a good price on these. Working through the pack that you gave us, I've got just a couple of questions on some rates here.

Dolli Kight: Sure.

Commissioner Mourdock: On the...what would be the second or third page, the rate analysis commercial gated events. Is that page and the previous page, do I understand that's simply the same facility with different rates which would be offered to either noncommercial or commercial conventions?

Dolli Kight: Exactly.

Commissioner Mourdock: So if you've got a nonprofit they're going to get the noncommercial rate so they get a price break?

Dolli Kight: Right.

Commissioner Mourdock: Okay, on the bottom of the second one then, the rate analysis for commercial gated events. I understand what the recommendation is, but what is your "versus percent of gross sales"? What is that 12% that's going across there?

Dolli Kight: If the actual income, the actual ticket sales were greater than that actual room rental cost...if the room rents for \$1,800, but they ended up having \$3,000 in ticket sales--

Commissioner Tuley: Then \$3,000? The greater of the two?

Dolli Kight: I figured that wrong. It's 12% of the gross ticket sales versus \$1,800 whichever is greater.

Commissioner Mourdock: Oh, I see. Okay, whichever is greater. Okay, I got you. Regarding the latter parts of your comments, you know, you would like the Visitors & Convention Bureau to be empowered to do this, this and this. I agree with what both Pat and Bettye Lou have said. I think you're the ideal force to do it. I'm certainly willing to vote to do that, but what I would really, really like to see is a piece of paper with nine or ten bullet items just as you listed them saying we are now empowered to do this, this, this and this otherwise I fear that somewhere down the road someone is going to come in and say well, why didn't this happen? Well, I thought you were going to do it. No, I thought you were going to do it. So I would like to see that in writing.

Dolli Kight: Okay.

Commissioner Mourdock: Of all the things you mentioned I don't see any problem with those especially regarding the...oh, what did you call it? The reservation book, if you will, the booking of the facility. Have you gotten any updates beyond what you might have heard from us regarding scheduling from the architects?

Dolli Kight: No, not recently.

Commissioner Mourdock: Okay.

Dolli Kight: Still September of '99.

Commissioner Mourdock: Yeah, I have not heard anything different. I'm not trying to scare you or anything.

President Jerrel: Let me just say now that you can come back to us, but I think it's appropriate to have a motion to empower the Convention & Visitors Bureau based upon what would become a more formal document.

Commissioner Mourdock: Yeah, I'll move that we grant the authority to the Visitors & Convention Bureau to market the facility with the rates that are presented to us in the packet this evening and also to define further the authority that the Visitors & Convention Bureau has in promoting the facility for us. Again, that would be done, I presume, in the next week.

Dolli Kight: Right.

Commissioner Mourdock: With something in writing pursuant to Dolli's comments.

Commissioner Tuley: Did you want to include the name or do you guys want more discussion on that name?

President Jerrel: We'll do that. I've got three motions.

Commissioner Tuley: Okay, so I'll second your first motion then.

President Jerrel: I'll say so ordered. The next is just the...just a comment first that we do have the phones, that's in process, so the phone number if the people call the one that is in the 1998 Ameritech Directory it will be transferring in the future. They've got a work order in. It hasn't occurred, but that will happen soon.

Tony Greubel: It might be working now.

President Jerrel: Yes. It will be.

Dolli Kight: It might be.

President Jerrel: Oh, it is working? Okay, good. Ms. Jerrel had kind of minor fit down here today over that one. The second item would be to grant me permission to file for an appropriation of \$15,000 and let me look at which account. We can either ask Council to appropriate from their unappropriated balance or we can take a look at how our money is coming in. For instance, maybe in our Aztar Economic Development and we've budgeted \$500,000 in that account from last year and we might want to take a look at what is coming in this year. At any rate, we need to go to Council for our \$15,000. That will help us underwrite the advertising...I mean--

Commissioner Mourdock: The publishing of the brochure?

President Jerrel: Right, and also for some of the other costs of the books.

Commissioner Mourdock: The reservation books?

President Jerrel: Yeah.

Commissioner Mourdock: My only hesitancy is do we need to narrow it down as far as which of those accounts you're going after? Again, I don't have any problem doing it--

President Jerrel: No, we don't. Just that we would go on Council Call.

Commissioner Tuley: Why don't we authorize her approval and she can contact us and let us know before she makes it formal.

President Jerrel: Yeah, sure. I just need the authority.

Commissioner Mourdock: I'll move approval then, that the Commission President go on Council Call for the sum of \$15,000 to assist the Visitors & Convention Bureau with publications of brochures and also the reservation book.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. Finally, the last motion regards the name.

Commissioner Tuley: I don't know how you guys feel, I didn't hear any comments about the name I don't think.

Commissioner Mourdock: I still like the name Millennia, but we'll compromise. I'll move approval of the formal name of the Evansville Auditorium & Convention Centre, and Centre is spelled C-e-n-t-r-e, for the revamped, remodeled, renewed and refreshed facility.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered and on behalf of all of us, thank you very much. This has taken a big weight off our shoulders and gives us an opportunity to move forward and know that it is being done right.

Dolli Kight: Thank you. I've got one other comment. The Association of Indiana Counties will be in Evansville for a site visit on the 17th and they would like participation from the County Commission.

President Jerrel: The 17th? Next week, Tuesday?

Dolli Kight: Yes. We will send over an agenda of where we'll be and when we'll be there. They would also like the Auditor to participate in that site visit. If you haven't heard, our Commission did grant your approval request for the furnishings, so we'll go to Council at the end of the month.

President Jerrel: One point five million?

Dolli Kight: One point five million.

President Jerrel: We thank you, thank you, thank you.

Commissioner Tuley: Yes, thank you.

Dolli Kight: We'll be going to the Council at the end of this month.

Commissioner Mourdock: Do you know at this point roughly what the agenda will be next Tuesday? Is it morning, afternoon, over lunch?

Dolli Kight: It's all day for a couple of days.

President Jerrel: They're going to sell them on us!

Dolli Kight: Yes, but Tuesday is the big day, so you know if you can split up or however.

President Jerrel: Well, if you'll fax an agenda to us and I'll see to it that they get out.

Commissioner Mourdock: Yeah, if you would like to call my office feel free, talk to Jenny and whatever time is on the schedule I'm sure we can work it out.

Dolli Kight: Okay, great. Thank you very much.

President Jerrel: Thank you, Dolli.

**Soil & Water Conservation District Educator/Coordinator  
agreement**

President Jerrel: Okay, we have a couple of...you have some items in your agenda. The Solid Waste...the Soil & Water Conservation District, there is a letter of agreement for the Educator/Coordinator spot and that is the same as it is this year and that's a shared cost of \$17,000 without benefits. Is there a motion to continue that agreement?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Flood Mitigation Program title search agreement**

President Jerrel: The next item is the flood mitigation program which is in your packet and will require our signature and it is the opportunity for people to participate. Do you have...?

Tony Greubel: This is to do title searches on the three properties that were bought out earlier, a few months ago for the original Flood Mitigation Program.

President Jerrel: Is there a motion to approve?

Commissioner Mourdock: I'll move approval of the agreement for professional title search services for the '97 Flood Mitigation Program.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Letting of bid APA034-98, Soft drink concession Burdette Park**

President Jerrel: The next item, Lynn isn't here, but it's in your packet and those are three authorizations to go out to bid for Burdette Park.

Commissioner Mourdock: Doing them separately I'll move that we go out to bid for APA034-98 for the soft drink concession for Burdette.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Letting of bid VC9805, T-shirts/caps Burdette Park Day Camp**

Commissioner Mourdock: I'll move that we go out to bid for VC9805 to authorize the letting of bids for T-shirts and hats for Burdette Park's Day Camp program.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Letting of bid APA035-98, Food/beverage concession Burdette Park**

Commissioner Mourdock: I'll move we go out for bids for APA035-98 which is to authorize the letting bids for food and beverage concessions at Burdette Park.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Final hearing - Ordinance establishing Eickhoff Road right-of-way**

President Jerrel: The next item on the agenda is the final hearing for the ordinance establishing right-of-way for a portion of Eickhoff Road. Is there anyone here that wishes to speak to this? We had our first hearing a week ago--

Joe Harrison, Jr.: It was last Monday.

President Jerrel: Last Monday.

Joe Harrison, Jr.: John, is there anything else?

President Jerrel: Okay, do we have a...?

Commissioner Mourdock: We have a lengthy document with a title and...not title, but a property description here which I suspect for the record ought to be read into the record, so this will take a minute, but, Joe, correct me if I start down the wrong path here, no pun intended. I'll move approval of an ordinance establishing the apparent right-of-way for a portion of Eickhoff Road in Vanderburgh County, Indiana.

Specifically:

“Part of the West Half of the Southeast Quarter of Section 19, Township 6 South, Range 11 West in Vanderburgh County, Indiana, said right-of-way being 12.5 feet in width and lying westerly and adjacent to the following line: beginning at a point on the east line of said half quarter section, said point lying on the centerline of Hogue Road 359.4 feet south of the northeast corner of the southwest quarter of the southeast quarter of said section; thence from said place of beginning north 00 degrees west (and I believe it is 689.4) 689.4 feet along the east line of said half quarter section.”

The 689.4 feet is not copied real well, so there may be a slight error.

Joe Harrison, Jr.: That's correct.

Commissioner Mourdock: Okay, it is correct. So that is the motion and that is the description for that right-of-way.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Joe Harrison, Jr.: You might want to vote on that.

Commissioner Mourdock: That's an ordinance.

President Jerrel: That's right, it is, I'm sorry. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: Commissioner Jerrel? Yes. It has been approved.

### **Public hearing regarding procedures for surplus property sale**

President Jerrel: The next item on the agenda is the public hearing for county surplus property sale regarding the procedures.

Joe Harrison, Jr.: Under Indiana law the county was required to publish notice for public hearing regarding the upcoming surplus property sale that is going to take place regarding the properties obtained by the county through recent tax sales. This is the public hearing regarding the procedures that are going to be followed concerning the sale of those properties. If anyone is in the audience that would like to speak on this subject, now is the time to speak before the Commissioners consider further procedures that they're going to follow in disposing such properties.

President Jerrel: Is there anyone here that wishes to speak to this or do you have a question about what the attorney just said?

Commissioner Mourdock: There is a lady behind the podium.

President Jerrel: Oh, I can't...I'm sorry, I didn't see you. Come on up. Just give us your name.

Rhonda Carroll: I'm Rhonda Carroll and I just have a question about...there is some property next to us that has already had an order up to be razed. The house is condemned on it. When we put a bid in for this property do we bid just on the property itself or with the house? Do you know what I am trying to say?

President Jerrel: Uh-huh.

Joe Harrison, Jr.: Do you know if that property is one of the ones that is going to be sold?

Rhonda Carroll: I think it is.

Tony Greubel: I checked the list earlier before the meeting.

Joe Harrison, Jr.: Is it? No, you would just bid whatever you believe to be a reasonable bid on your part. The procedure that is going to be followed by this Board, essentially is, assuming they act on it, bids will initially be received or will be enabled to be received will start March 23rd. March 30th will be the first date that all those bids will be opened by the Commissioner regarding the 125 or so properties that are going to be up for sale. There is a procedure whereby all these properties are going to be appraised. The appraisals will be open for public view if you or others wish to take a look at the appraisals regarding all these properties, but if a bid comes in that is 90% of the appraised value it can be sold at that time or during the week period of time when others can come in and bid on that project also, but if 90% value or bid comes in, 90% of the appraised value on any property, then that property can be sold then. Those properties which bids don't come in and they're up to the 90% mark will be auctioned off by an auctioneer. There is a proposal that I have from Curran Miller to serve as the auctioneer and this is by state statute that you have to auction them off, to auction those properties, remaining properties, that are not sold through this other procedure, the 90% procedure. That auction is going to take place on May 13th should the Board decide to follow that. I've got a...could you pass these down please? Anyway, if a 90% value is not obtained then all the properties or whatever properties are left over will be auctioned off on May 13th in this room.

Rhonda Carroll: We are able to rebid on that if we don't bid high enough they'll let us know?

Joe Harrison, Jr.: Yes.

Rhonda Carroll: Okay.

Joe Harrison, Jr.: Well, in fact, there will be another notice in the paper that will list all the properties that are going to be auctioned off. All the properties that are up for sale are going to be published in the paper twice within the next several weeks.

Rhonda Carroll: Okay.

Joe Harrison, Jr.: Those that are remaining after that initial procedure will then also be published with another notice in the paper regarding the auction. Obviously, the county wants as many people as possible to attend the auction, so they're going to have to

follow the statute and republish one more time.

Rhonda Carroll: Okay, thanks a lot.

Commissioner Tuley: Before you walk away--

Commissioner Mourdock: We need your address.

Commissioner Tuley: She didn't ask the question, but she said and started off by saying there is an order to raze on that property already. What happens to that deal?

Joe Harrison, Jr.: I'm not...typically, and you're going to probably have to check on it because I don't know what you're referring to, but typically since the county unfortunately owns the property right now and when there is an order to raze any costs that are incurred regarding that procedure if they've already been assessed against the county it is our problem, the county's problem. I don't know where that stands, but you will if you bid on that property or whoever bids on it, you know, you will get title to it, but you're going to have to follow whatever orders are out there regarding the razing of a building. You know, I don't know how...you're going to have to deal with the city on that, so I can't tell you. Maybe it will be torn down by the time, but I don't know.

Rhonda Carroll: It says it will be torn town the 27th.

Joe Harrison, Jr.: Of?

Rhonda Carroll: Of this month.

Mike Robling: The city is not tearing down county owned properties at the present time.

Joe Harrison, Jr.: Can you come up to the mike?

Mike Robling: Mike Robling, Department of Metropolitan Development and Code Enforcement. The city is not tearing down properties that are in the county's ownership. We feel that is your responsibility and because of the way the revenue flows it messes up our books to bill you and get the money back.

President Jerrel: We do normally pay you.

Mike Robling: You have been paying us, yeah, for many of them, but we have decided that you have the same authority to let bids as we do, so I have chosen for us not to engage in those contracts any more.

President Jerrel: Have you given us that in writing, Mike?

Mike Robling: I believe that has been communicated to Tony, I'm not sure.

President Jerrel: In writing?

Mike Robling: I believe so. I'm not sure, but I'll check on that.

President Jerrel: Okay, thank you.

Joe Harrison, Jr.: So it is not going to be razed on the 27th.

Mike Robling: If it's in the county's name we will not have it razed, no. That's probably the deadline that was given in the order.

Joe Harrison, Jr.: Ma'am, you might double check with his office on that. He's what...room 305?

Mike Robling: You would need to check with Code Enforcement which is in the Building Commissioner's Office.

Commissioner Tuley: I just don't want you to get a bill afterwards that you weren't anticipating and get upset about it.

Rhonda Carroll: Right, I understand that.

Commissioner Mourdock: Ms. Carroll, just for the minutes we need your address.

Rhonda Carroll: It's 402 Jefferson Avenue.

Commissioner Mourdock: Thank you.

Joe Harrison, Jr.: That was kind of a long answer to the question. Are there any other persons that wish to speak on this subject? Again, I kind of went through the procedure that we're looking at to follow. I guess the first thing would be for permission by the Commissioners to consider hiring an auctioneer to handle those properties that will have to be auctioned off on May 13th. Again, there has been a proposal submitted by Curran Miller for that purpose.

President Jerrel: So the motion should include the fee that's been requested if we agree to that?

Joe Harrison, Jr.: If you agree to that.

President Jerrel: Yeah, okay.

Joe Harrison, Jr.: We're going to have to hire an auctioneer regardless.

Commissioner Tuley: Before we get too far along that line, back in the routing stuff here last week or two weeks ago maybe there was a question about these surplus properties and not-for-profits. Are they interested or has there been any attempted to let them know before we go through all this?

Joe Harrison, Jr.: Unfortunately, we have to go through this procedure and the properties that are...I believe if we go through this procedure and no one comes up to the 90% mark I think at that time...I don't know if it has to go through once or twice, but I think it does have to go out for sale at least once, and then they could be possibly donated at that time. Do you know, Suzanne?

Suzanne Crouch: Well, I can't speak to that process, Pat, but Habitat has been notified.

President Jerrel: Uh-huh, they were in today.

Suzanne Crouch: They inquired and they did receive a list and they are very familiar with the process.

Commissioner Mourdock: Did you say they were in today?

President Jerrel: They were in today, yeah. They were in our office.

Commissioner Tuley: Make sure they are aware--

Joe Harrison, Jr.: And the Housing Authority has been in contact with me. They've got some properties that they are interested in, but, again, we have to go through the sale process maybe even the auction process, but I will determine that, but certainly this initial sale process and go from there, but I will keep them advised and as a matter of fact, someone from the Housing Authority contacted me today regarding a couple of different properties.

Commissioner Tuley: But you are of the opinion that we must go through this?

Joe Harrison, Jr.: We definitely have to go through it one time, but I'm not too sure we have to go to the auction step as well with them. If a piece of property is not purchased by a bidder putting in a bid for 90% of one of these, then the properties may be able to be pulled out of hat and donated at that time. If not, if we have to go through the auction phase for those as well, then they would be advised to be here at the auction. Maybe they can pick up a piece of property for a nominal sum. If they're not bid on at all at the auction, then at the very least they could be donated at that time.

Commissioner Tuley: Okay.

Joe Harrison, Jr.: They may have to go through the whole process, but, again, they may be able to pick up a piece of property for a nominal sum anyway at auction. We're not going to require at the auction phase a minimum bid. I mean, it's whatever it is it is because the county wants to dispose of the property.

President Jerrel: Is there a motion?

Commissioner Mourdock: The first motion then is for the auctioneer? Is that appropriate?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Okay, I'll move that we act to fund and hire the auctioneer as stated by the County Attorney.

Commissioner Tuley: Only one question, \$1,500, do we have that?

President Jerrel: That should be included.

Commissioner Tuley: Do we have to go to Council to get the \$1,500, that's my question?

President Jerrel: Yeah, we will. Unless...no, wait a minute. Is there any money left in the account for the abstracts?

Tony Greubel: We have \$500 in abstracts right now.

President Jerrel: Okay, then we do need to go to Council.

Commissioner Mourdock: Okay, so I'll move that we move to hire the auctioneer as stated by the County Engineer and that the County Commission President make Council Call for the funding for that amount.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Hopefully, the county will realize sufficient funds to cover that cost.  
President Jerrel: Do we also--

Joe Harrison, Jr.: And then we also need a motion to permit the publication of the notice that I prepared.

Commissioner Mourdock: Right, I'll move the publication of the Notice of Vanderburgh County Board of Commissioners Sale of Surplus Properties as provided in tonight's materials.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Charlene Timmons: Could I ask a question on that, please?

President Jerrel: Uh-huh.

Charlene Timmons: Do we need the whole list advertised in the paper?

Joe Harrison, Jr.: Yes.

President Jerrel: Little print!

Joe Harrison, Jr.: It's not completely necessary that you list...I think the tax code numbers are listed, but certainly the addresses would have to be listed on those properties.

Charlene Timmons: Okay.

Joe Harrison, Jr.: That's up to you, whatever you want to do.

Charlene Timmons: But it does need--

Joe Harrison, Jr.: I will speak with you about the advertising requirements, Charlene. It's got to be advertised two times--

Charlene Timmons: Ten days before?

Joe Harrison, Jr.: The last time ten days before, so that would be a 17 day period.

**First reading - Ordinance amending Chapter 154**

President Jerrel: Okay, the next item on the agenda is the Area Plan Commission. You have in your packet those materials. They are not here to present this. These are two first readings. Chapter 154 and then the other would be Chapter 151.12 and 151.27.

Joe Harrison, Jr.: It appears that the county has been asked by DMD to pass an amendment to the current Floodplain Management Ordinance in order to be in compliance with the state and federal guidelines regarding floodplain management practices. Apparently, there are, according to this proposed ordinance, there are 299 flood insurance policies in effect within Vanderburgh County providing over \$24 million worth of protection to residents of Vanderburgh County and if we don't amend our ordinance it is possible that those particular policies may not have the value that are necessary under such policies, so in order to be in compliance with the current state and federal laws we need to amend our county ordinance accordingly and I'm sure the city is probably in the process of doing the same thing I would hope.

Commissioner Tuley: Area Plan, I think, approved this last week.

President Jerrel: Yeah, they did.

Joe Harrison, Jr.: Essentially this is an ordinance to amend Chapter 154 of the Vanderburgh County Code of Ordinance specifically relating to floodplain management procedures.

President Jerrel: Is there a motion for first reading approval?

Commissioner Mourdock: I'll move on first reading ordinance to amend Chapter 154 of the Floodplain Management Ordinance of the Vanderburgh County Code of Ordinances.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: You might want to just roll call...you might want to voice vote it and then you'll have to do the same next week.

President Jerrel: You want to call for the individual votes?

Commissioner Mourdock: Yeah, roll call.

President Jerrel: Okay, Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I will vote yes.

**First reading - Ordinance amending Chapter 151.12 and 151.27**

Commissioner Mourdock: I'll also call then for approval on first reading, the Ordinance 151.12 and 151.27 of the Code of Vanderburgh County.

Commissioner Tuley: Second.

President Jerrel: I'll ask for Commissioner Tuley's vote.

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: I'll vote yes.

**Permission to advertise vacation of easement**

President Jerrel: The next item is Mr. Morley and associate...he is not here, but he is asking for permission to advertise vacation of an easement. That is in your materials and is specifically the Keystone Development Corporation at 1230 Heinlein Road.

Commissioner Mourdock: I'll move approval of the permission to vacate the easement which would be changing the south right-of-way along Heckel Road and reverting the most southernly line to ten foot drainage and utility easement--

Commissioner Tuley: Tonight all we are doing is giving permission to advertise and the hearing date would be set to March 23rd.

Commissioner Mourdock: I'm sorry. I'll move that we advertise the vacation of same easement.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Legal Aid Society - Appointments to Board of Directors**

President Jerrel: You have in your packet a request by Susie Hartig that we appoint Richard Stivers and Bobby Tinner to the Board of Directors of the Legal Aid Society. What is your pleasure?

Commissioner Mourdock: For the record, those are both reappointments. They have been serving, so I'll move the appointment of Richard Stivers and Bobby Tinner to the Legal Aid Society Board.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Daylight Sewer project - Resolution to award bid**

President Jerrel: The next item on the agenda is a resolution to award bid for the Daylight Sewer project. Mr. Robling.

Michael Robling: Michael Robling, Department of Metropolitan Development. On January 26th you received bids for the construction of the Daylight Sewer project. There were seven bids received. The low bidder was Peters Contracting and their bid was in the amount of \$924,000. We have had to hold off on awarding a bid on this contract while we waited for the State Board of Tax Commissioners to approve the reappropriation of the funds for this project which was finally done right at the end of February or the first day or two of March. The project engineer, Three I Engineering, and the Evansville Water & Sewer Utility Engineering Department have reviewed the bid and feel that it is an appropriate bid and request that the contract be awarded to Peters less the \$34,000 deduct that was suggested for the substitution of Pumpex Pumps which they feel are more than adequate and will probably result in less utility costs for the utility.

President Jerrel: We do have someone here that wishes to address this issue. I had Mr. Folz visit me today and I sent the materials to our attorney and is there anyone here that wishes to speak to that?

Charlie Berger: Thank you, Commissioner Jerrel. My name is Charlie Berger, and I guess for the record you want my address, 313 Main Street here in Evansville. I'm here on behalf of the Southwestern Indiana Building Trades and several of my clients are here, Mr. Folz, Mr. Tabor and Mr. Walker, regarding the daylight sewer project. Regarding the awarding of the bid I think it is important to first look to the document that was prepared at your request by Three I Engineering which is an invitation for the bids which has method of award and in there it says the owner, being you, in evaluating bids will place as much emphasis on the experience, past performance, demonstrated expertise and reputation of the bidder as on the price or prices proposed. You unequivocally reserve the right to reject any or all bids as a result. Statutes by which you go specifically requires you to look at what is the lowest responsible and responsive bid. I'm leading up to why I think that if you go by the guidelines of the statute that the position of the Department of Metropolitan Development and the engineers are faulty. They didn't use any language or criteria that the statute uses. The first one in determining a responsive bid is whether the bidder submitted a bid or quote that conforms in all material respects to the specifications. I can't speak too specifically to that except in your specs you require, I believe, M & W piping and I think it would be interesting to note that Peters Construction has never contacted that firm to get a quote or a price regarding this particular project and yet has made a bid. Whether the bidder has submitted a bid that complies specifically with the invitation and the instructions to the bidders and whether the bidder has complied with all applicable statutes, ordinances, resolutions or rules pertaining to the award of public contract. I would like to speak to that on the basis of the material provided to you before the meeting tonight. One of the criteria of this project is that it is a prevailing wage job. That means that the company or the firm that you make your award to will comply and you can look to their past performance in the next section I'll get to in meeting prevailing wages. Peters Construction Company as late as 1997 failed to comply with the prevailing wage laws of the State of Kentucky which is where they principally do business and they were fined by the Kentucky Department of Labor over their failure to pay, I believe it was in 1993, they failed to pay 12 employees the wages for performing the work that they were required to perform and in 1997 they were cited for failing to pay seven employees not less than one and a half times the hourly rate for the overtime that they should have been

paid. In determining whether a bidder is a responsible bidder the Board may consider the following factors. The ability and capacity of the bidder to perform the work. The integrity, character and reputation of the bidder. The competence and experience of the bidder. We don't believe that Peters Construction Company would live up to this aspect based upon their failure to pay prevailing wage rate. In addition, they were in an arbitration dispute with the City of Corydon over a contract which resulted in the contractor making an award...I mean the arbitrator making an award that asked for an additional \$100,000 on a bid on a contract that they performed because they said they ran into some hard rock. There was a dispute between the parties as to whether or not that had been discussed in advance between the City of Corydon and the contractor. The net result was that the City of Corydon had a counterclaim upon which the city of Corydon won on the \$100,000 request the arbitrator determined the \$59,000 was owed, but had a deduct that ended up as a result that \$19,000 is what had to be paid to Peters Construction after deducting the award of damages under the contract to the City of Corydon. We believe that when you make an award that under the statute and the criteria where you have evidence of a failure to comply with state statutes, whether they be Indiana or Kentucky, that you have an obligation as the awarding agency to consider those very carefully for several reasons. One, the standard you set for the workers that are going to work in your community so that we are assured that all the workers of the community are protected so that someone can't come in and violate the state laws that we have to protect workers on these types of projects. Further, it goes to the type of relationship you may or may not have with that contractor where there is a previous history which you can consider in making an award as to what is the most responsible and responsive bid. You can also, based upon all these criteria and the fact that what's there, you can throw out all the bids and make them start all over again so that everyone is bidding on a level playing surface as to what is there. We believe that we presented to you sufficient evidence pursuant to the Indiana state law which is contained in 36-1-12-4 and 36-1-12-6 that I know your attorney is more than familiar with and we believe that under those criteria that this bid should not be awarded as has been recommended. I'd be glad to answer any questions anyone might have and thank you for the opportunity to present this information to you.

Commissioner Tuley: Just so I understand what you said because I hadn't thought about this because I know we had not done business previously with Peters Contracting, but, Mr. Berger, you did say that past performance and past history does not necessarily have to be with this unit of government. It can be, basically, their past performance with any agency?

Charlie Berger: As long as it is a public record that we've obtained and provided to you I think that you can rely upon, I think you have an obligation, probably, to...or the engineers do, you have to rely upon...if you had to do everything that was required and you didn't have anybody to do it you wouldn't have any time to sleep or eat, so the people that are at your direction such as your engineers and other agencies, I think, have a duty to search out that information. Now, we've gone and provided that and I think that whether it be Indiana, Kentucky, Illinois or Ohio, if you have a company that comes in that has violated statutes that are critical to the issue of compliance with a contract you're going to award that is something that you can give strong consideration to especially when you have contractors within your own community who on a regular basis follow the law and are contributing to the well being of everyone in your own county. Thank you.

President Jerrel: Is there comment or question from Commissioners?

Commissioner Mourdock: Oh, I have a question. I'll turn to county counsel. As Mr. Berger just said, we can't do all the engineering, we don't have the time to do those things. We have to count on our technical experts a bit here, so our technical expert in this matter seems to me to be our County Attorney. Joe, the floor is yours.

Joe Harrison, Jr.: Well, Mr. Berger did give a pretty detailed explanation, good explanation of the statute. However, there is some case law out there that I'll enlighten you on in just a minute if you want to hear some language from a particular case, but essentially the way I look at it there has been no prevailing wage violation that I'm aware of by this particular company here in the state of Indiana. It is possible that there may have been a violation in another state, but I'm not aware of any here in the state of Indiana. In looking at the statute, there is nothing illegal or improper with the Board awarding the bid to Peters Contracting. Not in my determination. Nothing illegal or improper at all if you award the bid to Peters Contracting. However, not awarding the bid to them and awarding the bid to another contractor could expose the county to liability with respect to this project not only from the one who did not receive the bid, but from an interested taxpayer who could file a public lawsuit claiming that the county is spending thousands of dollars more with the next high bid. Indiana doesn't have a statute that says an awarding agency can favor a local contractor over a non local contractor. I mean, we don't have those kind of laws in the state of Indiana. I don't think any other state does. Be that as it may, there is a case that is called...it's an Indiana Appellate Court decision, Bowen Engineering Corp. versus WPM, Inc. It's a 1990 case that kind of arose out of the Subaru plant up around Lafayette. Anyway, there was some discussion and obviously a dispute arose between the successful awardee of the contract and the one who didn't the contract which was the low bidder didn't get it, but the second low bidder did get the contract. The case goes on to say:

"The Board has not been given the discretion (the Board meaning the Board of Commissioners) to award a contract to the most responsible bidder rather the statute merely provides that the Board must require the winning bidder to be responsible."

It goes on to say:

"Responsibleness is a minimal requirements of bidders not a competitive standard among bidders. A bidder can be unresponsive only if the awarding body would not award the contract to the bidder even if that bidder had submitted the sole bid."

It goes on to say:

"The Board may not award the contract to Bowen (this was the second bidder who got the contract) simply because the subjective factors materially favor Bowen."

Again, my recommendation would be that I see nothing improper or illegal about awarding the contract to the low bidder based upon the information that has been provided to me. However, if the contract was not awarded to them certainly there could be some exposure out there that the county would entail.

President Jerrel: Anybody have a question of Mr. Harrison?

Commissioner Mourdock: Are we requiring a bond on this project?

Charlie Berger: Can I make one statement.

Commissioner Mourdock: As soon as I get my question answered. Just a second.

Charlie Berger: Sure.

Joe Harrison, Jr.: There is a performance bond, but I'm not too sure what the amount is. All these projects have a substantial performance bond, but I don't know the amount. I don't have the bid information in front of me, but all of them...all public works' projects require a performance bond here in Vanderburgh County, State of Indiana.

Charlie Berger: The only point I would like to make, and obviously I'm not your lawyer and you have to rely upon Mr. Harrison's opinion, I disagree with his opinion that you have to find that as to the determination under the Bowen case. There are several cases since then. One of them is, and I'm not pointing this out by reason of employment, but is Koester Contractor versus the Board of Commissioners of Warrick County.

Commissioner Mourdock: I wondered if that would come up.

Charlie Berger: Well, the only reason it came up is because it's a later decision.

Commissioner Mourdock: Sure.

Charlie Berger: In that case, basically, the court has held that you can consider the integrity and the character of the bidder and so while...it doesn't go to responsive as much as it does to responsibility. I believe that we didn't...it's not that it might have occurred that there were prevailing wage violations, but they did, in fact, occur and we've provided you with those citations and even copies of the checks of the penalties that were paid by Peters over that failure. I would agree with them about favoring local contractors isn't in the statute. It's not in the Indiana statute, but by the same token I think that there is a legitimate legal basis to not accept the Peters bid and it's a matter of we could get ten lawyers and have ten different opinions as to the exposure to you. I think as long as, and I do some public work on the other side of this podium, that it would be as long as you put a reasonable, factual basis why you didn't award the bid, then you have protection. That would be my only response and why I just wanted to make that comment.

Commissioner Tuley: Okay, going back again, Charlie, did you not say that the bid specifically required the use of M & W concrete?

Charlie Berger: That's the way I read the specification in here. M & W piping.

Commissioner Tuley: Piping, I mean, not concrete, but piping.

Charlie Berger: Not concrete, but piping.

Commissioner Tuley: And yet you spoke to those people and they--

Charlie Berger: One of my clients did.

Commissioner Tuley: Okay someone did--

Charlie Berger: Spoke to M & W.

Commissioner Tuley: --that you're representing that they were contacted and they said they had never been contacted by Peters? Correct?

Charlie Berger: Right, regarding this bid. Thank you very much.

President Jerrel: Okay, is there a motion?

Commissioner Mourdock: Clearly this is a case where we risk a lawsuit, I guess, either way, but I certainly feel we have counsel here for good reason and that's to advise us. I heard him say we are somewhat at risk either way, but he feels the more proper direction for us to award the bid to the low bidder therefore I will make a motion to that effect.

Commissioner Tuley: I will second with a request for roll call vote.

President Jerrel: Okay, you've heard the motion and a second. Commissioner Tuley?

Commissioner Tuley: No.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: I'll vote yes.

Unidentified: You don't care about local people do you?

Commissioner Mourdock: On a unrelated item before...Mike, an unrelated item before you leave, I just wanted to comment. You had submitted to us, and I presume everyone, the copy of the Overall 1997 Economic Development Program and I just wanted to compliment you for it. We think some times that things don't get done either in county or city government and things just kind of sit there. As I read through this it was refreshing to see the progress that we've made on so many different issues and this is the best report I've seen that has those compiled all in one place, so I just wanted to compliment you for it.

Commissioner Tuley: Cleaned them out.

President Jerrel: You changed your mind.

Commissioner Tuley: Well, Charlie made some points that I thought were valid.

President Jerrel: Oh, okay.

Commissioner Tuley: Sorry, Joe, but I didn't hear from you earlier.

**Any group or individual wishing to address the Commission**

President Jerrel: Alright the next item is any group that wishes to appear before this organization.

**John Stoll - County Engineer**

President Jerrel: Okay, let's move on. County Engineer.

John Stoll: Okay, first I've got a request for acceptance of storm sewers and streets in The North Greens Subdivision. The street acceptance request is for 337 feet of Terrace Green and 362 feet of Green Lake Drive in Phase 4 of The North Greens Subdivision. They were all constructed according to plans and it is recommended that they be accepted for maintenance.

President Jerrel: Is there a motion for approval of that recommendation?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

John Stoll: In regard to the storm sewer acceptance I've got for Phase 1 a request to accept 346 feet of 12 inch pipe, 387 feet of 18 inch pipe and 154 feet of 24 inch pipe and in Phase 4 a request for acceptance of 103 feet of 12 inch pipe, 96 feet of 15 inch pipe and 185 feet of 24 inch pipe.

Commissioner Mourdock: For which subdivision?

John Stoll: The North Greens as well.

President Jerrel: The same.

Commissioner Mourdock: I'll move approval of the storm sewer acceptance for Phase 3 and 4 as specified.

Commissioner Tuley: Second.

President Jerrel: I'll say so--

Commissioner Mourdock: I'm sorry, let me amend it. It's Phase 1 and Phase 4.

John Stoll: It's Phase 1 and Phase 4.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

John Stoll: Next I've got a request for street plan approval for Carneal Commercial Subdivision, Phase 2. This subdivision is an extension of Riverside Drive east of Green River Road. There is a short stub of Riverside Drive that is built out there right now and this would be a continuation of that street and provide access to an, I believe, apartment complex is being proposed out there. The street plans have been reviewed and it is recommended that they be approved.

President Jerrel: Are there any questions? Is there a motion?

Commissioner Tuley: I'll move approval of the street plans for Carneal Commercial Subdivision, Section 2.

Commissioner Mourdock: Second.

President Jerrel: I'll say so ordered.

John Stoll: The next request is for street plan approval for Winstead Place Subdivision. This is a residential subdivision off of Hogue Road out near Red Bank Road. This subdivision consists of two cul-de-sac streets both curb and gutter and these plans have been reviewed and it's recommended that they be approved as well.

Commissioner Mourdock: I'll move approval of the street plan for Winstead Place Subdivision.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

John Stoll: That's all I have unless you've got any questions.

President Jerrel: Do you want these now or do you want to go through the--

John Stoll: Pardon?

President Jerrel: The signatures go through the--

John Stoll: They can go to Charlene. We'll get a copy later.

President Jerrel: Alright--

Commissioner Tuley: I'm sorry, are you going to ask John something else?

President Jerrel: No.

Commissioner Tuley: Oh, okay because I want to ask John something. I got a fax, a copy of a fax, and I don't know if it is an old fax or a new fax where we added it...I saw it somewhere laying here today. Did we add another road to the road plans for Timber Lake...Cedarwood?

Commissioner Mourdock: Oh, I saw that, too, now that you say that.

Commissioner Tuley: Cedarwood Drive between Tall Timbers and the dead-end.

President Jerrel: No, it was on the original, but it was left off here.

John Stoll: It was on one of our lists.

President Jerrel: Yeah, it got left off of that one.

Commissioner Tuley: The official typed one it was left off? Okay.

President Jerrel: Yeah, it was left off.

Commissioner Tuley: I just didn't know if it was new or not because I did get a call after the hearing about another road down--

John Stoll: Schmuck Road?

Commissioner Tuley: Is Schmuck down off of West Franklin down there?

John Stoll: Yeah, between Old Mount Vernon and Hahn.

Commissioner Tuley: Yeah.

John Stoll: That one needs paved as well and we've added that one in with the proposed County Highway projects.

Commissioner Tuley: Okay, so time and money permitting we'll be able to do it?

John Stoll: Right.

Commissioner Mourdock: So do we need to formally add that into the list then?

John Stoll: I was going to bring all of that back next week whenever we were discussing the--

Commissioner Mourdock: Timing.

John Stoll: --time tables. I'm not sure, I haven't talk to Milton about time tables for his projects, but we've been working on what projects we would issue and which contracts when we issue the contractual jobs, but I thought we could discuss that next week as well.

Commissioner Mourdock: Okay.

### **County Highway Department**

President Jerrel: You do have the County Garage report and there is a proposal here that you might want to think about and I will just mention it. It's based upon the maintenance of the lots that we are responsible for and that sort of goes with what happens after the sale, but we mow 134 lots in the city and maintain the weeds as well at the intersections and the roadsides. They would like to propose or have us consider purchasing a sprayer. They did try to see if we could rent one, but there are none available to rent, but a sprayer so that they can after the first cutting use a retardant and they've gotten some prices from different manufacturers and have been working with the Soil & Water Conservation group on what is the environmentally the best, but it would eliminate considerable mowing during the season because it usually has to be mowed at least every three weeks, but we can just leave that until we see what sells.

Commissioner Mourdock: Yeah, okay, because I haven't seen that list or anything else. That's not in my packet for some reason.

President Jerrel: No, it just got left.

Commissioner Mourdock: Oh, oh, I thought you said--

President Jerrel: It's to be routed, but I thought I would bring it up.

Commissioner Tuley: Yeah, it is something to be looked at though because I know it's a problem for them.

President Jerrel: Well, but it would also be a...it would keep the neighbors happier because it would keep them from getting out of hand, but anyway, we can wait and see what properties--

Commissioner Mourdock: I would be happy to buy a sprayer if it means we get rid of a couple of lawnmowers.

President Jerrel: It would be for...I think it's \$349 for it. They tried to get a rental price, but we can just leave this until after we get through with this. Is there a motion to approve the work that you received?

Commissioner Tuley: I'll so move.

Commissioner Mourdock: I'll second. One other question, did we get an update on Sonitrol installation out there?

President Jerrel: Yes, the contract. Yeah, the contract is in here and we just need to --

Commissioner Mourdock: I thought we did the contract.

President Jerrel: Well, it's to go through the meeting. I wanted it to go through our meeting, so it's the same as what we approved last week.

Commissioner Mourdock: Oh, okay, I thought we did approve it last week.

President Jerrel: We did, but it's the official contract that is in here. There is a motion.

Commissioner Mourdock: And there was a second.

President Jerrel: Okay, and I'll say so ordered.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: The Auditor's Office has provided me with the proposed ordinances for recodification and I have just opened one of the big envelopes over the weekend and I am going through some of the ordinances and revisions and hopefully within the next several weeks the recodification approval by the Board can be considered and we'll have a nice updated County Ordinance Book for the first time in probably about ten years, so just give me a few more weeks and we ought to be able to get that process taken care of. That's all I have.

President Jerrel: Okay.

**Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: Not tonight. I don't have anything.

**Steve Craig - Burdette Park**

President Jerrel: Burdette Park.

Steve Craig: First thing I guess I would like to bring up is we had turned in a couple of pink slips that we wanted to know if they had been reviewed. It was on the Manager of the swimming pool and the manager of campgrounds.

President Jerrel: Just to call that to your attention--

Commissioner Tuley: Are they in Burdette's?

President Jerrel: No, they're right there. Open your packet and the top...you've got your hand on it. See Prosecutor at the top on the second page?

Commissioner Tuley: Okay, alright. Good. I'm sorry, I didn't see it.

President Jerrel: Okay, we can do that when we make the motion for the consent items.

Commissioner Tuley: For the consent items.

Steve Craig: From what I understand the funding is in place to do the fibreglassing of the one swimming pool and it was advertised last Thursday and it will be advertised again this Thursday with a pre-bid hearing on 3/17 with Lynn and I down here at 9:00.

Commissioner Tuley: What's the life of that lining projected to be? Do you know?

Steve Craig: The guarantee on the lining is five years, but that's the outer surface, but he said after seven to ten years they come in and you just gel coat it.

Commissioner Tuley: Okay.

Steve Craig: It's like we're doing with our slides. They have an indefinite life span as long as you take care of it.

Commissioner Tuley: As long as you take care of it?

Steve Craig: Right.

Commissioner Tuley: Okay, that's good enough.

Steve Craig: Every seven to ten years, he says, it depends upon your wear, how the weather hits it and that. He said some pools go forever before they even have to gel coat it, but it's the same process as painting, but they come in and refurbish the outer fiberglass.

Commissioner Tuley: Okay, good.

Steve Craig: They're supposed to...they come in and epoxy all your concrete...the bad spots in the concrete they take it out and they kind of refurbish all the concrete so that

it's revitalized underneath, too. Instead of putting a shell inside of the bad concrete part of their project is to fix all the concrete in the pools while they're doing it.

Commissioner Tuley: So money is in place then?

President Jerrel: Yes.

Commissioner Tuley: I saw something from Lynn asking that. That's the reason.

Steve Craig: Okay, and I have got the applications for the Manager and some Assistant Manager applications and I am going to go through them. Some of the people are very well, you know, qualified and that and some of the people you would like to have them work for you, but they have never worked in a park before, so it's not that they're not qualified to do some jobs, but they just haven't worked in a park. I'm going to go over them--

President Jerrel: Did you get that one to him today?

Steve Craig: Yeah, that was excellent.

Commissioner Mourdock: On that subject, Steve, and I appreciate the timely turnaround from last week to get this back to us on the job description that I asked you about. You had gone through and scratched out the things that were no longer appropriate like the skating rink supervision and that. I know the Assistant Manager's job has always been a full-time position, but as I read through this it occurred to me that everything I've heard you say of late has been about helping you out during the busiest season. I mean, that's when you really got the crunch out there. Is it mandatory, as you see, that this be another full-time position or can this assistant person simply be somebody that would be there through the busier months?

Steve Craig: My honest opinion is that I think it would be a full-time position. The reason being is because first of all I've got like six weeks vacation coming in the winter which I don't take in the summertime and that. But the person that I would like to get underneath me I would like them to have the knowledge of getting grants and, you know, this would...if they were a part-time person I don't know if they would have the time to do it. Five to six months out of the year it is enough for two people every, you know, day of the week.

Commissioner Mourdock: But is that also saying six to seven months a year it isn't worth it?

Steve Craig: No, I'm not saying that. I'm just saying we're really busy then. I'm saying that if you want to...I stayed busy when I was Assistant Manager and Mark stayed busy when he was the Manager of the park. I think when it is run properly and if we can get the most out of it, you know, and use the person in other ways than just working right there at the park, but going out and getting other monies available to the park, you know, to relieve the pressure on the county I think it would be a full-time job.

Commissioner Tuley: Steve, I think it's important, too, because we really look at that facility as just basically almost a summertime or six month operation, but the other six months is when we're redoing everything, benches and everything to get ready again to start the next season again. It is...I mean, we don't have all the seasonal help, but we do pretty much have a pretty good year round for the six or eight full-time people we

have out there. I think to keep it going and to keep him energized and get his vacation in without feeling guilty about taking off, you know, unless you can get someone on a three quarters of a year or something, but I hate to think we would try to fill that with a six month position because I don't think it will work.

President Jerrel: Well, let me just make another comment that I think might be in response to Commissioner Mourdock. Steve and I have been looking at the numbers very carefully the last two times that we've met and we spent a good bit of time today going over this and I think you're going to find that the final numbers will show that this is the lowest deficit that the park...last year was the lowest deficit the park had in eight years. The park seasons are in a state of flux. We don't know. Schools began earlier. This year May 21st schools are out, so we're kind of feeling our way to do the right thing, but we're heading in the right direction.

Commissioner Mourdock: So is that an argument for six months, for part-time?

President Jerrel: I don't know, I just wanted to throw that out because I have been going over those numbers.

Commissioner Tuley: Yeah, but there is...that's right. That's a good question because you've got to look at things. There was a shorter season with school starting back earlier. There was also a very rainy June in which we lost a lot of revenue so we had few people working in there, too.

President Jerrel: But we made more money and we lost less money this last year. That was the lowest--

Commissioner Mourdock: The revenues were actually up.

President Jerrel: The revenues were up and the costs were down, so that was the lowest deficit we've had.

Commissioner Tuley: That's total monies?

President Jerrel: That's right and that's what you have to look at because that's what we pay taxes on. Anyway, we'll get that to you.

Commissioner Mourdock: Alright, well, I asked the question without having a preset opinion in my mind. It was just a question.

Steve Craig: Well, what I'm doing, like I said, I'm going through the applications because some of them are quality people, but they've just never worked in a park environment, so I'm kind of writing on the top, but I'll present them back to you after I get several of them for you to review and look over.

Commissioner Tuley: Steve, do something else for me next week, would you? Because I keep hearing the words writing grants and stuff. Would you provide us with what grants that we're available to receive? If, in fact, there are a lot of things that we're ruled out because we don't have a Board, what would it take if that's where we're headed to try to get grants and qualify for grants which I'm not arguing that we shouldn't be.

Commissioner Mourdock: What do you mean if we had a Board?

Commissioner Tuley: Well, I'm not the attorney, so I shouldn't...but I was kind of looking at the statute and it talks about having a certified Board or some kind of Board in place and I don't know if the Advisory Board qualifies under statute to be that Board or not. I don't know.

Commissioner Mourdock: So they're the ones that would actually be filing the grant applications?

President Jerrel: It's the Park District Board that, you know, when the park was...when the City of Evansville became a Park District and Burdette was not included in that because it was a county owned park and I have a good bit of literature on that because I served as President of the Park Board during that process and let me get that for them.

Commissioner Tuley: Yeah, I would just like to know what we have to do because, you know, I keep hearing we're going to use this person to write grants and stuff, so let's have everything in place so that we're eligible for grants if that's what we're going to do which is great. I mean, if there is money out there that we can go get.

Commissioner Mourdock: No need to find somebody who has got that on their resume if we're not ready to go all the way with it.

Commissioner Tuley: Well said.

President Jerrel: Also there is another item that I told Joyce I would bring to your attention and it isn't an action item. She will need to go to the Council, but one of our...it's almost the same story from the Solid Waste Board. We have an expectant mother that is responsible for the collection of the money and the recording of that information and she is going to be expecting within about a month or two.

Steve Craig: May 1st.

President Jerrel: So they would...we have some choices and I thought it best to leave that up to Steve to make that decision. They can either...and they would have to interview people and look for someone that they feel comfortable with handling that money and some of that depends on when, perhaps, college students are available and school is out or they could at some point after she has used her leave money and all of that they could transfer it to the temporary replacement account and hire someone through that process or they could take money that was not used during the first two months of the year in the second slot and move that into extra pay and depending upon who is out there, so I felt like they're better served to make that decision so I told Joyce I would ask you if you would grant her permission and Steve will be going to Council to transfer funds into the extra help or the other account.

Commissioner Tuley: You definitely need that position filled.

President Jerrel: Yes, they do and they want to train them. She will be back in...you know, she'll be coming to us for the 12 week family leave.

Commissioner Tuley: You need a motion then to give Steve the authority to--

President Jerrel: Go to Council for a transfer.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: I'll say so ordered.

Steve Craig: That was in the extra help account?

President Jerrel: Well, we just...there are three options there and I think you all need to make that decision, not us.

Steve Craig: Okay.

President Jerrel: It depends on who is available and you just bring us back your choices.

Commissioner Tuley: Let us know what you want to do is what it sounds like to me and that's fine.

Steve Craig: I think that's it.

President Jerrel: Okay, thank you very much.

### **Soil & Water Conservation District**

President Jerrel: You do also have a report from Soil & Water Conservation. This is a little bit--

Commissioner Tuley: Little better.

Commissioner Mourdock: Legible?

Commissioner Tuley: Legible, yeah.

President Jerrel: This is not a very good time of the year.

Commissioner Tuley: No, at this time it wouldn't be you're right.

### **Consent items**

President Jerrel: Okay next, consent items that you have. Are there any questions or is there a motion?

Commissioner Mourdock: I'll move approval of the consent items which include employment changes, travel requests, the County Treasurer's year-to-date investments, the Auditor's submission of the accounts payable vouchers, and also the Auditor's monthly financial, cash and expenditure reports.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

### **Scheduled meetings**

President Jerrel: Your scheduled meetings is there.

**Old business**

President Jerrel: Is there any old business to come before the Board?

Commissioner Mourdock: Yes, one bit of old business. We haven't mentioned it the last two weeks, three weeks ago tonight was the night Azteca was here and I just wanted to say for the record we did, of course, demand of them that they give us weekly updates as to the progress and they have done that. We received a letter a week ago. Tonight before we got started their attorney presented another letter and just tracking the items that they have with the schedule they submitted to us it appears that they are largely on track of dealing with the things the way they said they were going to do that. Obviously, they haven't got it all finished up yet, but at least they seem to be doing what they said they were going to do.

Commissioner Tuley: Do we have these letters readily available for anybody that wants to read them or look at them?

Tony Greubel: Yeah, I have an Azteca file.

President Jerrel: I gave them to Council so that Council gave them to all of their members, too.

Commissioner Tuley: I'm talking about in the office, so that if someone walks in and say you said we could come in here and get this I would like...I mean, I don't care to give my letters if we need them. I've got both of them.

President Jerrel: Well, why don't you take one of theirs because I gave mine to Council so they could have it.

Commissioner Tuley: Okay.

Commissioner Mourdock: Along with that, Tony, I'll ask you in the morning if you would go through this latest letter and write on this how this compares with this if you will. Doing it real quickly here during the midst of other business, it appears to me that they pretty well met their obligations, but I would like to track it.

President Jerrel: Any other old business?

**New business**

President Jerrel: New business? I have one item and I would like to ask Joe to help me. Last weekend I received a call from a county resident that was very distraught and there were three different residences that were involved with this. Apparently there is a homeowner that has three large Russian Wolfhounds. They're described as...the lady that called me was five six and the dogs heads reached her shoulder. Two of them got loose and they're trained to attack animals and the small...one of the women had a small dog that she had tethered to a tree and the other woman had her dog outside and the Wolfhound got a hold of the dog and killed it and wouldn't even get away from the body. It stood over the body and guarded it. The other dog in another yard was...I don't know if it is still alive or not, but at any rate, it raised the question as to whether or not...these

people didn't call me until after they had called the Sheriff's Department, the Animal Control. They went through the list. They really are not interested in suing anybody. I mean, the owner of the Wolfhounds said they would pay any vet bills, but they were very concerned about the danger. They are also cognizant of the fact that because we have farm areas it's difficult to have an ordinance, but they asked the question is there anything that we can do to ensure that dogs are not running in those subdivisions with small children.

### **Tape change**

President Jerrel: At any rate, they indicated that he had gave them some information and rather than me say what he thought or what...the Sheriff's Deputies do not want to get in the position of making runs on things like that, but I would like for you, counselor, to investigate what action we could take. Can we empower someone? The animal control? Is there any action that we can take and you don't have to get me any answer now, but I would like for you...I'll tell you what, these people were so upset. One of them happened to be a teacher that I had worked with for years, and they don't want to do anything to anybody, but that was probably the most frightening thing that has ever happened to them. It wasn't a child, but it could have been.

Joe Harrison, Jr.: I'll look into it.

President Jerrel: Alright.

Commissioner Tuley: That topic will come up from time to time and I think the next one we're going to hear again as soon as Marina Pointe opens up and starts having outside bands we're going to have all the people from Harbor's Edge down here wanting something done about noise ordinance. When the weather breaks finally, but those two things come up from time to time.

Commissioner Mourdock: If I heard your question correctly, Bettye Lou, you're asking can we outside the city limits, within the county, within a platted subdivision have an ordinance?

President Jerrel: Uh-huh.

Commissioner Mourdock: I seem to recall prior to you coming on the Board, it seems like we discussed that at one other point and the County Attorney at that time said that was something we couldn't do, but let's find out. I'm certainly not saying I would be against it.

Commissioner Tuley: Or like Mr. Berger said, if we can get ten attorneys and all of them can disagree.

Commissioner Mourdock: If you can get ten attorneys and narrow it to 20 opinions you're doing well!

President Jerrel: Could we have someone deputized from Animal Control?

Joe Harrison, Jr.: I'll take a look at it. I mean, obviously, in order to have any kind of power to do anything there has got to be some sort of an ordinance or statute out there. Let me take a look at it. I mean, there might be some sort of leash law that we can adopt, but it may be county wide, but let's take a look at it. It might be something that

can be reasonable.

Commissioner Mourdock: Yeah, the idea of deputizing somebody for that specific dangerous situation may be easier to do than something within a given subdivision.

Joe Harrison, Jr.: It might be possible. We may have to be creative, but we'll take a look at it.

President Jerrel: I would appreciate it. Is there any other business to come before the Board? I'll entertain a motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:12 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Dolli Kight  
Rhonda Carroll  
Mike Robling  
Charlie Berger  
John Stoll  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
March 16, 1998**

The Vanderburgh County Board of Commissioners met in session this 16th day of March, 1998 in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m. with President Betty Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. At this time I would like to introduce members at the podium. On my right is Tony Greubel, the Administrative Assistant; next to him is Joe Harrison, Jr., the County Attorney; to my right is Pat Tuley, County Commissioner; to the far left, Charlene Timmons is our Recording Secretary; Suzanne Crouch is the County Auditor; and next to me is Richard Mourdock, County Commissioner; my name is Betty Lou Jerrel. Would you join us in the Pledge of Allegiance?

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of the minutes and is there a motion regarding our March 9th meeting?

Commissioner Mourdock: I'll move approval of the minutes.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Open bids for APA044-98, Computer equipment**

President Jerrel: The next item is Lynn Ellis, our Purchasing Manager who is going to give us some information.

Lynn Ellis: The first item is to authorize opening of bids for bid number APA044-98, computer equipment. Bids would be taken under advisement and a recommendation made, hopefully, at your next meeting.

President Jerrel: Is there a motion to take this under advisement?

Commissioner Tuley: I think we need to open the bids first and have them read into the record and then take them under advisement. I'll so move.

President Jerrel: Do you have...did some more come in?

Lynn Ellis: Yes, there are six bids.

President Jerrel: Okay, we got one down here addressed to the City of Evansville.

Lynn Ellis: Right, the bid is...because it's the City of Evansville/Vanderburgh County Purchasing Department they sometimes chop it off at some odd places.

President Jerrel: So we need a motion to open...authorize opening of the bids.

Commissioner Mourdock: I think Pat made the motion.

Commissioner Tuley: I just did.

Commissioner Mourdock: I'll second.

President Jerrel: Second, and I'll say so ordered.

### **Award of cabling installation**

President Jerrel: We did have an Executive Session--

Lynn Ellis: Um--

President Jerrel: Oh, I'm sorry, did you have something else?

Lynn Ellis: I'm sorry, one more item on there was...you should have another agenda item from me to award cabling installation work. My recommendation is to award to Industrial Contractors at a total cost of \$20,864. The county's portion of the project is \$12,998.27. The project is for the Civic Center facility. The project is being recommended to Industrial for numerous reasons, if I can talk this evening. The contractor did the cabling work at the Court's facility for the installation of the computer equipment there. They are offering a 15 year warranty which was not available from any of the other vendors and as a result the Computer Services Department and Purchasing Department would recommend that the bid be awarded to them. This was negotiated and it doesn't exceed the statutory limit, so there would be no requirements for bidding or advertising with this.

President Jerrel: I do have a question. When you said a minute ago when you were explaining this you said the contractor that did the Court's cabling. There has been already some cabling done?

Lynn Ellis: That was awarded last year.

President Jerrel: Right, for Deig Brothers, I think they got it. Or somebody, maybe it was Industrial.

Lynn Ellis: Industrial did the cabling.

President Jerrel: Industrial? Okay, so what...this is additional?

Lynn Ellis: This is a separate project. The project that was done for the Court's building was done and awarded in 1997 and it was with '97 monies. This project is for 1998 and it is my understanding that there is no additional work contemplated for cabling for this year.

President Jerrel: But this was all related to the Court's or this is different? That's what my question is.

Lynn Ellis: Separate issue.

President Jerrel: This is separate and different from the Court's?

Lynn Ellis: Right.

President Jerrel: Okay.

Lynn Ellis: It's completely separate.

Commissioner Mourdock: I'll move the award of the cabling installation work to Industrial Contractors as recommended by County Purchasing.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Lynn Ellis: Thank you.

### **Certification of Executive Session**

President Jerrel: We did have an Executive Session and it began at about 4:40 or 4:50 and the initiation of litigation, pending litigation or threatened litigation and county personnel matters were discussed.

Commissioner Mourdock: I would also add to that certain security measures were discussed as well. I'll move the acceptance of those summary minutes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Torian, Hofmann & Dillow - County insurance issues**

President Jerrel: Moving on with the agenda, we have with us our agents of record for insurance, Mr. Dillow, Mr. Flittner and Mr. Hofmann.

Bob Dillow: Thank you. I have or we have five insurance issues to discuss with you today. The first is Penco, the insurance carrier, and their professional loss control team will provide four visits this year compared to the three visits from last year. Upon a recommendation from Commissioner Jerrel, Penco is prepared to visit the County Garage to examine security issues. We believe their professional knowledge in this area can provide a lot of insight for us in making certain that the facility is secure. So if you would so agree we will order Penco on their first visit of 1998 to visit the County Garage.

President Jerrel: Do you want to give the authorization?

Commissioner Mourdock: I just want to make sure. Are we...is there any increased cost for doing this?

Bob Dillow: Absolutely not.

President Jerrel: They can also look at loss control recommendations.

Bob Dillow: That's what they are going to be doing.

President Jerrel: Okay.

Bob Dillow: They will be providing recommendations to you.

Commissioner Mourdock: Okay, so you mentioned security, but it is both security and loss control?

Bob Dillow: That's correct.

Commissioner Mourdock: Obviously, loss control meaning more than theft type control.

President Jerrel: Inventory related.

Bob Dillow: That's right.

President Jerrel: Is that something you're willing to second, Pat?

Commissioner Tuley: Oh, I'm sorry. That was a motion?

Commissioner Mourdock: It wasn't yet, but I will. I thought you had a question.

Commissioner Tuley: No, you asked the question I was going to ask.

Commissioner Mourdock: Okay, I'll move approval then that we authorize Penco to visit the County Garage for the purposes of loss control and also the review of security measures.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Bob Dillow: Again, I might add they're obviously here to serve you. Anything that you want them to do we will make certain that is included in the agenda. Obviously, it benefits them as well to do so.

Commissioner Mourdock: I'm taking it for granted, but I presume we'll get a good written report on whatever they come back with?

Bob Dillow: Yes. Yes, sir. The second issue is an issue involving county owned vehicle verification. You're going to receive a package of three sheets of paper, the first of which is request from the Penco Insurance Company to the Commissioners asking that a complete review of all automobiles, trucks, vehicles of any sort owned by the county begin. A letter from us to you suggesting as well that we agree that this is something that should be done, as well as a vehicle schedule that we have completed that we request your help, if you do agree, to allow us to coordinate an effort of contacting all department heads with the goal of verifying that the vehicle schedule that we are currently insuring is, in fact, an accurate vehicle schedule. We want to verify how vehicles are used, how they're driven, if they're driven home. We want to make certain that there aren't vehicles that have been lost in accidents that have not been taken off the schedule, so it is just an appropriate thing to do and we think this is the time to do it.

President Jerrel: Just a little more information. A lot of this really began when Teri Lukeman, who is an employee in the Auditor's Office and takes care of the Fixed Assets, discovered that she had titles and we didn't have vehicles and we were including them in our coverage and thought we had them and they had been totaled out or they were

used for parts or they have been moved to some other department and after they had been totaled out, so Willis Corroon...we are getting notified now when anything like that happens, the Commissioners are, and I think this is a good report. We had been talking...if you'll remember last October 13th we talked about doing a vehicle survey and rather than us take it upon ourselves we started through the actual documentation and I think the form is excellent. I think it will be good information.

Bob Dillow: Thank you.

President Jerrel: Do you want to...

Commissioner Mourdock: I would like to add, on the letter that we have here that is dated 2/18/98 it basically says that the information will include the following: complete vehicle description, make, model, year, the VIN number, which is vehicle identification number, usage, department, license plate number. I would like to add to that two things that they specifically inventory for. One being whether or not there is any form of radio, a two-way type radio installed. And also any...I don't know what to call this, ancillary equipment, if you will. For instance, if a pickup truck has got a tool box mounted in the back of it or something like that and also I think just from purposes of safety make sure that they have got fire extinguishers in them. Make sure they are accounted for.

Bob Dillow: We will redo the form to add those items and on the ancillary equipment we will request a value as well.

Commissioner Mourdock: That would be good. I don't know if there are any other obvious types of equipment like that, but those several come to mind. Spare tires.

Commissioner Tuley: Yeah.

Bob Dillow: Do you wish every vehicle to have a fire extinguisher?

President Jerrel: You could...you know something?

Commissioner Mourdock: I think that is appropriate. I thought Penco recommended that at one time, but I may be wrong. It sounds like something they would have recommended.

Bob Dillow: It does, but I'll verify that.

President Jerrel: Okay, I was going to say if you had a sheet...I'm just looking at...you might have a sheet that you could say any truck that has ancillary material you could have an addendum sheet to this.

Commissioner Tuley: Yeah, I wouldn't recreate this form. I would make a supplemental form to it.

President Jerrel: Yeah.

Commissioner Mourdock: Right.

Commissioner Tuley: Maybe you could just--

President Jerrel: You know, put down the things--

Commissioner Tuley: That we're looking for.

Commissioner Mourdock: Right.

President Jerrel: --and say this is for a vehicle.

Commissioner Mourdock: Yeah, as long as you're inventorying the vehicles that's--

Commissioner Tuley: That's the time to do it.

Commissioner Mourdock: Make sure that's all included there, that's all.

Bob Dillow: We will do so and we will bring it to you for approval before it's sent out.

Commissioner Tuley: Okay.

Commissioner Mourdock: I'll move then that our insurance representatives move forward with the investigation on company vehicles as assigned through various departments.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Bob Dillow: Thank you. The third item is the statement of property values. Throughout our first year as your agent we have been visiting county properties to verify that all are insured and listed on the annually signed statement of values. As a result of this year's examination the following actions have been taken: cabins that were razed at Burdette Park have been removed, new structures were added. This process generated an additional \$1,099,291 of insured property. Again, once a year you are requested to sign a statement of values. Our action that we're requesting from you today is to, in fact, sign that statement of values so that it can be sent to the Penco Insurance Company as is contractually required each year.

President Jerrel: Do we have a clean copy to sign in the reports?

Bob Dillow: Yes, I have the original.

President Jerrel: Okay, so we can keep this. Are there any questions about this?

Commissioner Mourdock: Can you tell us in a nutshell how the values are established? Are we looking at three party type appraisals here?

Bob Dillow: The non Burdette structures are almost all established from the appraisals done by Jerry Schenk several years ago and have been updated each year according to cost construction indexes. The Burdette values were just established within the last two weeks. Greg Hofmann met with Steve and the two of them spent a significant amount of time at Burdette Park. You will notice on the statement of values, at Burdette Park if you want to verify what building we're talking about if the building is located on the Burdette Park map that is handed to visitors it is numbered accordingly and listed on there by the number on the Burdette Park map.

President Jerrel: Oh, okay.

Bob Dillow: And, again, this year we are insuring all structures. Not just buildings, but if there are basketball courts, playground equipment, property of value is listed on that

statement of values.

President Jerrel: Would you give me the statement of value total again? Is it the total that I am looking at, \$52,229,000? Is it the last page?

Greg Hofmann: Yes, it is.

Bob Dillow: I just gave you my copy.

President Jerrel: Okay. Alright, is there anything else about this? Any questions? If not I think we ought to have a motion to approve.

Commissioner Tuley: It's really not...I mean, it is a question. We need through our department heads or whatever to make sure whenever there is an update that this office is notified so that we may notify you. Whenever we have new buildings and what have you, obviously, somewhere there is a breakdown of new buildings going up and the insurance company not being notified that we have a new building or them not catching it. So, I mean, that's internal. It has nothing to do with...I mean it just goes along and I'm willing to move approval of this statement of values as presented, but just internally we need to work out something to make sure we don't have any more buildings not covered.

Commissioner Mourdock: Okay, there was a motion there?

Commissioner Tuley: Yeah, it was a motion to accept the statement of values as presented.

Commissioner Mourdock: Okay, I'll second.

President Jerrel: I'll say so ordered.

Bob Dillow: Thank you. The fourth item that we have, this is strictly for informational purposes. The property, casualty, worker's compensation, auto claims handling procedure. We noticed that there was confusion within the departments over exactly how claims should be processed and reported, so we felt it was appropriate to create this document that has been distributed and will be distributed again to all department heads as a reminder that, again, for property, casualty, worker's comp and auto claims this is the exact procedure to follow. All adjusters that are involved, their address and phone numbers are enclosed. Our phone number is here. We think that this will go a long way toward making the claim process run smoothly. Again, we just wanted you to see this. This requires no action. Are there any questions on that?

President Jerrel: Any questions?

Bob Dillow: Okay, thank you. Fifth, Tony Flittner would like to speak to you, address you, regarding the health insurance servicing issues. Again, Tony is our health insurance employee benefits specialist and he is prepared to lead this discussion. Thank you.

Tony Flittner: Good evening. I've distributed a packet to each one of you regarding some information which is a summary of proposed employee health insurance services recommended for implementation. We've found over the past year that it would be helpful to the employees of Vanderburgh County to have liaison or an advocate to assist them in taking full advantage of their health insurance benefits in trying to process their

claims and take advantage of all the benefits in their plans. The first page of the packet is a letter of introduction. It gives you a couple of ideas of what we plan to do. The following page would be intended to be distributed among each department head. It outlines a plan to meet with each department head to inform them of services available to the employees of their respective departments. Hopefully, this information, if we get it out to enough of the people and to the department heads, each one of them, it will filter down to the employees and they will understand that they do have someone to go to for their health insurance problems and needs. On that page you'll notice in the second paragraph is some information regarding an additional service that would include an on-site assistant to be available in a room here in the Civic Center building each week for possibly two hours or whatever you would recommend each week of the month to assist the employees face-to-face with their problems. We would ask that you make a recommendation there as to whether or not to implement this, as to which room to use and what times would be best to serve.

President Jerrel: Do you have any specific questions?

Commissioner Mourdock: My question is the easy one. How much is it going to cost us? Obviously, I'm concerned about two things. Are our costs going up and number two, is the level of coverage and the service provided with that coverage for our employees going to go down?

Tony Flittner: Okay, that's a great question.

Commissioner Mourdock: There are two questions there, so you get to give me two answers.

Tony Flittner: Okay, let me address the cost issue and the service issue. First of all, your rates, your premium rates, are locked in for the year. For 1998 they can't go up, so whatever service I can lay in for you comes to you at no additional charge. The insurance companies when they service claims and different problems whether an employee needs a claim form, they need an application form or anything the insurance carrier has to have or provide staffing to provide all those services. They would rather out source those services through the insurance agencies to provide those services and compensate the agencies for doing that. It's a lot more cost effective. I'm here on a regular basis. If I'm here and I know that someone needs help with a claim or a form or whatever, I can easily drop it off. The alternative is someone at an insurance company has to get involved. They would have to send out a claim form, they have to try and handle everything over the phone. It's just not as an efficient procedure. With this particular plan of action we'll be here to service the employees. It will be a lot more effective, a lot more efficient. It will really be easier and as we create a better rapport with the individual, the employees, we understand how to take the information that they give us and give it to the insurance company to solve the problems that they have whereas it gets a little cumbersome to try and relate over the phone between an insured and a customer service person at the insurance company.

Commissioner Mourdock: Okay, I can picture having an advocate, as you used the term, being an increase in service. I can see for the people in this building specifically that would be something they would benefit or could benefit from. Obviously, we have employees who do not come into this building on a regular basis. I guess if you're going to do this I would encourage you at least one of those days or once a month to do it at remote locations. Maybe it would be Burdette Park, maybe it would be the Garage or something like that, but those folks aren't otherwise going to easily be served by this and if we're going to try to help a few we need to try to help everybody.

Tony Flittner: Thank you. That's a great recommendation. I guess my idea was that those folks would come here. It makes no difference to me whether we go there or here. Either place is just as well, so whatever you recommend in that respect would be fine.

Commissioner Mourdock: Okay, going to the other question, then, what about the cost side of this?

Tony Flittner: The cost side is the costs all remain the same. We have put in place the rates for 1998. There is no change in cost. There is just a shift of burden from the insurance carriers not having to staff up to handle all these things to our agency handling all of these things.

Commissioner Mourdock: The service fee, the prior contract was February through February, is that right?

Tony Flittner: Correct.

Commissioner Mourdock: So we're past the end of what the last service fee covered.

Tony Flittner: That's correct.

Commissioner Mourdock: And that was \$10,000?

Tony Flittner: That's correct.

Commissioner Mourdock: As we go forward from this point, from February '98 to February '99 we would not be paying that \$10,000 fee then?

Tony Flittner: We recommend that we take away that fee.

Commissioner Mourdock: Okay, so the compensation for your agency is going to come back through the insurance companies in your handling of the claims with them rather than us pay the \$10,000 up front?

Tony Flittner: That's correct.

Commissioner Mourdock: The last time you were here you spoke to the fact that you had managed to negotiate to save us some money and that's appreciated. If we go to this format will you still be as aggressive to save us the money?

Tony Flittner: Absolutely. My objective won't change at all. It will remain the same and that's why I am here tonight. We want to offer you every service possible. We want to earn our salt and we know that we have to do it every year to remain here otherwise you'll certainly end up with someone else here. We know we have to stay on our toes.

President Jerrel: I have a question. It's a hypothetical question, but I hope you all are kind of gearing up to address the consolidation or buying out of...you know, we have the Welborn HMO and we're getting vibes that something might happen between St. Mary's and Welborn. I read or heard another issue where there may be another hospital joining in with someone else, so next year could be a real conglomeration of offerings or it could be a reduction. You might still have one, but you would have an additional hospital that you could attend. I mean, it is going to be different.

Tony Flittner: Well, I think the general consensus among the brokerage community, who talks about this day in and day out, is that it will ultimately offer just another plan, another option, and hopefully in our case will offer us the ability to leverage another possibility against the current carriers that we have today. That is one of the things that we did at this renewal period back in the fall of '97. We worked with the carriers that you had. We installed a new carrier and we really worked one against the other to compete with each other to end up with the lowest rates we could get and the best plan designs we could get. I really only see this as another advantage in our negotiating abilities for 1999. Well, we...at the renewal for 1998, prior to renewal, we went out to a lot of other carriers like Aetna, Employer's Health, Humana and so on and so forth and used those other carriers to work against the ones that you had to compete for price and plan design, so this will just add another player to the mix. I think it's really good news.

Commissioner Mourdock: One last question from me, Tony, just so I understand the way insurance...your relationship, and it isn't meant to be a sinister word, your working relationship with the people providing coverage. When you're reimbursed is that strictly on a percentage basis of what the total claims are?

Tony Flittner: In most cases it is a percentage of premiums paid.

Commissioner Mourdock: Okay, that is what I thought which was why I asked the question I did a moment ago regarding leverage--

Tony Flittner: Right.

Commissioner Mourdock: --and negotiating for next year. Again, just speaking for myself as I said at the outset, I am hoping our costs don't go up. Anything I can do to see service to our employees go up certainly is a benefit to us. I don't know if there are other questions.

Commissioner Tuley: No, I really just want to more or less regroup and make sure I understand. We would no longer be paying you the \$10,000 fee that we paid you in the year of '97 in which we paid the group before you? Instead you'll be compensated by the service providers?

Tony Flittner: That's correct.

Commissioner Tuley: And for '98, since are rates are set in, there will be no increase? You'll be compensated by them and they're going to justify that compensation in that they don't have to have the extra staff people to deal with these employees?

Tony Flittner: Exactly.

Commissioner Tuley: They're coming to you and you will negotiate on the employee's behalf.

Tony Flittner: Exactly.

Commissioner Tuley: You will also in your negotiations for the year of '99 will be very...the same aggressive approach you took in negotiating rates for this year, correct?

Tony Flittner: Absolutely.

Commissioner Tuley: Okay. The suggestion of moving those was a good idea in terms

of the out people. The other thing that I would like to see is let's set the hours let's say as you've suggested maybe 2:00 to 4:00 with the understanding they may need to go to three hours or they may need to be brought down to one depending on the needs.

Tony Flittner: Okay.

Commissioner Tuley: I would also like to see on behalf of some of those office-holders some sort of scheduling put into place so that we don't have ten people come up here and sit. Nine of them sitting there while you're dealing with one for 20 or 30 minutes. That we can schedule a time during that period, so that you know who is coming in to see you and they know they don't need to come up here and sit for two hours.

Commissioner Mourdock: It isn't just a walk-in service. They have to scheduled ahead.

Commissioner Tuley: No, they should schedule it. I think they should because I think the officeholders would not like the idea that we just make it open that ten people can leave their office for two hours on Tuesday afternoon.

Tony Flittner: Right.

President Jerrel: You're...now let me understand something else, too. You will send this letter out or you want...I mean, or we're going to send it? How is the mechanics going to work?

Tony Flittner: Initially, the letter to the department heads would be distributed in person by myself. I would like to distribute that letter and some of this additional information to the department heads to let each one of them know what services we're providing. The letter regarding--

Commissioner Mourdock: The time and place?

Tony Flittner: I'm sorry, claims assistance and miscellaneous administrative needs would be sent to each employee through payroll and would include phone numbers with their respective insurance carrier's phone number and our phone number as well, so that they have good access to anyone that they want to talk to.

President Jerrel: So at this point if I need additional claim forms I usually try to get through an 800 number. You're going to have some of those forms?

Tony Flittner: I'm going to handle that, sure. We will have all those on-site.

Commissioner Mourdock: I would suggest, and the way I read this I think this was your intent, that at least that letter to the employees with the phone numbers come from our office.

Tony Flittner: Yes.

Commissioner Mourdock: I can go along with that. Certainly I want to see the letter before it goes out and I'm sure Bettye Lou and Pat do as well, but having heard all that I like Pat's suggestion. Make sure that they do call in advance and have some scheduling otherwise you can't have people waiting and waiting to get in and our officeholders aren't going to like that, so with the understanding that I'm willing to say for a test period of a year let's give this a shot and see what happens. I'll move approval of the concept.

Commissioner Tuley: I'm going to second. I just want to make one comment. I want to keep beating this horse and that was a question I asked you this morning and was the same one he asked you about the level of service.

Tony Flittner: Sure.

Commissioner Tuley: Since I've been on here we have dramatically increased the employee's contribution to their health insurance. We've doubled their payment, I think, one year. We've gone back to co-pays and everything else, so we really will expect that aggressive, go after them and keep those costs down. I don't want to see the pass through of your compensation, for lack of a better term, be the reason they increase our rates next year.

Tony Flittner: I fully understand and don't be concerned.

President Jerrel: Well, you'll know the rates anyway before next year.

Commissioner Tuley: Right.

President Jerrel: Because we have to have them--

Commissioner Tuley: We have to have them in.

President Jerrel: --at budget time.

Commissioner Tuley: They had some projected rates that came down from the actual time that you have to get them in June by the time they actually went into effect, is that right?

Tony Flittner: That's correct. That's correct.

President Jerrel: We do a final budget in September and we'll have a handle on that.

Tony Flittner: Right. Yeah, they know that.

Commissioner Tuley: Having said that, I will second your motion.

President Jerrel: I'll say so ordered.

Commissioner Mourdock: With that bit of business done, our officeholder here, Suzanne, just made an excellent point that perhaps in scheduling those hours to assist with the overall management of the offices you can do it from 11:00 to 1:00 or something like that over the lunch period so that we can save people otherwise leaving their post.

Tony Flittner: That's a good idea. Okay.

President Jerrel: Is there anything else?

Tony Flittner: No.

Bob Dillow: That's our presentation. Do you have any other questions?

Commissioner Tuley: The only question I would have, we need and I don't know if you want to work it out tonight or we can just get together, but how are we going to handle

this scheduling? Do you need to know before you get here or does someone on our staff just need to know?

Greg Hofmann: Tony, he has a scheduling sheet--

President Jerrel: And writes the names down.

Commissioner Tuley: So you'll just plan so many hours and if you get here and you don't need to be here for three hours or two hours because you only have one person, then we'll--

Tony Flittner: We're going to be here anyway and what we'll do is we'll give it plenty of time to show us that we need to reduce hours.

Commissioner Tuley: Okay.

Tony Flittner: If we get here the first month and we're here for two hours...or the first week, I'm sorry, and we're here for two hours and we still have a line of people we'll certainly instantaneously expand the number of hours, but if we show up and we sit there idle for an hour I have no problem with that. I have plenty of things to do to keep me busy, so I would rather be available for the employees.

Commissioner Tuley: While we're just talking, it would be nice if we could establish our cut-off period with the exception of some sort of an emergency so that we could know in advance maybe...let's just pick Tuesday as the day we're going to do this that maybe by Friday we know that way, you know, we've had 15 people call us and there is no way you can get 15. Maybe we could call you and say, hey, for this Tuesday you might want to plan three hours. Is that reasonable?

President Jerrel: I think on the letter needs to be contact--

Commissioner Tuley: Tony.

President Jerrel: --the Commissioners' Office and Tony will maintain a schedule and you can adjust it like that.

Tony Flittner: Okay.

Bob Dillow: We'll put a procedures program together and bring it to you in advance for your approval.

Commissioner Tuley: Okay, that's good.

Commissioner Mourdock: I do like the idea very much of having an advocate because the only thing more frustrating to me than dealing with insurance is probably dealing with new telephone systems because they're constantly in chaos.

Commissioner Tuley: I've got one better than that.

Commissioner Mourdock: I stand corrected.

Commissioner Tuley: Not personally you.

Commissioner Mourdock: Good report.

Commissioner Tuley: Just your profession.

### **Ordinance establishing Community Corrections Fund**

President Jerrel: Okay, moving on we have a first reading on a Community Corrections Fund ordinance and Mr. Howerton could not attend, so that will be next week on your agenda.

### **Jail Committee update**

President Jerrel: While we're on that I thought perhaps Commissioner Mourdock could bring us up-to-date on the jail.

Commissioner Mourdock: On the jail hearings I can bring you up-to-date.

President Jerrel: Jail hearings, okay.

Commissioner Mourdock: We will be meeting again Wednesday night at 5:30. As you recall from the last we had, we had come up with some tentative actions. I can report that several of those actions have been moving forward. I know the Prosecutor, the Sheriff's Office and the judges have met at least twice and looked over who was in the facility and who could be otherwise bailed out, if you will, and that has happened. There has been some reduction there and I suspect we'll get specific number on Wednesday night, but that system seems to be working. The other side of it is Harris and I have met to talk about how we might have a bonding person much to fill the position, Pat, that you once held. How we can do that. We've got some things going trying to find some funding sources to make that come together. We're cautiously optimistic that we're going to be able to do that and I'll know more before Wednesday on several aspects of that, but I would encourage either of you or anyone here to attend the hearings. I think they have been very helpful.

President Jerrel: Just a question, I read somewhere, maybe in the newspaper, that you were looking for \$80,000?

Commissioner Mourdock: Go ahead, yeah.

President Jerrel: Is that...I mean, is that for the bonding part?

Commissioner Mourdock: Yeah, the \$80,000 we talked about and that was kind of a number...I asked Harris the other day where he came up with that number and he said I came up with it, so I'm not really sure. We were talking about two people and one of us threw that number out there. I, in fact, may have done it. That number may be higher. Quite honestly, I wanted to be conservative when I even ask that kind of number or addressed it.

Commissioner Tuley: Harris, since he works in that program, can give you some good insight into it, but the key there are the hours are going to be non court hours, so you're...and I don't know that you can do it with two people. We did it with two full-time and one or two part-time people. I worked 8:00 at night until 4:00 in the morning. I was lucky the first two weeks I worked there. I worked there almost three years. The first two weeks I got off Friday and Saturday night and then I was temporarily moved for a year and a half to have Sunday and Monday off, so every Friday night and Saturday night I was working from 8:00 at night till 4:00 in the morning.

President Jerrel: At that stage of your life that probably wasn't a very good idea.

Commissioner Tuley: No, I was single. That was a bad time, bad time in my life to be working those kind of hours.

Commissioner Mourdock: On the other hand, it may have kept you out of trouble!

President Jerrel: That's right.

Commissioner Tuley: It helped me get my education. It's going to be important that people recognize that these are not going to be fun hours. They're going to be non court hours and they're going to be late at night, early mornings and weekends.

Commissioner Mourdock: I've had Harris put together a bit of a job description and, in fact, he addressed that very point that basically the 80 hours that would be scheduled for two full-time people through the course of a week are almost all from 4:00 in the evening until 2:00 in the morning and then having kind of staggered shift with people covering the weekends more extensively. You're exactly right. It's not banker's hours or lawyer's hours.

Commissioner Tuley: No.

President Jerrel: Just a suggestion that you might want to throw out there because I've gone to all these meetings, but we don't talk in the audience, so I thought I would throw this out for you to consider. For the last seven years there has been about \$1.6 million, maybe a little more or a little less, that has been generated by the Commissary Fund. That's the fund that was established by state statute and the state statute allows that all of the money that the inmates pay to buy merchandise in the jail or use the telephones goes into a Commissary Fund. The law that covers that is, you know, pretty general. It's really at the discretion or the administrative discretion of the Sheriff. You know, I don't have any problem with a call on it for the last seven years, but why don't you all talk to those three Sheriff candidates and see how they feel about using some of that money. It comes from the inmates, it doesn't come from the taxpayers and let some of that be spent to what you're--

Commissioner Mourdock: To deal with the situation?

President Jerrel: To deal with the jail overcrowding.

Commissioner Mourdock: There is certainly some logic there in that the people who are otherwise in the facility that are otherwise at risk if, in fact, overcrowding occurs they are helping to fund the solution under that scenario, so I think that's fully appropriate. I'm not sure that Commission as such can throw the question directly to three Sheriff's candidates, but maybe they can read it in the newspaper.

President Jerrel: Somebody in the media can ask them.

Commissioner Mourdock: Right.

President Jerrel: That's just a thought.

Commissioner Tuley: Hint! What you call a thought.

President Jerrel: That was just a thought I had. Well, I think a lot about how the money

is spent and I just think that, you know, that would be one--

Commissioner Mourdock: Sure.

President Jerrel: --purpose that it could be used for.

Commissioner Mourdock: Yeah, and coming back to Pat's point, we've only talked at this point of funding two people to do that. I have no doubt whatsoever that the more people you have doing that job the more people you'll have put out on bail sooner. When I floated the number, or Harris floated, or whoever floated the number of 80 grand that was thinking of just two people and the supplies and everything and the benefits to keep them going. If, in fact, there was a bigger source to use that we could have instead of two people four people we could attack the problem that much more fervently, so it's a good idea.

President Jerrel: I think it would fall under this broad reason for use:

"Any other purpose that benefits the Sheriff's Department, but is not included in the department's regular appropriation."

Commissioner Mourdock: That's the definition of the Commissary Fund?

President Jerrel: That's one of the uses, just anything...so, it would be something for you to...well, I'll give that to you. Want me to?

Commissioner Mourdock: Sure.

Commissioner Tuley: Just taking that one thought farther, would they be employees of the Sheriff's Department or employees of the Court or--

President Jerrel: Well, they could--

Commissioner Mourdock: No, they have to be...under another law they have to be working under the judicial--

President Jerrel: Of the courts.

Commissioner Mourdock: --system because only they can be involved with the bonding process.

Commissioner Tuley: Okay.

President Jerrel: But, again, if revenue...would be an identified revenue stream that could be utilized.

Commissioner Mourdock: Would that be done formally or procedurally under a grant from the Sheriff to the Courts?

President Jerrel: That would be something we could give to that Attorney or the State Board of Accounts, but the money is very generous in what it can be used for. It's just an administrative fund.

Commissioner Mourdock: Okay.

President Jerrel: Okay, anything else?

**Final reading - Ordinance amending Chapter 154**

President Jerrel: Moving on we have a final reading on ordinance 154 and final reading on ordinance 151.12 and 151.27.

Barbara Cunningham: One fifty-four is the Floodplain Management Ordinance. The City of Evansville and Vanderburgh County adopted Floodplain Management Regulations in 1990 as a requirement for participation in the National Flood Insurance Program. Because of the city and county's participation in the program, insurance coverage is available for homes and businesses and most of their contents. For example, in January of '97 we had 299 flood insurance policies that provided \$24 million plus worth of protection. Now in August of '97, of the same year, we now have 474 flood insurance policies providing \$39 million plus worth of protection. So the Floodplain Ordinance was amended in '91 and '93 in response to requests by the Department of Natural Resources to keep it consistent with the current federal and state NFIP regulations. DNR has again requested that we amend our ordinance and probably will again as regulations change. So in addition to those changes there are a few amendments that are requested by the Building Commission so that the Floodplain Management Ordinance is consistent with the Building Codes and these changes restrict the use of existing enclosed areas below an elevated building within the 100 year floodplain, prohibit reducing the size of openings in the wall of such enclosed areas and that no portion of a new building or improvement below the 100 year flood elevation can be enclosed. We've sent these changes, proposed changes, to the Department of Natural Resources. They have reviewed the changes and they have no problem with the additional language. They did set a deadline of April 24, 1998 to amend the ordinances and send them a signed copy so adoption of these changes will keep the city and county in good standing as an NFIP community. These have been approved by the Area Plan Commission at their last meeting and I am on the agenda for City Council tonight also for this.

President Jerrel: Is there a motion regarding the ordinance...final reading for ordinance amending Chapter 154?

Commissioner Mourdock: On final reading I'll move approval.

Commissioner Tuley: I'll second.

President Jerrel: I'll say so ordered.

Commissioner Mourdock: You need a roll call.

President Jerrel: Roll call. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: I will vote yes.

**Final reading - Ordinance amending Chapter 151.12 and 151.27**

Barbara Cunningham: The ordinance proposal on your agenda tonight is just to clean up ordinances. You remember we passed the new fee schedule and it took effect in January. We have since removed it out of the zoning code and this is the removal of the reference of it in the subdivision code. It's just a clean up job to clean up the ordinance.

President Jerrel: Is there a motion regarding the final reading on Chapter 151.12 and 151.27?

Commissioner Mourdock: I'll move approval of the amendment of the chapters as stated.

Commissioner Tuley: Second.

President Jerrel: I'll call for a roll call vote on the ordinance. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: I'll vote yes.

Barbara Cunningham: Thank you very much.

**Any group or individual wishing to address the Commission**

President Jerrel: The next item on our agenda, is there anyone here that would like to address the Commissioners? Okay. Is there anyone here that wants to address the Commissioners? Commissioner Mourdock is going to leave momentarily because he needs to go represent our county at an IDEM meeting this evening.

**Old business**

Commissioner Mourdock: If I may just jump, because I do need to leave, to two old business items. First is a question. Did either of you get a letter this week, or Tony did we receive today a letter from Azteca regarding their weekly report?

Tony Greubel: Those came in late this afternoon and they're in your mailboxes.

Commissioner Mourdock: Okay, we did update the schedule on the bulletin board. If you noticed it before we came in, they're pretty well on schedule in meeting the commitments that they had stated, so not having seen the letters that came in late today I'm not sure where we are.

President Jerrel: Do you know whether or not the Council also received a letter? I gave them my copy last time. Could you check and see, Tony?

Commissioner Mourdock: Yeah, see if they're cc'd on there.

Tony Greubel: Only the three Commissioners received it.

President Jerrel: Okay, well, I would like to then...I'll send mine to Council.

Commissioner Mourdock: Okay. The other bit of old news...uh...oh, the job descriptions have been reviewed for the people who applied for the Ozone Officer position and I am asking Tony to try to work out that next week we'll begin to start several interviews. We've looked through the resumés and kind of narrowed it down to three at this point. I'll keep you posted on that.

President Jerrel: Looking pretty good?

Commissioner Mourdock: Yeah, there is quite a range of people applying, but there are certainly some who very strictly to the letter of the application and the job description meet the requirements as far as technical background, years of experience. Interestingly, there are several people who took early retirement from one job or another. My expectation was that we would get a lot a people a year out of school and we did get some of those, but there are also some who have had a lot regulatory experience. I'm very pleased with that.

President Jerrel: Good.

Commissioner Mourdock: Charlene, since I am going to leave now I will swing by here tomorrow to sign the documents that I need to sign. Anything else of me?

**John Stoll - County Engineer**

President Jerrel: Alright, the next item on our agenda is the County Engineer.

Commissioner Mourdock: Does anyone want to go with me to talk ozone?

Commissioner Tuley: I would love to, but we have to run these meetings!

President Jerrel: Yes, that's right. We have to do this and rezoning.

(Commissioner Richard Mourdock left the meeting.)

John Stoll: The first item I've got is a sidewalk waiver request from Joe Ream in regard to Waterford Park and Waterford Place subdivisions. At the last Subdivision Review meeting he brought in a replat of Lot 4B in the subdivision which entails construction of a new street which wasn't previously involved in Waterford Park Subdivision. That new street on the map that you have is Mortenson Lane. In the final paragraph of his letter Mr. Ream is asking that he would like the Commissioners to approve a sidewalk waiver for the entire Waterford Park/Waterford Place Subdivision and be done with it or to approve a waiver for the replat only which would involve Mortenson Lane. In reviewing our files we found that the Waterford Place sidewalk waiver has been previously granted which that involves everything south of Vogel, west of Burkhardt and north of Columbia. The Waterford Park sidewalk waiver involves everything north of Vogel Road. Since this new street came into play it was requested by the Planning Commission that the sidewalk waiver be brought up again and given the fact that there aren't sidewalks anywhere else out in this subdivision it is recommended that this sidewalk waiver be approved. This is more just to reiterate a sidewalk waiver that was granted to Mr. Ream back in 1994 and a copy of that letter as well as the Commissioners' minutes are attached to his current sidewalk waiver request.

President Jerrel: You're recommending the proposal be approved?

John Stoll: Yes.

President Jerrel: For a waiver?

Commissioner Tuley: I'll so move.

President Jerrel: I'll also second and say so ordered.

John Stoll: Okay, the next item I've got I would like to request to go before County Council to request a \$10,994 appropriation for the Franklin Street Bridge. We received a letter from INDOT on Friday and a final audit has been completed on that project and the balance that the county still owes the state is \$10,994.

President Jerrel: Ten thousand how much?

John Stoll: Nine ninety-four.

President Jerrel: Speaking of that, we're going to get all this new money in Indiana if the House approves the Senate's ISTEA vote. I think we need to develop a plan that we take to Indianapolis to make sure that they keep hearing what we told them when Dennis Faulkenberg came down here about that needs to be done. I drove out there today and they're doing all the construction on Fulton and then you have to zigzag all over the place to get to the bridge. So, you know, that's an easy to understand one shot project. We've got our money in place. Think about...maybe we need to go up. We need to send a letter.

Commissioner Tuley: The bridge was not being relocated with the new road? It's just being replaced.

John Stoll: No, it's going to be in the exact same spot.

President Jerrel: Right, and you ought to try going across it.

Commissioner Tuley: All of our plans and designs and everything they have been completed and approved by state, right? And all the money is in?

John Stoll: It's sitting on a shelf up at INDOT.

President Jerrel: But it's sitting on a shelf because the state didn't have enough bridge money in this year's ISTEA authorizations.

Commissioner Tuley: So we'll have a beautiful road that you're going to have to zigzag to an old cruddy bridge is what you're saying?

President Jerrel: Well, and we're going to have to do something to the bridge. I mean, if the bridge isn't fixed we're going to have to repair it.

Commissioner Tuley: What is--

John Stoll: We routinely have to repair it now. I mean, invariably there will be holes that fall all the way through the bridge deck that Milton's crews have to go out and repair.

President Jerrel: I drove it just to see and I'll tell you what, I really believe if we move on this we can get this done because we're ready.

Commissioner Tuley: Right.

President Jerrel: The plans are up there. It's a case of, you know,--

Commissioner Tuley: The state doesn't have the money, is that what you're saying?

President Jerrel: They do now.

Commissioner Tuley: So if they get this new money--

President Jerrel: They will if this goes through, but it will only extend...I mean, it's going to be something that is just going to be short-term. They're going to get this additional \$552 million or whatever it was that is going to be authorized, but it's going to...everybody will be waiting in line.

Commissioner Tuley: So when are we going up there? You started to make some suggestion about that.

President Jerrel: Well, soon. Yeah, I was going to suggest that this next month we get up there. Before May 1st we need to go because, you know, maybe you would want to call up there and talk to Rick Whitney or Dennis Faulkenberg or your contacts.

John Stoll: Like Steve Dilk or whoever.

President Jerrel: And see how they're going to reallocate...if this goes...they have to be planning because we're going to be in the construction season and we need to know what sort of method they're going to use to allocate this new money if it becomes available and make sure we're included in it.

John Stoll: Okay.

President Jerrel: I think that's why...I think Curt Wiley would be very receptive.

Commissioner Tuley: Receptive.

President Jerrel: Yeah, I find them to be very cooperative.

Commissioner Tuley: Yeah, he is in my experience with him.

President Jerrel: Would you do that? And then you tell me when you could--

Commissioner Tuley: You tell me when you're ready to go and I'll make--

President Jerrel: Well, but, no, no. You can't go certain--

Commissioner Tuley: Well, I can't go between March 30th...that week of March 30th.

President Jerrel: What about the week after?

Commissioner Tuley: I can get one day.

President Jerrel: Okay.

Commissioner Tuley: I can get one day the boss just won't let me take several days.  
President Jerrel: If you could kind of see what's happening.

John Stoll: Okay.

President Jerrel: We need to get up there.

John Stoll: Alright, I'll see what I can find out.

Commissioner Tuley: I think that would be an exception for one day.

President Jerrel: Okay.

Joe Harrison, Jr.: Franklin Street Bridge, did you approve that?

John Stoll: I was going to say, was there a vote on that?

Commissioner Tuley: I'm sorry, I would move for the approval to go before Council as requested.

President Jerrel: Okay, and that's \$10,994 and I'll second and say so ordered.

John Stoll: Okay, thanks. The street plan you have in front of you is for Harmony Hollows Subdivision. This is up off of New Harmony Road up near Happe Road. This street will be a privately maintained rock road and it will be 20 feet in width and this is an extension of a rock road that was already installed. It's recommended that the plans be approved. We've reviewed it and everything looks okay.

Commissioner Tuley: I'll move approval of the Harmony Hollow road plans as suggested by the County Engineer.

President Jerrel: I'll second and say so ordered.

John Stoll: That's all I have unless you've got a question.

Commissioner Tuley: We're going to do time tables next week on the road paving and what have you?

John Stoll: Oh, yeah. The schedules are with Milton's information. He attached the proposed contractual schedule to his County Highway Department schedule.

Commissioner Tuley: Okay, John, I'm sorry before you leave is Valerie back now? When does Valerie come back?

John Stoll: She came back a week ago today.

Commissioner Tuley: Any movement on--

President Jerrel: Oh, I know!

Commissioner Tuley: -- Ward Road?

President Jerrel: Yeah, what about Ward Road.

Commissioner Tuley: My good old phone rang again today!

John Stoll: Yeah, because it rained. As soon as we get some decent enough weather to where we can get a couple people out there to survey it we can get that knocked out. It's just with--

Commissioner Tuley: It won't be this week it doesn't sound like then.

John Stoll: Right. As soon as--

Commissioner Tuley: As soon as the weather breaks and we get a few couple of days of clear weather you will have a crew out there?

John Stoll: Right.

Commissioner Tuley: I can tell Mr. Bell that tomorrow then?

John Stoll: Right.

Commissioner Tuley: When I call him or he'll call me.

John Stoll: It's going to be raining again tomorrow, so he'll be calling you probably.

Commissioner Tuley: Well, I told him I'd call him and I know if don't he will call me. Okay, that's all I have.

President Jerrel: Okay, thank you.

John Stoll: We've discussed it several times and Valerie has been brought up to speed on where things stand and she knows what we're looking to do, so we're ready to move on it.

Commissioner Tuley: Okay, thanks, John.

**Milton Hayden - County Garage**

President Jerrel: Milton, County Garage. Oh, I'll give Richard, uh-huh. These inventory sheets were requested by Commissioner Mourdock. Do you want to for the record explain all the inventory sheets, so that we know what we've got?

Milton Hayden: Okay, on these inventory sheets that we have is an inventory of each crib. What the Bridge Crew has in its crib. The County Garage's inventory and then I have another sheet there with--

President Jerrel: What about in Truck 19?

Milton Hayden: In Truck 19...Truck 19 is where we keep all the saws for the Tree Crew.

President Jerrel: Okay. We've been talking a little bit about we should get some prices in on some fencing tomorrow.

Milton Hayden: Some of those prices they are supposed to get back with me and said they would have them ready in a few days, so I am expecting to hear from them sometime this week.

President Jerrel: What about Sonitrol?

Milton Hayden: Sonitrol was supposed to call back today. They were supposed to start on that in the next two weeks. As far as their schedule, they said they were behind.

President Jerrel: Oh.

Milton Hayden: But as soon as they catch up they were going to start on us in two weeks. Also, on this equipment here these five chain saws is what I want to explain to you Commissioners. They had five Echo chain saws out there. This is what I came up with that two were junked and one was cannibalized. Well, I know they have taken one of them like that because they had taken it out and worked on it and give them parts, too. One of them was run over by a truck which we knew that was done, but that chain saw that was run over by a truck was also replaced. That's what I'm saying now. It was also replaced because I gave the word for him to replace that.

Commissioner Tuley: So the replaced one is still there?

Milton Hayden: Yeah, the replacement is still there. The one here, there is an incorrect serial number on it and this is not the right serial number on it, so this is where I am saying this is where these chain saws are. As far as the weed eaters, we have them all back. In fact, we have an additional one.

Commissioner Tuley: Somebody really got scared!

Milton Hayden: We don't know where it came from, but the other things haven't come back.

Commissioner Tuley: Did you turn this over...since you're discussing this I guess I can ask the question.

President Jerrel: Yeah.

Commissioner Tuley: But has this letter been turned over then to--

Milton Hayden: The Prosecutor?

Commissioner Tuley: --the Sheriff's Department or Prosecutor's Office?

Milton Hayden: Yeah. That one top sheet has been turned over to them. The bottom sheet has to be turned over to them. The second sheet there, and that one has to be turned over to them. In fact, I talked to Mr. Moser today. I'm supposed to give it back to him out there tomorrow.

President Jerrel: What about the last paragraph on this first page? For the record, do you want to read that into the record?

Milton Hayden: On the first page or the last page?

President Jerrel: First page. Inventory--

Milton Hayden: Oh, inventory controls have been started on all tools assigned in and out. In the past no numbers were deleted on the tools when they had them out there and they were used for parts or junked or traded in. They were not deleted from the parts and

now that I have changed all that, in the future they will be removed from the...immediately and hope that will be helpful to the clarification of this problem. The inventory equipment list for the County Garage will be solved. See, when I first came out there, as Superintendent as of a year ago this was...all this stuff was the same way. None of it had been done right from the get-go. There wasn't any inventory out there right at all. I mean, we had the inventory because we just went around and got an inventory on tools. Now that all this has come up I've changed all that. Since February 23rd--

President Jerrel: How are you going to know if something is junked or traded in or parts are used?

Milton Hayden: If something is junked, if we get any new items in, if we get any item that is brought into the Garage we have to have inventory on it. We have to take the serial numbers on it and then if anything is junked we have to take the serial numbers off of that too.

President Jerrel: So,--

Commissioner Tuley: Who is authorized to declare something as junk?

President Jerrel: Yeah, that's...yeah.

Milton Hayden: Who is authorized? Delbert Deig. He's the mechanic, the shop mechanic.

Commissioner Tuley: Is that...okay, that's the DD on here?

Milton Hayden: Yeah, that's Delbert Deig.

President Jerrel: And, you know, it would probably be a good idea if you had a form...maybe Tony could, you could talk to him and he could design one, so that Delbert could have it so that the item and the serial number and, you know, how it happened could be noted.

Milton Hayden: Yes, I think we do need a form of that sort.

President Jerrel: Okay, maybe we could figure out something.

Milton Hayden: I've been waiting to see if we can come up with a form of that sort because we do need it because anything that comes up junk or if you're working on it and you can't get the parts to it, then naturally we're going to have to delete that from our inventory, so we need something to write it down on. We need a...I think we need a booklet, you know, just to keep the records so we can keep everything straight from now on.

President Jerrel: You were not...maybe you were in the room, but we talked about this earlier. This is the same thing that has happened with the vehicles. I got a little stickum from the Auditor over there. We've had vehicles that stayed on our list when they were totaled out.

Milton Hayden: We've had a lot vehicles at the garage like that.

President Jerrel: Were you in here when they were presenting those forms?

Milton Hayden: Yes, I was in here.

President Jerrel: Well, let me...I know Commissioner Mourdock would ask you this, so I'll ask it for the record so he'll know. I think when you list on your form that you'll get which will follow this, only it will be big enough for people to read without magnifying glasses, if you'll put down who drives the trucks that's what he is wanting.

Milton Hayden: Yeah.

President Jerrel: Yeah, who is the drivers of all of them.

Milton Hayden: Who is operating each vehicle?

President Jerrel: Yeah, that's what he wants.

Milton Hayden: That will be no problem.

President Jerrel: He wants...remember he asked, you know, if one person is assigned to a dump truck most of the time, you know, who is assigned to that.

Milton Hayden: Well, see most of the workers that I have out to the Garage all are assigned to a truck.

President Jerrel: Well, that's what he would like to know.

Milton Hayden: They all have a truck to drive.

President Jerrel: Okay. He would like to have that name on the list.

Milton Hayden: Well, that can be very easily done.

Commissioner Tuley: Milton, this copy that I have of this letter is not signed. Did you sign the one that you turned over?

Milton Hayden: No, I haven't signed any of them.

President Jerrel: Until you present to us?

Milton Hayden: No. It's just like this. A copy just like this.

President Jerrel: Were you going to sign it to us?

Milton Hayden: I wasn't intending to sign it. None of them.

President Jerrel: You're not going to sign anything?

Milton Hayden: I mean, unless I am asked to sign them.

Commissioner Tuley: I'm not asking you to sign it because I am curious if we start having problems--

President Jerrel: I'm wondering what you've got...you've got a salutation down here and it's just a memo to us.

Milton Hayden: Yes.

President Jerrel: That's what I'm...see, that doesn't even belong on there. This is just a memo, see.

Commissioner Tuley: Okay.

President Jerrel: That's what I was--

Commissioner Tuley: Interoffice memo, okay. Well, I was going to say because I--

President Jerrel: Yeah, that's all that is.

Commissioner Tuley: It's amazing this has been going on for a couple of months. We're into March now and these allegations have gone on for some time and we suddenly decided to go back and how someone can remember all this shit...pardon my french, remember all this stuff and how it happened just suddenly.

Milton Hayden: I'm not saying that I remembered all this stuff.

Commissioner Tuley: No, I know you're not.

Milton Hayden: No.

Commissioner Tuley: That's why I am asking. There is no one...I mean, I see initials on here and I didn't know who some of these people were, but you told me and then...pardon my french, I'm sorry, but I know you spent a lot of time doing inventory the last couple--

President Jerrel: I went out there Friday and I sat in a chair and they went out and counted weed eaters, wrote down the serial numbers.

Milton Hayden: A lot of serial numbers that they had were wrong.

President Jerrel: And they were wrong and then I finally left.

Milton Hayden: Like I said, when they had written this out for the first time it should have been done then. It should have been checked over and over again before we even sent that list out, but it wasn't.

President Jerrel: It was not.

Milton Hayden: So this is the way all this stuff is falling.

Commissioner Tuley: Typically speaking just so I know I'm familiar and our insurance people aren't here and maybe you know, maybe you don't know either, on some of this smaller stuff do...if it's...like the one that got ran over by the truck. Is that so small we don't claim that, we just replace it?

President Jerrel: I don't have any idea.

Commissioner Tuley: That's what I said. It's a question. I don't know what the answer is either.

Milton Hayden: Now I was told that we just replace it.

Commissioner Tuley: It may be. I mean, it may be one of those things that the cost to replace is cheaper than driving up our insurance coverage.

Milton Hayden: Yes, you should just replace it because the saw didn't cost that much.

President Jerrel: But it should be in the future always if something is junked or used for parts or traded in it ought to be identified on the inventory list so that we know it's gone.

Milton Hayden: Well, now that I've got the program like that I think that is the way it should be that way I can keep up with most of the stuff. On your second page there you have your road list there, too.

President Jerrel: Okay. Are we going to have enough money? We're going to have to get some more money?

Milton Hayden: Talk to John. I think we'll wind up getting more money. We had two additional roads that we had to add to that list.

President Jerrel: Okay.

Milton Hayden: Which was St. Joe.

President Jerrel: That's there at Buchanan?

Milton Hayden: St. Joe...no, St. Joe from Mill Road to Mohr Road.

President Jerrel: Okay.

Commissioner Tuley: Mill to Mohr.

Milton Hayden: And then also had Schmuck Road from (inaudible) to West Franklin.  
John Stoll: Based on the estimated thickness of asphalt that Milton planned to pave for the County Highway projects you can see we'll exceed the \$500,000 that is in the Bituminous Account and also on the cost estimate that we had on our contractual work would be slightly over the \$500,000 allocated for that as well.

President Jerrel: So you've got about \$1 million?

John Stoll: Right.

President Jerrel: And it's going to run...you don't know exactly until you get the bids in?

John Stoll: Right.

President Jerrel: Okay, so that means we've got to go look for some more money.

John Stoll: Yeah, depending on what the bids come in like.

President Jerrel: Okay.

Milton Hayden: I perhaps can save some money on some of those roads.

John Stoll: Yeah, it may turn out that maybe some of the thicknesses that Milton came up with maybe they can be adjusted.

Milton Hayden: Some of those roads can be shortened down on.

President Jerrel: Okay.

Commissioner Tuley: This is good the way you've worked out the planning on this.

President Jerrel: Yeah, it is and I think the ditching will be done the same--

Commissioner Tuley: At the same time.

Milton Hayden: The ditching is being done the same way.

President Jerrel: Yeah. And definitely I like the way you've got it so you're going to keep your trucks and your men--

Commissioner Tuley: In the same area.

President Jerrel: --in one area until it is finished.

Milton Hayden: In one area until it is finished and then move on to the next area.

Commissioner Tuley: Yeah, that makes all the sense in the world.

President Jerrel: Okay, Milton, I think I nearly drove...you know, I'm such a detail person. I appreciate the work on this inventory and I think it will be the right way to do things. I don't know why it was never done that way and I don't care. It's going to be done that way from this point forward and we appreciate it.

Milton Hayden: Thank you. I have one more request.

President Jerrel: Oh, do you want to sign it?

Milton Hayden: Yeah, Stan Lutz. He's going there for two days. That is to that erosion school, Pat. Pat, aren't you going to that, Commissioner Tuley?

Commissioner Tuley: She was asking earlier when we were talking about going to state. My other boss, the one over there, at the last staff meeting that we had put everybody on notice that no need to come forward with a request a week before spring break, a week after spring break or before Christmas break or after Christmas break for seminars, out of town things. The answer is no before you ask. This falls a week before spring break.

President Jerrel: So really in a round about way we're glad Stan is going.

Commissioner Tuley: Someone from Vanderburgh County obviously needs to be up there.

President Jerrel: I think it's a good...we're glad he is going because none of us are going. Now he asked a question, Pat.

Commissioner Tuley: Oh.

President Jerrel: Well, it isn't on here, but he asked is it okay for him to take the card to put the room and stuff on it?

Commissioner Tuley: As far as I'm concerned that's okay?

President Jerrel: Is that okay? Well, then I--

Commissioner Tuley: I mean, it gets expensive.

Milton Hayden: He has to sign the card out himself.

President Jerrel: Yeah, he can come down and see Tony.

Milton Hayden: I can't sign the card out for him.

Commissioner Tuley: Okay, well, that's fine.

President Jerrel: Is that okay?

Commissioner Tuley: If you need a motion, I'll make a motion to that effect that he be allowed to come down and sign the card out from Tony. He, as in Stan Lutz.

Milton Hayden: Yes.

Commissioner Tuley: And then do you want to just include that with our consent or do you want to go ahead and move on it?

President Jerrel: Yeah, I'll put it in our...we'll put the signing in our consent, but I'll second that motion that he can use the card and say so ordered. Okay, anything else?

Milton Hayden: No, ma'am, that's it.

Commissioner Tuley: He's getting out of Dodge!

President Jerrel: Wanting out of here!

**Joe Harrison, Jr. - County Attorney**

President Jerrel: Okay, the next item on the agenda is the County Attorney.

Joe Harrison, Jr.: The only thing I have is the computer equipment bids, 1998 micro computer bids. It's APA044-98. There were six bids that came in.

1. Comark Government & Educational Sales  
Bloomington, Illinois

The total bid amount, \$1,599,279.84. And then with options it's \$3,515,798.96. The second bid and I'm going to have to go through and read some of this because they didn't submit a total bid amount:

2. Advanced Micro Electronics, Inc.  
Evansville, Indiana

If you'll bear with me for a minute I need to read something into the record. Desk Pro

2000 Model 2100, the contract price \$825; Desk Pro 2000 Model 3200, \$979, that would be for each computer, I am assuming; a Desk Pro 2000 Model 3200 5233X Model \$1,073; Desk Pro 2000 6233X Model 3200CDS, contract price \$1,326; Desk Pro 4000 6266X Model 3200CDS minute tower, \$1,616; Desk Pro 2000 6300X Model 3200CDS mini tower, \$1,758; Multi media kit, \$279; CD-ROM Drive, \$148. And then they had numerous desktop bid items, several pages worth, and they have submitted a bid for each particular model number Compaq monitors. In addition, there are a number of options which they have submitted totaling...I don't think they have a total contract price unfortunately, but they have seven pages of options that they have also included. The next bid is from:

3. Automated Office Solutions, Inc.  
Evansville, Indiana

Their bid amount for one machine, one computer, \$1,533; for 100 computers is \$153,300. They have also stated that labor for installation of hardware and software is not covered under specific warranties will be billed at the company's prevailing installation rate. The next bid from:

4. DP Connections, Inc.  
Charlotte, North Carolina

Their bid amount was \$109,300 for Compaq Desk Pro 2000's. That's 100 computers times \$1,093. They also have a number of options which they have included with their bid for consideration. Lastly...I'm sorry, the next one is from:

5. The Computer Center <sup>1</sup>  
Jasper, Indiana

They have listed item by item bids similar to the Advanced Micro Electronics, Inc. First of all Desk Pro 2000 5166X Model 2100, bid amount \$825; Desk Pro 2000 5200X Model 3200, contract price \$979; Desk Pro 2000 5233X Model 3200, contract price \$1,073; Desk Pro 2000 6233X Model 3200CDS, bid amount \$1,326; Desk Pro 4000 6266X Model 3200CDS mini tower, contract price...or bid amount \$1,616; Desk Pro 2000 6300X Model 3200CDS mini tower \$1,758; Multi media kit, \$279; CD-ROM Drive, \$148. They have also listed a number of desktop items individually listed and that is it. Again, that is the Computer Center, Jasper, Indiana. Again, like the other bids they have listed...or like many of the other bids they have listed a number of individual bids for specifically requested items. The last bid...I think I said that was from the Computer Center. That was incorrect. That whole entire bid was from Pinnacle Computer Services of Evansville, Indiana not The Computer Center, so that whole item that I listed there was from Pinnacle Computer Services of Evansville. The final bid is from:

6. The Computer Center  
Jasper, Indiana

Like the others they have gone through and itemized the specific bids and they have listed a number of desktop items that have been requested as well as monitors and options with regard to the desktop items. Bid amount of \$979 for a Pentium Processor; a bid amount of \$1,226 for another Pentium Processor; they've got a bid of \$1,200 for

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<sup>1</sup>See correction in paragraph below. Should have been reported as bid from Pinnacle Computer Services, Evansville, Indiana not The Computer Center in Jasper, Indiana.

a Pentium Processor. Again, they've listed a number of options as well and, again, they did not list a specific bid amount nor one individual price for the items that were requested. Nevertheless, with regard to all these I would ask that the Commissioners take all six bids and, again, the six bids are from Comark Government & Education Sales, Advanced Micro Electronics, Inc., Automated Office Solutions, Inc., DP Connections, Inc., The Computer Center and Pinnacle Computer Services all under advisement and have City/County Purchasing review the same for their responsiveness.

Commissioner Tuley: I will so move at this time.

President Jerrel: I'll second and say so ordered. Very quickly we're going to finish the agenda so that we don't have to adjourn and come back.

### **Superintendent of County Buildings**

President Jerrel: Is there any comment from the Superintendent of Buildings?

Joe Harrison, Jr.: If I could add one more thing.

President Jerrel: Uh-huh.

Joe Harrison, Jr.: The Evansville Housing Authority has asked that the county donate three properties to them. They are a governmental agency and these properties under Indiana law can be donated to them. They're not a not-for-profit. There is another procedure that we have to take with respect to that action if it is considered, but the three properties that they are asking that the county donate to them are located at 317 East Cherry, 1010 East Cherry and 1028 East Cherry. Again, the legals for these properties are in the process of being obtained right now, but if you would approve the preparation of deeds, etc., for that transfer I will do the same if that's your wish.

Commissioner Tuley: I would so move at this time then that the three properties described by the County Attorney at the request of the Evansville Housing Authority, the properties being 317 East Cherry, 1010 East Cherry and 1028 East Cherry, be donated to the Evansville Housing Authority and the attorney be directed to prepare whatever necessary paperwork is needed.

President Jerrel: I'll second and say so ordered. Is there anything else?

Tony Greubel: I'm going to submit a letter from the County Auditor asking to declare several old typewriters and calculators surplus.

President Jerrel: Okay. Is that under a consent item?

Tony Greubel: I just brought it up under my report.

President Jerrel: Okay.

Commissioner Tuley: I'll just move approval then that the items listed on this list provided by the Auditor be declared surplus.

President Jerrel: Okay, Burdette Park.

Commissioner Tuley: Are you going to second and so order that?

President Jerrel: I'll second and say so ordered.

**Steve Craig - Burdette Park**

Steve Craig: I have one item outside the packet that you had got.

President Jerrel: Okay.

Steve Craig: Fox 7 is having an Easter egg hunt and we're going to have it at Burdette and they have four major sponsors: Fox 7, KDQ, Lewis Bakeries and Burdette. In essence, what they want out of us is some free passes, but what they wanted was a grand prize which they wanted either a family swim pass for four for the summer or a weekend chalet. We normally trade passes for some advertising, but we never do a family pass. I was wanting to know if that would--

President Jerrel: Did you run that by your Advisory Board?

Steve Craig: Our meeting is not until Wednesday.

President Jerrel: Okay.

Steve Craig: They're going to have thirty 30 second advertisements on T.V. plus 35 promos on the radio the week before and then 24 promos a day the week preceding the thing using Burdette as an advertisement for having it. I told him it wasn't feasible for the chalets because there is not a weekend open until October

President Jerrel: So you want us to authorize what?

Steve Craig: A family pass for a grand prize.

Commissioner Tuley: You're getting trade off radio and advertising times for it?

Steve Craig: Yeah, 30 T.V. spots.

Commissioner Tuley: I'll so move.

President Jerrel: I'll second and say so ordered.

Steve Craig: That's it.

Commissioner Tuley: Thanks, Steve.

President Jerrel: Thank you.

Steve Craig: You're welcome.

**Consent items**

Commissioner Tuley: I'll move approval of the consent items as submitted.

President Jerrel: I'll second and say so ordered. I have one item that we need to pass through very quickly. We have grant employees that are approved on pink slips by us and there are number of items that are not clear on the pink slips, so I would like to

recommend, the Auditor's Office and the Council are involved, we're sort of just the pass through, that we use green and at the bottom of the grant we've asked for the beginning date, ending date, source of the grant, federal, state or local and the amount of the grant, salary and benefits of the grant employee cease when the grant funding ends and signed by the manager.

Commissioner Tuley: I'll make that in the form of a motion.

President Jerrel: I'll second and say so ordered. Is there any other--

Commissioner Tuley: One thing I forgot to do when we did that and I pulled it out specifically so I wouldn't forget and I did anyway. Stan Lutz be added to the consent items for permission to travel to the Purdue Road School.

President Jerrel: I'll second and say so ordered and put him in the consent file.

<b>New business</b>
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Commissioner Tuley: Okay. I have no old business or new business.

President Jerrel: Alright. Is there a motion to adjourn?

Commissioner Tuley: So moved.

President Jerrel: Second and so ordered.

The meeting was adjourned at 7:05 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
John Stoll  
Milton Hayden  
Bob Dillow  
Greg Hofmann  
Tony Flittner  
Lynn Ellis  
Barbara Cunningham  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
March 23, 1998**

The Vanderburgh County Board of Commissioners met in session this 23rd day of March at 5:39 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

The meeting was called to order.

President Jerrel: To my extreme right is our Administrative Assistant; next to him is Joe Harrison, Jr., County Attorney; Pat Tuley, County Commissioner; to my left is B.J. Farrell, who is acting as Recording Secretary this evening; the empty spot is Suzanne Crouch, our County Auditor; and County Commissioner Mourdock is next to me; and I'm Bettye Lou Jerrel. Would you join me in the Pledge of Allegiance?

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of the minutes and they are in your packet.

Commissioner Mourdock: Just for a point of record since I wasn't here for the entire meeting, I suspect I probably ought to not make the motion or second.

Commissioner Tuley: I'll move approval of the minutes then.

President Jerrel: I will second and say so ordered.

**Certification of Executive Session**

President Jerrel: The next item on the agenda is the certification of the Executive Session. We met from 4:30 until 5:30 and discussed contract and personnel matters. Is there a motion to accept this?

Commissioner Mourdock: I'll move approval of the summary minutes.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Open bids - VC9803, Fiberglass liner for Burdette Park pool**

President Jerrel: The next item on the agenda is the authorization for bids. Lynn was here earlier. She left...Tony is...?

Tony Greubel: Yeah, the first part is to authorize opening bids for VC9803.

President Jerrel: Uh-huh.

Tony Greubel: And then there is an amendment to APA022-98 request.

President Jerrel: Okay, is there a motion regarding opening the bids for the fiberglass lining for Burdette Pool?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered and ask our attorney to do that.

**Letting of bids - APA022-98, Copy and printer paper**

President Jerrel: How about the authorization of the letting of bids for copy and printer paper?

Tony Greubel: That's the part that there is an amendment to. She wants to advertise bids on March 27th and April 2nd and then bids will be opened April 16th.

Commissioner Mourdock: I'll move approval to authorize the letting of bids with the stated amendment.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**County Assessor - Permission to advertise vacancy**

President Jerrel: The next item on the agenda is from the Voters Registration Office regarding polling places--

Commissioner Mourdock: You skipped one.

President Jerrel: Did I skip one?

Commissioner Tuley: Uh-huh, the County Assessor's ad.

President Jerrel: Oh, I'm sorry. The County Assessor's request to advertise for a staff vacancy.

Commissioner Tuley: I don't think it's in there, but it is probably the same thing she has done in the past.

President Jerrel: Yeah, it's a request--

Commissioner Tuley: I'll move approval.

Commissioner Mourdock: Second.

President Jerrel: I'll say so ordered.

**Voters Registration - 1998 polling places**

President Jerrel: Now, Mr. Hill and Ms. Kirk.

Susan Kirk: I guess on March the 10th I gave a letter to the Commissioners' Office regarding polling places. By statute that is the Commissioners' job as the Executive Branch of the government to approve the polling places. We do have a few polling places that may have a problem.

President Jerrel: Could I call to your attention to the two that we have worked on this week?

Susan Kirk: Okay.

President Jerrel: Aldersgate agreed to accept \$50.

Susan Kirk: Good.

President Jerrel: So instead...that one is chalked off. Dexter agreed in the primary to have the third polling place in their gym. I just talked to them this afternoon, but we told them the hose house will be finished. Will it be finished by fall?

Susan Kirk: I don't know. I don't have the faintest idea. You have to be careful. I think somewhere in the statute it says that under this type of circumstance, but just to move a polling place in the primary to the general you best have a very, very good reason for doing--

Commissioner Tuley: Be careful.

Susan Kirk: --that. They frown on that.

Jon Hill: Normally when you set them in the primary you--

President Jerrel: Keep them there?

Commissioner Tuley: (Inaudible).

President Jerrel: Well, we don't have to make a final decision until next Monday do we?

Susan Kirk: Well, this is basically what I would call extenuating circumstances where you have a place under construction, so that would, I think, fall under that category.

President Jerrel: I even thought you could put a sign up there at the fire station--

Susan Kirk: If there is a door.

President Jerrel: Well, we could put it where you could just see it. I mean, I drove by today to look at it and just say your polling place is--

Susan Kirk: That's good. We've done that in the past also.

President Jerrel: --at Dexter School. It's only--

Susan Kirk: A sign on the door.

Commissioner Tuley: Yeah, down the road.

President Jerrel: --a block and a half away.

Commissioner Tuley: Are you anticipating going back in the fall?

Jon Hill: If it is finished.

Commissioner Tuley: If it's finished.

Susan Kirk: That's really up to you guys.

President Jerrel: They're ready.

Susan Kirk: I'm basically--

Commissioner Tuley: What is your recommendation?

Susan Kirk: --giving you this job back that we have had for a few years. Kind of giving it back to you. Whatever you guys want to do.

Commissioner Tuley: Is Dexter...you talked to them. Is Dexter agreeable to have it for the whole year?

President Jerrel: Well, I didn't even talk to them about the whole year. I went by and looked at the building and they're starting on inside work. Surely to goodness it will finished by November.

Susan Kirk: I would think so because there was even some talk about the possibility of them being completed by May, but that is questionable. I personally, you know, it's great that we can use the schools and I'm really glad that we haven't had any problems, but I personally think that it's kind of bad to have too many people going to a school area that don't normally go there. You have children that are going to school. They're walking from the bus in. They're walking out to the bus. They're walking to school. Parents are dropping off and I would just...I cringe every election day hoping that someone who is not used to going to a school doesn't run over a little kid--

Jon Hill: Well, it would be better--

Susan Kirk: --so when we can get them out of the schools I am much happier that way.

Commissioner Tuley: It seems like we sent letters or something here several years ago we moved somebody so we went ahead and notified by letters those registered.

Susan Kirk: We did a letter both ways, yeah.

Jon Hill: Right, we did that.

Joe Harrison, Jr.: I think you did that as many as three elections ago.

Susan Kirk: Yeah, we've done it on some occasions where we had some.

Joe Harrison, Jr.: Ivy Tech or some place.

President Jerrel: You haven't talked to anybody in the Fire Department?

Susan Kirk: No, but we can check that out. You know, with construction--

President Jerrel: If they're...I just can't imagine that it won't be finished from what I saw today.

Susan Kirk: I would think for sure by fall. For sure by fall.

President Jerrel: Well, if we choose to do that it's okay with Dexter and then we could--

Susan Kirk: Yeah, if we could get it back out of there I would prefer to get back over to the hose house.

President Jerrel: Yeah, then go back to Hose House 16.

Susan Kirk: Okay, then I guess probably the back page would be the easier one to go to first. Scott-5, the Precinct Committeeman, Bob Harris, would like to move the polling place from the 4-H Center to the Blue Grass United Methodist Church. People have to cross over Highway 41 and we all realize that's kind of dangerous and he has found this church over there in his precinct that he would like to move that from the 4-H back over to Blue Grass.

Commissioner Tuley: Just a point then, the UMC is it within his precinct? Or just closer to it?

Susan Kirk: Probably closer to it, I guess. I'm not real sure, Pat.

Jon Hill: The 4-H isn't in his precinct either.

Commissioner Tuley: No, I know. I thought maybe UMC was and I thought we didn't have any choice if it actually is.

Susan Kirk: Well, no because that's a church so it's only a public building we--

Commissioner Tuley: Oh, that we have no choice.

Susan Kirk: --might have a question with, but this is the Blue Grass Church over there, so that is something that he would like for you to consider.

President Jerrel: Okay.

Susan Kirk: Like I said, extenuating circumstances we want to get a polling place that is accessible to the voters without crossing Highway 41 or whatever is more convenient for them. The last one is our usual...we have discussed this on previous occasions in 4-11, Caldwell Sweetser Recreation Center. I'm not sure exactly...some of them call it Caldwell, some of them call it Sweetser. That is the biggest complaint, basically, that we get. People can't find it. You know, I don't want to offend anybody, it's just the area...people just don't particularly want to go there. We did have an incident. It was either year before last in the primary, I believe, where the inspector...there were some children that banged on the door and when she went out and asked them to leave they threatened her and said they were going to go home and get guns and come back and get her. Previously we had this at Culver School and everybody seemed to like that pretty well. Grant you, Caldwell is a, I guess, city owned. I guess it is. I'm not sure if it is city owned or not, but if it's not we can get it out of there real easy. The parking is bad. It's like a little dead-end street that you kind of go down. It is handicapped accessible, but it is very difficult to find if you are not familiar with that area down there. I know I drove around the first time forever trying to find it tucked back in there. I deem

this as an extenuating circumstance that we have had numerous voters that prefer not to go there for those reasons that I just mentioned and move it back over to Culver School where most people in the neighborhood know where it is. It's easy to find. That's also handicapped accessible. Parking is okay and we have not had any complaints from Culver School. We already have a polling place there and that seems to run very smoothly over there.

Jon Hill: The reason we moved it in the first place was (inaudible) and the majority of the people that live in the Sweetser apartments there won't go to Culver School because they're immobile. They don't have cars, so we thought moving it there would get more people to vote by doing that, but it really didn't make a lot of difference.

Susan Kirk: Typically, a lot of these people in this area here they vote absentee. Right around that. It's elderly--

Commissioner Tuley: Is Culver in the precinct as well?

Susan Kirk: No, it is not.

Commissioner Tuley: So it is outside?

Susan Kirk: Well, it's--

Commissioner Tuley: Across the street? The boundary line is the street, basically?

Susan Kirk: It's, no...that's so tucked back in there. What is that Kentucky, then, that is the dividing line.

Jon Hill: Kentucky all down through Riverside.

Susan Kirk: So Culver is just like...what? A block and a half off of Kentucky to the north on the north side of Kentucky. But like I said, that is...we get more complaints on that polling place than any other polling place and I just, for the voter's sake, I would like the Commissioners to at least consider that. Maybe drive down there and see what we're talking about and I really...the safety of some of those people after that incident happened, that didn't please me at all, so I would like you to take that into consideration also.

President Jerrel: You want to take a spin through those this week and then vote on it next Monday?

Commissioner Tuley: That's fine.

President Jerrel: Is that okay with you?

Commissioner Mourdock: Sure.

President Jerrel: Okay, so there are four basic changes that you're recommending to us. One was the Aldersgate to give them \$65, but we talked to them and they agreed to take \$50, so that is off. Have the precinct additional at Dexter School and....would you call the Fire Chief and see what he says?

Susan Kirk: Sure.

President Jerrel: Okay, then the Caldwell Sweetser and the moving of the Blue Grass.

Susan Kirk: Yeah, I'm not sure what the date is that these have to be approved.

President Jerrel: I think it's the 6th of April.

Susan Kirk: Okay, if we are...if you are going to do something especially if we have to mail something out we would appreciate it as soon as you can in case we have to mail voter's registration cards out or some kind of postcard. We normally when we do that, by the way, we use your postage.

Joe Harrison, Jr.: I would suggest that you all act by Monday, though. By next Monday.

President Jerrel: Okay, is there a motion to take this under advisement?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you both very much.

### **Vacation of easement - Heckel Road**

President Jerrel: Okay, moving on, on the agenda it's identified as a public hearing of a vacation.

Commissioner Mourdock: Did we miss something?

Commissioner Tuley: It's a boring agenda! It's a fast move!

President Jerrel: Public hearing on vacation of an easement. Is Morley?

Danny Leek: Is that ours? I wasn't sure if--

President Jerrel: We've got you down for two.

Danny Leek: Yeah, I know. I was little confused about what that...one was to advertise and the other was for the--

President Jerrel: Tony, did you...do you want to explain why we've got two of them on the agenda.

Tony Greubel: There is the public hearing and then there are two different vacation of easements to advertise?

Danny Leek: The only one we had was Heckel Road.

Commissioner Tuley: Heckel Road looks like it's one to be acted on. It looks like the other one is permission--

Danny Leek: It's the same thing. That's why I was confused also.

Tony Greubel: I'll have to talk to Charlene. I'm not sure how that happened.

President Jerrel: Which one is it that we're acting upon?

Joe Harrison, Jr.: Is it just permission tonight?

Commissioner Tuley: One of them looks like...wait a minute. It looks like different ones.

Danny Leek: We were told to send out notices on the public meeting tonight on the vacation proceedings and then it shows up here as two different items, so I'm not real--

President Jerrel: I'm not sure either. Do you know what we have in our packets?

Danny Leek: I know what you should have.

Joe Harrison, Jr.: Did you advertise already?

Danny Leek: Yes.

President Jerrel: What did you advertise?

Joe Harrison, Jr.: We didn't have a public...we didn't have a notice in the paper did we?

Commissioner Tuley: Wait a minute, what I'm seeing...

Commissioner Mourdock: I've got two of them here that are exactly the same.

Danny Leek: I mean, they're exactly the same.

Commissioner Tuley: Oh, that's the two I have and then I have a third one.

Commissioner Mourdock: Right.

Commissioner Tuley: Heckel Road, I have.

Commissioner Mourdock: And there is one on Heinlein Road.

Commissioner Tuley: And then Durachta, off of...it looks like Nunning Court.

Danny Leek: I hope it's not because we sent in checks to the Auditor on the 3rd of this month with the advertisement and everything they would need to have and the checks and stuff.

Joe Harrison, Jr.: Again, my question is have the Commissioners published...I guess they did. Courier and Press March 13th. This is for the Keystone...for the Keystone?

Danny Leek: Right.

Joe Harrison, Jr.: This is the one that's on the agenda this evening.

Commissioner Tuley: To be heard.

Danny Leek: Yeah, right.

Joe Harrison, Jr.: You have your green cards?

Danny Leek: I think you already have them there don't you?

Commissioner Tuley: There are copies of them with ours.

Joe Harrison, Jr.: You've communicated with the utilities?

Danny Leek: Yes, we have all the notices back from the utilities.

Joe Harrison, Jr.: I guess the other item that is referred to must be a whole separate request for permission to advertise to start another process.

Commissioner Tuley: That's what I would guess.

Danny Leek: Well, it's all the same process. We only had one section of Heckel Road that we were trying to vacate and give back a drainage easement on and that's why I say I'm a little bit confused about how it was set up on two different...the package you are looking at are exactly identical.

Joe Harrison, Jr.: To be honest with you I have in my three in packet.

President Jerrel: We have three.

Danny Leek: Huh?

President Jerrel: We have three.

Danny Leek: Three?

President Jerrel: Yes. Let me show you what we have.

Joe Harrison, Jr.: That's why--

Danny Leek: Two of them are the same.

Commissioner Mourdock: Right, two of them are the same.

Danny Leek: Oh, okay. This is Durachta.

Commissioner Tuley: Right.

Danny Leek: I don't know if that's the one that they have on the agenda is what we listed to discuss for advertising.

President Jerrel: Yeah.

Joe Harrison, Jr.: Yeah, that's what I am asking.

Commissioner Tuley: It's for advertising for a hearing on the 13th of April is what--

President Jerrel: That's what our...so that is...one of them is permission to advertise for--

Joe Harrison, Jr.: For Durachta.

Danny Leek: Okay, that's for Durachta?

President Jerrel: Yes.

Danny Leek: Okay.

Joe Harrison, Jr.: And then the one this evening that we're having the public hearing on, if anybody is here and we'll ask them that in just a second, is the Keystone.

Danny Leek: Okay, alright.

Joe Harrison, Jr.: I guess it is Heinlein Road?

Danny Leek: Uh-huh, that's correct.

President Jerrel: Okay, well, we're all on the same page then.

Joe Harrison, Jr.: Yeah.

Danny Leek: Alright.

President Jerrel: We have the green cards for this one and the petition is for vacating the road and would you have any comments that you would like to make at this time and then we'll see if there is anyone in the audience that wishes to speak?

Danny Leek: No, this was a situation where the subdivision was completed and recorded prior to having all the title work on it. After the plat was recorded it was brought to our attention that there was a previous dedication of right-of-way to the county for a right-of-way on Heckel Road. I had spoken with John Stoll on the issue of the widening of the road and the potential damages, you know, that may occur if we vacate the right-of-way. At that point we opted to give back an easement for drainage of public utilities over the same 10 foot strip. What it does, it accommodates...these lots are real narrow in Keystone, so it accommodates not moving the side yard setback line for that particular lot.

President Jerrel: Are you familiar with this?

Commissioner Mourdock: For the record that was Danny Leek speaking.

John Stoll: When I spoke with Danny about this some time ago the discussion was about any future improvements to the road and assuming that the road would be maximum of three lane road as opposed to a four or five lane road, then a 60 foot right-of-way should accommodate that plus having drainage easements outside of that, so we could work with that as well. Given all that it didn't appear to be any problem from the right-of-way perspective that the right-of-way be relaxed from 40 feet to 30 feet.

President Jerrel: Alright, the reason I have expressed some confusion is because you're calling this Heckel Road from 40 to 30 and I'm reading Heinlein Road. I know it is Keystone Development.

Commissioner Mourdock: That's the address for Keystone Development.

President Jerrel: Okay, and I didn't see Heckel in this.

Danny Leek: It's in the notice.

President Jerrel: Yeah, there it is, but it wasn't in the written material that I saw.

Danny Leek: Alright, well, this one is just the pictures and their address--

Commissioner Mourdock: Exhibit B.

Danny Leek: What the exhibits listed are with the packet.

President Jerrel: Alright, so I'm clear now. Is everybody clear on what we're voting on? The proposal to vacate 10 feet of the 40 feet right-of-way on Heckel Road.

Commissioner Mourdock: I'll move--

Joe Harrison, Jr.: Is there anybody else? Is there anybody here in the audience that would wish to speak on this?

Commissioner Mourdock: Okay, I'll move that we act to vacate the easement as described in the documents here from Keystone Development regarding the strip of land along Heckel as described.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Permission to advertise vacation of easements**

Joe Harrison, Jr.: I guess your next request then would be you're seeking permission from the Commissioners to advertise notice of a public hearing on another vacation of an easement?

Danny Leek: That is correct.

President Jerrel: Durachta.

Danny Leek: Durachta.

Joe Harrison, Jr.: Where is Durachta?

Commissioner Mourdock: The easement is along Nunning Court Road.

Danny Leek: Nunning Court Road. It's two public utility easements that were put on those lots. Those particular lots...easements were put on the lots at the time it was originally recorded. The owner is desirous to subdivide those lots into a different size and those easements will be even below the lots. We're not changing the number of lots in the subdivision, only the size and location of lot lines.

President Jerrel: So you're aware of this John?

Commissioner Tuley: He wouldn't, no.

President Jerrel: Alright, this is just permission to advertise.

Commissioner Tuley: A suggested hearing date of April 13th.

President Jerrel: Is there a motion?

Commissioner Tuley: I'll so move.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Danny Leek: Okay, thank you.

President Jerrel: You're welcome.

**First reading - Community Corrections Fund**

President Jerrel: The next item on the agenda is the first reading of the establishment of a Correction Fund ordinance. Were you able to get hold of Harris Howerton?

Tony Greubel: Harris called. He is going to be in next week to explain some detail on some more funding from the state, but if you want to go ahead and do the first reading that is fine.

President Jerrel: Okay, Joe, you're familiar with this, right?

Joe Harrison, Jr.: Yes, it's essentially the same ordinance that the county has to pass each year by statute concerning the use of grant funds in connection with the Community Corrections program. We'll need to have two readings on this ordinance. I'm sure Mr. Howerton will be here next week, but it's the same...essentially the same ordinance that was passed last year and it is required by state statute that the ordinance, I think, be passed before May 1st of each year.

President Jerrel: Is there a motion regarding the establishment of the Correction Fund ordinance?

Commissioner Mourdock: On first reading I would so move.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: You might take a roll.

President Jerrel: Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: I vote yes. Be sure that he is here next week.

**Any group or individual wishing to address the Commission**

President Jerrel: Item H on the agenda is anyone that happens to wish to speak to the Commission. Is there any group that will not be called upon in some other capacity that would like to speak to us now?

**John Stoll - County Engineer**

President Jerrel: Okay, County Engineer.

John Stoll: First of all I've got a sidewalk waiver request for two subdivisions. One is for Lower Hill Subdivision and one is for C & D Subdivision. Lower Hill is off of Highway 65 where there are no current sidewalks and C & D is off of Streuh-Hendricks where there are no existing sidewalks. Given the fact that these are large lots where there are no existing sidewalks it is recommended that the sidewalk waivers be approved on both of these subdivisions.

President Jerrel: Are there any questions?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is the set of road plans for the frontage road that will extend between Replas and Azteca. This will be a two lane road with shoulders. The plans have been completed and we need the Commissioners' signatures on the cover sheet.

Commissioner Mourdock: Have the folks at SIGECO seen these yet, John?

John Stoll: We sent them a set a couple of weeks ago.

Commissioner Mourdock: Preliminaries?

John Stoll: Yeah, we sent them the plans and a request that they prepare the legal descriptions for their right-of-way dedication and then I guess it was the following week we sent them a cost estimate showing what would be their share of the cost and then after I heard back from Tony in regard to the funding where you wanted the money in place up front I talked to Glenn Jungen, with Southern Indiana Properties, and I wrote a draft of an agreement to submit to Joe so we could maybe get something in writing saying how that will take place, so we're waiting for...mainly waiting for them to get their funding in place and their legal description and we also don't have the legal description and dedication from Replas as of yet. We've got the legal description. We wrote them one, submitted it to them and we've not received any legals as far as anything we can go record where that is transferring their right-of-way out back to the county.

Commissioner Mourdock: Okay, we had right-of-way on that old paved road anyway, did we not?

John Stoll: No.

Commissioner Mourdock: Oh, okay. I thought we did and they were just adding to it.

John Stoll: Right, there was no right-of-way. The legal description was written to try and avoid the large billboard that is out there, but the smaller billboard at the north end of the project could not be missed, so that still needs to be addressed by Replas as well to have that relocated out of what would soon be county right-of-way.

President Jerrel: So we're essentially approving the plans and that's it until you get the rest of it?

John Stoll: Right, there is several other details that have got to be resolved before we put it out for bid, but this is plan approval.

President Jerrel: Is there a motion?

Commissioner Mourdock: Yeah, I'll move approval of the engineering plans for...do we have a name on this road yet?

John Stoll: It's never been named.

Commissioner Mourdock: How about Millennia? No, never mind.

President Jerrel: We'll find something for that before the year is over!

Commissioner Mourdock: Yeah, we'll find somewhere. I'll move approval of the engineering plans for the frontage road along US 41 between Azteca and Replas or Matrix.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: You just don't get to use the name Millennia very often. Do you know how long we'll have to wait to do this?

President Jerrel: Two more years?

John Stoll: In conjunction with those plans we've got to submit to the state for a driveway permit application because we're extending the turn lanes out there for the southbound right turn lane and the northbound left turn lane into this existing frontage road. I would like to request that the Commissioners authorize me to sign off on the driveway permit application to the state. There are no fees associated with it, it's just something we need to submit to them so they can review and approve the plans.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is request for approval on the signal plans for St. Joe

Avenue and Allens Lane. These plans were prepared by Dave Savage. In order to try to save some money they are going to use some existing signal poles that the Traffic Engineering Department already has in stock, so that will save us, by Dave's estimate, about \$4,000 on this.

Commissioner Mourdock: I'll move approval of the signal plan for Allens Lane and St. Joseph Avenue as recommended by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a time extension request from CCC of Evansville for the Maasberg Road Bridge project. The project was delayed somewhat back when the snowstorm hit last month and they're requesting a ten day time extension. The only work that remains to be done out on the project is the paving. It's recommended that the time extension be granted.

Commissioner Tuley: I'll move the approval of the extension of ten days as requested.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is a notice to bidders for the repair and repaving of various roads. This will cover the following projects:

- Cross Pointe Boulevard
- Glenview Drive
- Kirchoff Boulevard
- Lexington Drive
- Olivia Drive
- Rode and Elmhurst intersection
- St. Joe Avenue
- Twickingham Drive
- Wimberg Avenue

Commissioner Mourdock: I'm sorry, John, what is this?

John Stoll: This is part of the paving program. Most of these are milling and resurfacing.

President Jerrel: This is a bid.

Commissioner Mourdock: This is what we're contracting?

President Jerrel: Right, contractual paving. This will leave Hedden Road, Baumgart, Old Petersburg and--

President Jerrel: This is really permission to bid.

John Stoll: Right.

Commissioner Tuley: To advertise the bid.

President Jerrel: Is there a motion?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: I'll say so ordered.

John Stoll: That's all I have.

President Jerrel: Just a second. We did talk a little bit about Rose talking, you know, we talked about interacting with INDOT. I did a little interacting and you might want to share that information as far as we know it regarding the bridge.

John Stoll: As far as what Rose told me--

President Jerrel: The bridge, yeah.

Commissioner Tuley: Which bridge?

President Jerrel: Fulton.

John Stoll: Fulton. As a result of last week's discussion I tried to get hold of Rick Whitney at INDOT and I have not been able to get in touch with him, but I did talk to Rose at EUTS and she said they were estimating that they would get about a 30% increase in their STP funds per year which would kick it up to about \$3.6 million that this area would be eligible for. They didn't have all their plans finalized as of yet as far as how it would be distributed. This is all in regard to kicking the gas tax money that we would get up to, I believe it was, 91¢ rather than the current levels, so they haven't got all their distributions outlined and everything set in stone as of yet, but that was what Rose said that the current INDOT estimates would do for the STP funds. The bridge funds were still up in the air, but if I can get any information on that I'll let you know that as well.

President Jerrel: We had some indication that we were back on the bid letting list.

John Stoll: Oh, yeah, that's one thing.

President Jerrel: See we...the Fulton Bridge was off and now it's back on.

John Stoll: Rose had requested that the bridge be placed on a letting and she had talked to Rick Whitney and Steve Dilk both to try and get it back on the letting. I don't know where they've got it set on the letting, but Rose did say that it was supposed to be back on.

Commissioner Mourdock: John, did you get my E-mail late today?

John Stoll: No, I didn't.

Commissioner Mourdock: Okay, on County Line Road you had sent me something out there about possibly having Milton do the ditch.

John Stoll: Yeah, he was out there and said that there was some damage done, that a

truck had run off and torn the ditch up somewhat, but he said it needed some more ditching other than just that area and some shoulder work and that he would schedule that.

Commissioner Mourdock: Okay, my question...I know how it works for paving the road when you have the county line between the county to the east and county to the west. I guess logic says that it also means that the county that has the road does the ditch. I just wanted to be sure of that.

John Stoll: Right.

Commissioner Mourdock: It is?

John Stoll: That's the way we've done it. I'm not sure. I've not seen the state law on how it defines that, but I know on the roads like on the borders between the city and county like Petersburg Road where the curve is up there that there is so much controversy about even though on the north side of that is technically the county we don't maintain that. The city has taken care of that, so just carrying that same logic through that is why I assumed we took care of the ditch on the east side of the road as well.

Commissioner Mourdock: Okay, second point totally unrelated to the first one. I've gotten several calls this week on a need for a traffic study and possibly some type of traffic control device at 41 and Mount Pleasant.

John Stoll: The state has a signal in the works there.

Commissioner Mourdock: Do they?

John Stoll: I think the project may have already been bid out.

Commissioner Mourdock: Okay.

President Jerrel: Would you let us know?

John Stoll: Sure.

President Jerrel: I received the calls also.

John Stoll: I believe they've got plans to put one there and Baseline both.

Commissioner Mourdock: Yeah.

President Jerrel: This is a letter that I received and I think it may be the same one that Commissioner Mourdock mentioned a week or so ago on County Line Road, also.

Commissioner Mourdock: I didn't get a letter on it. I just got phone calls.

President Jerrel: This...I drove out there, but, again, I don't have any idea at all. It would have to be a cooperative effort, but you might want to read it and then maybe give Posey County a call.

Commissioner Mourdock: Oh, I'm sorry. You were talking about that side of the county line. I thought you meant over here at this county line.

President Jerrel: No, I was talking about...that was another issue and I just wanted to bring it up.

Commissioner Mourdock: Okay.

John Stoll: Yeah, I can check into.

<b>County Garage</b>
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President Jerrel: Alright, we don't have anyone from the Garage. Milton injured his leg this afternoon late, so we do have our County Attorney. Do you have a report?

Commissioner Tuley: Before we get off the Highway though--

President Jerrel: Uh-huh. We have their report.

Commissioner Tuley: We have the report to enter into the record which I would like to...I think we do. I saw it. There it is.

President Jerrel: Yeah, there it is.

Commissioner Tuley: Have it entered into the record and accepted as submitted. That's a motion.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Commissioner Tuley: I think, too, I think we're through the period of inclement...the ending of the inclement weather. I think over the weekend Milton had the individuals take their trucks home because of the potential for snow, so I think either Tony or maybe Commissioner Jerrel, someone ought to contact them and based on our earlier discussions have them bring their vehicles back in until the weather turns sour again be that high water or snow or whatever.

President Jerrel: Okay, and we do have an automobile, vehicle, truck report that we're--

Commissioner Tuley: Still working on.

President Jerrel: Well, we're waiting because we just got it this afternoon.

Commissioner Mourdock: Yeah, he called and left a voice mail. We got back to him...or I had Jenny give him a call to tell him that the changes that he had made which were pursuant to our discussion last week in here about adding a column for radios and adding a column for two other things. Oh, about fire extinguishers, two way radios and any other accessories. I told him that was fine with me.

President Jerrel: Okay.

Commissioner Tuley: Oh, okay.

Commissioner Mourdock: So we can use that form as far as I am concerned.

Commissioner Tuley: There is one other part I would like to add. If Milton, not that I'm not trusting his judgement, but if he decides to go ahead and send anybody home with them if he would just notify this office so that they can notify us and if someone calls and said I saw one of your vehicles and I think you're under some kind of suspension at least we'll know in advance what is going on. If they can just contact this office and we could be notified--

President Jerrel: Sure.

Commissioner Tuley: --I would like to add that to part of my motion.

Commissioner Mourdock: Okay, just to clarify. The motion you had before, I presume, was excluding the person that was on call that weekend?

Commissioner Tuley: Superintendent, Assistant Superintendent and the person on call are excluded and let's give them...let me add to this, let's give them until Wednesday so that they can arrange their transportation.

President Jerrel: Sure.

Commissioner Tuley: I think by Wednesday evening it should be decent enough weather they can work that out.

Commissioner Mourdock: That was a motion?

President Jerrel: Is that a motion?

Commissioner Tuley: I'm sorry, it is.

Commissioner Mourdock: I will second, because I think that is what the original intent was.

President Jerrel: I'll say so ordered. Anything else?

Commissioner Tuley: No, that's it.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: There are two bids that came in on VC9803 which is the fiberglass liner for Burdette Pool. The two bids were as follows:

1. Simms Painting Company, Inc. of Evansville  
\$125,809.00
2. Kemper Construction Company, Inc. of New Orleans, Louisiana  
\$467,000.00

I would ask that you take those two bids under advisement.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: It's amazing how close that one was to some figures we had and the other, my God!

President Jerrel: Yeah.

Commissioner Mourdock: Someone with Simms would feel real disappointed.

Joe Harrison, Jr.: That's all I have.

### **Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I have arranged four interviews for Commissioner Mourdock and Sam Elder this week to interview the ozone candidates. One will be tomorrow at 4:30 and then three late Wednesday afternoon. On another issue we've had a really good response for the surplus properties. I have received a lot of inquiries on that and we've already received 20 bids.

President Jerrel: I can tell you the office has really been busy. It's been like Grand Central Station.

Commissioner Tuley: It's that time of year.

President Jerrel: With calls, yeah. I don't think we've had any sale like this for a long time.

Commissioner Tuley: Oh, you mean on surplus property calls are coming in?

President Jerrel: Yes.

Commissioner Tuley: No, we haven't.

President Jerrel: It's really been crowded. I mean we've had people sitting in all the available chairs writing down information, so it has been a very successful response.

Commissioner Mourdock: On the Ozone Officer interviews I've had Tony let Sam Elder know, too, since this person will actually work for the Board of Health so he can sit in, but if either of you are available or care to please feel free.

President Jerrel: Okay, anything else?

Tony Greubel: No.

### **Steve Craig - Burdette Park**

President Jerrel: Burdette Park, Steve.

Steve Craig: Good evening. I've got a couple of things. Basically, we're just...a run down of the park, we're working on various projects. We stripped the pool and got them ready for the construction companies and they're all ready to go. I had an interview with

Greg Hohman Saturday, but he had to postpone because he had a death in his family and he couldn't make it to Evansville, but it has been rescheduled for Wednesday.

Commissioner Mourdock: That's for the Assistant Manager's spot?

Steve Craig: Yes. We got together. Tony had gotten me this, it's call BIF. It's Build Indiana Fund. I had contacted Larry Lutz's office and a Mrs. Craig got back with me and we went over some of the stuff that we needed to do which makes us eligible for applying for these funds and she said that we should kind of make up a wish list. She said last year they had some money left over, but she said that we don't need blueprints and that, but you need estimates of cost of whatever we would want to cover in the park. It says that there is no match required, but local financial participation is considered heavily. She said that's the only thing that they say, you know, if you've got matching funds it might make it easier to get whatever your project is. She said that we need to get it in. She said preferably before the fall session starts, but it technically doesn't have to be in until the end of the year.

Commissioner Tuley: What items or types of things...?

Steve Craig: Well, when I had first talked to them they insinuated to me that they had be like new structures, new items and that, but she said not necessarily. She said that you can do rebuilding, refurbishing or new projects with it. The money all comes from the gaming industry and whatever money is left over at the end of a two year period, from the way I understand it, from covering all their expenses the rest of the money goes into this account, so beings we're opening up more casinos and that as we have in the last year or so she said there could be like a record amount of money in there which we are eligible for. They didn't make any stipulations about a park board or anything like that because different organizations can apply for this outside of park departments.

Commissioner Mourdock: What specifically are you putting on your wish list?

Steve Craig: I have nothing on it at the time. I figured we ought to all get together and see what, you know, four or five, six heads get together they can come up with some good ideas. I have nothing other than getting the other pool done next year, so that we have--

President Jerrel: That would be a natural to add.

Steve Craig: Yeah, to have that behind us and, you know, save us the time that I think it is going to save us every spring and that. You know, give a better facility to the people, but outside of that I don't have anything on my wish list. I think we all need to get together and see where we think we ought to go.

President Jerrel: We want to do it soon.

Steve Craig: Yeah, she said before the fall session and I'm not sure when that is, but I think it's in October.

President Jerrel: Well, when you say fall session they have a meeting date in November generally around the 20th of November where the legislature meets, but they have...this Build Indiana has a commission, is that what you're saying?

Steve Craig: She just said get it in...it's better to get it in before the fall session is all she said and I didn't go into it and ask her--

President Jerrel: Well, maybe we need to call her back and find out what group we're addressing so when we...the Build Indiana Fund, but if there is a commission it might be nice to know who is on it.

Steve Craig: For the status of the authorized projects it's Mark Brown the Deputy Director of the Indiana State Budget Agency. I didn't know what it was, but we've got time that we can get together and get something worked out. That's all I had.

President Jerrel: Okay.

Steve Craig: Thank you.

President Jerrel: Is there a motion to accept the report from Burdette?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

Steve Craig: Did they accept the bid from--

President Jerrel: Well, we have to take it under advisement. You all need to look at it and we can award it next Monday night.

Steve Craig: Okay, when do we need to take a look at it?

Commissioner Tuley: Sometime between now and Monday.

Steve Craig: Do I get with you?

Joe Harrison, Jr.: You'll get...no, I don't think...if you want, but you'll just look at the information between now and next Monday. If you need to call me, call me. You'll just want to see if it is what you're looking for.

Commissioner Mourdock: Yeah, you need to review it and make sure it meets the specifications--

President Jerrel: Can he review it now?

Joe Harrison, Jr.: Yeah.

Commissioner Mourdock: --so they didn't figure the number of square footage wrong or whatever.

Steve Craig: I could do it.

President Jerrel: I think you need to look at it now or you can take it with...can he take it with him?

Joe Harrison, Jr.: Does the Auditor's Office...you typically...you don't take these and look at them? All you need is the bid amount, so, yeah, you can go with it. Just don't lose it.

Commissioner Mourdock: Following up on that, Steve, are you thinking in the next few

minutes you're going to be able to look at that and tell us whether or not it's a go or no go?

Steve Craig: No.

Commissioner Mourdock: Okay, that's what I was concerned about.

President Jerrel: Right.

### **Soil & Water Conservation District**

President Jerrel: We also have--

Commissioner Tuley: Soil & Water.

President Jerrel: Soil & Water. Do you want to accept this?

Commissioner Mourdock: I'll move acceptance of the Soil & Water Conservation District's bi-weekly report as submitted by Mike Wathen.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Consent items**

President Jerrel: Okay, next on the agenda are the employment changes, travel requests, Weights & Measures' monthly report and the County Treasurer's monthly report. You had one late change--

Commissioner Tuley: Paul Hatfield's?

President Jerrel: Uh-huh, that needs to be added.

Commissioner Tuley: I'll move approval of the consent items with the addition of the Pigeon Township Assessor's late addition.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

### **Scheduled meetings**

President Jerrel: You have the scheduled meeting list.

### **Old business**

President Jerrel: Is there any old business to come before the Commission?

Commissioner Mourdock: Two quick reports. Well, one Tony gave which is we're getting ready to do the interviews for the Ozone Officer. Secondly, the Jail Committee met

again last Wednesday. We'll be meeting again April 18th basically to look at ways to find to either improve the capacity or add new capacity to the jail, so if you would like to put that on your schedule for the 18th of April. Originally we talked about the 11th that night, but we had to back it up another week. I had another issue that just went through my head along with the jail...oh, the IDEM meeting last week that I left to go to. I have mixed emotions about that one. The report there came back to basically have the state make the suggestion as to which type of federal EPA program we apply for and there is going to be a lot of work there and hopefully they're going to want some real buy in instead of just shoving something down our throat and we'll just kind of have to play our way through that one.

President Jerrel: Was it a diverse group?

Commissioner Mourdock: Yeah, but it wasn't as diverse enough to suit me. There were only two elected officials there, myself and Pam Hendrickson, who is the Mayor of Boonville. The business people showed up in big numbers. The environmental people, if you will, showed up in good numbers, but the one thing that was lacking was in some elected officials, so that was kind of disappointing. As you know from reading the newspaper here with other businesses looking to locate in the area and how they effect our Vanderburgh County ozone, I mean, now is the time we've got to get some buy in from the other counties and it's a tough one because they don't see it as their problem and yet if something happens in their county that effects us it is certainly our problem, so this is about as frustrating as anything I've dealt with in the three years I've been here. This is a hard one to figure out what to do.

President Jerrel: Are they planning another meeting?

Commissioner Mourdock: Yeah, there will be another one scheduled. In fact, the date was given. It's later this month, I believe. I'll let you know when it is coming up. It will not be on a Monday again though it's going to be either Wednesday or Thursday.

Commissioner Tuley: Does that explain any of the absences?

Commissioner Mourdock: There was no explanation. There were a couple of people who were not there who had called in and explained an absence, but the other elected officials there was no explanation given.

Commissioner Tuley: No explanation, they were just not there?

Commissioner Mourdock: Kind of frustrating.

President Jerrel: Okay, alright.

<b>New business</b>
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President Jerrel: New business? No new business?

Commissioner Tuley: Motion to adjourn?

President Jerrel: It's time.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:29 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
B.J. Farrell  
Tony Greubel  
John Stoll  
Steve Craig  
Susan Kirk  
Jon Hill  
Danny Leek  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
March 30, 1998**

The Vanderburgh County Board of Commissioners met in session this 30th day of March at 5:30 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I would like to call the Commissioners' meeting to order. The first item on the agenda, I would like to introduce to you the people at this front area. Tony Greubel, is our Administrative Assistant; next to him is our County Attorney, Joe Harrison, Jr.; to my right is Commissioner Pat Tuley; on my far left is Charlene Timmons, our Recording Secretary; next to her is Bill Fluty, who is the Deputy Auditor and my name is Bettye Lou Jerrel. I would like for you to join me, if you will, in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Under action items, the first is the approval of the minutes of the previous meeting. Is there a motion?

Commissioner Tuley: I'll so move.

President Jerrel: I'll second and say so ordered.

**Certification of Executive Session**

President Jerrel: The next item on the agenda is the certification of the Executive Session and we did have an Executive Session that began at 4:30 and concluded at 5:15 and we dealt with county personnel matters and litigation.

Commissioner Tuley: I'll move approval of the Executive Session minutes.

President Jerrel: I'll second and say so ordered.

**Open bids - Surplus property sale**

President Jerrel: The next item on the agenda is Lynn Ellis on the...well, no, wait. Pardon me. Excuse me. We have numerous bids and I would like to ask now for a motion for permission for our attorney to open the bids on county surplus property.

Commissioner Tuley: So moved.

President Jerrel: I'll second and for those of you that are here for this he will open them and we will go on through our agenda and as soon as he gets them open we'll read it into the record so you can hear it.

**Award bid - VC9803, Fiberglass lining of Burdette Park pool**

President Jerrel: The next item on the agenda is Lynn Ellis who has some

recommendations for us.

Lynn Ellis: Okay, the...let me see how much noise I can make! The first item is to award bid number VC9803 for sandblasting and fibreglassing of Burdette Park Aquatic Center pool. The recommended vendor is Simms Painting Company at a total cost of \$125,809.

President Jerrel: This is your recommendation?

Lynn Ellis: Yes, ma'am. Burdette staff and I have both evaluated the bids.

President Jerrel: Is there a motion to this effect?

Commissioner Tuley: I will so move for the approval of the awarding of the contract to Simms Painting at a total cost of \$125,809.

President Jerrel: I'll second and say so ordered.

### **Award bid - APA044-98, Computer equipment**

Lynn Ellis: The next item, I have an evaluation of the difference in cost.

President Jerrel: Okay, thank you.

Lynn Ellis: The next item is to make a recommendation for award for bid number APA044-98 for microcomputer equipment. The equipment is Compaq computer equipment and the recommended low vendor is The Computer Center. They are the low responsive and responsible bidder. I have a note on your agenda item, the low bidder as far as dollars go was Comark Government & Education Sales, however, they failed to respond to the request for bids, so we're recommending that their bid not be considered.

President Jerrel: Okay, so--

Commissioner Tuley: I would move approval then at this time on the recommendation for APA044-98 for microcomputer equipment to The Computer Center as the low and most responsive bidder.

President Jerrel: I'll second and say so ordered.

Lynn Ellis: Okay, thank you.

### **Approval of 1998 polling places**

President Jerrel: The next item on the agenda is approving the...here, I brought last weeks.

Commissioner Tuley: Yeah. They've got it spelled out here.

President Jerrel: Oh, he's got them on there? To approve the following items. The first one was Aldersgate...I believe we voted on that last week, didn't we?

Commissioner Tuley: No, I don't think we voted on any of them.

Joe Harrison, Jr.: No.

(Commissioner Richard Mourdock joined the meeting.)

Commissioner Tuley: We just agreed to take them under advisement.

President Jerrel: Okay. Alright, the first would be then...do you want to go through them?

Commissioner Tuley: Yeah, the first one was move polling place 1-14 from Hose House 16 to Dexter School for the primary election only due to construction at the hose house. The polling place will move back to Hose House 16 for the general election when the construction is complete. I'll move approval of said.

President Jerrel: I'll second and say so ordered.

Commissioner Tuley: Okay, the next one was determine if Precinct 4-11 polling place should be moved from Caldwell Sweetser Recreation Center to Culver School. I didn't hear from anybody this week so I do not have a problem with that move at this time and will do so in the form of a motion.

President Jerrel: I'll second and say so ordered.

Commissioner Tuley: The last one was to determine if Scott-5 polling place should be moved from the 4-H Center to Blue Grass UMC. That was avoid...having people to avoid crossing 41 and I'll move approval at such time...same time.

President Jerrel: I'll second and say so ordered.

Joe Harrison, Jr.: Also what you would have to do, I believe, is to then make a motion to approve the other remaining polling places would be the same as in 1996.  
Commissioner Tuley: I'll so move at this time.

President Jerrel: I'll second and say so ordered. We need to notify the people that are having changes by postcard.

Commissioner Tuley: Right.

President Jerrel: I think we should do that, so that should be in the form of a motion, too.

Commissioner Tuley: I will so move or second...I will so move right now.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: Greetings and my apologies.

President Jerrel: That's okay.

**Community Correction Fund Ordinance**

President Jerrel: We're now down to the final reading for the correction fund ordinance

to establish the County Correction Fund.

Commissioner Mourdock: I think we've all seen it.

Commissioner Tuley: Yeah.

President Jerrel: Right.

Commissioner Mourdock: It's a fairly routine thing that Harris has provided. It's in the packets, we've looked at it previously, so I'll move on final approval the ordinance for the Corrections Fund.

Commissioner Tuley: I will second for a voice vote.

President Jerrel: I'll call, Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

**Approval of resolution  
Engineering and surveying for flood mitigation**

President Jerrel: The next item on the agenda, Mary Arnold.

Commissioner Mourdock: Excuse me, Charlene just reminded us we need permission to advertise that Correction Fund Ordinance.

President Jerrel: Okay.

Commissioner Mourdock: So I will so move that we give that permission.

Commissioner Tuley: Second.

President Jerrel: So ordered. Mary.

Mary Arnold: As part of the...excuse me, I'm Mary Arnold, Department of Metropolitan Development. We are the sub recipient of the Vanderburgh County Flood Mitigation Grant. As part of that grant it was necessary to do an RFP for engineering and surveying surfaces. We sent out eight requests. We received four back. The low bid was Three I Engineering for \$4,850. I would request your approval of awarding the contract for the engineering and surveying services to Three I. You should have received a packet that identified the companies that the bids were sent to as well as the responses and their bids. We have done business with Three I in the past and have not had any problems with them.

President Jerrel: For the record Three I Engineering bid \$4,850; Donan Engineering, \$8,900; Biagi Chance Cummins London Titzer, \$9,500; and is it...?

Commissioner Tuley: Sitecon.

President Jerrel: Sitecon, \$23,299, so the low bidder \$4,850. Is there a motion?

Commissioner Tuley: I'll move approval of the contract with Three I Engineering for a total of \$4,850 as recommended.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Mary Arnold: Thank you. The documents are there for your signature. Thank you.

**Bill Cottun - SCT, Various contract approvals**

President Jerrel: The next item on the agenda is Mr. Cottun with SCT.

Bill Cottun: Good afternoon. I come before you today to request the approval for maintenance contracts that we have on the network with Cabletron, contract number 400024860 in the amount of \$5,022.10. This is for hardware we currently have on the network and for the spectrum software that we have on the network. The next item is for Software Partners/32. That's for \$3,417.89. Once again this is for some maintenance to software that we have on the network for Tapesys, TT/Recon and THRUway.

President Jerrel: What is the amount of that one?

Bill Cottun: That's \$3,417.89. The next is for PDS maintenance agreement. This is...we're requesting a signature on the maintenance agreement for the PDS package that we currently have. This is for a 12 month agreement and it was my understanding, and I don't have that in front of me, that this package had been previously approved and paid, just the contract language had not been determined and that is what this is for is for the PDS maintenance agreement language.

President Jerrel: So we've already...has the agreement already been signed? The contract agreement language?

Bill Cottun: What this is, there is an agreement in place which is annually renewed and the City Controller has asked us to make sure that we receive a renewal of the specific contract language this year.

President Jerrel: Okay.

Bill Cottun: Then the Tiburon. That is a total of \$37,269 and that's for the CAD/911 and also for the RMS package that we currently have under contract with Tiburon and that would be for an annual maintenance on those.

President Jerrel: The first contract was \$5,022.10?

Bill Cottun: The cable contract, \$5,022.10.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Bill Cottun: Thank you very much.

**Permission to move home at 410 N. Burkhardt Road**

President Jerrel: The next item on the agenda concerns the Building Commissioner, approval to move a house on county roads. Tony, do you want to speak to that?

Tony Greubel: Yeah, the Building Commissioner, Roger Lehman, dropped that off last week. He has a proposed route that we included, but no details have been worked out. They want to get approval from the different government agencies and then they'll have a meeting and get the more specifics, but the police and security will be escorting.

President Jerrel: So it's a property that will be moved from 410 North Burkhardt to 1208 Mohr Road? That's the information that we have, but we don't know when yet?

Tony Greubel: No, the specific date hasn't been set yet.

Commissioner Tuley: I was going to say, Lynch isn't open right now.

President Jerrel: No.

Commissioner Mourdock: It would be a good time to move it if it were. It may be a better time now.

President Jerrel: What's your pleasure?

Commissioner Mourdock: I would move approval subject to providing an insurance waiver for any damage to the county easements on either side and also subject to them getting the necessary escort through the County Sheriff's Office.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Excuse me, one thought to that. Joe, just thinking and not having any idea of the size of the house, is there anything we need insurance-wise or indemnification-wise regarding power lines along those easements? The easements that we've granted the utility, but would we have any liability if, in fact, these folks ended up damaging those?

Joe Harrison, Jr.: They will have to indemnify...I mean, the utility company should they, in fact, have something too high and they whack into a wire, but I think as long as we obtain necessary waivers, you know, I think that is sufficient.

President Jerrel: There are lights, you know, that they have to go through, too. It's a pretty complicated--

Joe Harrison, Jr.: Again, the lights are owned by the city. They're city lights.

President Jerrel: Not all, no, I think there is a light on 41 and that is state.

Joe Harrison, Jr.: Okay, I'm sorry, but the county, I don't think, would have any.

President Jerrel: No, we don't have any. Will you be in contact then with Roger?

Tony Greubel: Yes.

President Jerrel: Okay, thank you.

**Evansville Housing Authority - Donation of property deeds**

President Jerrel: Next on the agenda is the Evansville Housing Authority execution of deeds in connection with donation of property.

Joe Harrison, Jr.: I have three deeds in front of me for...I think we talked about this last week at the meeting. Three parcels of property to be donated to the Evansville Housing Authority. They're a governmental agency and statute, Indiana State Statute, permits donations to other governmental entities. The three properties for donation to the Housing Authority are as follows:

1. 1028 East Cherry Street    Evansville
2. 1010 East Cherry Street        Evansville
3. 317 East Cherry Street        Evansville

I have deeds to that effect and then a copy of each deed for our records as well, but I do have these three deeds for execution. If there is a motion to that effect to approve the donation of these three properties.

Commissioner Mourdock: Think we need to do them individually?

Joe Harrison, Jr.: I don't think it matters. Whatever you want to do. The first would be 1028 East Cherry.

Commissioner Mourdock: Okay, I will move then the donation of Lot 48 in Dalzell Place, the donation of Lot 31 Chestnut Street Addition and the donation of...which one on Cherry, Joe? I don't have that one.

Joe Harrison, Jr.: It will be the third one. I believe it is 317 East Cherry.

Commissioner Mourdock: Okay and the donation of 317 East Cherry. Now I'm confused.

Joe Harrison, Jr.: The legal might describe a different subdivision that it is in, but the three addresses are 1028--

Commissioner Mourdock: Alright, let me do them by addresses. I'll move the donation of these three addresses: 1028 East Cherry, 1010 East Cherry and 317 East Cherry.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Commissioner Mourdock: I tried to make that too complicated. Sorry.

**Appointment of attorney to Economic Development Commission**

President Jerrel: Okay, under Economic Development Commission, this is newly formed and we do need to appoint an attorney and Mr. Harrison had contacted and made the recommendation of Mike Shopmeyer.

Commissioner Tuley: Is he going to be paid by a meeting or how are they going to pay him?

Joe Harrison, Jr.: He will be paid per hour, on an hourly basis, but on the Economic Development Commission matters those are not...that's not county funds. They are city funds.

Commissioner Tuley: Oh, go for it then. I'll move approval.

Commissioner Mourdock: I'll second the approval...or the motion to approve Mr. Shopmeyer.

President Jerrel: Okay, Mr. Shopmeyer is the county's economic development issues attorney. I'll say so ordered.

**Any group or individual wishing to address the Commission**

President Jerrel: At this time we've still got a lot more envelopes to open, so I think...is there anyone here that would like to address the Board about any other issue?

**County Engineer**

President Jerrel: I'm going to keep moving on the agenda. Tim Spurling is representing the County Engineer's Office, so let's just move on with that and then we can come back when they're through.

Tim Spurling: I have paperwork for you today.

Commissioner Tuley: Okay.

President Jerrel: Thank you.

Commissioner Mourdock: Nice tie, Tim, I like that.

Tim Spurling: The first item on my agenda for this evening is to recommend passing a resolution to change the speed limit on Burkhardt Road from 45 miles an hour to 35 miles an hour between the Lloyd Expressway and Morgan. The contractor out there has been complaining about the excessive speed of the traffic and the danger to their workers and the public.

Commissioner Mourdock: Are you suggesting that as a permanent change then?

Tim Spurling: Just a temporary change until the construction is complete.

Joe Harrison, Jr.: Commissioners, there is a statute here in Indiana that permits this and

it has been done from time to time in the past. I have drafted a resolution to that effect that would lower the speed limit from the posted speed limit of 45 down to 35 and that would take effect upon the signage being installed by the engineer or by the County Garage, but it would be the length of Burkhardt Road there between the Lloyd and Morgan Avenue and that would, again, be in effect until rescinded by the Board which would probably be about the time, I'm assuming, the construction is done. You'll need to approve the resolution and then consider it and then sign it.

Commissioner Mourdock: I don't have any hesitancy in doing that just as a matter of safety for the construction workers. I'm curious, does this then attain the status of some construction zones that when there is a temporary speed reduction in place there is a mandatory increase in fines for violators? I mean, I hope that is the case quite honestly.

Joe Harrison, Jr.: Well, the speed limit will be...I mean, it will be posted, so if someone is going beyond the speed limit the County Sheriff's Department will be patrolling and fine...I don't think there is no fine in addition to what they would receive for normal speeding.

Commissioner Mourdock: There is nothing by statute mandating that would necessarily raise the rates there?

Joe Harrison, Jr.: No.

Commissioner Mourdock: Too bad. I'll move approval of the temporary reduction in the speed limit on Burkhardt Road from Morgan to the Lloyd Expressway from 45 to 35 miles per hour.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: I might add, I don't know what speed limit you want to place on that street after it is repaired or widened, but that's another issue that you may want to consider something different than 45.

Tim Spurling: Okay, the second thing on my agenda is to recommend the closure of bridge 1544 on Old Henderson Road. This is based on the recommendation from the bridge inspection consultant, Beam, Longest & Neff. They're recommending that it be closed. There is a report in the information I handed you.

President Jerrel: I had talked with Tim this afternoon and, obviously, we need to close it, but I think we need to also make immediate arrangements for the design and the construction because as I pointed out to Pat the school buses go right by there. This is going to cut these people off and I don't...I mean, I don't want it to go on for a lengthy period of time, so were you able to get any additional information?

Tim Spurling: There is a map in that information also of the detour route that I would propose. Anybody located south of Kings Road, scaling it off the map, would have to drive an extra 1.4 miles. The worst case is the people north of Kings Road, but south of the bridge. I think the worst drive around there is about four miles. There is a house just south of the bridge that would have about a four mile detour.

President Jerrel: Are you going to put up signs or anything that will...because the

tendency will be to move those barricades.

Tim Spurling: Yeah, we can do whatever you want. In the past we have piled dirt on either side of the bridge, put up chains with padlocks that short of bolt cutters or a torch can't be removed.

President Jerrel: Are we going to put up any kind of a notice, though, bridge unsafe?

Tim Spurling: Normally, the County Highway Department has bridge closed signs or bridge out signs they can put up.

President Jerrel: Do you have detour signs?

Tim Spurling: They should have detour signs also that they can put up down the route.

Commissioner Mourdock: Tim, the correspondence I got from John on this he used as an example when the curbside compaction truck fell through Warrick County's bridge over on Heim Road, I don't know if you're familiar with that or not. I suspect you--

Tim Spurling: A little bit.

Commissioner Mourdock: Okay, and he feared something like that might happen here. That raises the question, is it as a practical matter a possibility that we could just limit that for lower weight vehicles or is that out of the question?

Tim Spurling: I suppose that would be...that's essentially your call as the County Commissioners. The consultant is recommending that it be closed to all traffic. I've been under the bridge myself and there is extensive rust on a particular I-beam that appears to be holding up one end of the structure.

Commissioner Mourdock: If we act to close this tonight, going back to Bettye Lou's point about getting us in a position to do something to replace it, when would the ribbon be cut to cross a new bridge?

Tim Spurling: Do you want the long answer or the short answer?

Commissioner Mourdock: I want the correct answer. Not the very optimistic answer, the correct answer.

Tim Spurling: Very short, probably four months.

Commissioner Mourdock: Correct?

Tim Spurling: We can do our best to speed that up, but I can't really promise that we can get it open any sooner than that. What I would suggest we do, and I don't know the proper legal procedure, but to maybe declare it an emergency and we can hire a contractor to start demolishing the old bridge while Valerie Harry, our Design Engineer, works on a new design. She says she thinks that will take about six or eight weeks to come up with a new design and in that time the contractor should be able to get rid of the old bridge and then as a separate contract we would...and probably need to declare the second phase an emergency also just to avoid the three or four week bidding process, and then we could actually start construction on the new bridge. The construction, I've been talking to several contractors, we're estimating eight to twelve

weeks depending on the design.

Commissioner Mourdock: Is it basically just a span or is it a culvert pipe? It sounds like it's a span now.

Tim Spurling: What we have...I don't know if there is a...I think I've got a picture of what is there. It's a two span 66 foot total length structure.

Commissioner Mourdock: So you're not going to replace that with culvert obviously, if it is 66 foot span.

Tim Spurling: No.

Commissioner Mourdock: Okay. Going back to the timing question and I don't mean to be trite with this, but standing here on March 29th or 30th or whatever it is would you bet your job that a year from now we would be finished with this project?

Tim Spurling: Yeah, within a year.

Commissioner Mourdock: Would you bet your job that nine months from now we would be finished with the project?

Tim Spurling: Um, yeah.

Commissioner Mourdock: Okay, we're making progress. How about six months.

Tim Spurling: I would think...I don't know that I would bet my job, but I would be confident that we could get it done in six months.

Commissioner Mourdock: Okay, well you said the short answer was four months, so probably somewhere between four months and six and a half months.

Tim Spurling: Four months I feel is a realistic estimate.

Commissioner Mourdock: Okay, I understand.

President Jerrel: I had expressed a concern to you today because we do have kids that are picked up by school bus. Now it will...Kings Road and Newman handle a school bus?

Tim Spurling: They should. They are both gravel roads, but they are, according to Bill Higgins who has been around the county a lot more than I have and has been down there recently, he said that they are very...as rock...gravel roads go they are very nice gravel roads so that shouldn't be--

President Jerrel: Well, I'm going to call the bus driver. It's Kenny Dietsch. He drives that route and so he knows and he'll go look at it to see if he can get through there because am I correct this is the way you start and you go down all around here like that?

Commissioner Mourdock: Well, the bridge is 1544, correct?

Tim Spurling: Right.

Commissioner Mourdock: Depending where you're coming from you could come down this way, go across here and back. The yellow is meant to be the alternate, right?

Tim Spurling: Right, the yellow is the detour.

Commissioner Mourdock: So these people are the ones--

President Jerrel: Okay, now show me where the Dogtown boat ramp is then.

Commissioner Mourdock: That's about up in here I think. Isn't it out of the end of Duesner Road?

Tim Spurling: Yeah, I believe it is near Duesner.

President Jerrel: Okay, well his pick up route is all the way where the gravel ends, so he'll have to go all the way down there everyday back like this. That's...all the campers are down there. All the people that live along there.

Commissioner Mourdock: When you said a moment ago, Bettye Lou, you'll talk to him to see about getting across, you didn't mean about crossing the bridge?

President Jerrel: No, no, no. Seeing if these roads are...he can travel on them because I've gone down there with him before and so I'll call him tomorrow. They're off this week but see Monday morning they wouldn't have any idea if you close it.

Tim Spurling: Yeah.

President Jerrel: Okay.

Commissioner Tuley: We need a motion then to close the bridge and I'll so move.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Commissioner Tuley: Now, are we going to--

President Jerrel: Declare it an emergency?

Commissioner Tuley: Declare an emergency then and start the process of having it removed in the bidding process...or the destruction or right now just getting it removed? How do you want to handle that, Tim?

Tim Spurling: Right now just getting it removed. We'll use that time to actually design a new structure.

Commissioner Tuley: So we can't bid for a new one anyway.

Tim Spurling: Can't bid that until those are done.

Commissioner Tuley: Until the design is done, okay.

Commissioner Mourdock: If we wait does it still fit the legal definition--

Commissioner Tuley: Well, that's going to be the next question. If we wait until the design is done do we still have an emergency?

President Jerrel: Have you been listening?

Joe Harrison, Jr.: Yeah, but you're going to have to bid that out on the--

Commissioner Tuley: Construction?

Joe Harrison, Jr.: Yes. I mean, if it's such that you've got a...you believe it is such a dangerous situation that you can't wait more than a week or so then that is the proper thing to do as far as getting that removed at this point. If that is not your intent then they'll probably need to bid that out, too.

Commissioner Tuley: I think from what he has said, I think tonight would be, you know, okay in declaring an emergency as far as removing the structure.

President Jerrel: Right.

Commissioner Tuley: And I will so move at this time.

Commissioner Mourdock: Second.

President Jerrel: I'll say so ordered. Largely because the barricades will be moved and they will be going across it anyway.

Commissioner Tuley: Going across that anyway, that's right.

President Jerrel: And then we'll bid on the construction as soon as you get the design ready.

Tim Spurling: Okay. Richard was questioning...that might add a few weeks to the ribbon cutting--

Commissioner Mourdock: I didn't take that too seriously. That was just an effort to get timing, but okay.

Commissioner Tuley: Sounds like he took it serious!

Joe Harrison, Jr.: You can get approval tonight to bid whenever you get those documents in. I mean, that would at least cut off a week.

Commissioner Tuley: That you wouldn't have to wait in between. Yeah, we could go ahead and do that.

President Jerrel: Okay.

Commissioner Mourdock: Alright.

Commissioner Tuley: I would so move at this time then that we give him permission to solicit bids after the design is done.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Tim Spurling: Any other questions? Thanks.

Commissioner Mourdock: Please do consider that a priority though in getting those plans together. I'm sure you will.

Tim Spurling: We will.

### County Garage

President Jerrel: Okay, Milton Hayden was here, but has a bad leg and he left. You do have your report and is there a motion to accept it?

Commissioner Mourdock: I would just note on it that, again, the ditching part seems to be fairly complete in the sense of giving us some updates as we asked for, so I'll move approval.

Commissioner Tuley: Second.

President Jerrel: So ordered. Their Sonitrol is in and that has been completed. To date we've only received one bid or one quote on the fences and I'm going to send a letter requesting one more time and if they don't then I think we should go ahead and move with the...we have the money in place and get the fencing completed.

### Burdette Park

President Jerrel: Okay, County Attorney. Do you want me to skip you? Are you--

Joe Harrison, Jr.: Yeah, if there is anybody else you can talk to for a minute.

President Jerrel: Yes, Burdette is here and let's take Joyce.

Joyce Moers: Hi, I'm Joyce Moers. Steve went home sick today so I am filling in for him. I guess I'll tell you what you have in your packet. We can go over it and then he did interview Gary Hohman for the position of Assistant Manager. He wanted me to tell you that he thinks that this man could fill the position. He was happy with him. There are a couple other that he could still interview if you want him to. He did send in his résumé for you to look at.

President Jerrel: Right, and Commissioner Mourdock had a request, you know, that we would run a check like you normally do with anyone that is around students, and so we plan to do that. I mean, I think there is general agreement with Steve's recommendation, but we did want to check.

Commissioner Mourdock: When do you expect to get the reports back?

President Jerrel: Tomorrow.

Commissioner Mourdock: So conceivably if that comes back we're giving Steve and Joyce--

Commissioner Tuley: That's what I want to ask you because she started to ask the question he had a couple more people. Was there anybody with those kind of qualifications in that group?

Joyce Moers: I don't believe it is near--

Commissioner Tuley: I mean I don't want to waste someone's time if, you know, this person checks out fairly well. His résumé looks real good. There is no sense--

Joyce Moers: He felt like this was the strongest of all of the candidates that he had, but if you wanted him to go forward with, you know, a couple other interviews just so you have that opportunity to see what those are like that is your decision to make and that is fine with him.

Commissioner Mourdock: Based on the résumé strength it looks very good.

Commissioner Tuley: Yeah.

Commissioner Mourdock: It's hard for me and hard for anyone else to sit back and know how well two people are going to work together or three people, so I am putting some faith in Steve's judgement here as far as the interview process. I presume you were involved with that to some degree.

Joyce Moers: No, I actually wasn't.

Commissioner Mourdock: Okay.

Joyce Moers: I was actually doing interviews of my own at the same time that he was talking to this man.

Commissioner Mourdock: Okay.

Joyce Moers: But he felt like he was qualified and he felt comfortable with him.

President Jerrel: Why don't we then wait until after tomorrow and then I'll get hold of both Pat and Richard and give them that information and then call you.

Commissioner Mourdock: Yeah, I don't think it would be appropriate to do that contingent upon...I mean, either we do or don't.

President Jerrel: Just let me...yeah.

Joyce Moers: Okay, I guess...I'm not sure, has it been decided if it is going to be the full-time position or part-time?

President Jerrel: I assumed it was full-time. I don't believe this gentleman would--

Joyce Moers: He is applying for full-time if that is what he can get.

Commissioner Tuley: I think Steve...I'm sorry.

Commissioner Mourdock: Go ahead.

Commissioner Tuley: I was just going to say I think Steve did a pretty good job of explaining his position on the need for a full-time person.

Joyce Moers: Right, and I knew that was part of what he had sent in so I didn't know if there was any questions on that.

President Jerrel: Well, you'll pass that on?

Joyce Moers: Uh-huh.

President Jerrel: Okay.

Commissioner Mourdock: Let's see, I guess the swimming pool issue was already discussed as far as the award?

Commissioner Tuley: Awarded it.

Commissioner Mourdock: Yeah, it was awarded before I walked in. Okay.

President Jerrel: Just one other thing. I'm going to develop a letter with your help with all the rates on all the facilities so that we can have a standard letter from the Commissioners when we get all of these requests. If we're going to go along with our Burdette Advisory Board, then we're going to stick to their recommendation and I think if we get a letter that we can, you know, send out or you can use it will help everybody and we can fax the rates. Joyce sent all of them to us and we'll be able to use those, so I think that's what we need to do.

Joyce Moers: The only other thing, I didn't send a letter I just happened to remember, I checked with the Police Department this week and they did approve the variance for the pick up and drop off site at the Coliseum.

President Jerrel: Oh, good.

Joyce Moers: So all I have to do is contact the Sign Department to get signs made for them, but they have approved that.

Commissioner Mourdock: Where will you post those signs then, Joyce?

Joyce Moers: When you come in next to the Coliseum--

Commissioner Mourdock: At the park? Oh, okay. Over there as parking, I see.

Joyce Moers: Right, for no parking during those hours.

President Jerrel: I think it is going to work. I drove over there and I think it will work fine.

Joyce Moers: I think it's a real good area, probably better than what we even had.

Commissioner Tuley: Probably better.

Joyce Moers: They do have a room. They've got tables and chairs. We can hook up a phone there which will be really good. Sometimes the cell phones didn't get plugged in during the day. They didn't get charged and things like that, so I guess speaking of

phones, too, it might not be a bad idea to install a temporary phone line for the Day Camp in the Bishea Building during the summer hours only rather than to try to rely on a cell phone all the time because sometimes when they bring them back they don't always plug them...you know, charge them for the day. Sometimes they are not charged. Sometimes people don't always know how to work those phones. They're great to have especially when you're off-site on field trips and things like that and traveling to and from, but probably a phone during that time if, you know, you wouldn't mind.

President Jerrel: Do you have a connection?

Joyce Moers: We don't yet. We'll have to put in a connection, but we can make sure that it is only there during Day Camp hours and that wouldn't be used by anybody else and it could have long distance locked out on it, but, you know, you could think about it, but it might be a wise idea to have so that we've got better communication.

President Jerrel: With those caveats so that we'll just--

Commissioner Tuley: Yeah, we'll go ahead and give you permission to go ahead and get your pricing or whatever you need to do to go ahead and get it installed under, like she said, under the rules that you laid out. Long distance lockout and just be up there during the season that you need it for the kids, but I don't have to think about that.

Commissioner Mourdock: Was that a motion?

Commissioner Tuley: That's a motion, sorry.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Joyce Moers: Okay, thank you. Do you have anything else? Thank you.

President Jerrel: Thank you.

**Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: Surplus properties have kept me busy this week.

President Jerrel: Oh, he has been.

Tony Greubel: It looks like they're going to keep me busy for another week or so.

President Jerrel: I haven't been in here one day that there weren't people coming in lined up to look, so we've gotten good responses.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: Mr. Harrison.

Joe Harrison, Jr.: Before we get into the properties there are a couple of items. First, the Commissioners or the county has received a right of entry granting the county permission to go onto the Williamsburg on the Lake property there at Burkhardt and Lloyd Expressway in connection with the widening of Burkhardt Road. I've got a copy of the right of entry form and the Commissioners need to sign this document. We have not resolved the payment of money to Williamsburg on the Lake although we are close and they are waiting on trying to see what sort of signage issues they can resolve with the Area Plan Commission, the fence with INDOT that they are going to be putting up out there, so after those issues are all resolved I think we'll get the matter worked out and I'll report back to you. We're very close. They would not have signed this had they not felt that we would be able to work something out, so I have this document and I ask that you all approve this document and I will then get with Charlene to get the original back, but you all can keep a copy.

Commissioner Mourdock: I'll move approval of the temporary right-of-way for the Williamsburg on the Lake property.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Again, that's the right of entry form. The other two items that I wanted to go over, first of all with the polling places you all may want to, and I didn't hear it, was there a motion to publish polling places? You're going to have to publish all the polling places, so there needs to be a motion to that effect. I don't know if the Auditor's Office does it or if it is just something the Commissioners Office does in connection with the Voter Registration or Election Office, but it has to be published, so there needs to be a motion to that effect.

President Jerrel: Well, let's make the motion then we can determine who has...I mean whether we do it or we ask someone else to do it.

Commissioner Mourdock: I'll move the publishing of the polling places for the May 5th...whatever day in May that is--

Commissioner Tuley: That doesn't sound right.

Commissioner Mourdock: For the primary in May.

Commissioner Tuley: There you go. Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Lastly, Charlene brought this up and it is probably a good idea. With the temporary speed limit change there on Burkhardt Road she asked about publication of that. Typically you wouldn't publicize a resolution, but given the situation I would sure like for, you know, the community to know that there is a change out there and it might be of some assistance to Sheriff personnel also if, in fact, that was published so at least people are on notice and if they act like they didn't know if there are signs up that would also help and there are going to be signs up, so I think that would be appropriate to have that resolution published.

Commissioner Mourdock: I'll so move.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Well, now I've got all these.

President Jerrel: Are you going to read these into the record?

Joe Harrison, Jr.: Yes, and what I'll do is just read all the...they're not going to be in any order. I'll just read the bidder and the property address.

<b>Bidder Name</b>	<b>Bidder Address</b>	<b>Property Address</b>	<b>Tax Code</b>	<b>Amount bid</b>
Choice		665 Line St.		\$225.00
Choice		778 Southeast Eighth		\$225.00
Choice		1232 & 1234 East Indiana		\$675.00
Choice		34 West Delaware Street		\$225.00
Choice		639 East Missouri Street		\$225.00
Choice		117 & 119 West Maryland		\$450.00
Choice		810 North Fourth Avenue		\$225.00
Choice		1013 North Fifth Avenue		\$225.00
Choice		1501 Florence		\$180.00
Choice		1612 Keller		\$225.00
Choice		1020 West Virginia		\$225.00
Choice		1305 & 1307 West Delaware		\$247.50
Choice		1418 Cody		\$225.00
Choice		1508 Uhlhorn		\$360.00
Choice		1015 & 1017 Park		\$90.00
Choice		1013 North Fourth Avenue		\$315.00
Choice		1017 North Fourth Avenue		\$180.00
Choice		1021 North Fourth Avenue		\$202.50
Choice		1503 Florence		\$225.00
Choice		1420 Cody		\$225.00
Choice		1312 & 1314 Harriet		\$450.00
Choice		626 East Missouri		\$225.00
Choice		506 East Iowa		\$360.00
Choice		815 East Walnut		\$157.50
Choice		817 East Walnut		\$157.50
Choice		408 South Evans		\$337.50
Choice		906 South Elliott		\$225.00
Choice		41 East Blackford		\$225.00
Choice		120 Adams		\$270.00
Choice		1502 Culver Drive		\$270.00
Choice		819 Jefferson		\$270.00

Bidder Name	Bidder Address	Property Address	Tax Code	Amount bid
Choice		1702 & 1704 South Garvin		\$360.00
Choice		1419 South Governor		\$247.50
Choice		1212 Judson		\$270.00
Choice		403 Jefferson		\$337.50
Choice		25 Washington		\$270.00
Choice		10 East Blackford		\$180.00
Choice		2 East Blackford		\$180.00
Choice		830 Southeast Eighth Street		\$225.00
Choice		904 South Elliott		\$225.00
Choice		800 South Elliott		\$225.00
Choice		786 Southeast Eighth		\$247.50

Joe Harrison, Jr.: What I may do is after all those why don't I have you make a motion to accept those bids from Choice and those will be taken under advisement in accordance with procedures to be followed with respect to the surplus property sale. Is there a motion to that effect, to take all these Choice bids under advisement in accordance with the procedures to be followed in connection with the surplus property sale?

Commissioner Tuley: Are you going to do that for--

Joe Harrison, Jr.: No, I'm going to...I'll do all those at the end unless there is one that has 40 bids.

President Jerrel: You just want to do this one separately?

Joe Harrison, Jr.: Yeah, just to take all these...

President Jerrel: Is there a motion regarding Choice's bids?

Commissioner Tuley: I'll move we take them under advisement.

Commissioner Mourdock: Second.

President Jerrel: Okay, so ordered. Now are you going to read the rest of them?

Joe Harrison, Jr.: Now I'm going to go with the rest, yeah.

President Jerrel: Okay.

Bidder Name	Bidder Address	Property Address	Tax Code	Amount bid
Jamie Frey	2826 Egmont	2828 Egmont		\$115.00
LAE Corp.	7180 Olive Street	400 East Franklin Street		\$350.00
Jane Johansen	4725 Stringtown Road	41 East Blackford		\$230.00
Scott D. Wilson	817 First Avenue	818 Oakley		\$225.00

<b>Bidder Name</b>	<b>Bidder Address</b>	<b>Property Address</b>	<b>Tax Code</b>	<b>Amount bid</b>
Ronald Martin	1312 West Bradley	506 East Iowa		\$400.00
Ronald Martin	1312 West Bradley	310 North Sherman		\$125.00
Ronald Martin	1312 West Bradley	211 West Franklin Street		\$250.00
Ronald Martin	1312 West Bradley	117 & 119 West Maryland		\$475.00
Chloe G. Thomas	701 S Greenfield Road	3800 Kathleen Avenue		\$950.00
William Fosse	118 East Chandler	215 Cherry Street		\$250.00
Anthony Robinson	860 East Riverside Apt C	318 Cass Avenue		\$250.00
CAPE		266 Mulberry		\$200.00
Morris & Betty Masterson	637 East Missouri St.	639 East Missouri Street		\$600.00
Mark Gammon	1023 N. Fourth Ave.	1021 North Fourth Avenue		\$225.00
Sitecon, Inc.	600 SE Eighth St.	665 Line Street		\$225.00
Tanya S. Morris-Gray	Rte 13 Denzer Road	626 East Missouri Street		\$225.00
Jesse Baker, Sr.	908 South Elliott	906 South Elliott		\$300.00
River's Bend Playhouse		96 & 98 Adams Avenue		\$100.00
Michael Wilson & Co.	711 North 10th Ave. PO Box 6862	21 West Franklin Street		\$225.00
Brad Haskins	4809 Ridge Knoll Dr.	1442 East Division		\$1,360.00
John A. Lloyd	2240 Margybeth Ave.	3800 Kathleen Avenue		\$1,000.00
John A. Lloyd	2240 Margybeth Ave.	1819 South Kerth Avenue		\$300.00
John A. Lloyd	2240 Margybeth Ave.	2044 Kathleen Avenue		\$500.00
Gary Krowl	644 Chateau	2504 Harriet Street		\$30.00
Keith Barton	Poseyville, IN	819 Jefferson Avenue		\$271.00
Michael Moers	123 West Maryland	117 & 119 West Maryland Street		\$475.00
Clarence O. Tobin, II	1107 Chestnut Street	1109 Chestnut Street		\$248.00
Clarence O. Tobin, II	1107 Chestnut Street	786 Southeast Eighth		\$248.00
John D. Graupner	3810 Kathleen	3800 Kathleen Avenue		\$900.00
Kenneth Jones	2330 Sheridan Road	2000 South New York		\$100.00
Kenneth R. Jones	2330 Sheridan Road	1819 South Kerth		\$300.00
Tony Barthel	2834 Harmony Way	810 North Fourth Avenue		\$251.00
Rhonda Carroll	402 Jefferson	403 Jefferson		\$500.00
Geraldine Boyd	1113 Mary Street	1109 & 1111 Mary Street		\$225.00
Rebecca Galey	4500 Meadowridge Road	2619 Mary Street		\$30.00
Debra Drone	2066 Shelby Avenue	1305 & 1307 West Delaware		\$300.00
Viva Griffen	3417 Frisse Avenue	2210 Van Bibber Avenue		\$500.00
Carolyn Joy Brockelman	21 Harriet Street	23 Harriet Street		\$250.00
Jereko Dale Cook	510 East Iowa	506 East Iowa		\$360.00
Stephen Myers	921 South Craig	900 South Craig		\$1,000.00

Bidder Name	Bidder Address	Property Address	Tax Code	Amount bid
Rebecca Galey	4500 Meadowridge Road	At about 2615 Mary Street		\$30.00
Gary Krowl	644 Chateau Drive	Harriet St.	12-120-34-164-024	\$30.00
Gary Krowl	644 Chateau	2508 Harriet St.		\$30.00
Donna Kemp	612 East Columbia St.	614 East Columbia Street		\$225.00
Jerry Dickles	314 North Sherman	310 North Sherman		\$600.00
Gary Krowl	644 Chateau	2506 Harriet Street		\$30.00
Robert A. O'Brian	20 East Franklin	24 East Franklin		\$400.00
Rebecca Galey	4500 Meadowridge Road	26 Mary Street		\$30.00
Stephen Myers	921 South Craig	1305 & 1307 West Delaware		\$300.00
The Albert Johann & Sons Co., Inc.	114 West Illinois Street	112 West Illinois Street		\$180.00
Michael Day	1903 Hurst Avenue	1442 East Division Street		\$1,501.00
Stephen Myers	921 South Craig	922 South Craig		\$5,000.00
David Meeks	1759 South Boeke	1935 East Diamond Avenue		\$90.00
Donald E. Schuck	1020 Olmstead	211 West Franklin Street		\$225.00
American Disposal Services Of Evansville	8136 Baumgart Road	1502 Culver		\$300.00
Lois Bushrod	1100 Bellemeade Ave.	206 Adams Avenue		\$301.00
Robert E. Pointer	1614 Keller	1612 Keller		\$250.00
Samual Eapmon	4513 Tremont	609 East Maryland Street		\$225.00
Royce Sutton	712 South Kentucky	1442 Division		\$1,507.00
Jane Allen	44 Washington Ave.	41 East Blackford		\$226.00
Barry Duff	1303 W. Delaware	1305 & 1307 West Delaware		\$325.00
Donald Hartig	4301 N. Burkhardt	1211 Baker Avenue		\$295.00
Delores Helm	1124 Spruce Street	1126 Spruce Street		\$185.00
Donald G. West**		1232 & 1234 East Indiana Street		\$850.00
Glenn Hendrix, Jr.	774 SE Eighth	778 Southeast Eighth Street		\$225.00
Habitat of Evansville		786 Southeast Eighth Street		\$247.50
Habitat of Evansville		802 South Elliott		\$225.00
Habitat of Evansville		120 Adams		\$270.00
Habitat of Evansville		403 Jefferson		\$337.50
Habitat of Evansville		1502 Culver		\$270.00
Habitat of Evansville		600 East Blackford		\$247.50
Habitat of Evansville		1702 & 1704 South Garvin		\$360.00

\*\* Check not included

Joe Harrison, Jr.: I would ask that you take all these under advisement...all these bids under advisement.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: I'll say so ordered. Since I'm new to this process and we have done it, Commissioner Tuley said during his time here, is this something that we will be ready to do by next Monday or it will take longer than that?

Joe Harrison, Jr.: No, the procedure is different from our normal...under state law it is different from our normal type of a bidding process where we are bidding on a construction project or an equipment project. In this situation the bids that were submitted...other bids may be received on these properties up until April 7th at 10:00 a.m. You get a week's period of time within which to submit a higher bid if one would like. The highest bid out of all of these after Tony figures out who the high bid is Tony will...the Commissioners Office will notify the current high bidder if someone comes in and makes a bid over and above that amount so they have the opportunity to submit a higher bid before April 7th at 10:00 a.m. After that time if the 90% threshold is met with respect to the appraisal of one of the properties that is bid on the county may at that time then sell the property outright to the high bidder assuming the bid price is at least 90% of the appraisal value. All the appraisals for all the properties have already been done and they're back in the back and are open for public inspection and we'll make that determination if it has met the 90% threshold. Those properties that are not sold and, again, a property can't be sold unless it gets up to that 90% threshold, but the high bidder who makes it up the 90% threshold or higher if that happens then the property can be sold to that entity or to that individual. All the properties that don't...the bids that came in that do not get up to the 90% threshold will then fall into another category of properties that will be auctioned off by the Commissioners here in this chamber on May 13th at 10:00 a.m., so properties that have not received any bids or properties that are not sold because they never got up to the 90% threshold will fall into that other stack and those would be auctioned off on May 13th at 10:00 a.m.

President Jerrel: That's what Curran Miller will be doing?

Joe Harrison, Jr.: They will be doing that and I have no idea how many different properties were bid on tonight, but I would think there is probably at least 50 or 60 other properties out there that did not receive bids.

President Jerrel: Just to help...is there anyone in the audience that does have a question that they would like to ask? Yes, sir. Would you want to come up and give your name and then we can...

Jim Adam: My name is Jim Adam, I'm the Executive Director of Choice. Just for clarification, I want it straight in my mind that anyone between now and April 7th can come in and place a bid regardless of whether they placed a bid up to this time?

Joe Harrison, Jr.: Yeah, that is my understanding. The statute is vague and is my interpretation of the statute. You submitted a number of bids and what I would do is come in if you so desire and get with Tony to make sure there are not other bids coming in, but we will notify you if someone submits a bid that is higher than a bid that you may have already submitted, but you will be notified if you're a high bid. I mean, we will try to notify...or we will notify everyone.

Jim Adam: You know, I understand and I appreciate that, but we will also be here on April 7th as well, but I just wanted some clarification on that point because it seemed odd to me that anyone regardless of whether they bid on it or not could come in and place

an additional bid.

Joe Harrison, Jr.: Yeah, and I agree with you. I would not have written the statute that way if it had been myself, but it's a confusing statute.

Commissioner Mourdock: Some refer to that as cherry picking.

Joe Harrison, Jr.: Yeah, I'm not too sure what it is, but I would have never written it that way.

President Jerrel: Is there anyone else that has a question that we could answer? Okay, so then we'll see you on the 7th or on the 13th of May.

Joe Harrison, Jr.: On the 7th at 10:00 a.m. if someone is...at least at that time all bids will be closed on properties where bids have been submitted. Later on...is that a Monday? Is April 7th a Monday? Is that a Tuesday?

President Jerrel: No, Wednesday...it's a Tuesday because Wednesday is the first.

Joe Harrison, Jr.: The following Monday we will have a report at the Commissioners meeting regarding the properties that were actually eligible for sale and the Commissioners will take action at that meeting concerning bids that were successful enough over the 90% threshold, so they will make that announcement...well, you will know before then, but they will take official action at their meeting on...what is it again, the 13th? What's the--

President Jerrel: Yeah, it would be the 13th of April.

Joe Harrison, Jr.: I'm sorry. Okay.

President Jerrel: Okay, no further questions?

### **Consent items**

President Jerrel: Then we'll proceed with the agenda. We have the consent items.

Commissioner Mourdock: Since I was not at the Executive Session and occasionally we have last minute things coming in were there any changes or additions?

President Jerrel: No.

Commissioner Mourdock: In that case I'll move approval of the consent items as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Scheduled meetings**

President Jerrel: The scheduled meetings, that's attached.

**Old business**

President Jerrel: Is there anything to come before us on old business?

Commissioner Mourdock: I have a couple of items or, I guess, one old and maybe one semi old, but just as an update we did get through the interviews with our candidates on the Ozone Officer. I need to get with Sam Elder. I'll try to talk to him. I probably won't be able to tomorrow, but Wednesday to make sure we have the same candidate narrowed out and then what I would like to do is ask that person in for a second interview at a time that is convenient to one or hopefully both of you or if...I mean, for open door laws if it is just the two of you and I can't be there that's fine, too, as long we don't have a majority or whatever.

President Jerrel: Okay.

Commissioner Mourdock: I would like your opinions on the finalist. Second bit of old business or related to old business, the Jail Commission. It's kind of a question, Bettye Lou, but I know you submitted to us in our routing packets some information on the Public Defender possibilities. We've talked about that a little bit at the Jail Commission hearing. There seems to be less than a unanimous sentiment that we go about doing that. I was just curious if you had some thoughts as to how we might further along the process or move that direction.

President Jerrel: Well, I was just going to recommend that we invite Larry Landis down, he's the director, at one of our meetings.

Commissioner Mourdock: He's the director of the state--

President Jerrel: The State Public Defender Commission. They're now paying 40% reimbursement for all felony cases for salaries and any additional costs and then, of course, 50% of the capital reimbursement, but you have to have this process in place or you are not eligible to get the 40% felony. I thought he could come down and simply review with us and maybe go visit the judges and the prosecutor. I'm sure he...you know, he does that with counties that are getting on board.

Commissioner Mourdock: We have the next Jail Commission meeting--

President Jerrel: April 18th?

Commissioner Mourdock: Is it? That sounds about right.

Tony Greubel: April 15th.

Commissioner Mourdock: April 15th, a Wednesday night, so I don't know given kind of the chemistry of that group if it would be appropriate to have him speak to that group, but since we would need to initiate that action maybe we can get him in here shortly before then or shortly after and then I can reflect on those.

President Jerrel: I'll call him.

Commissioner Mourdock: Yeah, I guess by way of a motion then I would move that you give him a call and invite him to come down and give us a briefing.

Commissioner Tuley: Second.

President Jerrel: Okay, so ordered.

Commissioner Mourdock: Those were the only bits of old business that I had.

**New business**

President Jerrel: Okay, do you have any new business?

Commissioner Tuley: I've got a couple of different items here. One is I would like to entertain the idea of continuing the current employee/employer relationship, the split on the YMCA membership that we have right now to help through our wellness program. There has been a little bit of an increase and I would like to move at this time that we would continue at that same membership...the split between the county employee and the county itself paying it where the county would still pay the \$11.00...or the county would pay \$11.00 now and the payroll deduction could increase to \$5.37 for the employee if we would so desire to continue this program.

Commissioner Mourdock: That's after the increase goes into effect?

Commissioner Tuley: That's with the increase in effect.

Commissioner Mourdock: Yeah, I'll second that.

President Jerrel: So ordered.

Commissioner Tuley: The only other thing I have is we have a letter here from Michael Lockard. I think most of you probably remember him from PURE. He is currently the Office Manager for SLR Ambulance of Evansville and apparently there is a position that is open on the Indiana State Emergency Medical Services Commission and apparently no one has been on that Commission representing Southern Indiana for almost ten years and he has submitted his name and would like for the Commissioners to forward a letter to the Governor as a recommendation. If my two colleagues here would agree I would be willing to put that in the form of a motion and do that for him.

Commissioner Mourdock: Mike wants to be involved in things and I always like to see people who volunteer for that, so, yeah, I'll support that. I second that.

President Jerrel: I'll say so ordered and we'll get a letter written to that effect. Is there any other new business?

Commissioner Mourdock: Yeah, one bit of new business. I got a call from Shirley James from the Pigeon Creek group the other day and she threw a couple of questions at me about something that is called the American Heritage Rivers Initiative and I didn't have much information and I don't know, Tony, if you rounded up this information on short notice or Bettye Lou, whoever I appreciate it. In essence what the American Heritage River's issue is about, it's an executive order that President Clinton has signed that would allow the designation of ten or parts of ten waterways as American Heritage Rivers. If that happens, there can be some federal assistance for planning purposes. Everything from the types of things the Pigeon Creek Greenway is doing to bank stabilization and cleanups and that kind of thing. Congressman Hostettler, and I understand this totally, Congressman Hostettler is one of several congressmen who is cosponsoring a bill to repeal that executive action. I've heard enough of these types of issues to know that when you get the paperwork in front of you you're going to get the hyperbolic from either side. I'm not sure what I am in support of at this point except that one of the definitions within the act is that the community gets to define what river would be a part of the program. That is significant only in the sense of what the community is by law is not defined. Does that mean the City of Evansville, the County of

Vanderburgh, the Congressional District? There is no real definition of it. What I am wondering in looking through some of this information, and, again, I'm not suggesting that we do this for all of the Pigeon Creek watershed or the Ohio River. I think there is real questions and I agree with Congressman Hostettler on some of the constitutionality of the big picture when they start dealing with whole watersheds, but this also says that things that might be considered under this program are short stretches of entire rivers or streams. This program can cover land immediately adjacent to a river such as a waterfront or stream side areas or span an entire watershed. It looks to me like at least in seeing this information it might be possible to see if just the properly defined Pigeon Creek Greenway itself might fall under this program. If that is the case there could be several millions of dollars available at the federal level that might otherwise not be coming from the county or city government. Again, I'm not suggesting all of Pigeon Creek be in there. I don't want this thing to get out of control, but I guess what I would like to do would be to see how we might get some additional research on that to see if it is something that is feasible. Again, it may be a way that we can supplant some money if we're not opening a can of worms here. However it happens if the community is defined within some of this text, the community has to support it, it would seem to me if the community in the sense of the County Commission or the Mayor's Office defined it as a very, very small area, the Pigeon Creek Greenway, the community has already been supporting that so it may be something to consider.

President Jerrel: Just a thought because the adjacent property is one of the things that Knox County objected to because an unelected body would be ruling on their personal property and I think some of the other counties have said they wanted out of it. Would it...do you think maybe you could frame that in the form of a letter that we could--

Commissioner Mourdock: I would be willing to take a shot at it. Again, if it can't be framed...not the letter, if our nomination of the Pigeon Creek Greenway cannot be so specific as to not include anything that's not already within that specific identified project, then I don't want anything to do with this. But if on the other hand what we have out there fits their goals that this, in fact, might be a source of some funds, then I think we would be derelict if we didn't look at it.

President Jerrel: If you could do that then we could get that to the Congressman's office because apparently what is happening is there is going to be legislation--

Commissioner Mourdock: Right.

President Jerrel: --so we need to get them something to let them know how you feel about it.

Commissioner Mourdock: Because this is by executive order the legislation that is out there is not in support of it, but the legislation is out to kill it.

President Jerrel: Yeah.

Commissioner Mourdock: That may happen regardless of what we do.

Commissioner Tuley: Right.

Commissioner Mourdock: At least on the offhand chance we've invested a lot of money in the Pigeon Creek situation, the Greenway, and I have a hunch there is a lot of opposition to this program which means there may be very few nominations put in.

Commissioner Tuley: Which means there may be a lot of money available.

Commissioner Mourdock: And yet there will be a lot of congressmen who don't want to vote for this one way or the other because they are going to be seen as anti-environmental, so the thing may stay in effect with very few nominations and it may be that we could get hold of some money because what they've done on Pigeon Creek is pretty unique.

President Jerrel: Well, go for it.

Commissioner Mourdock: If there is such a motion, I'll attempt to draft a letter and have it for you next week.

Commissioner Tuley: If you would like such a motion, I'll so move.

Commissioner Mourdock: Second.

President Jerrel: Okay, so ordered.

Joe Harrison, Jr.: The same letter may want to go to both of our senators.

Commissioner Mourdock: Okay, sure.

Joe Harrison, Jr.: Senators Lugar and Coats. They've both assisted with the Greenway legislation.

Commissioner Mourdock: I'm in an ironic situation where I have reviewed a couple of Congressman Hostettler's letters here and I see what he has drafted and I see in the big picture the concerns that he has and I cannot disagree with those, but if this programming remains intact, again, I think we are obligated to see if we can somehow benefit from it.

Commissioner Tuley: So your letter though is just seeking more information?

Commissioner Mourdock: Yeah, effectively.

President Jerrel: Right.

Commissioner Mourdock: To the people that administer the program.

President Jerrel: Okay, is there any other business to come before this group? If not, I'll entertain a motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:02 p.m.

**Those in attendance:**  
Bettye Lou Jerrel  
Richard E. Mourdock

Patrick Tuley  
Joe Harrison, Jr.  
Bill Fluty  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
Mary Arnold  
Bill Cottun  
Tim Spurling  
Joyce Moers  
Jim Adam  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
April 6, 1998**

The Vanderburgh County Board of Commissioners met in session this 6th day of April at 5:39 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Betty Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order and welcome our guests. At this time I would like to introduce the people at this front table. Tony Greubel is our Administrative Assistant; next to him is Joe Harrison, Jr., our County Attorney; on the far left is Charlene Timmons, our Recording Secretary; next to her is Suzanne Crouch, the County Auditor; and Commissioner Richard Mourdock is to my left. Commissioner Tuley is not here this evening, but we have three County Commissioners and all of our minutes are recorded and typed so that we have a permanent record. If you would now stand and join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first item on the agenda following the action is the certification...no, the approval of the minutes of our last meeting.

Commissioner Mourdock: As you'll recall I was about six minutes late getting to the meeting, so I don't know that it is appropriate for me to rule on those, but if you'll say they're fine, Betty Lou, I'll go with that and for certainly the remainder of the minutes, I have reviewed those and they are in order, so any comments you have in the first couple minutes of my absence? Are they accurate?

President Jerrel: They are accurate and I can attest to that and I will second and say so ordered.

**Certification of Executive Session**

President Jerrel: The next item on the agenda is the certification of the Executive Session which we did have and the Executive Session began at 4:40 and it ended at 5:30 and we discussed county personnel matters.

Commissioner Mourdock: I'll move approval of those summary minutes.

President Jerrel: I will second and say so ordered.

**Open bids - APA035-98, APA034-98 and VC9805**

President Jerrel: The next item on our agenda is the opening of the bids. There are three different bid openings there and I'll entertain a motion to authorize that opening.

Commissioner Mourdock: So moved.

President Jerrel: Okay, and for those of you that are here observing we are taking bids and they are sealed and are being opened while we're continuing with our meeting and then we'll come back to them.

Commissioner Mourdock: Just for the record let me clarify, that was APA035-98 which was for food and beverage concessions for Burdette Park. The second bid item is APA034-98 which is for soft drink concessions at Burdette Park. The last is VC9805 which is the bid for T-shirts and hats for the Summer Day Camp program at Burdette Park.

President Jerrel: Okay, so that's what is going on right now. The next item on the agenda is approval of a resolution concerning the designation--

Suzanne Crouch: Bettye Lou, you didn't say second and so ordered.

President Jerrel: Oh, I'm sorry, thank you. For those of you that are here observing, with one person not here I should have been the seconder, but then I have to say so ordered for it to be official.

**Resolution:**  
**Designation of Professional Sports & Convention Development Area**

President Jerrel: Moving on, Mike Robling...there is an approval of a resolution concerning the designation of a Professional Sports and Convention Development Area. Joe, do you--

Joe Harrison, Jr.: I don't see Mr. Robling here at this time. The Commissioners have in front of you all a resolution that would attempt to establish a designation of a Professional Sports and Convention Development Area which would also designate some county owned facilities, so that sales and other related taxes could possibly be captured by the county in connection with the new statute that was passed I believe it was last year. This would relate to funds that could be used for capital developments for certain designated county projects. The statute is 36-7-31.3-1 and it's the Professional Sports and Development Area Indiana Statute. The resolution contemplates four properties that are owned by the county that they would be a part of this development area. They are the coliseum, The Vanderburgh County Coliseum, the Old Courthouse, the Burdette Park and Hamilton Golf Course. These particular...this particular resolution if passed would then go to the Evansville Redevelopment Commission which would consider this resolution and take appropriate action thereafter. Then the State of Indiana would consider whether or not these four properties are appropriate to be included within the original district that was first established designating Bosse Field as a tax development area. If you would like I can read the resolution into the record. It's:

“WHEREAS, IC 36-7-31.3-9(a) provides for the establishment of a Professional Sports and Development Area in a city or county that has a professional sports franchise playing the majority of its home games in a facility owned by the city, the county, a school corporation or a board under IC 36-10-8, IC 36-10-10 or IC 36-10-11; and

WHEREAS the City of Evansville and Vanderburgh County qualify as such an area; and

WHEREAS the City of Evansville has previously established a Professional Sports and Convention Development Area with the designation of Bosse Field as a tax area pursuant to IC 36-7-31.3-6; and

WHEREAS Vanderburgh County owns Veterans Memorial Coliseum and the Old Vanderburgh County Courthouse which are located within the City of Evansville corporate limits; and

WHEREAS Vanderburgh County owns Burdette Park and Hamilton Golf Course which lie outside the corporate limits of the City of Evansville that would qualify as tax areas under IC 36-7-31.3-6; and

WHEREAS Vanderburgh County is desirous of having said county facilities added to the Evansville Professional Sports and Convention Development Area;

Now, Therefore, Be it Resolved by the Board of Commissioners of Vanderburgh County, Indiana, acting as the legislative body of said county, as follows:

1. The Board of Commissioners requests that the City of Evansville, acting by and through its Redevelopment Commission and Common Council, add the Veterans Memorial Coliseum, Old Vanderburgh County Courthouse, Burdette Park and Hamilton Golf Course to the Evansville Professional Sports and Convention Development Area.
2. It is understood that the Evansville Redevelopment Commission shall take this action pursuant to IC 36-7-14-11(4) which states that the Redevelopment Commission shall cooperate with other governmental entities in the manner that best serves the purposes of the redevelopment statute."

That is the resolution for consideration by the Board.

President Jerrel: Do you want to...are there any questions?

Commissioner Mourdock: Yeah, a question for you, Joe. All this being the resolution to put us in standing with the state statute that you quoted, it is my understanding, and I just want to clarify this, that what this does is designate as funding sources for the Redevelopment Commission the tax revenue that would be derived within the four county facilities, the Coliseum, the Old Courthouse, Hamilton and Burdette Park, is that right?

Joe Harrison, Jr.: Yes, this would include that within the designating area and it would permit the county to at some point, hopefully, capture taxes from those entities.

President Jerrel: Which taxes?

Joe Harrison, Jr.: Well, it would be sales tax and other related state taxes.

Commissioner Mourdock: Is it one hundred percent of the state sales tax?

Joe Harrison, Jr.: No, it's the state gross retail tax imposed under 6-2.5-2-1 or use tax under IC 6-2.5-3-2 and then it's adjusted gross income tax imposed under IC 6-3-2-1 on an individual, a county option income tax imposed under IC 6-3.5 or a food and beverage tax imposed under IC 6-9. Those are the covered taxes. It is not saying that all of them would be, it's whichever ones are not already covered by some other

obligation. In our situation, the food and beverage tax in this county that would be captured at those facilities is already collected for some other purpose. The county option income tax, I believe, would fall under the same situation. Now, the adjusted gross income tax and the state gross retail tax would be...and the use tax could be captured by events that are held in those facilities. Now, there is a limit as to the amount that could be captured by the city and county, the parks...what is it? The School Corporation or another board under the statute and I believe it's \$800,000...I don't know if it is \$800,000 in one year, but there is a limit and it is based upon population of the county. Total population of the county.

President Jerrel: Is it not also true...I called this afternoon and there are two counties that have been able to change the law so the Building Authority is now eligible and if we could have the law changed to have the Building Authority accepted Vanderburgh County could also claim the Auditorium?

Joe Harrison, Jr.: Yes, if that law...if the law is amended, then the Building Authority could also be included within this same designated area.

President Jerrel: It would be the School Corporation, Building Authority.

Joe Harrison, Jr.: And those particular taxes that are used or, you know, used in connection with activities that take place over there could also be captured.

Commissioner Mourdock: There are some challenges presently, are there not?

Joe Harrison, Jr.: No, it is my understanding that lawsuit that was filed has been resolved.

Commissioner Mourdock: Ah, okay. Well, having heard that it sounds like it's a good way to keep local money local money which is always an admirable direction to go, so I will move approval of the resolution read by the County Attorney formally titled The Resolution of the Vanderburgh County Board of Commissioners Concerning the Designation of a Professional Sports and Convention Development Area.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: We do not need a roll call for that do we, Joe?

Joe Harrison, Jr.: No, it's a resolution. That's fine.

Commissioner Mourdock: Okay, well the bottom line is adopted with ayes and nays, so I just wanted to be sure. It has a line on it for ayes and nays.

Joe Harrison, Jr.: And I am assuming there were two yes?

President Jerrel: Yes.

**Resolution:**  
**Award of contract for title search services - flood mitigation**

President Jerrel: Mary Arnold.

Commissioner Mourdock: I don't think she is here.

President Jerrel: This is approval of a resolution that relates to an item that she spoke to us last week that's in your packet.

Commissioner Mourdock: I'll move approval of the resolution awarding the agreement for professional title search services to Mills Land Title Company of Evansville. This is regarding the flood mitigation grant that we had previously voted on.

President Jerrel: And I will second and say so ordered.

### **Evansville Otters - Alcoholic beverage permit renewal**

President Jerrel: The next item on the agenda is the Evansville Otters alcoholic beverage permit renewal.

Joe Harrison, Jr.: This is a similar renewal permit that the County Commissioners considered last year. There is a lease agreement between the county and the School Corp. with regard to the leasing of the facility during the time when the Otters are using the facility in the summertime.

President Jerrel: You're talking about Bosse Field?

Joe Harrison, Jr.: Bosse Field, I'm sorry. In connection with that lease the main reason I believe probably for the lease is the fact that the School Corporation is unable to obtain a liquor or beer permit, and alcoholic beverage permit, for the sell of alcohol there at the facility and so by leasing to the county then the county is able to secure the permit in the name of the county for use during the three month or so period that the Otters play at Bosse Field. Again, this is pursuant to a lease and a sublease that was entered into several years ago and it was, in fact, renewed again last year. I have in front of me four renewal documents that need to be signed by the Commissioners if, in fact, they want to approve the same and then I've got a copy of each of the particular documents as well for keeping by the Recording Secretary.

President Jerrel: Okay, is there a motion?

Commissioner Mourdock: I'll move approval of the signing of the four alcohol beverage permits...or application for the four alcohol beverage permits for the Evansville Otters.

President Jerrel: I'll second and say so ordered.

### **Any group or individual wishing to address the Commission**

President Jerrel: At this point on our agenda is there any group or individual that would like to come forward to address the Board on any issue? What troop are you guys in?

(Inaudible comments)

President Jerrel: Okay, did any one of you want to come forward and say anything? Okay.

Commissioner Mourdock: How about the Scout Master?

Unidentified: We're glad to be here.

President Jerrel: Thank you. Alright, moving ahead--

Commissioner Mourdock: I--

President Jerrel: Go ahead.

Commissioner Mourdock: I was just going to say I noticed this evening when we did the Pledge of Allegiance we had a lot more volume from that side of the room then we normally have, so we appreciate that.

**John Stoll - County Engineer**

President Jerrel: The next is our department head section and our County Engineer, John Stoll.

John Stoll: I just wanted to give you an update on the Old Henderson Road Bridge that was closed last week. After looking at the drainage area on that it appears that a culvert could be put back in there as opposed to a bridge.

President Jerrel: Wonderful.

John Stoll: Preliminary sizing shows that about a 78 inch culvert would handle the drainage area that feeds that bridge right now. The problem is the drainage area is pretty hard to define because of all the changes that the farmers have been making with the dams and all their just general modifications that they've done out there, but it appears 78 would be the size we would need. In talking with some of the farmers who have complained about or the residents who have complained about the closure of the bridge, they're saying that nothing is needed down there on the basis of the dams and things like that which the farmers have installed on the downstream end of the bridge, but given the fact that there is a somewhat defined channel out there I think we need to put something back in there, so on that basis right now we're looking at putting in a culvert and it would cost around \$50,000 as opposed to the \$160,000 that was discussed last week.

President Jerrel: I have a question. They mentioned that there was another bridge that was due for replacement this year. Does it fall under these same circumstances that a culvert would work?

John Stoll: It's possible. We haven't really looked at that in great detail as of yet, but there is a series of about four or five bridges down there that several of them it is a possibility that the bridge could be replaced with the culvert and the old inspection reports actually did say on the recommendations to evaluate the need for the bridge because the drainage areas and the dams don't really make it readily apparent that you need a bridge down there for several of those.

President Jerrel: So we did grant emergency approval for the bridge and you really want us to change that now to a 78 inch culvert?

John Stoll: To a culvert, but as far as the exact size that is not one hundred percent certain as of yet.

Commissioner Mourdock: I don't know that we need to change anything though because a bridge and a culvert--

President Jerrel: Okay, similar.

Commissioner Mourdock: --are considered the same.

John Stoll: Same under the state laws, yeah.

Joe Harrison, Jr.: It's got to be bid out anyway.

Commissioner Mourdock: Right. But one question, I got Tim last week in your absence to bet his job that it wouldn't take six months and possibly as low as four months to get it fixed. With it being a culvert can we move from four months to something even less?

John Stoll: I'd say so. As far as the exact time frames I don't know for sure, but the bidding will take a month and I wouldn't think it would take more than two or three weeks to get some plans finalized and ready for bid.

Commissioner Mourdock: It's a lot simpler design doing a culvert than it is a bridge?

John Stoll: Right.

President Jerrel: That's good news.

Commissioner Mourdock: Yes, it is.

John Stoll: We had taken some cost estimates for demolition on the bridge, but given that the culvert is probably more appropriate we'll probably end up doing the demolition and the culvert installation all in one contract so we won't have to pay for mobilization with two contractors.

President Jerrel: That's good.

John Stoll: So we might save a few dollars that way as well.

Commissioner Mourdock: Good news.

John Stoll: That's all I have.

President Jerrel: All you have? Okay, well thank you very much.

John Stoll: Thanks.

### **Milton Hayden - County Garage**

President Jerrel: County Garage. We have your report. Do you want to make a motion regarding that?

Commissioner Mourdock: I'm sorry, I was figuring notes there. I will move acceptance of the Vanderburgh County Highway Department report dated for Friday March 27th through April 2, 1998.

President Jerrel: And we also have approved previously the repair and replacement of certain parts of the fence that needs work at the garage and Mr. Hayden has been working with them, but we do need a motion.

Commissioner Mourdock: Yes, I'll move...I know we got several prices back in. One of them considerably higher than the other, so I would move approval of the signing of a purchase order with Dossett & Sons for the repair of the security fencing at the County Garage.

President Jerrel: I'll second and say so ordered. Is there anything else?

Milton Hayden: There is nothing else.

President Jerrel: Okay, thank you.

### **Superintendent of County Buildings**

President Jerrel: County Attorney, are you ready yet? Do you want us to move...okay, Superintendent of Buildings. You might just bring everybody up-to-date on where you are on your properties.

Tony Greubel: Okay. We received bids on about 75 different properties. We've had a strong demand from bidders over the past week wanting to know how they stand. Tomorrow morning at 10:00 a.m. we'll accept final bids for the county surplus properties. There is probably about 10 to 15 that have multiple bids on them, so we'll get all this settled out tomorrow morning.

President Jerrel: Is that in this room or in there?

Tony Greubel: It will be in here. I've reserved this room at that time.

President Jerrel: You're not ready yet, are you?

Joe Harrison, Jr.: No.

### **Burdette Park**

President Jerrel: Okay, we'll move on. Burdette Park has been here and is there a motion?

Commissioner Mourdock: Yes, regarding Burdette Park, obviously a personnel matter there and have some paperwork that is not yet fully ready to come through the meeting this evening, but in order to provide the timely service of a new employee out there I would move that we direct the Superintendent of the park, Mr. Steve Craig, to issue a letter of intended employment to the gentleman that we've interviewed and to upon acceptance of an offer for us to be prepared next week to go ahead and sign off on the pink slip. This would allow the gentleman to give his required notice so that he would be available for us sooner rather than later. In other words, we don't have to wait yet another week for him to be in place. That was a motion to direct Mr. Craig to issue the job offer.

President Jerrel: Okay, and I'll second and say so ordered.

**Soil & Water Conservation District**

President Jerrel: Going now to the consent items, is there a motion regarding--

Commissioner Mourdock: We also have to include in the reports the Soil and Water Conservation District biweekly report which is in our packets.

President Jerrel: Right.

Commissioner Mourdock: So I would move acceptance of that.

President Jerrel: I'll second and say so ordered.

**Consent items**

Commissioner Mourdock: And then--

Tony Greubel: Can I make one amendment to that? The County Assessor wants to withdraw her travel request. She is not going out of town.

President Jerrel: Oh, okay.

Commissioner Mourdock: On the consent items? With that one exception I would move approval of the consent items in our packets which includes a number of employment changes, employment status changes, travel requests from the Health Department, Perry Township Assessor, Pigeon Township Assessor and also the County Auditor is submitting the monthly financial, cash and expenditure reports.

President Jerrel: Okay, and I'll second and say so ordered.

**Old business**

President Jerrel: Is there any old business to come before the Board? We have the letter of recommendation in our packet for Mr. Lockard. We haven't signed--

Commissioner Mourdock: I did see that.

President Jerrel: Here it is.

Commissioner Mourdock: I would move approval of the signing of the April 1, 1998 letter to Governor Frank O'Bannon which would request that Mr. Michael Lockard be appointed to the Indiana State Emergency Medical Services Commission.

President Jerrel: I'll second and say so ordered. This is just a recommendation. It doesn't necessarily mean that the Governor will do this.

Commissioner Mourdock: Right.

President Jerrel: Any other old business?

Commissioner Mourdock: Yes, one other item of old business. It concerns Azteca.

We've continued...and I forgot to mention last week that we have received from their counsel continuing status reports as we requested each week. The graph which is a little hard to read from here, but in the upper right-hand corner of the bulletin board they made the commitment to us to deal with the BIO ENERGIZER, some lagoon covers and also with a gas burner system to help reduce the odor problem in the Darmstadt area. At this point they have followed pretty well to the letter of what they have projected by way of dates to deal with the problem. The one area that they are a little bit behind on is the gas burner. However, they are actually slightly ahead of schedule with the cover and BIO ENERGIZER, so I think they are making good progress. The real telling of the story will be when it gets a little warmer and perhaps a little more humid and they start irrigating. We'll see what happens then, but at least by way of status report they seem to be doing what they said they would do.

President Jerrel: Okay, and is there anything else under old business?

Commissioner Mourdock: Just one issue regarding county personnel policy. The County Attorney, I know, is going to be talking with the judges regarding the use of county personnel policy and how it applies to their employees, so I would just move that we direct the County Attorney to continue those conversations.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: That's the last bit of old business.

### **New business**

President Jerrel: Any new business?

Commissioner Mourdock: I don't know that I have any new business.

President Jerrel: Do you have any new business?

Tony Greubel: I can bring up an old business item again.

President Jerrel: Okay.

Tony Greubel: On April 20th the Airport Advisory Team will meet at Evansville Regional Airport and we'll produce a first quarter progress report on the advisory actions that we did last year. On Friday I had a subcommittee meeting with Nelson Bailes, who is the Public Relations Officer at the airport; with attorney Ted Barron at Kahn, Dees, Donovan & Kahn, just a lay member of the Advisory Team; and with Dr. Dick Wham of Henderson, Kentucky and we were discussing additional jet service to Evansville Regional Airport and fixed base operator services and the conclusions we came up with were to try to get American Eagle to expand regional jet service to Evansville before the first quarter of next year, so we're going to write up a letter to the management of American Eagle and ask if they'll consider employing one of their new jets on the Chicago to Evansville route. Particularly this is interesting because American is expanding their operations to Japan quite heavily from Chicago starting in May and they are also going to have co-sharing agreements with Japan Airlines which has a lot of flights to Chicago, so we think they might want to take advantage of all the...with Toyota and A.K. Steel, with all the Japanese executives coming here we think that would give them a good competitive advantage to get constant jet service from Evansville to Tokyo.

Commissioner Mourdock: Just by way of suggestion and given the latter part of your comment there which I think is appropriate, the formal name of the airport is the Evansville Regional Airport and perhaps that Board or through this Board ought to send a few letters to the adjoining County Commissioners. Maybe they would pass resolutions in support of what they're doing and we could forward that off to American.

President Jerrel: That would be a good idea.

Tony Greubel: That's a good idea.

President Jerrel: A real good idea.

Commissioner Mourdock: One of those things where numbers may count.

President Jerrel: Thank you.

Tony Greubel: You're welcome.

President Jerrel: I have one item. Commissioner Mourdock requested that the Visitors & Convention Bureau put in writing what they would agree to do and they have put it in writing and I'm going to read it into the record:

- “1. Produce in cooperation with the Vanderburgh County Commission a promotional piece for The Centre to use in sales efforts. This piece will cost approximately \$21,000 for 5,000 brochures of which the County Commission will assist in 50% of the cost.
2. The Evansville CVB will market The Centre to local, state, regional and national organizations.
3. The Evansville CVB will use the 1994-1996 Vanderburgh County Auditorium and Convention Center calendars to contact past users about using The Centre for future events.
4. The CVB will answer the Vanderburgh Auditorium and Convention Center's 435-5770 phone line.
5. The CVB, in partnership with the County Commission, will hold a news conference (which we did last Wednesday) regarding this partnership.
6. The County Commission will empower the CVB to negotiate The Centre's rates with organizations based on the event's economic impact to the community. Date availability will also be determined based on economic impact with allowance of 18 months prior to the event for local organizations before a contract may be signed.
7. The County Commission will pay for the purchase of reservation books to be used in recording events for The Centre. The approximate cost will be \$700. These books will become property of The Centre at the end of this agreement.
8. The Evansville CVB will serve in this position as interim marketer

until June 1, 1999 with the understanding that a professional company or individual will be selected as manager of The Centre. The company or individual will honor all written agreements made prior to June 1, 1999 by the Evansville CVB on behalf of The Centre. The management company or individual has the option of assuming the cost to continue using the promotional piece developed by the CVB."

In closing:

"For the confidence the County Commission has placed with the Evansville Convention & Visitors Bureau we will in turn provide the industry knowledge and professional staff needed to fulfill this obligation. We thank you again for this opportunity and look forward to a wonderful relationship with the Vanderburgh County Commissioners and the future Evansville Auditorium and Convention Centre staff.

Sincerely,

Dolli Kight  
Executive Director"

Commissioner Mourdock: Very good.

President Jerrel: I think we need a motion to approve this.

Commissioner Mourdock: I will certainly make a motion to approve.

President Jerrel: I will second and say so ordered.

Commissioner Mourdock: I'm glad to see they bellied up to the bar that way. There is a lot of work there.

**Bid recap - APA034-98, APA035-98, VC9805**

President Jerrel: How are we doing?

Joe Harrison, Jr.: Yeah, I think we can move forward. Why don't we start at the beginning on these? The first bids that came in related to T-shirts and hats at Burdette Park and that's VC9805. There were two bids that were submitted:

1. Ron Wire  
\$6,325.80
2. Southwest Grafix & Apparel, Inc. of Evansville  
\$6,225.76 + \$311.25 for performance bond for total cost of:  
\$6,537.01

I would ask that you take those two under advisement.

Commissioner Mourdock: So moved.

President Jerrel: Second and so ordered.

Joe Harrison, Jr.: The next bids related to soft drink concessions at Burdette Park. I

believe it is VC034-98. There were...APA034-98. There were two bids submitted. The first bid was from Bluegrass Coca Cola Bottling Company. The bid amount...they bid on a case by case type basis and I would ask that their bid and the second bid, Pepsi Cola General Bottlers, Inc. that was bid in the same fashion, that both those bids be taken under advisement so when the totals are added up we'll be able to figure out who might be low on what particular type of item that was bid, but they didn't really submit a total cost. They bid on an "as case" or "as product" basis.

Commissioner Mourdock: I'll move the soft drink bids be taken under advisement.  
President Jerrel: I'll second and say so ordered.

Joe Harrison, Jr.: The next batch of bids is similar. It's APA035-98. It's food and beverage concessions for Burdette Park. As with the drink bids some of the bidders bid on certain items at a specific amount and some bid on other items at a specific amount. It's kind of a hodgepodge of responses by each of the bidders. What I'll do is read all of those who submitted bids and ask that each be taken under advisement to see how they conform with the request as the responses dictate. The first bid came in from Earthgrains Company of Owensboro. That's one word, E-a-r-t-h-g-r-a-i-n-s Company of Owensboro. The second bid response came in from Fischer Candy Company, Inc. of Evansville. The third from Allied Fun Food Supply of Evansville. The fourth from Diamond Foods, Inc. of Evansville. The fifth from Slush Puppie of Indiana...I'm...yeah, Slush Puppie of Indiana and they're from Indianapolis. The next bid, the sixth bid, came in from Landshire Foods of Owensboro, Kentucky. The seventh bid from A & D Distributors, Inc. of Evansville, Indiana. On Slush Puppie, the fifth bid, they did submit an amount of the total cost of their bid. That amount, even though they did break it out into a number of components that total bid amount was \$2,598.75. The next bid, the eighth bid, is from Schwans Sales Enterprises, 4920 North Spring Street here in Evansville, Indiana. As with the others they bid on several different items, but they did have a total cost which they included of \$2,279.00, so that is the eighth bid and I've got two more. Apparently there were a total of ten. The ninth bid is from Chip N' Johns, 1400 Oak Hill Road here in Evansville and like with the others they submitted several responses to certain items. Let me see if they had a total amount. No, they did not put a total amount either, so, again, that is the ninth bid, Chip N' Johns. The tenth bid is from Ideal American Dairy, 700 East Missouri here in Evansville. They did not submit at total cost amount either and bid on several different ice cream related products. Again, that was Ideal American of Evansville, Indiana. I would ask that you take these ten bids under advisement.

Commissioner Mourdock: So moved.

President Jerrel: And I'll second and say so ordered. For Charlene Timmons' benefit we have a packet on storage issues that we're going to defer until such time as we can get down to the basement and clean and see what is there, so I am going to include it in the packet so that we know that you're aware of it. Is there any other business to come before the Board?

Commissioner Mourdock: Just a question. We need to get a copy of that to Commissioner Tuley as well.

President Jerrel: Right, yeah.

Commissioner Mourdock: I have nothing else. I will move adjournment.

President Jerrel: I'll second and say so ordered.

The meeting was adjourned at 6:15 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
John Stoll  
Milton Hayden  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

**Vanderburgh County  
Board of Commissioners Meeting  
April 13, 1998**

The Vanderburgh County Board of Commissioners met in session this 13th day of April at 5:40 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Betty Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: At this time I would like to call the meeting to order and introduce you to the people at this front area. Tony Greubel on the far right is our Administrative Assistant; next to him is Joe Harrison, Jr., County Attorney; Commissioner Pat Tuley is to my right; far left, Charlene Timmons, the Recording Secretary; next to her Suzanne Crouch, the County Auditor; and to my left is Commissioner Richard Mourdock; and I'm Commissioner Betty Lou Jerrel and I would like for you to join me in the Pledge of Allegiance.

**Correction of minutes - March 30, 1998 Commission meeting**

President Jerrel: The first item on the agenda is the approval of the minutes. I do know we have a correction, so before we make a motion to approve let's just get the correction on the table.

Joe Harrison, Jr.: Well, the correction that I wanted to make reference to, Commissioner Jerrel, relates to the minutes from the March 30th meeting on page eight. From the March 30th meeting, page eight, and it had to do with the appointment of attorney to the Economic Development Commission. In the third paragraph where I made a statement, the last sentence should be, "they are private funds" instead of "they are city funds" if there could be a motion to that effect. I'm not too sure--

Commissioner Mourdock: I'll move that the March 30th minutes be corrected as recommended by the County Attorney.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Joe Harrison, Jr.: Thank you.

**Approval of minutes**

President Jerrel: The next item would be the April 6th minutes.

Commissioner Mourdock: I'll move approval of the April 6th minutes as submitted.

Commissioner Tuley: I wasn't here.

President Jerrel: Oh, I'll second and say so ordered.

**Open bids - VC98-04-02, Repair and repaving of secondary roads**

President Jerrel: The next item on the agenda is open bids, repair and repaving of

secondary county roads. Is there a motion for him to proceed?

Commissioner Mourdock: I'll move that we open those bids.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Advertising of bid - VC9802-4, Old Courthouse air conditioning**

President Jerrel: The next is the authorization advertising of bids for VC9802-4 and is there a motion to authorize that?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Award bids - APA014-98, Traffic paint**

President Jerrel: The next is to award APA014-98, traffic paint.

Commissioner Mourdock: I will move that we authorize the advertisement of that bid.

President Jerrel: I think this one is...unless I'm wrong. Doesn't it say it's awarding it?

Joe Harrison, Jr.: Yeah.

Commissioner Tuley: It does.

Commissioner Mourdock: Time out. I have a draft agenda and I have the other one. Which one are you working from?

Commissioner Tuley: I'm reading from this.

President Jerrel: From her interoffice memo.

Commissioner Mourdock: Ah.

President Jerrel: Here, do you want to take that?

Commissioner Mourdock: Yeah, I do. I haven't seen this.

President Jerrel: And here are the...here is the paint.

Commissioner Mourdock: Okay, okay. Alright, I'm with you.

President Jerrel: And the next one is what the bids are.

Commissioner Mourdock: So you need the motion for approving the award of bid number APA014-98 for traffic paint as follows?

Commissioner Tuley: Right.

President Jerrel: Right, and those.

Commissioner Mourdock: To Centerline Industries, Cataphote, Inc., Flex-O-Lite, Inc.  
President Jerrel: That's the low bidder?

Commissioner Mourdock: Yeah.

Joe Harrison, Jr.: You might want to refer...I don't know if you have that Richard. Do you have the--

Commissioner Tuley: Breakdown?

Joe Harrison, Jr.: --amount and for what actual purpose? It's on the front here of this.

Commissioner Mourdock: Yeah, I just read that.

Joe Harrison, Jr.: For paint.

Commissioner Mourdock: For Centerline Industries it's \$31,011.75 for paint; for Cataphote, Inc. it's \$6,870.00 for white thermoplastic; and Flex-O-Lite, Inc. in the sum of \$3,840.00 for glass spheres.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Welfare to Work Planning Council request to transfer funds**

President Jerrel: The next item is...we have with us some representatives from the Welfare to Work Planning Council and, Commissioner Mourdock, I'm going to let you introduce or perhaps you can tell us who is going to be the presenters.

Commissioner Mourdock: Okay. I'm not sure who will be the presenter, but I see Tim Suenram standing. Tim is serving as the Chairman of the Welfare to Work Council and Phil Lieberman of Lieberman & Associates is back there as is Phyllis Donahue with the Welfare to Work Council, so, Tim.

Tim Suenram: We have a request from the Welfare to Work Planning Council to transfer \$100,000 from child care to safety net. I believe you have in front of you an explanation of the reasoning behind that. There is already a great deal of funds in the...available for child care from other sources, so the consensus of the committee was that those funds could better be used in the safety net. We still...it's not directly related to this request, we're still working on the educational aspect of it trying to open that up a little bit and expect Wednesday evening to more clearly define for the Gatekeeper some parameters for perhaps letting other people have access to the education and training. Mr. Lieberman is here from Lieberman & Associates who, of course, has the Gatekeeper contract and if there are any questions I'm sure he'll be able to answer them if I can't.

President Jerrel: How did you arrive at that amount?

Tim Suenram: Really it was on the recommendation of the Gatekeeper and the history

of what they've already spent. It seemed to be a good sum of money for...that would enable us to serve 82 other families for safety net and the same time not depleting child care to any too great of an extent.

Commissioner Mourdock: Okay, one of the initial concerns I had, what we had in our packet is the one line item that says:

“Request permission to transfer from funds from job training to safety net services.”

Tony Greubel: Yeah, that's my mistake, Commissioner Mourdock.

Commissioner Mourdock: Okay, we'll--

Tim Suenram: That would concern me too.

Commissioner Mourdock: Yeah, okay. Now I understand it substantially better because much of the child care that we've been working with you've been shifting people over into the other state program and thus not expending those funds.

Tim Suenram: Right.

Commissioner Mourdock: Okay, I feel much better about that part. The second question, and somewhat unrelated, is this being April we are certainly ready for the next quarterly report. Are you close to having that for us for January, February and March so that we know the total project, total effort, where those funds are going, how many folks are involved, etc?

Philip Lieberman: The last meeting in April we're planning (inaudible comments made away from mike).

Commissioner Mourdock: Okay, are they on the schedule, Tony? Or if you will see that they're on the schedule for the last meeting in April.

Tony Greubel: Yes.

Commissioner Mourdock: Okay.

President Jerrel: Okay, what is the Board's pleasure?

Commissioner Mourdock: Now knowing what this is about, I have no problem with this. I had a whole big problem if you were asking us to go from job training to the other one, so I'll move that we go ahead and work with them to move \$100,000 from the child care account to the safety net account so that we can provide more services.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Commissioner Mourdock: We'll look forward to seeing you at the end of the month, too.

Philip Lieberman: Phil Lieberman, Gatekeeper. Part of the discussion we had last time we made a presentation of where the project was is that we should engage in some kind

of marketing effort which we have and a number of processes are under way. The buses have billboards in them. We did a radio spot. We have a hundred and some advertising spots on two radio stations over the next three or four weeks. We held an open house and today Tony has these for you. After the meeting he can give them to you. This is our poster that we are going to be putting out.

President Jerrel: Oh, that's good.

Philip Lieberman: We have 500 of these. We'll put them out in laundromats, grocery stores, all the city/county buildings, social service agencies, with tear off stubs at the bottom so that people will know where to call for our services. Our services are in the same...we're not only the Gatekeeper, we're also the CCDF voucher agent so when people come in for child care under this program or other kind of services we can direct them to child care under the other program so they can receive a wide range of services from both the county and the state.

Commissioner Mourdock: Yeah, I think we've been very effective in getting more bang for our buck with the consolidation effort that is there and using the other state programs especially with child care.

Philip Lieberman: So we'll report on the total process in a couple of weeks.

Commissioner Mourdock: Okay, thank you.

Philip Lieberman: Thank you.

Commissioner Mourdock: These look very good.

Commissioner Tuley: Yeah, they do.

### **Crawford Consulting Integrated Court System contracts**

President Jerrel: Okay, the next item on our agenda, Bill Cottun. This concerns the court package.

Bill Cottun: We brought before you a contract that has been negotiated over about the last three or four months with Crawford Consulting. This package is to provide a completely integrated court package. The cost of the package is \$1,501,511.70. That includes all hardware, software, the CourtView 2000 application, training, support and maintenance for the entire package. The contract has a clause in it which for the support of the product which has a cap...or I should say the escalator in this contract will be equal to the CPI, annual CPI. The vendor had originally had a clause in the contract which would be the CPI or five percent whichever was greater. During our negotiations Commissioner Jerrel took a position that it was not in the best interest of the county and after Joe Harrison dealing with the Crawford people they agreed to drop that particular five percent escalator. That probably saved this contract about \$200,000 over the life of the contract. Marsha Abell, Judge Knight, Joe Harrison and I dealt on this for several months now. We feel like we have brought a very usable package, a very timely package. It does specifically address the year 2000 problem that is not addressed in our current court application. We are looking for a completion date on this of the end of September of 1999.

President Jerrel: We can all go celebrate at the auditorium!

Bill Cottun: Without trying to go over everything in the contract do you have any questions? Anything I can answer for you?

President Jerrel: I think it's appropriate. I would like to say this because Joe and Bill and Doug Knight and Marsha Abell along with the people from Crawford put a lot of time in it and it was very intensive for about three days there. Joe was getting it typed in the morning, last Wednesday morning, before an 8:15 meeting and they had finished about 9:00 the night before, so I think it's a good contract and I really appreciate all the work that those of you that were responsible did and I will entertain a motion.

Commissioner Mourdock: I have a question before the motion.

President Jerrel: Uh-huh.

Commissioner Mourdock: Have any of the other city agencies--

President Jerrel: They don't belong in there.

Bill Cottun: There will be no city agencies involved in this.

Joe Harrison, Jr.: That page was put in there, I think, accidentally.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: That should have been removed by Bill.

Bill Cottun: The signature page?

Commissioner Mourdock: Right.

Bill Cottun: We put that on the back of city and county contracts and that was inadvertently put on the back of this one. That has been then removed or should have been removed.

Commissioner Mourdock: That's why I wondered.

Joe Harrison, Jr.: There is a signature page on each one wherever the original is that is marked and it's prior to the attachments.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: Also, there is four actual agreements, although three are only for consideration by the county. The first is just the hardware and software contract. The second one is the software support agreement which deals with the support of the CourtView 2000 package that we are receiving and the third agreement is the license agreement for that CourtView 2000 package. So those are essentially the three documents for consideration. The fourth one is not for execution by the county. That's between Crawford and their escrow.

Bill Cottun: Source code escrow agent.

Commissioner Mourdock: With the correction then as noted with the removal of that erroneous signature page, I would move approval of the contract for Integrated Court

System with Vanderburgh County, Indiana submitted by Crawford Consulting, Inc. The software support agreement for Integrated Court System with Vanderburgh County, Indiana submitted by Crawford Consulting and also the software license agreement for Integrated Court System Vanderburgh County submitted by Crawford Consulting, Inc.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you very much.

Bill Cottun: Thank you very much.

**Awarding of surplus properties**

President Jerrel: Okay, moving right along. We are now going to begin the awarding of the bids concerning certain surplus properties.

Tony Greubel: With your permission I can read them into the record.

President Jerrel: Okay, go right ahead.

Tony Greubel:

<b>Property address</b>	<b>Successful bidder</b>	<b>Successful bid amount</b>
2044 Kathleen Ave.	John Lloyd	\$500.00
1442 E. Division St.	Michael Day	\$3,077.00
3800 Kathleen Ave.	Chloe Thomas	\$2,000.00
1819 S. Kerth Ave.	John Lloyd	\$450.00
2000 S. New York Ave.	Ken Jones	\$100.00
2210 VanBibber Ave.	John Lloyd	\$650.00
East Diamond Ave.	David Meeks	\$90.00
900 Block of South Craig	Stephen Myers	\$1,000.00
922 S. Craig Ave.	Stephen Myers	\$5,000.00
215 Cherry St.	William Fosse	\$250.00
1109 Chestnut	Clarence Tobin, II	\$248.00
266 E. Mulberry	CAPE	\$200.00
665 Line St.	CHOICE	\$225.00

Property address	Successful bidder	Successful bid amount
786 S.E. 8th St.	HABITAT	\$297.50
830 S.E. 8th St.	CHOICE	\$225.00
802 S. Elliott St.	HABITAT	\$275.00
906 S. Elliott St.	Jesse Baker, Sr.	\$300.00
2 E. Blackford	Fetter Properties	\$225.00
10 E. Blackford	Fetter Properties	\$225.00
41 E. Blackford	CHOICE	\$250.00
25 Washington Ave.	Greentree Apts.	\$375.00
96-98 Adams Ave.	River's Bend Playhouse	\$100.00
120 Adams Ave.	HABITAT	\$320.00
206 Adams Ave.	Alois Bushrod	\$301.00
403 Jefferson Ave.	Rhonda Carroll	\$1,100.00
1212 Judson Ave.	CHOICE	\$270.00
1419 S. Governor	CHOICE	\$247.50
1502 Culver Ave.	CHOICE	\$320.00
318 Cass Ave.	Anthony Robinson	\$250.00
1720 Culver Ave.	William Rodgers	\$225.00
1702-1704 S. Garvin St.	HABITAT	\$410.00
606 E. Blackford	HABITAT	\$247.50
819 Jefferson Ave.	CHOICE	\$470.00
310 N. Sherman	Jerry Dielkes	\$600.00
615 E. Franklin St.	Jerome Merritt, Jr.	\$300.00
408 S. Evans Ave.	CHOICE	\$337.50
815 E. Walnut	CHOICE	\$210.00
817 E. Walnut	CHOICE	\$210.00
1232-1234 E. Indiana St.	Charles Riggs	\$1,275.00
34 W. Delaware	CHOICE	\$225.00
506 E. Iowa St.	Jereko Cook	\$510.00
400 E. Franklin St.	LAE Corp.	\$350.00
21 W. Franklin St.	Mike Wilson & Co.	\$350.00
24 E. Franklin St.	Robert O'Brian	\$400.00
609 E. Maryland St.	Samuel Eapmon	\$225.00
614 E. Columbia St.	Donna Kemp	\$225.00

Property address	Successful bidder	Successful bid amount
639 E. Missouri St.	M & B Masterson	\$600.00
626 E. Missouri	Tanya Morris-Gray	\$500.00
23 Harriet St.	C. Brockelman	\$250.00
112 W. Illinois St.	A. Johann & Sons	\$180.00
211 W. Franklin St.	Ronald Martin	\$276.00
1211 Baker Ave.	Donald Hartig	\$295.00
117-119 W. Maryland	CHOICE	\$600.00
1109-1111 Mary St.	Geraldine Boyd	\$225.00
1314-1312 Harriet St.	CHOICE	\$450.00
818 Oakley St.	Scott Wilson	\$225.00
810 N. 4th Ave.	Tony Barthel	\$251.00
1021 N. 4th Ave.	Betty Gammon	\$226.00
1017 N. 4th Ave.	CHOICE	\$180.00
1013 N. 4th Ave.	CHOICE	\$315.00
1013 N. 5th Ave.	CHOICE	\$225.00
1015-1017 Park St.	Tommy Townsend	\$105.00
1126 Spruce St.	Delores Helm	\$185.00
1501 Florence St.	CHOICE	\$180.00
1503 Florence St.	CHOICE	\$225.00
1508 Uhlhorn	CHOICE	\$400.00
1612 Keller St.	Robert Pointer	\$250.00
1420 Cody St.	CHOICE	\$225.00
1418 Cody St.	CHOICE	\$225.00
1020 W. Virginia St.	CHOICE	\$225.00
1305-1307 W. Delaware	Stephen Myers	\$500.00
2828 Egmont	Jamie Frey	\$115.00
2619 Mary St.	Rebecca Galey	\$30.00
2619 Mary St.	Rebecca Galey	\$30.00
2615 Mary St.	Rebecca Galey	\$30.00
2504 Harriet St.	Gary Krowl	\$30.00
2506 Harriet St.	Gary Krowl	\$30.00
2508 Harriet St.	Gary Krowl	\$30.00

Property address	Successful bidder	Successful bid amount
Harriet 700 x 200 Bell Sub Section	Gary Krowl	\$30.00

That's a total of \$33,000.84 in bids. I stand corrected. It's \$33,084.00.

President Jerrel: Okay. The individuals that have been identified, if there is anyone in the audience that would like to speak to any of these or has any questions about any of them would they like to come to the microphone now? Okay, hearing none is there a motion?

Commissioner Mourdock: I'll move the awarding of bids as read into the record concerning certain surplus properties.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. Again, thank you, Tony, and Joe, and Donna and Charlene if she had anything to do with it.

### YMCA agreement

President Jerrel: Moving on, we're ready now for the YMCA approval. This was approved officially last week, but this is how it comes out in terms of who pays what, so is there a motion to approve this?

Commissioner Mourdock: I'll move approval as submitted.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

### Vacation of easement - Lot 7, Westchester Place

President Jerrel: Tonight is a public hearing regarding the vacation of Lot 7, Westchester Place. If you'll recall we had this the other day. Mr. Morley is here. Do you need to speak to us about this? The first one is 1301 Mesker Park Drive, the Durachta Investments, Inc. Is there a motion?

Joe Harrison, Jr.: The property is apparently...I think that's the--

President Jerrel: That's the company, yes.

Joe Harrison, Jr.: --requestor's address. The property is at 5320 Nunning Court here in Vanderburgh County.

President Jerrel: We have a plat describing it.

Joe Harrison, Jr.: Yes.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move the vacation of the lot.

President Jerrel: Of Lot 7?

Joe Harrison, Jr.: At 5320 Nunning Court.

Commissioner Tuley: I assume no one was here to talk about this one way or the other since--

President Jerrel: Are you going to--

Commissioner Tuley: Yeah, I'll second.

President Jerrel: Okay, and is there anyone here that wishes to speak to the vacation of Lot 7 in this Westchester Place? Hearing none, I'll say so ordered.

Joe Harrison, Jr.: You might want to go ahead and vote on that. It's technically an ordinance.

President Jerrel: Alright, Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: I vote yes.

<b>Vacation of easement - Lot 8, Westchester Place</b>
--

President Jerrel: The next is a public hearing for the vacation of Lot 8, Westchester Place. Same location.

Joe Harrison, Jr.: That address is 5330 Nunning Court.

President Jerrel: Okay.

Commissioner Mourdock: I'll move the vacation of 5330...what Court?

President Jerrel: Westchester.

Commissioner Tuley: Nunning.

Joe Harrison, Jr.: No, it's Nunning Court.

Commissioner Mourdock: Nunning Court.

President Jerrel: Westchester Place.

Commissioner Tuley: Second.

President Jerrel: Okay, and is there anyone that wishes to speak to the vacation of Lot

8? Hearing none, I'll say so ordered and call for the vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: I'll vote yes.

**Any group or individual wishing to address the Commission**

President Jerrel: At this time is there any group or individual that would like to address the Board on any business?

**John Stoll - County Engineer**

President Jerrel: Hearing none, our County Engineer is next.

John Stoll: First I've got the railroad construction agreements for the Cross Pointe and Morgan intersection project. These agreements have been back and forth between the county and the railroad numerous times and I think this is finally in a format that is acceptable to both. I guess once we get the Commissioners' signatures submitted to the railroad we'll find out because these have not been signed by the railroad as of yet. The last change that we made there was some provisions dropped on the basis of Joe's review. He saw that there was some provisions in there that put the county on the hook for any kind of long-term maintenance and repairs associated with vandalism and some other provisions and those have all been deleted, but in hopes that the railroad will approve these it is requested--

President Jerrel: Okay, so you would like to take them with you tonight or Charlene can--

John Stoll: Yes, I would like to get them out in the mail tomorrow, so as soon as--

Commissioner Mourdock: I'll move approval of the railroad construction agreements for the Cross Pointe railroad.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. It might be...if we can sign them and Charlene make a copy so then you can just take them with you.

John Stoll: They need Suzanne's signature as well.

President Jerrel: Okay. Are you ready to go on?

John Stoll: Yeah, the next item I've got is a Notice to Bidders for the Old Henderson Road bridge removal and culvert installation. This is the culvert installation that will replace the bridge that has been closed due to the deterioration that was identified by Beam, Longest & Neff and it is recommended that the Notice to Bidders be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Were you the one that told me or somebody else called me and...no, someone else called me and told me that somebody moved the sign and went over the bridge.

Commissioner Tuley: Already?

President Jerrel: Yep.

John Stoll: Yeah, and the County Highway crews were out putting the barricades back this morning so hopefully that is taken care of again for a while. The next item I've got is a request to go before County Council to appropriate \$35,000 for the Oak Hill Road Bridge rehab project. The west half of the bridge is in worse shape than we anticipated and additional patching is required before the deck can be overlaid, so we need the extra funds to cover partial and full deck patching of that side of the deck.

President Jerrel: It's \$35,000?

John Stoll: Yes.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move the approval of Council Call for \$35,000 for the Oak Hill Road Bridge project.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got street plans for Spring Park Subdivision, Section 1. This is the subdivision that is out off of Booker Road. It's on the...I can't remember the name of the gun club, but it was on the Kokies, I believe, is that correct, Pat?

Commissioner Tuley: Oh, there by me?

John Stoll: Yeah.

Commissioner Tuley: It's the old...I think it's the Kokies' place.

John Stoll: This is the street plans for that subdivision.

Commissioner Mourdock: Is that the area where they had the possible lead contamination?

Commissioner Tuley: Lead? Yeah, that's it.

President Jerrel: All those lead shots.

Commissioner Mourdock: Yeah.

John Stoll: These streets will be asphalt street with curb and gutter. We've reviewed the plans and it is recommended that the street plans be approved.

President Jerrel: Do we all need to sign? Just the top sheet?

Commissioner Tuley: The mylar.

Commissioner Mourdock: I'll move approval of the asphalt street plans for Spring Park Subdivision.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: Is that the name of the street or are these unnamed?

John Stoll: Pardon? They're unnamed. The next set of street plans I've got is for Waterford Park. It's a replat of Lot 4B. This is off of Vogel Road just west of Burkhardt Road. This will be a concrete street, curb and gutter. It will...it's going to serve a four lot commercial subdivision and it's recommended that these street plans be approved as well.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is in regard to the Heckel Road Bridge. That bridge is closed right now due to some holes that are in the deck. We've got Beam, Longest & Neff coming down. They've inspected the bridge today, but we didn't get an inspection report back from them as of yet. We're waiting on their inspection report to see whether or not the bridge can be reopened. As old as it is it has been in poor shape for quite some time and the county crews, the County Highway crews, don't need to spend any time or money patching the deck if Beam, Longest & Neff ultimately will be recommending that the bridge be closed anyway, so once we get the inspection report back on that bridge I'll get in touch with you and let you know what they have to say.

President Jerrel: That reminds me, John and I talked today about various projects and he said that the design was under way by Tim--

John Stoll: Right.

President Jerrel: --on Heckel Road and I also asked your question, Richard, about Anthony, and Pat has, you know, spoken...about a month ago or was it longer than that?

Commissioner Tuley: With?

President Jerrel: With Mr. Bell.

Commissioner Tuley: Uh, about 12 hours ago.

President Jerrel: Oh, okay. Valerie has been the one, you know, working on that and she is now pretty well into the Henderson Bridge, so--

Commissioner Tuley: I relayed that by message to Mr. Bell this afternoon.

President Jerrel: Okay. Is he still okay?

Commissioner Tuley: Yeah. I mean, I got his answering machine, but I told him this morning that I thought that would be problem but I would get him an answer and I did.

President Jerrel: Okay.

Commissioner Mourdock: So what is exactly the status then? Is Valerie still doing engineering work for Anthony?

John Stoll: Right, once the Old Henderson contract is complete, then she can get back on the Ward Road design although the culverts have been sized. It's mainly just establishing the ditch grades and making sure everything fits together properly. That will probably take place next week. The survey is complete, so that is not a problem any more.

Commissioner Mourdock: Was she working on that pretty well exclusively until the Henderson Road situation came up?

John Stoll: The survey wasn't completed until last week, so basically the survey was done--

President Jerrel: She was out for a long time.

Commissioner Mourdock: Right.

John Stoll: --and then jumped right into the Old Henderson Road thing. Once that is out for bid, then we can get back on and finish that once and for all.

Commissioner Mourdock: And when do you expect Henderson Road to go out to bid?

John Stoll: It will be out for bid as of Friday, so the contract will be completed Friday...by Friday.

Commissioner Mourdock: For each Monday after that, if you would, give us a progress report on Ward.

John Stoll: Sure.

President Jerrel: Okay, is there anything else? Thank you.

### **County Garage**

President Jerrel: You have your report in your packet for the County Garage. Are there any questions or is there a motion to accept it? They're going to begin paving tomorrow, Sensmeier.

Commissioner Tuley: Hopefully the weather will cooperate.

President Jerrel: Yeah. I told Richard PENCO went out and gave them a good review of their inventory control and we have a safety meeting tomorrow morning at 7:00.

We've had virtually zilch in terms of workmen's comp claims since we've started this intensive training, so it must be paying off. They're doing a poison ivy control. They've got anybody that works around it they've already got the preventative that they put on before they go, so that was one of the leading claims.

Commissioner Tuley: I'll move acceptance of the report.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: Next, the County Attorney.

Joe Harrison, Jr.: I got the bid summary for VC9804-02. It's repair and repaving of various secondary roads within the county. There were two bids submitted. The first is from E & B Paving of Evansville. There were eight roads that they were asked to submit bids on and then the total contract price for all eight roads and what I'll do is go through each road bid proposal and then the total contract amount.

<b>E &amp; B Paving of Evansville</b>	<b>Street Name</b>	<b>J.H. Rudolph &amp; Co. Inc., of Evansville</b>
\$38,219.05	Cross Pointe Boulevard	\$35,187.45
\$42,982.90	St. Joe Avenue	\$37,720.00
\$63,250.40	Lexington Drive	\$55,425.50
\$10,133.80	Olivia Drive	\$9,694.60
\$41,584.90	Kirchoff Boulevard	\$36,151.00
\$8,282.60	Elmhurst/Rode Road	\$8,563.20
\$29,649.55	Twickingham Drive	\$27,348.00
\$10,541.95	Wimberg Drive	\$10,708.50
\$244,645.15	<b>Totals</b>	\$220,798.25

I would ask that you take these two bids under advisement.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Do you have anything else?

Joe Harrison, Jr.: That's all.

President Jerrel: Okay, thank you.

Commissioner Mourdock: Excuse me, one question on that. When we take those under advisement, Joe, are you simply looking to the Engineer's Office and the Highway

Department to come back and do anything other than do those on a total sum price?

Joe Harrison, Jr.: I am not too sure if they were to be bid out on a total contract price. They were broken down. John may know exactly the answer on that, but the way it looks it looks as if--

John Stoll: Right, it was going to be the overall contract price.

Commissioner Mourdock: Okay, I guess there were only two of the eight where the overall lower bidder was higher anyway, so okay.

John Stoll: The only reason it was broken up into the various roads was because the specifications for the various roads were different.

Commissioner Mourdock: Sure, okay.

### **Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: Roger Lehman, the Building Commissioner, would like to apply for a grant to the Lilly Endowment related to our Showplace Community for hazard reduction. We've wrote up a memo to the Community Foundation Alliance from the County Commissioners and the Mayor for your approval to forward that to Roger so that he can send it for the grant application.

President Jerrel: It's just a memo, but I thought, Charlene, if you want to make a copy of this we would like to let Tony keep it so he can deliver it tomorrow. They need it right away. Is there a motion to approve?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: That's all I have.

### **Steve Craig - Burdette Park**

President Jerrel: Next is Burdette Park, Steve Craig.

Steve Craig: Good evening. All I've got to report is Mr. Hohman has been pink slipped and his starting date will be April 20th which is the start of the next pay period if I'm not mistaken. The progress on the fibreglassing of the pools is coming along according to schedule. They've been working every day they can. I talked to Stacy today, the guy that's the superintendent, and he said they were doing fine. We're just about done interviewing for part-time help and we'll be informing the people that we're going to hire and we have to all sit down and go over almost 200 interviews and applications, but I think we've about got them all filled in. We had a couple that faded out on us that we wanted to hire and they decided not to take the job, but other than that I think it is coming along real well.

President Jerrel: John Stoll got away from here, so I'll call him first thing in the morning.

Steve Craig: Okay.

President Jerrel: What I am talking about is since we didn't use as much money as we had stipulated for infrastructure that he...Steve would really like to paint the office and it is \$4,000 and I need to talk to John and see if that sounds good to him and if it does then we'll bring it back and approve it so that they can get started on that next week.

Steve Craig: Okay.

President Jerrel: Do you have any questions?

Commissioner Tuley: You just feel comfortable that with things going with the employment and everything we'll be ready to go by Memorial Day?

Steve Craig: Yep, we'll be there.

Commissioner Mourdock: Since Steve mentioned it a moment ago and it's normally just one of our consent items, but I think the hiring of the Assistant Manager out there is a pretty noteworthy thing, so obviously we all got to meet with Mr. Hohman briefly and he has a BS degree in Parks and Recreation Administration and a minor in Health and Phys. Ed. and he has been doing nothing but park management for a number of years in...Bowling Green, Kentucky?

Steve Craig: Uh, Murray.

President Jerrel: Murray.

Commissioner Mourdock: Murray, Kentucky, okay, so I think he is very, very much a quality candidate and wish him well, so I would formally move at this point the hiring of Mr. Hohman.

Commissioner Tuley: Second.

President Jerrel: So ordered. You have in your packet the work description for the Burdette employees and some minutes from the March Board meeting from the Advisory Board and some information on other employees that they would like to have in place and that's in our consent items tonight. Anything else you want to tell us?

Steve Craig: One thing that I did want to bring up is that we had encumbered some money from last year when we were paving. We don't...we have one small section of road, but most of it we need to do some patch and seal and some marking of lines and probably a couple of parking lots that have disintegrated and we tried to use the County Garage in the past and if they're in the neighborhood and everything it kind of works and it kind of doesn't. I mean, at the end of the year when they're a little bit short, you know, I always get this feeling that Milton's like, well, if we wouldn't have messed with Burdette for a couple of weeks, you know, we might have got them done. I think, you know, the residential streets probably are more important than what some of the side roads at Burdette are and that. I was wondering if we can like pursue having companies come out and tell us what they would do the lot and how much they would paint them instead of having it done through the County Garage like we've done in the past.

President Jerrel: Well, why don't you get a proposal done, then at least we would know.

Commissioner Mourdock: I'm sure either of the...or I guess there are three asphalt companies in town now. I'm sure any one of them would be glad or all three of them would be glad to come out and give you some sort of proposal realizing it is not necessarily a bid per se, but it's just a proposal.

Steve Craig: I could just get an estimate on it.

Joe Harrison, Jr.: You may have to...depending on how much work you do, depending on the amount, I mean, you may have to bid it out. I don't know how much work you're looking at.

Steve Craig: I would say under \$10,000.

Joe Harrison, Jr.: Okay. Well, you could probably get...you could get three quotes. You ought to call all three of them and have them come out and give you three quotes.

President Jerrel: Well, and then you're talking about the striping too.

Steve Craig: Well, that would be from a different company also. I'm total...the total would be, I think, \$10,000 or something.

Commissioner Mourdock: I'm not sure, but I guess my only concern is that without knowing the specifics of the work maybe just one of those three could come out and give you some sort of proposal estimate and then you know whether or not you're on the safest ground to bid the things.

President Jerrel: Then you know what to ask the other two.

Commissioner Mourdock: Yeah. And if it is some number that is considerably over \$10,000, then you know you need to bid it and if it is some number considerably less, then we can still go ahead and solicit proposals from the others.

President Jerrel: Okay.

Steve Craig: That's it.

President Jerrel: Thank you.

Steve Craig: Thank you.

### **Consent items**

President Jerrel: Under consent items there needs to be a change. On the Election Office you need to remove Rita Ford. She found full-time employment and replace with Mike Abell, so when you make the motion we need to correct that.

Commissioner Mourdock: Are there any other changes? Okay, with the one change so noted I would move approval of the consent items.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Old business**

President Jerrel: Is there any old business to come before the Board?

Commissioner Mourdock: Just we skipped scheduled meetings there, but I guess it kind of falls under both categories. Just a reminder this Wednesday there will be a Welfare to Work Council meeting again which I will again miss because we also have the--

President Jerrel: Jail?

Commissioner Mourdock: --jail meeting that night. Please feel free to attend either or both. If you do both you're doing real well because they're at the same time.

Commissioner Tuley: Same time?

**New business**

President Jerrel: Okay, any new business? Okay, hearing none is there a motion--

Commissioner Mourdock: One question regarding our Ozone Officer. I understand all three of us have spoken with that person.

President Jerrel: Yeah.

Commissioner Mourdock: While I am hesitant to mention that person's name for fear she has not given notice, I guess if it's the consensus of the Board maybe she could at least be contacted and let her know that we're inclined to do something favorable in the near future.

President Jerrel: I think I would because she had a lot of questions and was ready to move, so I would...I think that we ought to.

Commissioner Tuley: I'm comfortable with that. I met with her last week.

Commissioner Mourdock: Alright, well I will talk to her realizing and I will state to her that nothing is official until it's official, but, again, it's never a good situation for someone's employer to read in the paper that they've accepted another position first.

President Jerrel: Right. Okay, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:30 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Tim Suenram  
Philip Lieberman  
Bill Cottun  
John Stoll  
Steve Craig  
Members of the media  
Others unidentified

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
April 20, 1998**

The Vanderburgh County Board of Commissioners met in session this 20th day of April at 5:40 p.m. in the Commissioners' Hearing Room of the Civic Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. To my right I would like to introduce Joe Harrison, Jr., our County Attorney; next to him is Commissioner Pat Tuley; on the far left is Charlene Timmons, our Recording Secretary; next to her is Suzanne Crouch, the County Auditor; and Commissioner Richard Mourdock is to my left; and my name is Bettye Lou Jerrel and I would like for you to join me now in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first item on the agenda for action is the approval of the minutes of the April 13th meeting.

Commissioner Mourdock: I'll move approval of those minutes as submitted.

Commissioner Tuley: I'll second.

President Jerrel: And I'll say so ordered.

**Certification of Executive Session**

President Jerrel: The next item is the certification of the Executive Session and we did discuss personnel and litigation. Is there a motion for approval?

Commissioner Mourdock: I'll move approval of the summary minutes of this evening's Executive Session.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Award APA015-98, Traffic signs and materials**

President Jerrel: The next item on the agenda is Lynn Ellis, the Director of Purchasing.

Lynn Ellis: I have a few items tonight and I handed you a late item. I apologize for that. My computer has failed every day for the last week, so I have had trouble getting bid tabulations done. The first one is the traffic signs and materials. This is operated under the city side, but the county, of course, does utilize the Traffic Engineering Department and so I would ask that you approve this bid as well.

Commissioner Mourdock: I'll move approval of the award of bid number APA015-98 for traffic signs and materials.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

Lynn Ellis: Okay, thank you.

**Award VC9805, T-shirts and hats for Burdette Park Day Camp**

Lynn Ellis: The next item is bid number VC9805 for shirts and hats and the recommended vendor is Southwest Grafix & Apparel at a total cost of \$6,224.76. They are the low responsive and responsible bidder.

Commissioner Mourdock: I'll move approval of VC9805 for shirts and hats to Southwest Grafix & Apparel.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Award APA034-98, Burdette Park beverage concession**

Lynn Ellis: The third item is the award of bid number APA034-98 for beverages at Burdette...hello...Burdette's Aquatic Center. These include the coke machines as well. The recommended vendor is Coca Cola. They offered the better concessions and commission rate and equipment terms and pricing structure. The Advisory Board reviewed these bids as well and made the recommendation for Coca Cola. Pepsi submitted a bid for an eight year contract with price increases for years four through eight. According to the statute any contract beyond five years is required to have Council approval and so we would not recommend nor have we done a contract of this length for this type of concession before. The longest that we normally do is three years and that is our recommendation.

Commissioner Mourdock: Just a question. Are you comfortable that the other bidder who bid the eight year period understood that limitation or had at least had the chance to express a question about the limitation?

Lynn Ellis: They had numerous discussions with Joyce out at Burdette and they were...both bidders were told the same thing with the preference being three years, a maximum of five. That has been the previous experience and so they were both aware of that.

Commissioner Mourdock: Okay, I'll move approval of bid number APA035-98 for concessions at Burdette Park.

Commissioner Tuley: It's 34.

Lynn Ellis: It's 34. Yeah, I'm sorry, the beverage one is 34.

Commissioner Mourdock: Yeah, I'll move approval then of bid number APA034-98 for concession beverages at Burdette's Aquatic Center.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Award APA035-98, Burdette Park food concession**

Lynn Ellis: Okay, and then the last item is the one that I handed you a few moments ago and that is APA035-98. That's for the food concessions at Burdette Park. The recommendation is to award to the low responsive and responsible bidder for each line. If other than a low bidder is recommended it is because that bidder failed to meet the minimum specifications. Burdette does on an annual basis taste tests. They have a committee that analyzes all the bids submitted and, again, the Advisory Board concurred with the recommendation. They were allowed to review the bid summary and they concurred with it.

Commissioner Mourdock: I'll move approval of APA035-98 for food concessions as recommended by the Purchasing Director.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Lynn Ellis: Thank you.

Commissioner Mourdock: I have this picture of them out there sampling the food like a wine tasting contest.

Lynn Ellis: It's kind of set up like that. They have quite a good time doing it.

Commissioner Mourdock: I bet they do.

Lynn Ellis: Thank you.

**Permission to advertise - Amended travel ordinance**

President Jerrel: The next item on the agenda is an ordinance regarding travel expense. This was submitted by the County Auditor.

Suzanne Crouch: This is just amending the current ordinance to put it in agreement with the State and Council approved amounts that were approved at \$26 per day per diem and .28¢ per mile.

Commissioner Tuley: That was my question.

Joe Harrison, Jr.: Well, what it is is just permission to advertise.

Commissioner Tuley: Right.

Joe Harrison, Jr.: I've given the notice to Charlene. She's got it there in her hand. I think we're looking to have a first reading on what...May 4th? And then a second reading on May 11th. A motion to permit publication and advertisement.

President Jerrel: Is there a motion to advertise?

Commissioner Mourdock: I'll move that we advertise the proposed amended ordinance relating to the authorization for official travel and reimbursement of travel expenses.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Permission to advertise - Adoption of Vanderburgh County Code**

President Jerrel: The next is the permission to advertise to adopt county code. This, again, was submitted by the Auditor's Office.

Joe Harrison, Jr.: I've prepared a proposed ordinance and a notice for publication. Again, there will be two reading on that particular ordinance regarding the revised, codified County Code of Ordinances. I believe we are looking to have a first reading on the 11th and 18th of May with respect to the recodification of the county code and looking for approval for that advertisement.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Permission to advertise - Vacation of easement**

President Jerrel: The next item on the agenda is the permission to advertise vacation of easement for the Four S Properties and your material describes these.

Joe Harrison, Jr.: It is my understanding the information has been provided to the Auditor's Office and I don't know if the Engineer has had a chance to look at this particular vacation of easement, but this is simply permission to advertise the same and then have it considered by the Commissioners in the next couple of weeks.

Commissioner Mourdock: I'll move permission to advertise the vacation of easement for that portion of Boyle Lane as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Permission to advertise - Remaining county surplus properties**

President Jerrel: The next item is the permission to advertise county surplus property. County Attorney?

Joe Harrison, Jr.: There are a number of properties that were not...surplus properties that the county obtained through tax sales that were not sold at the...through the process during the last several weeks and these properties are going to be auctioned off by the

county on May 13th at 10:00 a.m. in this room. We're seeking permission to advertise those particular properties to help with notice to the public and, again, Curran Miller will be auctioning off these properties on May 13, 1998 at 10:00 am in this room. This is, again, seeking permission to advertise those particular properties.

President Jerrel: Motion?

Commissioner Mourdock: I'll move permission to advertise remaining surplus properties.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **AIDS Resource Group - Permission to use county roads**

President Jerrel: The next item on the agenda is from the Aids Resource Group and this came before us and they didn't have their insurance policies attached at that time and they now do have them if you would like to look--

Commissioner Tuley: We've got them.

President Jerrel: Okay. It is to be held Saturday, April 25th, at the University of Southern Indiana campus and it has several sponsors, Welborn, Gilles, WIKY and C. Design and it's for the purpose of raising funding for AIDS.

Commissioner Mourdock: I'll move approval that as in the past we grant permission to the Resource Group for use of County Roads for the purpose of their bike event.

Commissioner Tuley: I will second.

President Jerrel: So ordered.

### **Joanne Alexandrovich - County Ozone Officer**

President Jerrel: The next item on the agenda is Commissioner Mourdock.

Commissioner Mourdock: Okay, everyone on this Board knows we've spoken a great deal over the last few years about ozone and how to begin to get the county in a better situation with it. As you know, we've moved from the dreaded non-attainment list to the attainment list, much of that, I think, in response to what the county was able to do as far as putting our ordinance together. Part of that ordinance is calling for the hiring of an Ozone Officer. I know each of you have met with Joanne, but tonight we have the pleasurable act, I believe, of officially acting to hire Dr. Joanne Alexandrovich, which is a lot fun to say. I hope the people with the radio and TV can say Alexandrovich real well. Joanne is a PHD and her speciality is oceanography and radiolarian paleontology, which I'll be smug and say Joanne and I are probably the only two people in the room who know what a radiolarian paleontologist does. But at any rate and seriously, she has a very good chemistry background and has expressed great interest. She is presently teaching at USI and, Joanne, if you would like to add anything, please feel free to come to the microphone.

Joanne Alexandrovich: If you would like.

Commissioner Mourdock: Sure.

Joanne Alexandrovich: Thank you. Just for anybody who might need to know, I actually study oceanology and paleontology to look at climate so atmospheric dynamics and climate change and pollution are all important interests of mine. I've been talking with the Commissioners and thinking about this position and I just...I have a little statement if you'll permit me to do so.

Commissioner Mourdock: Sure, go right ahead.

Joanne Alexandrovich: I feel that the purpose of the Ozone Officer is to assist and guide, and to preserve and improve the air quality of Vanderburgh County hopefully without hindering economic development. In doing so I see myself doing three different things. One is educating the public about ozone and its health affects and welfare affects and hopefully convincing all the businesses of the area that it is indeed a problem and it is important to comply with the laws and also besides just in complying to reduce their emissions so we can lower ozone levels. Also, I think the general public needs to know. As an instructor I've found that a lot of people get the issues mixed up, environmental issues such as ozone pollution, ozone holes and green house warming. Since the general public can also contribute to ozone pollution, it is important that they understand how they can help as well. Also, the second part of my job would be as a compliance officer to make sure that businesses comply with the laws. If I find that they are not complying I think my main emphasis will be on helping them to attain compliance rather than issuing citations, although a stubborn businessman will see one. Finally, the last role that I see myself taking is as a scientist once again. The main mission there would be to compile an extensive database showing which businesses and where other sources of ozone precursors are around the county and with that information and information about the weather figure out actually how much of our ozone pollution is formed here in the county and how much might be coming in from other places. In conclusion, I'm really excited about this position and I think that I'll do a good job.

Commissioner Mourdock: Thank you. Do you all have any questions or comments?

Commissioner Tuley: No. I believe you'll do a good job as well. I think when the recommendation came to the Commissioners and I had the opportunity to meet with you that I felt that their justification...or their recommendation was justified based on your background, your experience and having gotten a chance to meet with you, so as far as I am concerned welcome aboard.

President Jerrel: Yes, we had a good interview and I enjoyed meeting you. I don't know if you and...okay. Christine Terry is the Director of the EPA.

Joanne Alexandrovich: We've met.

President Jerrel: And I don't know if you two have had an opportunity to meet.

Joanne Alexandrovich: Not to discuss this position.

President Jerrel: No, but I mean you've had a chance to meet one another because you'll be...we do a great deal of cooperation with the city on a number of different operations. Some are joint and some are just cooperative and I would hope this would be the same kind of situation.

Commissioner Mourdock: Yeah, just to build on that a little bit, certainly the City EPA, with Christine, has been dealing with this issue for a long time. There is a lot of resource information there and I see the resource going both ways. I don't know that there are many counties in the country that have been designated non-attainment that have reached the point that we have as far as hiring a specific person to deal with ozone and I'll bet there is not a single county in the nation that has both a City EPA and a county person working on it. Some might see that as duplication, but clearly I do not. There is much ground to be covered here. You referred, Joanne, to the database. That's important for us out there and you and I have spoken about that at some length, of course. I see one of the real critical things of this position being for the county to be in a more defensible position down the road. The new ozone standards that are coming, as Christine would quickly tell us all, it will be very, very difficult. If we never get another new business in this county it will still be very difficult for us to remain non-attainment and I think we have to have a good position, a good database, from which to work and hopefully both of you will have a role in filling that and certainly you need to work together. So, again, I really look forward to working with you, Joanne, and welcome aboard. We're pleased you have accepted the offer and with that I will formally move that we hire Dr. Joanne Alexandrovich as our county's Ozone Reduction Officer.

Commissioner Tuley: I'll second.

President Jerrel: So ordered.

Joanne Alexandrovich: Thank you very much.

President Jerrel: Okay, anyone else that wishes to address our Board at this time?

Joe Harrison, Jr.: Could I mention one thing?

President Jerrel: Uh-huh.

Joe Harrison, Jr.: Christine and I had a conversation regarding...on several occasions we've talked since the passing of the county's ozone ordinance--

President Jerrel: Right.

Joe Harrison, Jr.: --and there are some amendments or an amendment or two that we're going to have to make and the city still has not passed theirs, but they will be passing their same ordinance.

Commissioner Mourdock: What is the holdup with the city's ordinance at this point? Do either of you know?

Joe Harrison, Jr.: Well, we've been working...there are some fines that we have been working on with the city with regard to the spray paint violations, essentially, and the other...and for the gas stations. Also the state asked that we modify some of the provisions, Mr. Mourdock, in some fashion. There were minor...maybe one or two other changes and I have forwarded that information over to Christine and hopefully...but before the Commissioners would again modify the current ordinance, I want to make sure that we're not going to have another modification down the road. Again the ordinance, I believe, takes effect essentially July 1st of this year, so I envision the Commissioners doing this in May and then we'll have to publicize the ordinance once again after it is revised. Also, the city and the county will be entering into an interlocal

type of agreement and Christine may want to touch upon that regarding the things that the Ozone Officer will do with respect to the gas station pumps and then the spray paint, but we're going to be getting together and maybe the new Ozone Officer can meet with us as well on that. We're going to work on a draft. The state, I think, may have to sign off on the same interlocal agreement or at least bless it. That's my understanding, is that true?

Christine Terry: Thank you, Joe. Yes, because we have a written agreement with the state to fulfill what is in Indiana Administrative Code 326 and, right, without the Ozone Enforcement Officer we would be required to be out there showing compliance with all of the gas stations and with all of the body shops to show that they are complying with the state regulation and so now we have to enter into a language agreement which we had discussed with IDEM during a teleconference to transfer this work to the Ozone Enforcement Officer and just iron out the technicalities of who is going to do what when and etc. The reason we have not passed our ordinance yet, is as Joe said, we've been when working on completing the language once and for all. Completing the agreements to the fines so that they will be consistent throughout the city and the county and so I think we're pretty well there. Thank you.

President Jerrel: For the record, Christine Terry. Okay, thank you.

**Any group or individual wishing to address the Commission**

President Jerrel: Now, I'm sorry, would you like to come up and present? This is the time when anyone in the audience wishes to present something to the Commissioners.

Mike Elliott: Yes, my name is Mike Elliott. I live at 5333 Heckel Road. I've been in touch with the County Engineer's Office over the last couple of weeks in regards to a bridge that was closed on Heckel Road. That is east of Green River Road. It's a very old one lane bridge. Approximately 100 years, I think, the oldest bridge in the state. When it was closed here a couple of weeks ago I was speaking with a Tim at the County Engineer's Office and he informed me that it was first called in that it has some potholes that needed repaired. They went out to repair the potholes. There wasn't a base there to put anything in and there was an inspector to be called in to look at the bridge to see if it could be repaired or whether it was going to be shut down and a possibility of a new one built or it just closed. He did call me back Friday and told me that the inspector did look at it and said the bridge was not repairable, was what Tim had told me, and that it would be left up...he would have to see from where it was going to go from there whether a new one was going to be built or what was to be done. I talked with Mr...let's see, the Engineer? John--

Commissioner Tuley: Stoll.

Mike Elliott: Stoll, yes. I spoke with him this morning and he informed me that there had already been a previous meeting with the Commissioners that the bridge...that there was a new bridge to be built there and I'm not familiar...he said that he had it in some of the...some previous minutes before. I'm not familiar with that being approved. Now to kind of back up several years ago when I-164 was built, Heckel Road was cut off on the back end at that time, basically going to Burkhardt...yes, Burkhardt out and around. At that time the Commissioners approved of an improvement of the road from Heckel going north the Millersburg Road. It was very narrow, basically, hardly any blacktop. Just a gravel road that I think there were two homes on, maybe three, but that road...the Commission at that time approved for that road to be built and widened to access the

people on the east side of the creek because they knew at that time that the bridge...it was just a matter of years that the bridge was going to be shut down and that was the reason that the Commissioners had approved it at that time was to give those some 20 houses, there are 20 to 25 homes back there, access to get out. They knew that the bridge was bad and that it just was a matter time and that's the reason that we spent all the money we did to improve almost a mile stretch back through there. It is a nice road. They did improve it. However, the kids around town no longer have to go to Chandler to drag race anymore. It's been a major drag strip out there. It's a problem. The Sheriff's don't even want anybody to call. We have...they have never caught anybody in the last six or seven years since it has been built. Cars on Heckel Road, and there again where I live and I have a horse farm across the street from my property, we've had lots of problems with the cars screaming through there at a high rate of speed. There again nothing has ever been done. There again I just...I kind of wanted to know if there is a bridge definitely going to be built or what we're doing there? It kind of seems foolish that we spent, you know, several hundred thousand dollars having that road improved and all through there to give access out and now we're going to spend no telling what to get a bridge built back there to access some 20 homes.

President Jerrel: Mr. Stoll is here, so maybe it might be a good idea--

Mike Elliott: It would have been. I seen the intent was--

President Jerrel: Yeah, but that's good. We've heard your position. Maybe John could give us a little background.

John Stoll: We checked on the fact whether or not the Heerdink Lane extension was done as a replacement for the Heckel Road bridge and never could find any references in the minutes that specifically said that bridge would never be replaced and that the road was going to be the substitute as the bridge. We found some references to some discussions where the people were saying, I believe it was Andy Easley was the Engineer at the time, that he had said that regardless of whether or not the bridge was ever replaced that road would have to be built because if the bridge wasn't built...if the bridge wasn't replaced then the people had no way out and if the bridge is replaced then if that road wasn't built they had no way out during the construction time frames, so nothing was ever specifically said that the bridge was not going to be done. In fact, we found a letter from one of the Commissioners back in 1986 that he had sent to some of the residents out in that area that said that the bridge would definitely be replaced or repaired, but it would be kept in service. That may have been what some people were discussing, but there is no official recording of saying that. That lead us into in 1994 when we were evaluating whether or not the bridge needed to be replaced or not we talked with the Commissioners and County Attorney at that time and that's when the Commissioners authorized us to proceed with hiring a consultant to do the survey for the bridge and that survey was completed some time in 1995, but I'm not sure exactly when it was completed. Like I told Mr. Elliott, I couldn't remember at the time when I was talking to him which Commission did it and in '94 it would have been, I guess, Hunter, Borries and Tuley, so you may vaguely recall some of that, Pat--

Commissioner Tuley: I'm sorry?

John Stoll: Back when we hired Bernardin Lochmueller to do the survey.

Commissioner Tuley: Right.

John Stoll: You're the only one that is still on the Board at this time.

Commissioner Tuley: There were several factors. The number of houses being served, the ability to get people in and out of there as well as emergency vehicles and stuff and that was part of the discussion and that's a rather large bridge, is it not?

John Stoll: Yeah, it's 150 feet. At that time the County Attorney had also said that the property owners back there if they were cut off by the bridge they might have some grounds to sue us for devaluing their properties on the basis we reduced their access.

Commissioner Mourdock: But are you saying that was the basis for improving the road north of there then?

John Stoll: No, that was basis for hiring the consultant to do the survey to lead up to the bridge replacement.

Commissioner Tuley: Which the decision still has to be made, I guess, as far as what we're going to do with the bridge?

John Stoll: Pardon?

Commissioner Tuley: I guess the decision then...I mean basically we have the consultant who drew up the study, but as you said I don't think there has ever been an actual decision made as to what we're going to do about replacing or repairing the bridge if that is what we're going to do.

John Stoll: I didn't get a chance to go through the minutes to find a specific vote on saying, yes, we want to replace it.

Commissioner Tuley: I don't think there was. I remember a lot of discussions about it, but I don't remember us sitting down and saying for sure in '94 exactly what we were going to do.

John Stoll: Right.

Commissioner Tuley: But I remember discussions about the liability factor that Alan was worried about at the time if, in fact, we did not replace the bridge.

President Jerrel: Question. The plans have not been prepared?

John Stoll: No.

President Jerrel: Okay. And it is a...is it a single...is it--

John Stoll: Single span truss bridge.

President Jerrel: Single span truss bridge, 150 feet. It would probably help us to know, Charlene, I know I hate to ask you that, but if Heckel Road is described in minutes it would be helpful to know if there was a vote taken.

Commissioner Mourdock: Along which--

President Jerrel: Did you take a vote to approve it?

Commissioner Mourdock: To approve what part of it? The resurfacing?

President Jerrel: To approve...no, replacing the bridge.

Commissioner Tuley: I don't think there was a vote taken.

President Jerrel: You all never did that?

Commissioner Tuley: I don't think there was a vote taken one way or the other on whether to replace it or not.

President Jerrel: Okay, well then she doesn't need to look.

Commissioner Mourdock: And I wasn't here.

President Jerrel: Yeah, I know.

John Stoll: All I had in my file was a letter from November of '94 which I sent to Bernardin Lochmueller which stated that the Commissioners okayed the survey and it was on November 21st of '94, but I didn't go researching the minutes before or after that date to find out any specific references. I just took that vote, since we proceeded with survey, as meaning that we would proceed with replacing the bridge.

Commissioner Tuley: The most recent closing though was result of the most recent survey done by Beam, Long, Neff...whatever, right?

John Stoll: Right.

Commissioner Tuley: So apparently whatever we did in '94 was nothing but a temporary fix.

John Stoll: Let me back up a step. The survey done in '94 was the actual field survey, so the surveyors were out there gathering the data on the cross sections of the road, the channel and all that--

Commissioner Tuley: So that it could be determined if we would replace it.

John Stoll: --for the replacement. The survey that was recently done by Beam, Longest & Neff was just an inspection--

Commissioner Tuley: Of the bridge.

John Stoll: --of the structure itself which I've got their report that I received today that said it was mainly due to rust in the deck and floor beams that they recommended that it stay closed permanently.

Commissioner Mourdock: Ultimately the question, regardless of votes that were taken or weren't taken, the question comes down as what is it going to cost us to replace that bridge and is it worth that cost?

Commissioner Tuley: And the liability if we don't.

John Stoll: The cost estimates probably in the neighborhood of \$400,000.

Commissioner Mourdock: Is there...and maybe this is too detailed a discussion at this point, but given the area out there is there any chance for building permits to be issued for additional housing on the east side of the bridge?

John Stoll: I would say no given how low it is, but people keep building in areas that I wouldn't think they would build in.

Commissioner Mourdock: That's a good answer.

John Stoll: You never know.

Commissioner Tuley: Get it two foot above that elevation they can build there.

Commissioner Mourdock: Yeah.

Commissioner Tuley: If that's not in the floodway or floodplain, I always forget.

Commissioner Mourdock: Well, I don't know that we can do anything at this point other than take all this under advisement until we find out what the cost of repairs... or what the cost of repair or replacement would be and what the recommendation from John would be.

Commissioner Tuley: Yeah.

Joe Harrison, Jr.: But didn't you say the cost of repairing would be prohibitive?

John Stoll: We didn't do a specific cost estimate on repair simply because the deck and floor beams are what is in bad shape. As far as being able to say if you put new floor beams and new deck on the thing it's going to last X number of years that's probably beyond what we could do simply because I don't know how you begin to analyze that existing truss. You would leave the truss and take the deck out is basically what it would come down to, so you would have part 110 year old bridge and part brand new bridge.

President Jerrel: Could you give our attorney a copy of the letter that was mailed to the neighbors?

John Stoll: Which letter?

President Jerrel: You said you found a letter.

John Stoll: Oh, the one that was sent in '86, yeah.

Joe Harrison, Jr.: Is there some plan to check on what the cost estimate would be?

John Stoll: The cost estimate for...?

Joe Harrison, Jr.: For either repairing or replacement?

John Stoll: Replacement just ballpark terms would be \$400,000. We can check and see what we can find out about a rehab.

Joe Harrison, Jr.: It probably wouldn't hurt if it is even possible. And then, I guess, come back to the Commissioners and see what they want to do as far as the next step, but let me take a look at what you've got.

John Stoll: The letter is a simple letter. It says:

“Gentlemen,

This is to advise you that the Vanderburgh County Board of Commissioners intends to keep subject bridge open for the public. The existing bridge may be renovated and/or the bridge may have to be replaced.

Very sincerely,

Robert L. Willner, President  
County Commissioners”

It was July 8, 1986.

Commissioner Tuley: Mr. Elliott, just so I understand in my own mind because Joe asked me and I wasn't sure what the answer was, you do not want it replaced, is that what we were hearing?

Mike Elliott: Yes. One thing you was talking about--

Joe Harrison, Jr.: You might...

Mike Elliott: --and it might help, I think it was in '92 when the bridge was temporarily closed and they were talking about closing it then I know Mr. Willner and Borries and I can't remember the lady's name.

Commissioner Tuley: McClintock.

President Jerrel: Uh-huh.

Commissioner Tuley: Carol McClintock.

Mike Elliott: Yes, was here. There was concern and it was closed for quite some time and then they approved...they spent some \$35,000, I think, for some temporary patching on the bridge and so forth. I might add also, and I even took a picture and brought to the Commissioners at the time because of the fact of all the school buses and heavy equipment driving across this bridge at the time and this bridge it had the date up on there and when this bridge was built 100 years ago the gross vehicle weight was 8,000 pounds is what it originally was built for and that was when they stopped the buses going across. Of course, I got all the bus drivers mad at me because I was the one that brought it to their attention, but it really wasn't safe for these big vehicles and things to be going across it. But there again my concern is, and it's not the matter of whether it is opened or it's closed, there is a problem back there with the...like I say, it's Evansville's drag strip back there now with the new road that is built back there. The neighbors...and I've spoke to even half, probably half, of the people that live on the east side of this and they're not even concerned, half of them are not even concerned of the bridge being opened back up for the fact of the drag racing and the parties and the kids that come in and make their sweep back there and the Sheriff has no way to catch them or stop them because they have access on Heckel and to Millersburg.

Commissioner Mourdock: You live on the west side of the street, is that right?

Mike Elliott: Yes, I live on the west side and I own property on both sides of the creek there and when this survey was done in '94 when they called me and asked me to come up...when they wanted to use my land when they were doing the survey to see if they could, like I say, the flow of the creek and so forth, they used my land there for quite some time which I didn't mind. It was low and dropped off anyway, but to actually get in and dig I know they dug some very deep holes to find sub base and so forth.

President Jerrel: So the 20 or 25 homes are on the east?

Mike Elliott: Yes.

President Jerrel: You and who else lives west?

Mike Elliott: Well, there are quite a few homes west.

President Jerrel: And they don't use that for traveling?

Mike Elliott: That's correct.

President Jerrel: Okay, and then, John, if we didn't replace it we couldn't just...I mean, what happens to an old bridge?

John Stoll: Demolish it or just leave it closed off.

Commissioner Mourdock: There are several in that area.

President Jerrel: Oh, okay.

Commissioner Mourdock: Once I-164 went through there that cut off several--

Mike Elliott: I think Mr. Borries at the time he was here brought...had said to me in the meeting that they were considering using it, since it was, I think, the oldest bridge in the state, as a...there was some people that said something about the historical factor of it and leave it to a walking bridge or just shutting off to where a bicycle path basically could have access across. Some of the other people that did live east from that said, yes, that would be nice so that some of their kids could walk on up and catch the bus that turns around in my driveway and so forth there because there are still quite a few that walks across the bridge and their are some even still now since it has been closed that are coming across.

President Jerrel: Tell me how to get there.

Mike Elliott: Ah, okay.

Commissioner Mourdock: Do you know where Heckel is east?

President Jerrel: Well, but he is going to have to tell me because I'm at 41 and Washington Avenue.

Mike Elliott: Okay, go 41 to Lynch and take a right.

President Jerrel: Okay.

Mike Elliott: Go to Oak Hill and take a left. Go out to Heckel Road and turn right. Go up to Green River Road and go straight and right when you...you can't miss it.

President Jerrel: Okay, I got it.

Mike Elliott: It's a real old narrow bridge.

Commissioner Mourdock: If you're going north on Green River Road and you cross Pigeon Creek--

Mike Elliott: Yes.

Commissioner Mourdock: --Heckel would be the first road after you cross Pigeon Creek to the right and then Heckel Road actually--

President Jerrel: He is shaking his head no.

John Stoll: You have Irene and all those other little side streets first.

Commissioner Mourdock: Well, it's the only one that crosses the street.

Mike Elliott: It's actually the first crossroad north. It's the only crossroad, but there are some other roads, Irene, Bassett and so forth.

President Jerrel: Well--

Commissioner Mourdock: And then it swings north. It runs both east/west and then it swings north and ties to Millersburg, but it's Heckel all the way.

President Jerrel: Well, Mike, we take--

Mike Elliott: I think your question in regards to could there be some other developments, so forth, homes and permits and things back in there, I've been a builder and in development and developing and so forth since 1970. I don't see that there is going to be a subdivision or anything built on that part because of the floodplain and so forth and if it was the only area actually that would be...that even could be developed is facing Heerdink which is the new road that was repaired through there so I wanted to bring that to your attention there.

President Jerrel: Could we for purposes tonight and we will get back with you because your interested...you won't have to monitor us, we'll get back with you.

Mike Elliott: There again it is not just me. When this was closed I had about 15 or 20 phone calls that night come in because everybody on the road calls me to find out what is going on and so forth. They were all with me prior, the people that have lived out there for quite some time, through all the other meetings and we were here and sometimes instead of everybody calling the Engineer and calling you they really asked for me to be a spokesman.

Commissioner Tuley: We like that approach.

Mike Elliott: Okay.

Commissioner Mourdock: Just for the record, I have gotten several calls from people interested in keeping it open as well, so it does go both ways.

President Jerrel: Okay, can we for purpose then just defer this?

Commissioner Mourdock: I'll move that we take it under advisement and look for a further report from the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered. Okay, County Engineer.

Commissioner Mourdock: Thank you, Mr. Elliott.

Mike Elliott: Thank you.

President Jerrel: Oh, did you wish to...I'm sorry. I'm sorry.

Ralph Effinger: I'm Mr. Effinger, Ralph Effinger. I'm here to address the County Council on an easement which is on Voight Road off of Oak Hill Road. Voight Road runs off of Oak Hill going east and at the bottom it turns and goes north probably a quarter of a...not quite a quarter, twentieth an acre width or something like that. Okay, I own the property on the east side of Voight Road as it comes off of Oak Hill Road and at the bottom there is a paper on that as a road easement and a ditch easement. There is 12 acres on this corner in the, I guess what you would call the southeast corner, that Richard Howard has bought in the last year and now he has come and put up a fence up into this easement. That was an access for me to get into the lower forty of this piece of ground. It seemed like there is no one that wants to take hold of this thing. I've been over to Mr. Stoll's office and talked to Mr. Higgins. He was out there and seen where the post was and it's approximately six feet into the easement. There is a culvert there. This culvert...right now from the culvert to the post is approximately 13 feet and with farm equipment you cannot get in there with that. Now I can get in there with a pickup and small items, but no farm equipment which would be 18 foot or something like that. I thought the Commissioners had the right to tell the gentleman to get the post off the ground and make it an access that I had. If you want to know history about this I can explain how this ditch easement was given to you by Mr. Mewes and you do maintain it because you put a culvert in it, you dug the ditch and all this back at that time. This has been better than 27 years ago. It was all due to the excess water that was brought off of Oak Hill Road when Oak Hill Road was enlarged to make it a better road for the school down there. My parents give the right-of-way at that time to Oak Hill Road. They brought the water to the center of the farm and then they sent it down this ditch, which this ditch was made or designed by the ASE Office back in the 60's. We have been going in this way for probably 50 years and now because he has taken it over he thinks he has a right to that easement and I wasn't sure about this easement until I hunted up the paperwork on it and it's all done. It's all there.

President Jerrel: Have you called or checked with the Surveyor's Office?

Ralph Effinger: I've been over to the County Surveyor's Office and they sent me over to Mr. Stoll.

President Jerrel: But do they show the same easement?

Ralph Effinger: Here, I can show you a copy of this easement.

Joe Harrison, Jr.: I...we've looked at this.

President Jerrel: Oh, have you?

Joe Harrison, Jr.: And John has...John may want to make a couple of remarks, but essentially the county has never accepted the road.

Ralph Effinger: No, I'm not asking for the road.

Joe Harrison, Jr.: No, well, they've never accepted the easement. John can address this, but it is my feeling that it's a private dispute between the fellow that put the fence up and you.

Ralph Effinger: Well, is Mr. Ted Stofleth and Robert Willner not good enough? They're County Commissioners.

President Jerrel: May I see that.

Ralph Effinger: And it has been recorded by Mr. Volpe.

Joe Harrison, Jr.: No, I understand that, but I don't think anything was ever accepted. You can deed something, but it has got to be accepted. Mr. Stoll can address this, I think.

Commissioner Mourdock: John, do you want to add--

President Jerrel: May I make a copy? Would you make a copy of this?

John Stoll: I'm not sure what that document says, but the last time we were looking into it whenever I forwarded everything over to Joe's office as far as the fence being in the dedicated right-of-way area it was Cedric and Joe's opinion that it had never been accepted for maintenance by the county so it wasn't the county's responsibility to get this guy to move this fence out of this right-of-way or easement area.

Commissioner Mourdock: But if the road...is it possible that we could have an easement without having a road on that easement that we had accepted? Is that a possibility?

Joe Harrison, Jr.: We've got to accept the easement.

Commissioner Mourdock: Was that a-c-c or e-x?

Joe Harrison, Jr.: A, accept.

Commissioner Mourdock: Okay, and you're saying we've never accepted the easement?

Joe Harrison, Jr.: There are all sorts of right-of-way that's dedicated to public bodies that aren't ever accepted. I mean...probably...I don't know how many, John, but it happens every day.

President Jerrel: Can the county get into that? You said, Mr. Effinger, that the county maintains the ditch.

Ralph Effinger: What?

President Jerrel: The county maintains the ditch?

Ralph Effinger: The county, under Sam Biggerstaff, put the pipe in, they dug the ditch because it was drowning out the people that was living down there.

President Jerrel: Yeah.

Ralph Effinger: And after that they have cleaned the ditch out. It's approximately 300 and some odd feet. I cannot tell you the years, but I do know that they worked on it. They have put some riprap around this pipe some years ago. Now I can't see how you can say that the county isn't...this isn't accepted by the county because it was a problem the county had and they tried to correct it. This pipe was done because there was an 18 inch box culvert sitting in the center of these two right-of-ways back in 4/72. At that time, this is when this easement was took from Mr. Mewes to make this ditch, a big ditch, to take the water and they put this...they put a pipe in there which is 52 inches wide and 32 inches high, concrete. There are four lengths of that in there. There is 32 feet of pipe in there. I feel like if the county spent that much money they should have...they accepted it on that ground.

President Jerrel: The gentleman that built the fence, does he own where he built the fence or is that the contention that that is the right-of-way and he didn't own that ground?

Ralph Effinger: He built a fence east and west and the fence is...east and west is on the line, but he came six feet over into the right-of-way which I'm saying is the part that we use to go into that 40 acres which would be southeast of this corner.

President Jerrel: So if he removed that six feet and stopped his fence there you could get in and out?

Ralph Effinger: That's right.

President Jerrel: And he refuses to do that?

Ralph Effinger: He's a pretty hard man to talk to.

President Jerrel: Okay.

Ralph Effinger: He's...well, I ain't going to comment on how I feel.

President Jerrel: Okay. Alright. Is it K-a-h-r-e?

Ralph Effinger: What?

President Jerrel: How do you spell his last name?

Ralph Effinger: Hard? H-a-r-d<sup>1</sup>. I believe that's what it...wait a minute. I think that's it.

Joe Harrison, Jr.: Sir, how long has the fence been there?

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<sup>1</sup>Correct name per plat book should be Richard Howard

Ralph Effinger: Oh, about since November. We harvested the crop in October and I say he put the fence up sometime in the latter part of November or the first of December is when I noticed it. Now we're getting ready to plant and I tried to talk to him. I cannot talk to him. I went to the County Engineer here. I've had him out there. He sees where it is in the wrong, but I'm trying to get something done with a lawsuit.

President Jerrel: Right. Spell the name again.

Ralph Effinger: Hard, is H-a-r-d, Richard.

President Jerrel: Okay.

Ralph Effinger: He lives approximately just about a block from that corner north. If I have no right-of-way...no right to get on the county easement what keeps me from taking Voight Road back then? You don't have no paper on Voight Road if it comes down along the north side of my farm other than the blacktop. That's all you've got there. You have never got an easement on that. Now I know it would be kind of bad on my part to go out there and put a fence up in the middle of Voight Road. That would make a lot of neighbors mad. I know I am one individual asking to get into a 40 acre piece of ground without tearing up a lot of equipment.

Commissioner Mourdock: The point of contention on the easement, I just want to be sure I understand where it is. From Oak Hill Road you're going east on Voight Road. How far east do you go?

Ralph Effinger: You go one quarter of a mile. That's a section pin.

Commissioner Mourdock: Right, I understand that and then you go--

Ralph Effinger: Then Voight Road turns north about a twentieth right there at that corner.

Commissioner Mourdock: Which side of that corner?

Ralph Effinger: That would be on the east side of that corner is where this fencepost is. Now I'm south of Voight Road. I have the 40 there and another forty below it.

Commissioner Mourdock: Okay, and from the 40 that is south of Voight Road you also have the 20 that north of Voight Road that you would access off the north/south piece of Voight Road?

Ralph Effinger: Yeah, but I have big ditch to cross because that comes across the fence...road.

Commissioner Mourdock: Obviously, this document, I guess, John, you had not seen before? Is that accurate?

John Stoll: I've seen so many documents of Voight Road I'm not sure.

Commissioner Mourdock: Okay, the County Attorney had not seen this before, so I think the best we can do this evening is take this under advisement, have the County Surveyor's Office plot this up and see what it is and then report back to us next week.

President Jerrel: Mr. Elliott, what is your phone number?

Ralph Effinger: My name is Effinger.

President Jerrel: I mean...excuse me, Mr. Effinger.

Ralph Effinger: Ralph Effinger.

President Jerrel: Okay.

Ralph Effinger: E-f-f-l-n-g-e-r.

President Jerrel: I've got the name right I just need the phone number.

Ralph Effinger: It's 424-7847.

President Jerrel: Okay.

Ralph Effinger: I can make you aware that this farm has been in my hands or my heirs for better than 60 years and I as a young man know that I went in there and since '72 it has been on easement papers and I feel like...I don't know how...it just don't seem right that you have to go to court to get something done like this and when you have other roads just like Voight Road coming down there that I say there is no paper on it other than the blacktop and you keep maintaining on that. I'm not asking you to put rock out and do anything. I'm just asking you if you couldn't get the easement cleared so I can get my equipment in there which has been done for years.

Commissioner Mourdock: And all we're saying is let us check with this survey information and have John plot it out and hopefully you won't have to go to court or anything else and maybe we'll be able to get this resolved, but until we have John's report as far as the plotting of these meets and bounds descriptions we don't know.

President Jerrel: Mr. Effinger, did you get this back?

Ralph Effinger: Yeah, I got this back. I could have brought you a copy, but I don't have it with me, the whole area right there it shows all the easements and it shows you them pins and maps, but I didn't bring it. It was on the Assessor's Office over there.

Commissioner Mourdock: This is the piece that is critical to the problem you have.

Ralph Effinger: That's right. That's the critical part right there. I can show you on there where the post is if you wish to know.

President Jerrel: Well, it probably wouldn't hurt.

Ralph Effinger: Right here is the easement and this is Effinger ground over here.

President Jerrel: Uh-huh.

Ralph Effinger: This post sits approximately right there. This is the pin and there is a tree that sits right here. If you just drive out there...this pin is open, very clear to see right now because it has been surveyed. He's got a fence running along...running down this way which I have no objection to his fence, but this post will not let me get my equipment in there because this tile is right there. I would fall off on there.

President Jerrel: You can only go in this small--

Ralph Effinger: Yeah, with a small vehicle right now. No 18 foot disk. If I would have that I would have 20 foot. That's basically what I would have from the edge of this culvert to this post I would have 20 foot. Now this easement, you see how it steps back to this ditch. This only runs about 300 feet.

Commissioner Tuley: This is beyond that curve?

Ralph Effinger: Yes, yeah that curve. Yeah, that's right here and that pin sits like that and that post sits right like that and you just go right across there and that's a culvert. This is a ditch that comes down here.

Commissioner Tuley: Right.

Ralph Effinger: And right here all the water off of 150 acres runs through here. Both sides of Oak Hill Road runs to the center of this farm, runs right here, runs right across here.

Commissioner Tuley: And this ditch here runs this way? We walked this one remember?

Commissioner Mourdock: Oh, I remember! I remember well.

Ralph Effinger: That's a pretty good sized ditch. There is a lot of watershed going in there.

Commissioner Mourdock: A lot of big trees in that ditch.

Ralph Effinger: Yeah, I know there is going to be problems in that ditch. It's going to flood out people down there, but I...

Commissioner Mourdock: In fact, that is when the issue first came up that I am aware of as to who that ditch belonged to because of the trees. Remember that?

Commissioner Tuley: Yeah, I do. That was--

Commissioner Mourdock: Was it Mr. Schlensker?

Ralph Effinger: Should I wait to hear from you or should I come to the next meeting?

Joe Harrison, Jr.: Yeah.

Commissioner Mourdock: Um, Bettye Lou got your phone number. I presume we'll get you a report by phone as far as what we're going to do.

President Jerrel: We'll call you. We'll get back with you.

Ralph Effinger: I appreciate you listening to me anyway.

President Jerrel: Okay, thank you, Mr. Effinger.

**John Stoll - County Engineer**

President Jerrel: Okay, John, did you have some other...?

Commissioner Tuley: We talked so much with John and him I don't think we need reports from the Attorney or the Engineer!

John Stoll: First I would like to request to go before County Council to appropriate \$20,000 in the Cumulative Bridge Contractual Account to cover a culvert...slip lining a culvert on Baumgart Road. This would entail sliding a plastic pipe inside of a culvert that is under Baumgart Road that is deteriorated and this would be cheaper than cutting the road up and replacing it with replacing the pipe.

President Jerrel: Yeah.

Commissioner Mourdock: I'll move approval for the Council Call.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Second I would like to recommend that the repair and repaving of various secondary road contract be awarded to J.H. Rudolph & Company in the amount of \$220,798.25. They were the low bidder on the project.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: What's that...is that all the contractual that we're going to do?

John Stoll: No, that is just part of it. We've got in a separate contract we were going to do Hedden Road, Petersburg Road, Baumgart Road and Browning Road.

Commissioner Tuley: Are those some of the ones that need milling or whatever?

John Stoll: No.

Commissioner Tuley: No?

John Stoll: All the ones that needed milling are in this contract.

Commissioner Tuley: They're in that group? Okay.

John Stoll: The final item I've got is the street plans for Fretina Acres, Section 2. This is an extension of Walnut Road that was built about a year or year and a half ago. There was a new bridge built over Little Pigeon Creek, if you remember that. This is an extension of that road. The street will consist of asphalt streets, curb and gutter and it is recommended that the street plan be approved.

Commissioner Mourdock: I'll move approval of the street plan for Fretina Acres.

Commissioner Tuley: Second.

President Jerrel: So ordered. That's all? Okay, thank you.

### **County Garage**

President Jerrel: Next, the County Garage isn't here tonight. They have their report and if you've had a chance to look at it is there a motion to accept it?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: I don't have anything.

### **Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I left a written report of the report that I wrote for the Airport Advisory Team at your stations and I'll say that's my report.

President Jerrel: Okay.

Tony Greubel: And also I am going to pass out the Soil & Water Conservation. They faxed it over about an hour ago.

President Jerrel: Oh, okay.

### **Steve Craig - Burdette Park**

President Jerrel: Okay, Burdette Park.

Steve Craig: Did you want to introduce Gary?

President Jerrel: Well, I think Gary ought to come up here just a minute because I've got my information about you, so just stay there and let me run and get it. So we're handing out résumés tonight, I'll hand his out.

Steve Craig: Pat, have you met yet?

Commissioner Tuley: No, I actually haven't met him. I read your résumé.

President Jerrel: We acted on this last Monday night, but we really didn't have an opportunity to pass out anything other than just to indicate that you had 25 years or more experience and coupled with yours we're over half a century, aren't we?

Steve Craig: Yeah, and with Joyce and Bill's we're at a century. We figured it up.

President Jerrel: Okay we have a century worth of experience at Burdette Park. Well, have you gotten the feel yet?

Gary Hohman: Yes, ma'am. Madam Chairman, I would like to thank you and the Commission for the opportunity. I understand and am aware of the outstanding facilities and what Burdette has offered the citizens of this community for a number of years and am looking forward with working not only with you, but with Steve and the rest of the staff at Burdette Park to expand and make this even better if possible.

President Jerrel: Thank you very much. We appreciate you being here. Any of the Commissioners...?

Commissioner Tuley: No, it's nice to get to meet you. I did get a chance to look at your résumé and I talked to Steve quite a bit about you and it looks like, like you said, with you two with all the experience you have between running parks and stuff we should be in pretty good shape out there. Welcome aboard.

Gary Hohman: We'll strive in every way possible.

Commissioner Tuley: Good.

President Jerrel: Thank you. We have a report from Burdette. Is there a motion to accept that?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered, and Steve has got some business.

Steve Craig: Yeah, the first thing was in your packet was the three estimates for the painting of the office building. I guess I need to ask if you accepted that as proposed?

Commissioner Mourdock: Were they three estimates or three bids?

President Jerrel: Three estimates.

Joe Harrison, Jr.: That's fine. I mean, it's under.

President Jerrel: The low estimate--

Steve Craig: Goes to Robinson Painting.

President Jerrel: In the amount of \$3,300. Is that alright for us to go ahead?

Joe Harrison, Jr.: Yeah, you received three quotes?

Steve Craig: Yeah.

Joe Harrison, Jr.: From three different vendors? Yeah, that's fine.

Commissioner Mourdock: I'd move then that we enter into a purchase order agreement with the lowest priced vendor for the painting at Burdette.

Commissioner Tuley: Second.

President Jerrel: So ordered. You want to make a note that will be paid for out of 1490-3112. Did I say so ordered?

Commissioner Tuley: I honestly don't know.

President Jerrel: Okay, so ordered.

Steve Craig: Also in your packet was a letter from Joyce and basically, I guess, it was a proposal from WSTO Radio on how they wanted to trade their picnic for some air time on the radio. I guess I need a ruling on that.

President Jerrel: Let me just ask you a question. How did you feel...I mean, how do you feel about this? We did something the other day for some advertising and we kind of made an agreement we were going to keep this to a minimum, but you feel the trade off on the advertising is worth this?

Steve Craig: Yeah, because most of our busy weeks and weekends and that are already used up and they said they would fit it in whenever they could, so it's not like we're going to be losing a prime space if they would have come in and took Memorial Day or something like that. The putt-putt and everything else is going to be open at the time, you know, I think as not wanting to put out dollars, it's a fair trade.

President Jerrel: Some questions?

Commissioner Mourdock: Just one for the County Attorney. Is there any problem with us doing that type of barter?

Joe Harrison, Jr.: The only thing that I would ask is that there be some sort of...normally, what's the rental fare for what they are proposing?

Steve Craig: I think Joyce and I talked--

Joe Harrison, Jr.: Like if they had to rent?

Steve Craig: Yeah, the building, I think, is going to be like \$75 is what we estimated.

Joe Harrison, Jr.: Uh-huh.

Steve Craig: The whole package with 30 people to go swimming, the putt-putt and the building was three hundred, and I think, thirty dollars.

Commissioner Mourdock: Yeah, that's right.

Joe Harrison, Jr.: That amount just needs to be reflected that you're going to be getting

that much in advertisement.

Steve Craig: Okay.

Joe Harrison, Jr.: In exchange.

President Jerrel: They're willing to sign something like that and say that we are?

Steve Craig: Right.

President Jerrel: Okay.

Joe Harrison, Jr.: Okay.

President Jerrel: Okay, what's your pleasure?

Commissioner Tuley: I'd be willing to move approval.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Steve Craig: The last thing on the packet was just a memo from Joyce telling about the Lieberman & Associates and how the computers were doing with them. I think earlier, Richard, you had asked if we could keep you up on it and she is feeling a lot better now about them than she was about two weeks ago.

President Jerrel: I think that's the way that works. I think that's the way the Courts will be working, too. Okay, is there anything else?

Steve Craig: No.

President Jerrel: Okay, well thank you, Gary, for coming and welcome aboard. And thank you, Steve.

### **Consent items**

President Jerrel: Alright the next item, we'll move to the consent items.

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Scheduled meetings**

President Jerrel: You've got the schedule of meetings attached.

### **Old business**

President Jerrel: Is there any old business to come before the Commissioners? I just think there is something. That's right. I knew there was something. We had canceled our May 26th Commissioners' meeting and Mr. Jeffers suggested that we have it June 1st, which means it would have to be advertised.

Suzanne Crouch: The Drainage Board.

Joe Harrison, Jr.: The Drainage Board, you mean?

President Jerrel: The Drainage Board, excuse me. What did I say?

Commissioner Tuley: Oh, okay.

Commissioner Mourdock: Wait a minute. Which did we cancel? We canceled both the Commissioners' and the Drainage?

President Jerrel: The Commissioners...yeah, both of them. He asked that we reschedule it on June 1st.

Commissioner Tuley: First.

President Jerrel: And if that is okay with you because we don't have any meeting--

Commissioner Tuley: That's fine with me.

President Jerrel: --after the first meeting of the month.

Commissioner Mourdock: Okay, so to reschedule the Drainage Board meeting we formally need to do that at a Drainage Board meeting.

President Jerrel: No, she can just advertise it.

Joe Harrison, Jr.: No, we can do that.

Commissioner Mourdock: Okay, well then I'll move that we advertise the Drainage Board meeting that would have been held on May 26th to June 1st.

Commissioner Tuley: Correct, and I'll second.

President Jerrel: So ordered.

Joe Harrison, Jr.: That particular meeting had already been canceled along--

Commissioner Tuley: The 26th?

Joe Harrison, Jr.: --along with the Commissioners' meeting.

President Jerrel: Yeah, a long time ago.

Charlene Timmons: It was originally when you made your motion you made the Drainage Board on the 18th of May and I talked to Bill Jeffers and because of the deadlines that the developers have to meet he thought it would be better to move it back rather than forward.

Joe Harrison, Jr.: Okay, so the notice would have to reflect that the Drainage Board meeting now scheduled for May 18th has been canceled and rescheduled.

Charlene Timmons: I haven't ever advertised it.

Joe Harrison, Jr.: Oh, okay.

Charlene Timmons: That's what I was trying to get in order so I could do the advertising.

<b>New business</b>
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President Jerrel: Okay, is there any new business?

Commissioner Tuley: None here.

Commissioner Mourdock: I don't think so.

President Jerrel: Have you advertised the polling places?

Suzanne Crouch: Oh, yes.

President Jerrel: Oh, I didn't see them.

Joe Harrison, Jr.: No, it's going to be Friday. I asked her the same thing today.

President Jerrel: Okay, alright. Anything else? Motion to adjourn?

Commissioner Tuley: So moved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:42 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
John Stoll  
Steve Craig  
Gary Hohman  
Joanne Alexandrovich  
Ralph Effinger  
Mike Elliott  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
April 27, 1998**

The Vanderburgh County Board of Commissioners met in session this 27th day of April, 1998 at 5:40 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I would like to call the Vanderburgh County Commissioners' meeting to order, April 27th. The first item on the agenda, let me introduce to you the people at this head location. I know all of you that are here all the time like to know...what happened to Tony? Okay, the gentleman coming is Tony Greubel, our Administrative Assistant; next to him is Joe Harrison, Jr., County Attorney; to my right is Pat Tuley, County Commissioner; the far left, Charlene Timmons, the Recording Secretary; next to her, County Auditor Suzanne Crouch; to my left Commissioner Richard Mourdock; and I'm Bettye Lou Jerrel. I would like for you to join me now in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of the minutes.

Commissioner Mourdock: I'll move approval of the minutes of April 20, 1998.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Certification of Executive Session**

President Jerrel: The next item is the certification of the Executive Session and we did meet until 5:30, from 4:30 to 5:30, and we discussed litigation, pending or threatened litigation and county personnel matters. Is there a motion to approve?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Community Corrections funding issues**

President Jerrel: Harris Howerton was to be here this evening and he has asked that this be delayed until next week. He has some additions to his grant, so he will not be on the agenda.

**Advanced Microelectronics - Service agreements**

President Jerrel: Is Bill Cottun here? Bill isn't here. Let's see what Bill wanted on the agenda.

Tony Greubel: It's just some service agreements.

President Jerrel: Oh, okay. You have in your packet the service agreements with Advance Microelectronics. Is there a motion regarding those?

Commissioner Mourdock: And do you know, Bettye Lou, with your service on the Data Board if those have been approved through the Data Board?

President Jerrel: Yes, they have.

Commissioner Mourdock: Alright, then I will move approval of the annual service agreement for Advanced Microelectronics.

Commissioner Tuley: Second.

President Jerrel: Is it the first one? There are two of them.

Commissioner Mourdock: Yeah, the first...well, I have two copies of the same. At least they are numbered the same. Both 1640.

Commissioner Tuley: Yeah, but their amounts are different.

President Jerrel: The amounts are different.

Commissioner Mourdock: Okay, the motion for the first one is for a total billing annually of \$19,000.

Commissioner Tuley: Second.

Commissioner Mourdock: The total billing for the second one then, same motion, \$29,813.92.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

### **Marsha Abell - Pay raise for poll workers**

President Jerrel: Next item on the agenda is the County Clerk.

Marsha Abell: Thank you, I'm Marsha Abell, County Clerk, and I am here to propose an increase for the election day workers. It's a \$5.00 increase over last year...two years ago salary. We didn't have an election last year. The reason for this is that there was an increase in minimum wage since our last election and the lowest paid person on here would not be receiving minimum wage if we didn't make this increase.

President Jerrel: Just to augment that, the inspectors are expected to be there at 5:00--

Marsha Abell: Correct.

President Jerrel: --and work until...it's at least 7:00.

Marsha Abell: Probably.

President Jerrel: So, you know, for the length of time and the Democrat judge is expected to do the same thing and the others are just 12 ½ hours or 13?

Marsha Abell: Right, just before 6:00 a.m. until 6:00 p.m.

President Jerrel: The recommend...would you want to read for the record the recommendations?

Marsha Abell: Okay, I recommend that the inspector be paid at the rate of \$85; the Democratic judge at the rate of \$65; the Republican judge at the rate of \$55; the Democratic clerk at the rate of \$55; the Republican clerk at the rate of \$55; and rent or janitor expenses would be set in at \$50 for rent and \$15 for the janitor.

Commissioner Mourdock: I've got to ask, why is there is a difference between the Republican judge and the Democrat judge?

Marsha Abell: Because the Republicans have the inspector so the Democratic judge has a little more work to do than the Democratic...Republican does.

President Jerrel: He has to go with the inspector down to--

Marsha Abell: To deliver the transfer.

President Jerrel: --bring the transfer down. So that would be a total...you did the math on it?

Commissioner Mourdock: Yeah, Suzanne tells me the total difference from the previous total or expected total for the payment of the workers amounts to \$8,200.

Marsha Abell: And we've got enough in the budget to cover it right now, but we're going to need to do something else for the fall, but we'll worry about that after the May primary when we can sit down and take a look at all the expenses of the election.

President Jerrel: Okay.

Marsha Abell: I would like to, while I have the podium, mention that Ft. Wayne doesn't close their city and county buildings for election day and I understand that there are other places and I have been doing some checking on that. Just food for thought is that in Ft. Wayne if you do not work the election you have to come to work, but if you work the election you can do that and get four and a half hours of overtime...or four hours of overtime pay because our staff here, as you know, gets a regular salary anyway and we've had a terrible time this year trying to find election day workers. It's become almost a holiday for the people that work in this building and there is not another business in town that gets May 5th and the second Tuesday in November off. So just some food for thought the Commissioners might want to think about, in the future we might want to do something to rearrange our schedule a little bit to see if we can't man the election polls.

President Jerrel: Am I right that both political parties advertised for help this year?

Marsha Abell: Both parties advertised for help this year.

Commissioner Mourdock: As you look into that, Marsha, and talk to other areas I would urge you to ask the question how many of them have some sort of union contracts.

Marsha Abell: Ms. Jerrel cautioned me on that. We just briefly mentioned it in the hall to one another and she cautioned me that is a concern.

Commissioner Mourdock: Yeah, I don't know that it would necessarily prohibit us, but it gives us something to think of in the future and plan for. Good thought.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move that we adjust the wages for our election day workers for the inspectors to be \$85; Democratic judge \$65; Republican judge \$55; and both clerks \$55.

Commissioner Tuley: You want to do \$50 and \$15 for rent and the janitor?

Commissioner Mourdock: And \$50 and \$15 for the rent and janitor.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. Thank you.

Marsha Abell: Thank you.

### **Phil Lieberman - IBAP Gatekeeper quarterly report**

President Jerrel: Okay, Mr. Lieberman.

Phil Lieberman: I'm Phil Lieberman. I'm with Lieberman & Associates. We are the Gatekeeper for the Initiative Based Assistance Program and before this meeting you should have received...or during the meeting you should have received a handout, the list of the items we're going to talk about, and it's the progress report since the last report which was three months ago. As you can look at the report you'll see some statistics and for the general audience the important statistics are that we've had requests for information and applications of 725 families. Of those 430 returned applications 71 were not eligible for one reason or the other.

Commissioner Mourdock: Excuse me, Phil, and I want to be sure you said it verbally, but it doesn't say it on the page, that some statistics as of April 24th, but that is since January 1st through March 31st?

Phil Lieberman: No, it's from the program beginning.

Commissioner Mourdock: Okay, so it's not since the last report then?

Phil Lieberman: That's right. Oh, I'm giving you a report...you're right. It's not since the last report. These are the statistics from the beginning of the program that we started in August till today.

Commissioner Mourdock: Okay.

Phil Lieberman: So from that point in August through today we've had 725 applications of which 430 were returned to us and not eligible for one reason or another 71. A number of the families that applied to us were for child care and we have moved a number of those families off, 69, to the CCDF program which is a state funded county

run program. Families still eligible for service is 290. Receiving child care there are 49 families. Receiving transportation 22. Training and education 12 and safety net 151. We have a number of families that are pending approval for one reason or the other. At the last meeting we reported we had a small number in education and training and both the Commissioners and the County Council urged us to participate and actively engage some kind of marketing effort which we've done and the second item on this list tells about the marketing effort that we've engaged in. The newspaper article that ran at the time of our open house said that we were going to spend about \$5,000 in marketing and in actuality it approached nearly \$7,000 and some of those marketing efforts included an open house at the community center, to initiate our days that we were open which is on a Saturday. We are now open the first Saturday of each month. We had articles in the Courier that ran on the same day as that open house. We had WEOA have an on-site live broadcast from 10:00 to 12:00, 9:00 to 11:00 or 10:00 to 12:00 I can't remember the hours, during that time encouraging people to come in. We have signs during the month, this month of April, in all the buses on all the shifts. We ran approximately 150 radio spots on WEOA and WSTO. We made presentations to various groups. We met with employers. We met with some of the religious leaders. Letters went out to the churches. Ads in Our Times Newspaper and those are some of the efforts we've engaged in now to market the program. That, plus we made our reports to the Welfare to Work Planning Council and there will be a speaker next that tells you about that. I think the proposal from the Welfare to Work Planning Council, if you accept it, will increase the number of people that would pass through our training and education program. The third item that I want to report on is as always we've been actively engaged in presenting our program to the Welfare to Work Planning Council. Those meetings are held at 5:30 on the third Wednesday of the month. We make recommendations and ask that Board to be our sounding board and give advice and other comments to that committee and they do a fine job in making recommendations, listening to us and presenting reports to you. We've increased our hours of operation so that we're open every Tuesday night until 7:00 and we're open on Saturday mornings. Generally, the Saturday morning is when some of the providers of the child care and providers for the other three Gatekeeper services come in and ask questions because they can't come in during their working hours. Being open until Tuesday at 7:00 has helped people who can't come in on the first shift will come in during those two hours. We're also open at special requests before hours and after hours and, in fact, our offices open at 7:00 at Weinbach, so if a person can't come to office at the Newsome Center they'll come to the Weinbach office. If they need to come earlier than 8:00 at the Weinbach office we'll make arrangements for that. We haven't had any problems in meeting the needs of the people for our office hours. We're considering additional locations. One of them is the location that is going to be at St. Vincent's Day Care Center, the building they acquired from Mead Johnson. The second floor is going to be open to social service agencies and we've been participating in their planning meetings and we think we're going to lease a space, one room there, that we'll man for both the Gatekeeper project and the CCDF project for a certain number of hours per day, a certain number of days per week. That hasn't been finalized. They haven't signed leases with any of the prospective tenants at that place. The next page, the third page, is a financial summary which is a project beginning to date that shows the different programs and how much money we have available and how much we've obligated and how much we've requested from the Commissioners. The amount obligated is different than the amount requested because a person comes in...for example, the Gatekeeper, we can give that person \$1,000 and that person is eligible for that money for six months. When a person comes in we'll obligate the \$1,000, but we won't request it from the Commissioners until that money has actually been spent by the participating family and then after the six months are up whatever money is left that hasn't been spent under the

obligation column we'll put back into our general fund. So you can look at those columns and see how much money that we have. That is my report.

President Jerrel: Any questions?

Commissioner Tuley: Phil, give me a, if you could, on this the applications returned were 430, not eligible is 71, so that's something like 360 people in round numbers yet we've spent \$9,000? I mean, can you give me a little better feel for...I know we talked about this at the last meeting and you guys have made some...it looks like some pretty major steps toward reaching more people. In your meeting with employers and religious leaders what feedback are you getting? Are we just not getting the message to the people or...?

Phil Lieberman: It's something that the next person is going to talk about.

Commissioner Tuley: Oh, okay.

Phil Lieberman: I think a problem is that to get a program of education and training and having it being completed in six months is a difficult thing. It's also difficult to show that this person is going to be better off...will be better off at the end of the six months...or the end of the training program. We can foresee that the person would be better off, but it's a decision that we have...the Gatekeeper has to make and the person who is going to try to apply for the program has to think it's going to happen. A person for example could take...a person could be a secretary and that person can take Word Perfect training or Word and they can pass, but that doesn't mean they're going to get a raise, so that's a problem. We are talking in two weeks to one of the employment agencies about a project where we can take their employees who may for example be working at a job at a certain level making \$7 an hour and then they're billing that person out at \$10 an hour and that person will go through a training program to become more skilled and then that will pay that person \$7.50 an hour and be able to bill that person out at \$13 an hour and that is something I think we're going to have success in in a couple of weeks after we talk to the manager of that program. If that gets off the ground that will be big boost because we'll be able to show a definite increase in that person being better off.

Commissioner Tuley: Yeah, okay.

Commissioner Mourdock: Phil, on the safety net how are you documenting that this...what was our famous phrase? Circumstantial disruption or significant circumstantial disruption, something like that. How are we keeping track of that knowing that we're doing what the program was intending to do?

Phil Lieberman: Most of those families in the program for safety net are coming in for car repair. They'll come in and say their car doesn't work or they have major problems with a car and they're not able to get to work and so we ask that person to go out and get three appraisals. They have three appraisals from companies that we've certified as being vendors for the Gatekeeper program and they come in and--

Commissioner Mourdock: I understand that part of it. I guess my question is how do we know that they're not just coming in to get their car fixed? How are we tracking to know that if, in fact, their car is totally out of service that it means they're going to lose their job by not getting back and forth to work? I mean, that was the point of having that safety net feature. Just how are we verifying that?

Phil Lieberman: Okay, I'm going to let Gary Heck, who is the manager of the program, speak to that issue.

Commissioner Mourdock: Okay.

Gary Heck: We have a form that gets completed that the applicant certifies that in order for them to remain active in their productive activity, which would be working, going to an educational program or in a job training program or a combination of all three of those, that they need to have their vehicle repaired in order to accommodate that. It's the same as a notarized statement, but it is a statement that is completed and signed by the applicant. That's one of the requirements and it also takes a Trustee referral, of course, for that particular project.

Commissioner Mourdock: That's a good point. I had forgotten that.

Gary Heck: So in order for that to happen we make sure that everyone is referred back to us by one of the Township Trustees, the one that they live in.

Commissioner Mourdock: Yeah. Do you ever do any spot-checking where you call the employer to see, in fact, to verify employment when they're saying they're going to that place or...?

Gary Heck: Well, they have...part of the documentation package is that they have to have paycheck stubs for the last 30 days or there in their application packet there is a verification of wage and employment that they can fill out in lieu of that. So we do call to spot-check on some of the paycheck stubs or some of the forms that are filled out just to make sure that the individual who has signed off on it is actually the...does work there and those kinds of things, so we do have some safety measures in place.

Commissioner Mourdock: Alright, well, obviously this one area of the several that we have is the one that could be most used for...misused, let's say it that way, so I just want to make sure we keep tracking it.

Gary Heck: The other thing that we do, we also require that we have a copy of their license/registration and/or a title, so we make sure that the car that is being repaired is at least registered to that individual.

Commissioner Mourdock: That's a good point.

Gary Heck: And then we also check that way just as a fail-safe because, I mean, it's real easy to have anybody come in with any car to try to get those kinds of repairs.

Commissioner Mourdock: One last comment, are you getting much back from the people we're trying to serve with this? Are you hearing much from them? Is it take the service and run or are you getting any subsequent feedback?

Gary Heck: Oh, no, we're getting quite a few. In fact, we've received several letters from individuals that says this is a godsend program and that...because when you really think about it most of the individuals that we're dealing with haven't been able to accumulate any kind of resources at all and when you look at trying to replace or fix a transmission and that's their only mechanism to make sure they get to work and can take care of their family the fact that there is a program like this that helps, it's just a tremendous program and that's the kind of feedback that we get. In fact, we've had requests from Posey County and Warrick County of people who work in Vanderburgh and live there that

would like...they've heard of the program and would like to also take part in it and we encourage them to go back and talk to their County Commissioners to see if they might fund a program similar to that. They point out they don't have a riverboat.

Commissioner Mourdock: I figured that would come up, yeah.

Gary Heck: I figure that's their County Commissioners' area to work on how it gets funded.

President Jerrel: Thank you.

Gary Heck: You're welcome.

Phil Lieberman: I should mention that when the appraisals come back in if they are very close we'll let the person pick because they have a choice of the vendor they want to go to, but if the appraisals vary even a significant amount, or a small significant amount, we'll make the person take it to the lower vendor. A case just came back up where there were two appraisals that were high and one appraisal that was low and we wouldn't certify the higher appraisals, they had to go to the lower appraisal because the lower appraisal said that they did not need to have certain work done and if that vendor said that work did not need to be done that was just a good sign that he would say that he did not need that business. So we actually look at the appraisals pretty closely and make decisions based on those.

President Jerrel: Is there a motion to accept the report?

Commissioner Mourdock: Did you have someone else who had something to say? Did Gary take care of that?

Phil Lieberman: I think next on your agenda is--

Commissioner Mourdock: Ah, okay. Yeah, I'll move that we accept the report submitted for statistics as of April 24th.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

### **Welfare to Work Planning Council - Expand job training eligibility**

President Jerrel: Now we do have representatives from the Welfare to Work Local Planning Council.

Leanne Hudson: Hi, I'm Leanne Hudson and I'm with the Welfare to Work Local Planning Council and also serve with New Directions Single Parent Homemaker Program. I think Gary...or Phil has addressed the problem that we've all been aware of not being able to use some of the educational fund, so a subcommittee met from the Welfare to Work Council that was made up of a school administrator, a supervisor with the Office of Family and Children, a supervisor at Work Able and myself and wanted to expand the eligibility requirements for the job training to include the definition of a successful outcome to include the completion of an educational class or program. It was felt that the definition that we've been working under thus far has been very restrictive and while we can appreciate the need to have accountability we feel by expanding this

definition that number one we'll be able to access more of the funds and also be able to have a better prepared workforce.

President Jerrel: I'm going to read from...you have the material here, but it specifically would define:

“The parameters for qualifying for job training/education dollars be expanded to define “measurable outcome” to include the successful completion of an approved educational class or job training program.”

You already have those classes and job training programs already defined in that sense in the community, do you not?

Leanne Hudson: Not completely.

President Jerrel: I mean you know--

Leanne Hudson: I think that would be something that we would have to look at program by program.

Commissioner Mourdock: If I may, let me paraphrase it and see if I come close.

Leanne Hudson: Okay.

Commissioner Mourdock: The way the program is currently structured is for someone to be eligible for the education they had to demonstrate going in to it that once they completed this program it would mean they would either be eligible for a new job or for some higher level of compensation in their existing job?

Leanne Hudson: Either a raise or an increase in benefits.

Commissioner Mourdock: Right. And what you're asking for is to say that simply the definition of measurable outcome is to simply complete the course versus to tie the completion of the course to a change in wage or a change in job.

Leanne Hudson: Yes.

Commissioner Mourdock: Is that right?

Leanne Hudson: Yes.

Commissioner Mourdock: That begs one question. If, in fact, someone...let me just make up a number here. Let's say someone wants to take a class at Ivy Tech, it's a \$500 class. We're going to say, yeah, we'll do that. Obviously, we pay Ivy Tech directly and they drop out of the class half way through. We do not have any means of going after those people to get that money back since they probably wouldn't have any money anyway, right?

Leanne Hudson: I think what...we did a study to find out what types of educational programs would be probably accessed by this population and as far as Ivy Tech programs are concerned and any post secondary classes like that the income level that we're speaking of would probably be eligible for Pell Grants and possibly state grants and would not necessarily need the help for this kind of program...or need the help to

pay those expenses.

Commissioner Mourdock: Well, then define who this population is? You just defined who is isn't, define who it is.

Leanne Hudson: I know in working with...I work with single parents and displaced homemakers in the job that I do and many times where I can't provide the educational experience for people that call me because they don't fit our categorical eligibility of being a single parent or displaced homemaker or they're above our income guidelines and I think what we're looking at is maybe adult education classes that are not eligible for any Pell or state...federal or state grants. It could be a training program. Most of the training programs that are in effect right now, like Work Able and TTI, Curtis And Associates already have contracts with IMPACT, so we probably would not be looking at those, but it would be classes that could be accessed and completed in the six month time frame that we're talking about but that would better prepare them to do something. I think, too, that we have to think about education being, you know, valuable for whatever it is and many times people completing like some of the classes that we have experience such a boost in confidence, and I know that is not a measurable outcome, but it does better prepare them to get a job that may necessarily not even be tied in with computer class or something of that sort.

Commissioner Mourdock: Okay, well, hearing that I'm more comfortable. I guess, the one thing that I would say is if we're going to do this, though, on the next quarterly report I would like to see, and maybe the next quarterly report we won't have any results, but at least as a part of each quarterly report I would like to see the evidence that there was successful completion of whatever courses those are. In other words, that we don't have the situation that I defined where we paid to have someone enrolled and then they drop out half way through the program.

Leanne Hudson: Right, and we can't guarantee that.

President Jerrel: Are these not--

Commissioner Mourdock: That's right, we can't guarantee that, but if happens 80% of the time--

Leanne Hudson: Right, then we need to look at it again.

Commissioner Mourdock: --then we would know to look at it again.

Leanne Hudson: Sure.

President Jerrel: Are these...when you say adult education classes, are these like the night classes that are available?

Leanne Hudson: Right, through EVSC. There are some also through Ivy Tech, USI, U of E that are their continuing education classes that do not count toward any degree program, but there is just a real wide array of different classes. Not only computer classes, but it could be waste management, it could be safety classes that would enable someone maybe to do something in a factory. Those kinds of classes.

President Jerrel: There are management classes.

Leanne Hudson: Management classes, all kinds of things that could be accessed through the post secondary field that are not eligible for financial aid. One of the other...I don't know if you were at that meeting, Richard, when we talked about possibly including also persons who could not access financial aid again because they had to drop out of a class and for whatever reason they went on financial aid...or went on probation either academically or because they didn't complete the class. Of course, we would want to look at that, but when that happens they have to pay for at least two classes in order to get their financial aid reestablished, so that is a big need. I see that five or six times a semester.

President Jerrel: Those classes are not usually in the \$500 range.

Leanne Hudson: No, it just kind of depends on if it is one class or a series of classes. Activities director class, I know, we've had some people that have attended that through Ivy Tech to work in nursing homes to be activity directors. I think that class usually runs around \$300. I could get, you know, bring some of that...those types of classes in if you would like to take a look at them and see. I think those would be some real good short-term training classes for the right person.

Commissioner Mourdock: As you said, there are a lot of intangibles involved with those types of classes--

Leanne Hudson: Very much so.

Commissioner Mourdock: --that may not directly relate, but, yeah, it may build someone's confidence even more so. It may just get them back into the habit of learning.

Leanne Hudson: Right, back into a classroom situation and so forth.

President Jerrel: Is there a motion?

Commissioner Mourdock: Pat, are you comfortable with it?

Commissioner Tuley: Yeah, I'm fine. That's fine. I'm like you, though, I would like at the end of that quarter and, again, realize a quarter--

Leanne Hudson: I think that would be...yeah, I would be glad to work with Gary on that.

Commissioner Mourdock: Gary has a comment.

Leanne Hudson: Okay.

Commissioner Mourdock: Thank you.

Leanne Hudson: Thank you.

President Jerrel: Well, we have to have a motion.

Leanne Hudson: Oh, excuse me.

Commissioner Tuley: Well, what was Gary's comment? He has been holding his hand up for a while. I don't know if it's related to this or not.

Leanne Hudson: Did you want to say something else?

Gary Heck: I just wanted to let you know on another program that we administer for the Step Ahead Council we don't pay these schools in advance for students. We send them a letter up front that spells out the arrangement in which we will pay. We basically will guarantee that if the student meets of their obligations that we'll be responsible for this and then that way about half way through the semester if they show their favorable progress, then the educational institution will send us an invoice and then we'll pay from that and if for whatever reason the student was to drop out after that they have gone ahead and reimbursed us for those, so we try to negotiate those all up front and my guess would be that we could do the same thing with this program without any difficulties since we have that track record.

Commissioner Mourdock: Very good.

Gary Heck: So we shouldn't be out any dollars if that were to happen.

Commissioner Mourdock: Good stewardship.

Gary Heck: Thank you.

Commissioner Mourdock: I will move then that for the education/training portion of our local Initiative Based Assistance Program that we include the successful completion of an approved educational class or job training program as a measurable outcome.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered. Thank you, Leanne.

Leanne Hudson: Thank you.

Commissioner Mourdock: Thank you all.

### **PIC - Approval of service delivery area**

President Jerrel: Okay, the next item on the agenda is the Private Industry Council. In your packet you have a review of that program and if you read it carefully you'll see that we're frequently held responsible for the funding, but we all have...we delegated that to the Private Industry Council. It's a pretty sizeable \$4 million.

Commissioner Mourdock: It is indeed.

President Jerrel: This just requires that we approve the agreement and it is the same one that we previously had with the Private Industry Council.

Commissioner Mourdock: Yeah, just for the record to co-signatories of that ultimately would be the Mayor of Mount Vernon, the Mayor of Evansville, the Mayor of Boonville, the Mayor of Rockport, of Tell City, the Posey County Commissioners, the Perry County Commissioners, Spencer County Commissioners, Warrick County Commissioners and the Vanderburgh County Commissioners. Having said that, I will move approval of the continuing agreement with the Private Industry Council of Southwest Indiana.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

### **Health Department - Grant application**

President Jerrel: The next item is the grant application for the County Health Department. This is similar to the same model that we've used before. Did you look at it, Joe?

Joe Harrison, Jr.: Yeah, it's fine.

Commissioner Mourdock: I'll move approval of the Lead and Lead Based Paint Education Indiana Household Hazardous Waste grant application.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered. That was a total project at the cost of \$40,000.

### **Any group or individual wishing to address the Commission**

President Jerrel: The next item, is there anyone here that would like to speak to the Commissioners at this time?

### **John Stoll - County Engineer**

President Jerrel: Okay, hearing none we'll move to the County Engineer.

John Stoll: The first thing I've got is agreements between the county and INDOT for modifications to the Lloyd and Burkhardt traffic signal as a part of our Burkhardt Road project. These agreements basically state that we will do all the work, make all the modifications to the signals and INDOT will allow us to do all that work on their right-of-way. One thing that when the state prepared this agreement they made a reference to a developer in item number 17 and I asked them to change that to the county. It looked like it was just a boilerplate agreement that they had pulled off the shelf and they left a reference to a developer. I asked them to change it to the county. I got a revised agreement back today that still said developer, so I changed it to county so if this isn't acceptable to them you might see this in front of you again sometime in the near future. I am just assuming that they intended for it to say county, so that is why I changed it that way.

Commissioner Mourdock: Have they already signed the document?

John Stoll: No, they haven't.

Commissioner Mourdock: We can initial it. Initial the change and I presume that they would initial the change.

President Jerrel: Right.

John Stoll: I just retyped it so it is not crossed out or anything. I'll just make them aware of it. I did make a phone call to the state today to ask why they didn't change that and I didn't get a return phone call as of yet, so when I do get a return phone call I'll ask if this is acceptable and then if it is then they can forward it on to the Attorney General's

office.

President Jerrel: Okay. Is there a motion to approve?

Commissioner Mourdock: Let me read the title of it and then I'll make the motion.

President Jerrel: Yeah, right.

Commissioner Mourdock: I move approval of the agreement for modernization of a fully actuated traffic signal system on State Route 66 and Burkhardt Road between the Vanderburgh County and INDOT.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is street plan approval request for Breckenridge Subdivision. This subdivision is located off Boonville-New Harmony Road between Petersburg and Seib Road. This subdivision will have asphalt streets with curb and gutter. We've reviewed the plans and based on the review and the revisions that were made it is recommended the plans be approved.

President Jerrel: Is there a motion? Breckenridge Subdivision.

Commissioner Mourdock: I'll move approval of the street plan for Breckenridge Subdivision as recommended by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is also a street plan approval request. These street plans are for Carneal Commercial Subdivision, Section 2 which was an extension of Riverside Drive east of Green River Road. I brought these plans to the meeting a few weeks ago and the plans were approved at that time and now that the developer of an apartment complex has come in to Site Review there was a request to make a change to the end of the street rather than build a cul-de-sac at the end of the street that the street would basically just T into the apartment complex.

President Jerrel: Right here?

John Stoll: Right. Used to that was just a regular typical circular cul-de-sac, now the street is just going to go along the apartments like that.

Commissioner Mourdock: So there will not be a cul-de-sac at all?

John Stoll: No, after the Site Review meeting it was felt that was not necessary given the fact that the only thing that would have access at the end of that cul-de-sac would be the apartment complex.

Commissioner Mourdock: What is the name of the subdivision? I don't see it on here.

Commissioner Tuley: Carneal.

John Stoll: Carneal Commercial Subdivision.

Commissioner Mourdock: Oh, Carneal.

President Jerrel: Okay.

John Stoll: It's just a minor revision, but I figured I probably better bring it in here for approval.

President Jerrel: Is there a motion to approve?

Commissioner Mourdock: I'll move approval of the revised street plan for Carneal Subdivision as recommended by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next in regard to the Heckel Road bridge I have contacted Beam, Longest & Neff who is doing the inspections. They said they could give us a cost estimate for rehab of the bridge and the design cost for that rehab, but they could provide a better recommendation after they do a better inspection of the bridge this week. It's the fracture critical inspection where they actually get up on the steel truss and investigate everything to see what kind of capacities are left in that steel, so after they get an opportunity to do that inspection they're going to get back with me and give me a better cost estimate on the design and construction of a rehab and by doing that inspection they can also tell us whether or not it can be rehabed to the extent that it could carry a legal load rather than posted for some lesser load limit, so hopefully next Monday I can give you a report on that.

President Jerrel: Okay. Any other questions of John?

Commissioner Mourdock: Is that your last item, John?

John Stoll: Yeah, well, other than Joe had said about the Daylight sewer. Tony had faxed me a petition for some people who wanted to be connected to that sewer and I am trying to get some information on that. I talked to Mike Robling today and he said he didn't know how that would effect the permit for the construction of Daylight sewer and he said he would forward it to the consultant, Three I Engineering, to take a look at that and see what it would cost to serve those people and I also called Charlie Thomas at the Sewer Department to try to find his thoughts on this. Based on what I found out so far it doesn't sound like the project excludes these people it is just that...the area that they live in was not specifically served by this construction of the sewer.

Commissioner Mourdock: So it is not a forced main issue or a gravity feed issue or anything like that it's just that they weren't in the plan?

John Stoll: It's...I believe they are in the forced main section of the sewer which may be why they have to run the sewer farther to tap into one of the lift stations. I'm not totally clear on that as of yet because I haven't seen the Daylight sewer plans, but just by reference...the people who made the petition made reference to the fact that they would have to extend the sewer for half a mile to, I believe, it was a lift station at Schlensker Road, it sounded like it must be feasible for them to be served. It just sounds like it would

take more sewer to run...I mean, it would take them running the sewer a longer distance to get them access.

Commissioner Mourdock: My knee-jerk reaction when I saw the letter that they sent in is this is another classic case of city/county, city slash county, not talking to one another. Would you please make sure at the infrastructure working group meeting that we have this Wednesday at 4:00 that we bring this issue up. I realize we won't get any resolution to it then, but I suspect Charlie Thomas, he's normally pretty good about being at that meeting, maybe he can begin to address why...what's happened at least to the point that these people feel they're being excluded. I think it's crazy if we're going to have that sewer out there and if there is any possible way for them to hook onto it that ought not even be a stumbling block, but it sure sounds like they feel it's a stumbling block right now and I would like to get to the bottom of it.

John Stoll: Yeah.

Commissioner Tuley: John, can you, and I know we're getting ready to get real busy for you, but can you kind of keep us advised maybe every other week or something about the major projects like Lynch Road. You know, where we're at on Lynch Road, where we are on Burkhardt? Because right now...you know we're in a rainy season right now and they may not be moving as fast and let's make sure that we've got everything else in place we need so if the weather breaks and we're trying to pave or lay pipes or whatever we got everything else in place that we need so that we don't get through the rain and have other delays. Kind of just keep us abreast on where we are at on that kind of stuff.

President Jerrel: Have you all been out to Burkhardt and Lloyd lately?

Commissioner Tuley: I drove by there, but I didn't--

President Jerrel: Well, I was going to say the state has really made some progress. I mean, those...they're ready to pour concrete, aren't they, John, in those turn lanes?

John Stoll: Out in the median, yeah.

President Jerrel: Yeah, I mean that's going to make a big difference.

Commissioner Tuley: Oh, yeah, you mean where they extended that there?

President Jerrel: Yeah, that's ready to go.

Commissioner Tuley: Yeah.

President Jerrel: I went out there Sunday and that will make a big difference.

John Stoll: If it remained dry they had planned on trying to pour those lanes either late this week or early next, but since the rain is forecast for all week I would say it will be next week at the very soonest.

Commissioner Tuley: Kind of what prompted my thoughts here with all this rain we're having right now there is a lot of things they can't get done, so let's make sure we have everything in place so once it dries we can start moving.

Commissioner Mourdock: I haven't seen that intersection in the last couple of weeks, but I was driving up Green River Road the other day and I thought I saw an airplane that mistakenly thought Lynch Road was runway 927 out there. A big abandoned stretch of concrete!

Commissioner Tuley: Somebody ought to get some use out of it.

Commissioner Mourdock: Yeah. That's a very good comment, Pat, about getting the updates every other week. We really do need to get those. On one more subject, last week...and I have the gentleman's name, but it has escaped me. The gentleman that came in on the Voight Road issue.

John Stoll: Yeah, Ralph Effinger.

Commissioner Mourdock: Do we know...what do we know this week that we didn't know last week?

John Stoll: I went out there and took a look at it and the pole that is in the way appears to be in the right-of-way on the basis of the documents that he provided. It is not in an area that would likely be maintained by the county as far as you would think of a maintained right-of-way being mowed or ditched or whatever. It's pretty far off the back side of the ditch, but it is within the right-of-way. I forwarded that information to Joe and he has been looking at it to figure out what we need to do, if anything, on that.

Joe Harrison, Jr.: I believe what the Commissioners may want to consider having me draft a letter to the owner of the fence and asking that it be removed and if it can't be removed, if it's in the right-of-way, then we'll have to go out and take it down like we've done many other items that are put in our right-of-way.

Commissioner Mourdock: Okay, the question of whether or not it is in our right-of-way though--

Joe Harrison, Jr.: It is.

Commissioner Mourdock: --is now answered? That's what we know now that we didn't know last week?

Joe Harrison, Jr.: Isn't that correct, John?

John Stoll: Right.

Commissioner Mourdock: In that case I'll move that we direct the County Attorney to write such a letter and copy, obviously, each member of this Board, the gentleman who appeared last week and the trespasser.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Do you want a quick update on some of these projects now or do you just want me to wait until next week?

Commissioner Tuley: If you've got it now let's go for it.

Commissioner Mourdock: Yeah.

John Stoll: I was going to say on Cross Pointe and Morgan they have been pouring some curbs out there and they have got some rock placed. We haven't gotten any response back from the railroad as of yet on the agreement that was sent to them a couple of weeks ago, but that will probably end up being what delays the project at some later date if they don't respond sometime soon, so we'll keep on that and hopefully get a response from them soon.

Commissioner Mourdock: Percent to completion is?

John Stoll: Pardon?

Commissioner Mourdock: What would you guess our current percent to completion would be?

John Stoll: Off the top of my head I don't know.

Commissioner Mourdock: Okay, maybe--

John Stoll: I don't remember.

Commissioner Mourdock: Yeah, keep going tonight, but maybe as you give these reports every other week that would be a good way to report it.

President Jerrel: Keep track of it.

Commissioner Mourdock: And realize that you could do it to real great detail based on the dollars, the budgeted amount of money, but I'm not so much interested in that. It's just some rough numbers, 30% complete, 50% complete or whatever.

John Stoll: It's pretty easy to track it off of the invoices so we can do that.

Commissioner Mourdock: Right.

John Stoll: On Lynch SIGECO is supposed to move their I-beam out of the way sometime this week which would allow us to get the curbs poured around the Marathon property and really that's about the only thing that has been going on out there as of late has been some curb work. They did pave...finish paving the median on the section between Green River and Burkhardt and I believe there has been some signal work going on at Green River and Lynch. On Burkhardt, we've been trying to get some things resolved with the traffic signal at Burkhardt and Lloyd. One of the proposals that has been put out during a meeting we had a couple of weeks ago was to eliminate all the loop detectors for detecting the traffic and switch all that over video cameras which would allow it to work a whole lot better when the different phases are built during construction, so that is being coordinated with INDOT right now to try and get that resolved. It sounds like it would be at the same cost as the detection system that is set up right now.

Commissioner Mourdock: Does the state pay for that or do we pay for that?

John Stoll: We pay for that as part of our contract.

Commissioner Mourdock: And it's the same price as a loop detector? Really?

John Stoll: Based on some estimates that Dave Savage did when we met a couple of weeks ago.

Commissioner Mourdock: Great.

John Stoll: That would be easier to just aim the cameras in a different direction rather than having to worry about cutting all the loops in the pavement.

Commissioner Mourdock: Right.

John Stoll: So it sounds like a pretty good option. I'm not that familiar with that kind of technology, but based on the people who were it sounds like it could work out pretty well for us. The contractor on phase one has said that they intend to get done by the end of the year as long as the weather cooperates. They're not contractually obligated to be done by the end of the year, but they intend to be out of there. They've been out there long enough as far as they're concerned so they want to be done.

Commissioner Tuley: Phase one runs from State Road 66 and Virginia?

John Stoll: Lloyd and Virginia, right. Phase two had been going pretty well with the box culvert installation until just recently with all the weather. They were actually ahead of schedule a couple of weeks ago. I didn't have it checked on where they stand now, but I believe their schedule had them having the box culvert completed by the end of May and it looks like they still should have that done as long as we don't keep getting these kind of rainstorms.

Commissioner Tuley: Just for the record, that is Virginia to Oak Grove?

John Stoll: Virginia to Maxwell.

Commissioner Tuley: Maxwell, okay.

John Stoll: Then on phase three, on the section from Maxwell to Interchange Road South is about where it ends really, I have been working with the consultant today to try and get a revised right-of-way acquisition agreement and they've also gotten notice that no public hearings were requested on that project, so the next thing they've got to do is keep coordinating with the railroad. I spoke with the consultant last week and they had told me that the INDOT railroad people were out of the office last week and hopefully they can give me some answers on the status of that railroad crossing sometime this week.

President Jerrel: What about the design for the Morgan/Burkhardt?

John Stoll: That's all included--

President Jerrel: Included?

John Stoll: --in phase three, right. That was what they...given how long it has taken to coordinate things with the railroad down at Cross Pointe that's what they were feeling could be the controlling factor on when we could get that one out for bid. We've been working with some of the people who we'll have to acquire right-of-way from trying to minimize the impacts to their property and things like that. So hopefully the right-of-way acquisition won't be too tough, but we are encroaching on a couple of parking lots out

there that may have some affects on some businesses, but that remains to be seen whether or not we can revise the right-of-way take to something even smaller than what we've gotten right now.

Commissioner Tuley: On the intersection you mean?

John Stoll: No, this is just north. All the driveways on the east side.

Commissioner Tuley: Oh.

John Stoll: Burkhardt between Morgan and Interchange Road North.

Commissioner Tuley: That's pretty good.

President Jerrel: Thank you.

Commissioner Mourdock: Very good.

Commissioner Tuley: About two weeks upgrade us again...or update us.

President Jerrel: Thank you.

Commissioner Mourdock: Thanks, John.

**Rick Dickinson - County Garage**

President Jerrel: Rick.

Rick Dickinson: The only thing I have for you is we want to send some operators and a couple of mechanics to a gradall school that's sponsored in Louisville, Kentucky. Who do I give this to?

President Jerrel: You also have in your file the reports from the Garage. Is there a motion to put these in the regular or...

Commissioner Tuley: Consent items?

President Jerrel: Yeah, we'll just put them in the consent items so we'll approve them when we do all of them, okay?

Commissioner Tuley: That will be about...tonight.

President Jerrel: Yeah, you don't have to wait.

Commissioner Tuley: It will be done tonight. You don't have to worry about it.

President Jerrel: Is there a motion to approve the Highway Garage progress report?

Commissioner Mourdock: I have another Garage item, but for now, yes, I'll move approval of the report as submitted.

President Jerrel: Okay.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: The item I have, and I don't know if both of you got this letter also from J.H. Rudolph?

President Jerrel: Uh-huh.

Commissioner Mourdock: What the letter is real quickly is they did not respond to our bid request earlier in the year for hot mix and they thought the thing was going to be extended and we opted to go with a new one as opposed to extending it. What they are basically asking for, and I don't know that we really need to act on this, but what they're basically asking is if, in fact, they serve as a subcontractor to Jerry David does that work for our purposes? I guess my point of view is, and, Joe, correct me if I'm wrong, as long as the price is the price and they have an agreement between Jerry David and Rudolph what do we care? Is that...I mean, unless there is some limitation in that contract that prohibited subcontracting for materials, which I think would be highly unusual.

Rick Dickinson: We could definitely use them.

Commissioner Mourdock: Well, that's it. They ought to be a lot closer to many of the job sites and they can certainly get mix out.

Rick Dickinson: Yeah, we have a lot of streets around that neighborhood we're doing this year and it would help us a bunch.

Joe Harrison, Jr.: I'll just...why don't I take a look at the bid specs on that. I can get them from...Lynn may still have them.

Commissioner Mourdock: Had you heard anything about this, Rick?

Rick Dickinson: I just know I've got a couple of friends who work out there and we've been talking and I don't know why we can't buy from them or anything else, but I just know that this year we can't buy...the only thing we can buy from them is tap oil and UPN.

Commissioner Mourdock: Yeah, just for your information quoting from the letter:

"Your counsel determined that the extension of our prior agreement was voided by the notice of your intention to bid. While we do not contest your position on this matter the county suffers considerable additional expense by not being able to pick up materials from the Green River Road plant."

I think that's probably pretty legitimate.

Rick Dickinson: Yeah, you're looking at by the time you make a round trip from where we have to go compared to where they are a lot of roads we're doing you're looking at the time you take to pay the truck drivers and trucks and diesel fuel.

Commissioner Mourdock: Okay, if I may I'll pass this down to the County Attorney.

Joe Harrison, Jr.: Yeah, I'll take a look at it.

Commissioner Mourdock: And I would move that if upon review the County Attorney determines that there is no prohibition against subcontracting materials, that the County Attorney send a letter to both Jerry David and Rudolph saying that we would concur with the purchase of the hot mix from Rudolph's plant subject to the Jerry David contract.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Did I say that correctly, Joe?

Joe Harrison, Jr.: Well, we would be purchasing from Rudolph. It's just they would have...I mean, from Jerry David, it's just that they would have a deal between themselves on where they're getting it.

Commissioner Mourdock: I think that's what I said in my motion.

Joe Harrison, Jr.: The billing would come from Jerry David.

Rick Dickinson: Yeah, another thing for Rudolph is they did do \$150,000 addition to accommodate us. They only had three silos and now they have five. They put them extra two in there just for the county, so they're going to serve us a lot better than anybody can.

Commissioner Mourdock: Put one in for small trucks.

Rick Dickinson: Yeah, they put two little ones in for the three big ones they had.

President Jerrel: Okay. Is there anything else?

Commissioner Tuley: That's all I've got.

Commissioner Mourdock: Yeah, I had nothing else.

President Jerrel: Thank you, Rick.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: The only item I have relates to Burdette Park. There are two service manager independent contracts. One for the Assistant Manager out at Burdette for handling the concessions this summer and the second one is for the actual Manager. The manager contract would be between the county and Angela Covington and the rate of pay would be \$8.50 per hour and the term would be May 1st to September 30, 1998. The second contract is between the county and Mona Berry. Again, that's for the Assistant Manager's position, \$7.00 an hour is the compensation. The agreement would run from May 1st to September 30th of this year. And, again, these are independent contracts. They've been signed by both individuals and I would ask that you sign the same. It's essentially the same contract...it is the same contract language that they had last year, but it was with two different individuals. These are new people that will be

working out there.

Commissioner Mourdock: Did I understand both were titled Assistant Managers?

Joe Harrison, Jr.: No, one is...I'm sorry. One is the assistant. I think Berry is the Assistant Manager.

Commissioner Mourdock: Oh, yeah, it's Beverage Manager.

Joe Harrison, Jr.: And Covington would be the Manager.

Commissioner Mourdock: I'll move the approval of a contract between Vanderburgh County and Mona Berry as Beverage Assistant Manager for Burdette Park for the period from May 1st through September 30th of '98.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And I will move approval of a contract between Vanderburgh County and Angela Covington as Food and Beverage Manager for the same period.

Commissioner Tuley: Second.

President Jerrel: So ordered. You'll need to sign these, too, Joe. I'll put them in the signature file. Is there anything else?

Joe Harrison, Jr.: No, that's all, thank you.

### **Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: Actually, I have one item. Mary Arnold came in this morning and she had just got approval from the state to add one additional property to the existing Indiana Housing Finance Authority Grant for Flood Mitigation. What happen there is a strict income limit on that program and they went by 1996 tax returns and there is one person who was laid off for most of 1997 and with the 1997 tax return he now qualifies to have his property bought out. It's at 12125 Old Henderson Road. It's Ronald and Becky McKinney. The state said that they could go ahead and add them to the program, to the existing program. We're needing permission to add them...to add 12125 Old Henderson Road to the program and to have a change order with David Matthews & Associates and Larry Farmer Appraisal Company, Incorporated for a change order for their contract that we signed in 1997.

President Jerrel: Okay.

Commissioner Mourdock: I'll move approval of the addition of 12125 Old Henderson Road to the Flood Mitigation Program.

Commissioner Tuley: Second.

Commissioner Mourdock: And also move approval of the...what would it be, the renewal

or the adding subject property to the Matthews' contract?

Tony Greubel: Yes.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered. Is there anything else?

Tony Greubel: No, that's it.

President Jerrel: Okay, thank you.

**Steve Craig - Burdette Park**

President Jerrel: Burdette Park.

Steve Craig: What I wanted to bring up tonight was we had talked about the paving, patching, the sealing and the striping and we had \$19,495 in our money in our Land and Improvement which was earmarked for paving. It's account number 2031-1450-4110. I got some cost estimates on it and the paving and the patching it came out to \$11,123. The sealing and striping for the various lots was \$8,293 with a balance of \$79 to be left over.

President Jerrel: You do have the quotes from the three companies?

Steve Craig: Yes, ma'am.

President Jerrel: Would you want to let us put those in the record? Who was the...you need to read them. Yeah, we need to read these into the record. The...you want to read those? The first one is for what? The top one?

Steve Craig: I think it's the paving.

President Jerrel: Paving, okay.

Commissioner Mourdock: This one is paving and patching?

President Jerrel: And then the next one down here--

Commissioner Mourdock: Okay, well, don't go away. Let me do this one first.

ITEM BID	JERRY DAVID	E & B PAVING	J.H. RUDOLPH
Scout Area Rd.	\$3,060.00	\$3,711.06	\$4,462.00
Campground Rd.	\$2,700.00	\$1,885.74	\$6,100.00
Batters cage	\$4,835.00	\$7,509.84	\$5,134.00
Putt-Putt area	\$528.00	\$389.18	Inappropriate bid
<b>BID TOTALS:</b>	<b>\$11,123.00</b>	<b>\$13,495.82</b>	<b>\$15,696.00</b>

President Jerrel: Again, what was this vendor total and that one? Who is the low?

Commissioner Mourdock: The lowest proposal of the three is vendor one, Jerry David, \$11,123.00

President Jerrel: And vendor two was E & B.

Commissioner Mourdock: Did I not say that, I'm sorry.

President Jerrel: Okay, so is there a motion to approve the low bidder for the paving and patching of Jerry David \$11,123?

Commissioner Tuley: I'll so move.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Okay, now what have we got here on the next one? Is there a summary sheet? Is that our sound system that sounds like thunder?

Charlene Timmons: Yes, it is.

Commissioner Mourdock: Okay, go ahead and explain.

Steve Craig: On Latshaw they did not give us a price to seal it. He just gave a price on the striping only and told me to contact one of these two people because that's who he would contact to have them do it. I also called Pave Tech and they have not got back with me and Tri-State Sealing, but I didn't put the vendor. The number that I gave you is the lowest that I know I can get it now and if one of the other vendors come in later with a lower price this would do nothing but get lower.

Commissioner Mourdock: Yeah, I've got two comments. We need three bidders and after we read these into the record nobody is coming in anyway.

Steve Craig: Yeah, well I had told them to have it in today.

Joe Harrison, Jr.: How many did you get?

Commissioner Mourdock: Two.

Commissioner Tuley: Two.

Steve Craig: I actually got three. I got one from Latshaw but it was an inappropriate bid because he didn't bid on the sealing part.

Joe Harrison, Jr.: Okay.

Commissioner Mourdock: So we did have three submitted?

Steve Craig: Yeah, I contacted five.

Commissioner Tuley: One is incomplete.

Joe Harrison, Jr.: That's fine.

President Jerrel: Is that okay to go ahead?

Joe Harrison, Jr.: Yeah, that's fine.

Commissioner Mourdock: But understand after we read these into the record nobody else comes in the door here.

Steve Craig: Well, what I'm afraid of is it's on my fax machine. I stayed until 4:30 or 4:45 and they never faxed it in.

Commissioner Mourdock: What was the time that you had told them to send it in by?

Steve Craig: I told them by Monday morning.

Commissioner Mourdock: Today's Monday morning?

Steve Craig: Yeah.

Commissioner Mourdock: So, okay, we're clear. Okay then to read into the record enclosed is updated prices for seal coating and striping various parking lots at Burdette Park. The first bidder is...is that Huff?

Steve Craig: Yeah.

Commissioner Mourdock:

ITEM BID	HUFF SEALING	PSC
Main Office (seal coat & stripe)	\$4,626.88	\$3,733.00
Lakeside (seal coat & stripe)	\$798.92 \$99.80	\$635.00
Bishea (seal coat & stripe)	\$1,665.32 \$148.40	\$705.00
Cabin #13 (stripe only)	\$79.80	\$90.00
Cabin #18 (stripe & seal)	\$706.50 \$58.80	\$595.00

Cabin #19 (stripe only)	\$84.00	\$100.00
Skating Rink (stripe & seal)	\$4,079.08 \$436.80	\$1,660.00
Basketball court (stripe & seal)	\$419.52 \$152.14	\$425.00
Oasis (seal coat & stripe)	\$274.21 \$39.20	\$350.00
<b>BID TOTALS:</b>	<b>\$13,670.09</b>	<b>\$8,293.00</b>

The low bidder is PSC with that \$8,293 bid.

Commissioner Tuley: I'll move approval for the low bidder.

Commissioner Mourdock: I'll second.

President Jerrel: So ordered. Okay, we're going to keep this, okay? I mean, do you want a copy? She'll want a copy.

Steve Craig: I'll make a copy of that.

President Jerrel: Why don't you go...do you know how to work the copy machine?

Steve Craig: Yes.

President Jerrel: Why don't you go in there and make yourself a copy. Is there anything else? We do have your report for the evening. Is there a motion to accept the Burdette report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Consent items**

President Jerrel: Alright, under the consent items we've added two Garage and one Circuit Court, a pink slip.

Commissioner Mourdock: I'll move approval of the consent items with those noted additions.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Scheduled meetings**

President Jerrel: You have your scheduled list of meetings attached.

### **Old business**

President Jerrel: Is there anything under old business?

Commissioner Tuley: Not me.

Joe Harrison, Jr.: You also added the Burdette...I'm sorry the Garage slips.

President Jerrel: Yeah, I said that. Yeah, I did.

Commissioner Mourdock: Yeah.

President Jerrel: Is there any other old business?

Commissioner Tuley: None for me.

Commissioner Mourdock: None here.

### New business

President Jerrel: Okay, how about new business?

Commissioner Tuley: Nope.

President Jerrel: Do you have some?

Tony Greubel: The Sheriff's grant application.

President Jerrel: Oh, that's right. In the file folder is the Sheriff's Domestic Violence Grant Application and I wanted to run it through the meeting. It is a...the grant is just like the previous one, so it has been approved by you before. Is there a motion to approve that?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Any other business?

Commissioner Mourdock: Just under new business as a quick update, again, this Wednesday evening at 5:30 we'll have another ACORN session. Dr. Alexandrovich is going to join us for that one, I believe, and at 4:00 we'll have the infrastructure working group meeting which will be two helpful meetings.

President Jerrel: Is that long enough with enough syllables to do like we do Heidingsfelder and say Dr. J?

Commissioner Mourdock: I don't know. It's too much fun to say. I want to start reading Tolstoy every time I say it.

President Jerrel: Okay, did I get a motion to adjourn?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:46 p.m.

***Those in attendance:***

Betty Lou Jerrel

Richard E. Mourdock

Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Tony Greubel  
Charlene Timmons  
Marsha Abell  
Phil Lieberman  
Gary Heck  
Leanne Hudson  
John Stoll  
Rick Dickinson  
Steve Craig

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
May 4, 1998**

The Vanderburgh County Board of Commissioners met in session this 4th day of May at 5:30 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introduction and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners meeting to order. To begin I would like to introduce you to the people at this speaker's forum. On my right is Tony Greubel, our Administrative Assistant; next to him is Joe Harrison, Jr., our County Attorney; to my right is Commissioner Pat Tuley; the far left, Charlene Timmons, is our Recording Secretary; and next to her is Suzanne Crouch, the County Auditor; and Commissioner Richard Mourdock to my left; and my name is Bettye Lou Jerrel. Would you join us with the Pledge of Allegiance. They keep moving our flag on us.

**Approval of minutes**

President Jerrel: Under our action items the first item is the approval of the minutes of the April 27th meeting.

Commissioner Mourdock: I'll move approval of those minutes.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Certification of Executive Session**

President Jerrel: The next item on the agenda is the approval of our Executive Session and we did meet from 5:05 until 5:20 and discussed litigation. I would like to offer a request for a motion.

Commissioner Mourdock: I'll so move.

Commissioner Tuley: I can't second, I wasn't here.

President Jerrel: I'll second and say so ordered.

**Open bid - VC9805-01  
Old Henderson Road bridge removal and culvert installation**

President Jerrel: Next on our agenda is Lynn Ellis, the Purchasing Department Director who has some bids for us.

Lynn Ellis: Do we have bids for Old Henderson Road?

President Jerrel: Yes.

Lynn Ellis: Request permission to open bids for Old Henderson Road, VC9805-01.

Commissioner Mourdock: And I'll move approval of that bid.

Commissioner Tuley: Second.

President Jerrel: Okay, so ordered.

**Extend bid opening - VC9802-04, Old Courthouse air conditioning**

President Jerrel: Now Lynn has some additional information for us.

Lynn Ellis: Right, the first item I had originally written up and as it appears in your packet, to extend the bid opening of VC9802-04 for the air conditioning in the first floor of the Old Courthouse from May 4th to the 11th. However, we're just getting the addendum finished today and I would ask that the Commissioners approve the extension until the 18th as opposed to the 11th to afford the bidders sufficient time to evaluate that addendum.

Commissioner Mourdock: Is Faye Gibson aware that you're going--

Lynn Ellis: Yes, yes.

Commissioner Mourdock: Okay. I'll move we approve the extension as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Award bid - APA007-98, Turf fertilizers and chemicals**

Lynn Ellis: The next item is to approve the award of bid number APA007-98 for turf fertilizers and chemicals. The bidders are listed with the accompanying dollar amounts. The award was based on line item, the low responsive and responsible bidder per line.

Commissioner Mourdock: I'll move approval of the award of APA007-98 for turf fertilizers and chemicals.

President Jerrel: Do you want to read into the record who...?

Commissioner Mourdock: Okay, the award going to Caudill Seed Company, Inc. in the amount of \$7,497.75; Carso, Inc. \$33,997.70; The Scotts Company \$18,000.75; Cannon Turf Supply for \$94,414.90.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Award bid - APA022-98, Computer and copy paper**

Lynn Ellis: The last item, I believe Tony put on your desk this evening is for the computer and copy paper. I apologize for the delay. My computer has been down again.

Commissioner Mourdock: Didn't have any paper, right?

Lynn Ellis: Well, actually we are very low on paper, so I do need to get this order or we're not going to have any for the Clerk's Office.

Commissioner Mourdock: There are three low bidders on this? Three different types of paper or something?

Lynn Ellis: Well, there is a...again, this is broken down by the low bidder for each line and they're are the responsive and responsible bidder for those lines. There is a note on the front, however, that I would like to include, too, permission to reevaluate the bids in August. They have all proposed price increases around August of this year that will depend upon prices increased by their supplier, their mills, and I would like permission to reevaluate those bids at that time to ensure that we're still getting the best prices.

President Jerrel: So we can award them and then include in the motion that they'll be reevaluated in August?

Commissioner Mourdock: Because we're basically accepting them on a unit price basis and we would just cut off the number of units at the time the prices would otherwise be adjusted.

Lynn Ellis: Right.

Commissioner Mourdock: I'll move that we award the paper contracts to Resource Services, Inc. in the amount of \$1,290.07; Unisource \$17,044.12; and RIS Paper for \$36,861.41 with the understanding that County Purchasing has the option to reevaluate those bids in August.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Procurement policy procedure changes**

Lynn Ellis: I'm sorry, I have one other thing. I'm going to pass along a copy of an overview of the changes to the statute regarding procurement policies to Joe to begin studying. This report was prepared by Ice, Miller, Donadio and I attended a conference last week on those changes. They are significant. There will be a number of ordinances, policy changes, required that the Commissioners will have to adopt by July 1 of this year or the county will no longer be able to make purchases. So it's very serious and there will be some things that have to be handled prior to that date, so I would like permission to pass this on so that he can begin evaluating.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Lynn Ellis: Thank you.

President Jerrel: Thank you.

### **County Prosecutor - Grant agreements**

President Jerrel: The next item on the agenda, you have in your packets three criminal institute grant applications that the Prosecutor has submitted and I...he had to have them, but I told him I would like to run them through the meeting, so if we could have a motion to approve submitting these three grants.

Commissioner Mourdock: I'll move submitting the three grants and they are number 97-VA-048, Grant 97-VA-053 and Grant 96-ST-038.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered. There is matching money there so I needed to call that to your attention.

### **First reading - Amended travel ordinance**

President Jerrel: The next item is the first reading of our amended travel ordinance. Do you want to make a comment, Mr. Harrison?

Joe Harrison, Jr.: Essentially, this ordinance, or amended ordinance, will modify the existing travel ordinance that is in effect here in Vanderburgh County to be consistent with the changes in Indiana law. Essentially, the per diems are going to be changed and the lodging and the use of personal automobile mileage. I can go through and read if you would like.

President Jerrel: We did read these, yes...originally we went through these amounts.

Joe Harrison, Jr.: Okay.

President Jerrel: And so I think we can just include them in the record if we have a motion to approve.

Commissioner Mourdock: I'll move on, and this is first reading, the amended travel ordinance relating to authorization for official travel and reimbursement of travel expenses by the Board of Commissioners of Vanderburgh County.

Commissioner Tuley: I'll second.

President Jerrel: And I'll say so ordered.

Commissioner Mourdock: I think we need a roll call.

President Jerrel: Oh, roll call, okay. Okay, Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

### **Harris Howerton - Community Corrections**

President Jerrel: I'm going to slip something in here very quickly. He has been on our agenda two meetings and was unable to be here and he is here tonight, Harris Howerton, the Director at the Community Corrections.

Harris Howerton: Hi, I'm Harris Howerton, the Executive Director of the Vanderburgh Correction Complex. I'm here to report to you our grant...our annual grant from the Department of Corrections. This is the second biennium, the second year in the biennium, for the state's budget so we were basically told what we would be receiving this year with the exception of \$40,000 and I'll tell you about that. The entire grant that we will receive is \$395,186. The entire Community Correction's budget being \$3,202,416. The grant is matched with user fees that we collect from the offenders on the program to the tune of \$1,005,900. The county budget is \$1,338,023. The training and education component is \$355,000 and the misdemeanor budget is \$78,818 for a total of \$3,202,416. The components within the Community Correction Complex include the Alcohol and Drug Intensive Supervision Program, the Community Service Restitution Program, the Electronic Monitoring Home Detention Program and the Jobs Program, Inc., which is a training and education component, and, of course, the Work Release Center, the residential. If you...I've given you all a copy of that grant and I'll entertain any questions that you might have.

President Jerrel: We have had this before us a couple of times, but this has been a corrected copy and it was...I did attend the Advisory Board meeting last Thursday and it was reviewed carefully and there was some questions asked at that time but other than the fact that we thought we should have received more money it was accepted.

Harris Howerton: I'm sorry, I left out the part about the \$40,000.

Commissioner Tuley: The \$40,000.

President Jerrel: Okay.

Harris Howerton: I had asked for \$145,000 to upgrade our computer system and to ask...and to get additional bracelets for the electronic monitoring component. They gave me \$40,000. It's not enough to get there, folks. We'll probably have to wait a year and ask for some more money, hold this over, get some more money just to be able to do that. Forty thousand just will not take us there. A little disheartening, to think the \$40,000 won't get us somewhere with something, but I can't transfer. It's strictly for capital improvement.

Commissioner Mourdock: So the \$40,000 will sit there and be added to next year?

Harris Howerton: That's my hopes. That's what I think.

Commissioner Mourdock: I guess...let me turn that from a question to a statement. I would hate to see us spend the \$40,000 on anything if, in fact, we applied for it for this purpose with the hope that next year we would get money added to it, let's use it for what it is designated for.

Harris Howerton: I agree. Thank you.

President Jerrel: Okay, is there a motion to accept the grant application?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

Harris Howerton: Commissioner Mourdock?

Commissioner Mourdock: Uh-huh.

Harris Howerton: May I speak quickly on the jail issue?

Commissioner Mourdock: Sure.

Harris Howerton: I've got a meeting with Mr. Tim Deisher Wednesday at 3:00 in the afternoon. He and I are going to give a preliminary look over on the bail bond project job classification. After Wednesday I am pretty sure...whenever I do get with Mr. Deisher he always has a little input and kind of spruces things up and I'm pretty sure that by Thursday then I can render a copy of the job description and a suggested classification. In other words, we might then know a little bit more about how much money is going to be involved. I'm thinking the critical hours needed for the bail bond project will be a total of about 80. Marsha Abell, who has been working with me on this, seems to think we may need a little bit more, but I think to begin with, to get started with, we could try that and see what happens. If it pans out for us, if it seems like it helps our jail overcrowding problem somewhat, then we can reevaluate and go from there.

Commissioner Mourdock: Okay, but as of this point the money that Marsha thinks may not go far enough is the one percent of the administration?

Harris Howerton: Yes, and I have the figures from January and February on those administrative fees that were collected and I'm happy to tell you that I think even with several employees in that component...there was about \$18,900 collected--

Commissioner Mourdock: Right.

Harris Howerton: --in just those two months.

Commissioner Mourdock: Yeah.

Harris Howerton: So it's a goodly amount and I think it ought to be earmarked for such purposes.

Commissioner Mourdock: The jail problem has got a lot of components, but as we've talked about here I think that is one thing that can help us to keep the jail attendance down. Okay, thanks, Harris.

Harris Howerton: Thank you.

President Jerrel: Thank you.

**Any group or individual wishing to address the Commission**

President Jerrel: At this time if there is anyone that would like to appear before our group about an issue. I know that Ray Bailey is here to speak to an issue and now is the time, Ray.

Raymond Bailey: I noticed on number eight, Daylight sewer discussion is on the agenda. Would you rather I--

President Jerrel: Is that where you have him?

Raymond Bailey: If you'll give me a spot on number eight I'll be happy.

President Jerrel: Okay, well, you're just fine. We'll come back to you at eight. I thought you were wanting to be here earlier. Let me just say while we are on this anyone that wishes to appear and address the Board I think I'm going to take that opportunity to mention that I have met today with Steve Utley and we did have about an hour and a half meeting and he has prepared a list of phases that he would like to begin with general repairs. I'll just read the main ideas and then we'll include this in the record and I would like to have approval. The Building Authority is dealing with the day-to-day maintenance and they have a process they're use and that was is in here as item A, but it is already being done. Item B is the fumigation or the extermination of any insects that might be in the jail and C is the plumbing report and he has a number of people working on this. That all would be under phase one. Phase two would include the heating and ventilation system and may include work on any of the items that are listed below which include the exhaust and supply vent covers, cleaning above some cell areas, duct cleaning and test and balancing. This will have to have a time frame attached to it and at this point it does not because he is waiting for literature on the kinds of vents that might be approved for use in this kind of a facility. Phase three would be the painting which would be last after all of the dirty work is done so that the dust and anything that comes from the cleaning of the duct work wouldn't run the painting. He would first repair any rusty conditions that might be available for repair and he'll do steel replacement if there is need and then the final item would be the cell block painting. I would ask that you take a look at this and then we approve this so he can begin work.

Commissioner Mourdock: Do you have a copy, Pat? I did get to look at this just before our meeting began and my only comment would be no plan is a complete plan or even a great plan without a date. Certainly the work that is here needs to be done. I don't have any problem with that, but I think we should ask him, and maybe I'll make a motion to have the President of the Commission send a letter simply asking to clarify the dates with this. Just like everything else we do I think we need to keep track of it to make sure it gets done. I like what he has done here, but I just think it is lacking in that one thing. But with that exception and with the clarification that we ask him for a date, I would move acceptance of this plan.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**John Stoll - County Engineer**

President Jerrel: Okay, moving on, County Engineer.

John Stoll: I've got three sets of street plans this evening. The first one that you have in front of you is Broadlawn Estates, Section 2. This is a subdivision that is located just east of Edinborough Estates. It's the second phase of that subdivision that abuts Edinborough and the traffic from this subdivision will be routed through Edinborough Subdivision. We've reviewed the street plans and recommend that it be approved. The streets will all be asphalt streets with curb and gutter.

Commissioner Mourdock: Is there a sidewalk waiver coming later?

John Stoll: On this one I don't believe so. The density and the number of lots, I don't believe they requested a waiver on their first phase of the subdivision, so I don't think we've got one coming on this one.

Commissioner Mourdock: I'll move approval of the street plan for Broadlawn Estates Subdivision, Section 2.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The second set of plans is Clear Creek Subdivision, Section II. This is part of that large subdivision that is located off Mount Pleasant Road. I believe it's around 300 and some odd lots. These streets will all be concrete streets with curb and gutter. The plans have been reviewed and it's recommended that they be approved. This phase all still will come off of Mount Pleasant Road. There is no connection out to Old State as of yet.

Commissioner Mourdock: These are the streets in this subdivision that are also graded and set up to be the emergency drainage ways in case of flooding, correct?

John Stoll: Yes, there are a few spots in there where the...there are a few stretches of road there that are approximately 100 to 200 feet long that are beneath the 100 year flood elevation and that's designed to be the overflow for rainfall events in excess of 100 year storms.

Commissioner Mourdock: Some day that will again come before this body, when those streets are flooded even though they are designed to flood as a backup.

Commissioner Tuley: Yeah.

Commissioner Mourdock: Yeah, this is one that got a lot of interest a couple of years ago. But you are recommending approval?

John Stoll: Yes, it does comply with the intent of what was approved through the Drainage Board.

Commissioner Mourdock: I'll move approval of the street plan for Clear Creek Villa, Section II.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final set of plans is for Riverwind Pointe Subdivision. The engineer didn't submit a cover sheet for you to sign, so I just need signatures on any one of those sheets. This is the commercial subdivision that is proposed to come off of Green River Road just down by the interchange of 164 and Green River. Here again, the plans have been reviewed and it is recommended that they be approved.

President Jerrel: This is the south end?

John Stoll: Pardon? Yeah, south end.

Commissioner Mourdock: Is this adjacent to Carneal?

John Stoll: Yeah, it is directly south of Carneal.

Commissioner Mourdock: Okay, I'll move approval.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Are those two being developed simultaneously or is that just coincidence that they're coming in back to back?

John Stoll: I think coincidence. I don't believe there is anything in common between the two developments at this point. It will be next week until I have some data back on Heckel Road bridge. I got a phone call from Beam, Longest & Neff and they were not able to come down last week, so they're planning on doing their inspection of the truss out on the bridge this week, so hopefully next week I can have you some information on what it would cost to rehab the bridge. One other thing, as soon as I get through reviewing the bids that Joe just opened I would like to go ahead and award those. I haven't gone through all the--

President Jerrel: Okay, do you want to go in our...take them in the other room and look at them?

John Stoll: I've gone through one of them. I need to go through one more.

President Jerrel: Okay.

John Stoll: Then sometime later in the meeting I would just request to come back up here and go ahead and award those bids if that's alright?

Commissioner Tuley: John, before you get away, you and I talked Tuesday about Ward Road.

John Stoll: Yes.

Commissioner Tuley: Can we just discuss it so we have it on record?

John Stoll: Yeah. Valerie was estimating she would have everything ready in two to three weeks and that was...when did we talk?

Commissioner Tuley: I think it was Tuesday that we talked.

John Stoll: So approximately two weeks from now it should be all drawn up and ready to go.

Commissioner Mourdock: Okay. I did not get any calls the last few days. It kind of surprised me.

President Jerrel: Did you get any when the rain...

Commissioner Tuley: He calls me about once every two weeks just to find out what the status is. I mean, he apparently wasn't threatened by water or at least he didn't act like he was, but he just likes to know where we're at.

Commissioner Mourdock: Sure.

Commissioner Tuley: Thanks.

John Stoll: You're welcome.

**Joe Harrison, Jr - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: There were four bids submitted regarding the Old Henderson Road Bridge Number 1544 project. They are as follows:

Bidder	Amount bid
Phoenix Construction Company Evansville, Indiana	\$80,988.00
Deig Bros Lumber & Construction Evansville, Indiana	\$74,869.10
CCC of Evansville, Inc. Evansville, Indiana	\$71,744.93
Koberstein Trucking, Inc. Princeton, Indiana	\$77,064.05

I would ask that you take these under advisement and John may come back with a recommendation before the meeting is over.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The only other matter that I had was that I did have a chance to speak again last week with Christine Terry from the Evansville EPA Office and I have submitted to Richard the proposed changes, and I do have another copy in front of me, that would be made to the county's ozone ordinance. They basically have to do with penalties that

would be a little different from what was previously adopted by this Board and at least in looking at it and in speaking with Richard I have in front of me there a copy of the red line ordinance with changes and then additions that would be in gray shaded and it appears that we are on the same wavelength with the city given these minor changes. The city wants to proceed forward with their ordinance if we were comfortable with those particular changes. I would ask that you at least not approve tonight, but unless you have a problem after looking at this in the next couple of days, you know, get back with me. Otherwise, the city will move forward and then we will then consider an amendment to our current ordinance, but I don't want to do that until they go on and pass theirs because they may have another change or two.

Commissioner Mourdock: That seems to be the catch as far as...at least what I am hearing from Christine there is kind of a Catch-22. They don't want to do it until we do it. We don't want to do an amendment until they do it. I agree, we don't need to vote on this this evening. I'll report back next week regarding some of the other discussions I have with IDEM. I'm meeting with their state meeting on Thursday, I believe, but I would if both of you would review this...I don't think there is anything other than basically some cosmetic things here. I would like to vote on this next week to get this thing moving.

Joe Harrison, Jr.: Okay.

Commissioner Mourdock: Vote to accept the changes so that our fine structure, our penalty structure matches the city's.

Joe Harrison, Jr.: Then we'll go ahead and move forward with an amendment to our ordinance after.

Commissioner Mourdock: We can always have amendments later anyway--

Joe Harrison, Jr.: Sure, that's fine.

Commissioner Mourdock: --and likely will.

President Jerrel: Okay, so we'll have it on the agenda next Monday?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Right.

President Jerrel: Okay.

Joe Harrison, Jr.: Anything else that you all have of me? I don't have anything else. Okay, thanks.

### **Weekly reports - County Highway Department and Burdette Park**

President Jerrel: You have in your packet the Garage report for the week. Is there a motion to accept that and also a motion regarding the Burdette Park work statements?

Commissioner Mourdock: I'll move acceptance of the Burdette Park work record.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And I'll move acceptance of the County Garage work record.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I just want to acknowledge real quick to the Commissioners that our handyman, Bennie Gossar, Jr., worked really hard the last two...on Friday and today distributing tables and chairs to the polling places that require it and he is a really good worker. He doesn't require any real supervision or anything. He knows exactly what he is doing.

President Jerrel: Okay, that's good. Maybe we ought to send a letter to Bennie thanking him. I don't think we say that enough and it would probably be a good idea.

Commissioner Tuley: That's alright with me. He's been around a long time. He probably doesn't get too many of those.

President Jerrel: Well, let's send him a letter. Will you do that? Okay.

### **Consent items**

President Jerrel: Alright, moving along to the consent items. You have employment changes and travel requests. Is there a motion to approve these?

Commissioner Mourdock: There are no amendments to the package late breaking?

President Jerrel: No.

Commissioner Mourdock: I'll move acceptance then of the consent items.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Scheduled meetings**

President Jerrel: You have your scheduled meeting list.

### **Old business**

President Jerrel: Now, under old business, Daylight sewer discussion.

Commissioner Mourdock: Okay, and please come up. Let me just begin this by saying

the reason this is on here as old business is about the middle of April, in fact April 18th, I received, and I think both of you did as well, a petition from some folks out along State Route 57 that raised the question whether or not there would be individual tap-ins to the Daylight sewer project. I mentioned that last week briefly at the meeting and I also mentioned that I would bring it up at our infrastructure working group meeting last Wednesday or Thursday. Just for you in the audience that don't know, our infrastructure working group is a meeting that takes place once a month where we get representatives from the City Engineer, the County Engineer, the County Highway Department, the telephone company, the utilities, the gas company, and all those different people in one room at one time so that we don't pave a stretch of road on Monday only to have the gas company to come through and cut it up on Tuesday to put a line in. It's been working very well, but the very reason that we have that group is because of problems like this that occurred prior to when we started having that group. Much of the discussion on Wednesday was how did this come to pass and what can we do about it? Essentially, gravity is working against us here in that we can't tap in directly to the force main. However, what I did direct that group to do is to find a way to somehow get you folks the ability to tap onto it. This project as originally envisioned was designed, and correct me County Engineer, John Stoll, if I am wrong here, but we do have enough throughput capacity with the line that is being planned. It's just that because it's a forced system we couldn't have individual taps put onto it, so we want to find a way to solve the problem that you brought to our attention. I apologize that this problem wasn't brought to our attention sooner, but your letter came to the right place at the right time so that we could begin to deal with this and we want to find a way to make it work. So with that, Pat, Bettye Lou, I don't know if you have anything to add?

President Jerrel: No, I have talked to Ray about it and I'm in complete agreement. We built the sewer for a purpose and we want to serve as many of those purposes as we can.

Commissioner Mourdock: Yeah. This is also a classic case, a classic case, where the city utility is doing something out in the county and there is not nearly the coordination that we needed to have there. So with that, please state your name for the record if you would.

Raymond Bailey: Thank you. My name is Raymond H. Bailey. I live at 11220 Highway 57, Evansville, Indiana 47711. I'm speaking tonight on behalf of all homeowners living on State Road 57 between Kansas Road and Boonville-New Harmony Road. President Jerrel, Mr. Tuley and Mr. Mourdock, Mr. Harrison, ladies and gentlemen, I appreciate the opportunity to appear before you tonight on behalf of our neighborhood and our concern. It has been brought to our attention by the Office of the Indiana Department of Environmental Management in Indianapolis that a permit has been issued and contracts have been awarded to construct a sewer line between Kansas Road and Ruston Lane on Highway 57. It has also been brought to our attention that even though this sewer line will cross each homeowner's property we will not be able to tap into this sewer line. The reason being, as you've just described, Mr. Mourdock, that this sewer line is a high pressure line therefore we cannot tap into a high pressure line. However, no provisions have been made to run a gravity flow line for us. The 17 homeowners that I speak on behalf of tonight want you to know that we filed a petition for a stay of this sewer project until provisions can be made to include us in this Daylight sewer system project. And as you have already stated, Mr. Mourdock, I did provide copies of that for the Commissioners to Tony in April. I also want you to know that we are not opposed to this project and that we filed this petition with the State of Indiana on the basis that we were affected and aggrieved and by the agency's decision to authorize the construction

of this project. We, as homeowners, feel we were deliberately bypassed while this sewer system was in the planning stages as to who would and would not be able to participate in and benefit from this sewer system. Therefore, we as homeowners believe we have been discriminated against because our needs were never considered and a health and environmental problem still exists in our community. Just ask the Vanderburgh County Department of Health if there is an absorption problem in our community. In conclusion, I want you to know that we asked the State of Indiana for a stay on this project until provisions can be made to include us. Finally, either tonight or maybe Mr. Harrison may want to respond in writing to us, if you respond in writing I'll be happy to get the word to all the neighbors, Mr. Harrison, if you'll send it to me, I want to pose five questions or statements which we would like for you to answer either tonight or later.

- , How is this sewer system being financed?
- , Who is paying for this sewer project or where is the money coming from?
- , Is tax money being used? That's what I am asking there.
- , Why were we deliberately left out of this project when our environmental health problems are as great or even greater than those who will benefit from it?
- , Better yet, tell us how we can be included in this project or better make provisions to, financial and otherwise, to include us in this sewer project and resolve a severe Vanderburgh County Board of Health and homeowner environmental and health problem in our community.

I thank you very much for your time and I'll be happy to respond to any questions that any of you may have. I would like for our homeowners to please stand and let you recognize them, please.

President Jerrel: Do you want to answer those questions or do you want me to answer them? Do you know the answers to them?

Commissioner Mourdock: Do you want me to take a shot at them?

President Jerrel: Do you know the answers?

Commissioner Mourdock: I think I know the answers. Thank you for standing. Let me real quickly deal with a couple of your questions and I'm going to be the first to say I don't know that I have perfect answers on these which is to say perfectly accurate answers, but I'll tell you as much as I know. Your first question is how is the sewer being financed and the answer to that, obviously, is tax funding. The real critical issue here that illustrates the biggest part of the problem we have is that when this was being initiated much of it was being financed through the Indiana State Department of Commerce and the way their grant request is based or what they determine...let me start over. How they determine how much money they're going to put into a given project is based on the commercial potential for the jobs that were going to be created out at the other end. Obviously, there is a lot of questions that none of us have answers to right now as far as what's going to be at the far end of that line. Nonetheless, much of the, as I said before, the capacity was designed for a lot of growth into it, so I don't think that should be a major problem. Your second question was why were you being left out?

Raymond Bailey: No, who is paying for it? You've already mentioned tax funding.

Commissioner Mourdock: Well, that was also the first question, yeah, right. The question on why were they left out, again, it was being...this was where the coordination

hasn't worked as it should have because it was being looked at by the Evansville Department of Metropolitan Development in their work with Vision 2000. Well, we had the city department working with Vision 2000 trying to bring in jobs and it would appear, appear, that people in the county were being bypassed. It kind of fell through the crack there. That's what we want to rectify. The third thing, tell you how you can be included in the future and that's what we need to study and find out. There is what would appear to be the simplest engineering answer, and, John, I'm getting in deep water here, but the simplest engineering answer is a gravity flow to the north and then there would be a lift station coming back. What that might cost, how that would be financed, I don't have an answer for at this point, but that is why this issue was the key part of our discussion the other day. Your last question was make provisions to include them and resolve the Board of Health and homeowner problems. Again, that's the one I just answered, so those answers, I hope, put a little bit of this in perspective for you. You were not, repeat, you were not deliberately left out. No one put on blinders and said let's skip those people. There was just one group working on this with one point of view which was let's get that commercial development up north and unfortunately that's how this happened, so we do want to find a way as best we can to resolve it.

Raymond Bailey: I will say that the letter from the state did say the business and industrial aspect of Daylight plus an additional 472 homes in the future in that area. We don't know where those homes are. Whether they're existing or whether they are to be new, we don't know. We just want to be included in this project some way and we're willing to pay our fair share. We're not asking for a free ride.

Commissioner Mourdock: Right, and we understand that and appreciate that attitude. We know you're not coming in here with your hand out. That would be disturbing to us and cause us to think on this side of the table that we have nothing to build from and work towards to try to get this resolved. I mean, we do want to get this resolved. Let me turn to my Board members and Joe here and see if you have any comments. Did I leave much out or state incorrectly what I answered a moment ago?

President Jerrel: Well, actually the funding is primarily County Option Income Tax that was withheld by the Governor a number of years ago. It was withheld for about what, Suzanne, four years?

Suzanne Crouch: A little longer than that.

President Jerrel: A little longer than that, and the Council decided that the money ought to go for a project that would be lasting and that's when the need was presented. That's where the funding came from, but that's the early history of it so I know I for one will be very happy to do anything that I can so that you can all be included. You should be.

Commissioner Mourdock: But there was also the state grant involved from the DOC.

President Jerrel: About \$25,000, the rest of it is ours, \$1.219 million, I think.

Commissioner Tuley: Most of it came from local as you described, County Option Windfall money, but I think the state's participation was a little more than what was just now...I thought it was about \$150,000, yeah.

Commissioner Mourdock: My point is it was the state's involvement that got the Department of Metropolitan Development involved because of the commercial--

Commissioner Tuley: I think there was a couple of Council members that really pushed the project.

President Jerrel: Yeah, they went...I wasn't one of them--

Commissioner Mourdock: Sure.

President Jerrel: --but they stayed on the Metropolitan Development. And I will have to say to you for the two years that I worked on it there was never any discussion about what the sewer's function was going to be and when you told me the forced...I didn't have a clue what you were talking about, Ray. I really had never had that explained to me. Council was never brought up-to-date on that and then when I moved over here in this chair we've never been informed.

Raymond Bailey: Well, I would like to compliment the Commissioners on behalf of this project because it is one that's needed. It has been needed for 25, 30 years or longer. A great need. And you are aware that we have asked for a hearing and we have been assured that we will be granted a hearing in Indianapolis and we will continue to ask for a stay of this project until we have been informed that we will be included in it at which time we would withdraw all complaints. We want to make sure you understand that. We're just concerned and we're trying to resolve the problem in our community and I think you can appreciate that. Thank you very much for your time.

Joe Harrison, Jr.: Yes, could I get a copy of the petition that you filed with the state.

Commissioner Mourdock: I've got one right here, Joe.

Raymond Bailey: I gave all three Commissioners copies, but I didn't give you one, I'm sorry about that.

Joe Harrison, Jr.: Okay, if I can get a copy of that. I know that the County Engineer as well as Commissioner Mourdock has had discussions with the City of Evansville and the engineer on the project regarding what can be done to facilitate a hookup by the residents out in that area and they're looking at that right now. Hopefully we will at least find out what can be done to facilitate that. Obviously, it will cost some money, but if there is a will there is a way. Hopefully there is something that can be done to modify the current plans to include that.

Commissioner Mourdock: Is there any potential here, Joe, for any kind of Barrett Law application?

Joe Harrison, Jr.: Well, as far as them hooking in, yes, the Barrett Law could apply where they could hook in, but first of all you've got to make sure they can even hook in. That's the first issue. It's got to be designed so they can hook in. That issue has got to be resolved first and then as far as them hooking in individual homeowners could decide if they want to hook in. If they don't...if they all want to hook in the Barrett Law might be an option, but we're not to that step yet. You've got to make sure that it is even feasible notwithstanding the cost.

Raymond Bailey: Ms. Jerrel discussed with me the Barrett Law and I did get copies of that, Ms. Jerrel, and I'm aware of it and I have discussed it with many of our homeowners. I will tell you that in the state's information they sent each homeowner there is to be two lift stations. One is at Schlensker Creek which is about 200 feet north

of Boonville-New Harmony on 57. That's where our gravity flow line would have to flow into and then come back toward the city over the hill. A very simple operation, we think, and I'm sure the Engineering Department would say that too. It would be much cheaper to include that in the initial project than to go back and do it later.

Joe Harrison, Jr.: You're talking about a lift station there at Schlensker?

Raymond Bailey: Yes, one that they're going to put in, that's right.

Joe Harrison, Jr.: Is that not planned right now?

Raymond Bailey: That is planned. There is to be two lift stations according to this. One at Ruston Lane--

Joe Harrison, Jr.: Yes.

Raymond Bailey: --one at Schlensker there on 57.

Joe Harrison, Jr.: And you're saying the one at Schlensker would help facilitate your needs?

Raymond Bailey: Well, that's just...there is to be a lift station just north of Boonville-New Harmony--

Joe Harrison, Jr.: Right.

Raymond Bailey: Schlensker Creek, it's my understanding. Now, I stand corrected on this, and that's only 200 feet north of Boonville-New Harmony Road and that's strictly gravity--

Joe Harrison, Jr.: Right.

Raymond Bailey: --from our homeowners...from our property down to this station.

### **Tape change**

Commissioner Mourdock: Okay, I was just going to add the Barrett Law may be something that applies here. Certainly the thing we're doing now that we weren't doing before, initially we had a contract engineer who was working with the Department of Metropolitan Development on our meeting on Wednesday or Thursday we directed John to get involved with it directly so that he can help spearhead it from the point of view of the residents of the county. So that's the direction we're taking. As soon as we know something we want to, as I said, try to get this thing resolved. Appreciate your comments.

Raymond Bailey: Do I read that you will pursue this on our behalf then?

President Jerrel: Well, we certainly will. We're all in agreement that we want to make that sewer as usable for as many that we can, so that will be the next step. We need to keep in close contact with you as we find out information.

Raymond Bailey: I don't want to become a pest, but I don't mind coming down and appearing before you.

Commissioner Mourdock: You wouldn't be the first person to come in here once every couple of weeks. It's a public meeting, you're always welcome.

Raymond Bailey: I will tell you that there are 25 additional homes back on Bohannon Estates just a block back from our homes which I'm sure those people would want to be included in this as well even though we have not spoken with those.

Commissioner Mourdock: The key point that I want to make sure the County Engineer is fully involved with, what you're looking at out there today is a problem, but what I personally, and please don't be offended, what I'm looking at isn't what's there today, it's going to be what's out there 25 years from now. We need to do it right today so that when all those other houses that we don't even know will be there show up that we've got the problem dealt with.

Raymond Bailey: Thank you very much.

Commissioner Mourdock: You bet.

President Jerrel: Thank you for coming.

Unidentified: Can anybody else speak?

President Jerrel: If you would like to. You want to just give your name?

Doris Bailey: Doris Bailey.

Commissioner Mourdock: You need to come to the microphone.

Doris Bailey: Just what you said, we were concerned that if we didn't get it now we won't get it. That's pretty obvious. Another thing, you have said that we will hear from you. Will that be in the newspaper or...?

President Jerrel: Oh, no. We'll contact--

Doris Bailey: Okay.

President Jerrel: As Ray is the spokesman he'll be contacted and Joe Harrison will be back with you. Okay, thank you. Yes, sir.

Dwight Markwell: My name is Dwight Markwell. I live at 11712 Highway 57. I also work for the Indiana Department of Transportation. I think the gravity flow problem is no problem at all if we lay both lines at the same time. It's going to be cheaper for you and better off for the contractor, too, so I think that the sooner we address this problem the better for all parties involved in this because it's going to be a lot cheaper for everybody if he can lay both lines at the same time, the pressure plus the gravity. Also, I assume this is going to be on state public right-of-way. I assume that, I haven't seen a set of plans. The right-of-way law was passed a number of years ago for public use and my concern when I first heard about this was a single developer and the City of Evansville. I think that by the state law giving that state easement is, you know, a license saying, yeah, we're giving it to you, but we're giving it to you for public use. Thank you.

President Jerrel: Thank you.

**New business**

President Jerrel: Moving on, new business.

Commissioner Mourdock: One bit of continuing business just what I mentioned before, I've got the IDEM meeting on Thursday and we'll have some future discussions as far as the ACORN and ongoing ozone situation.

President Jerrel: Okay, anything?

Commissioner Tuley: No.

President Jerrel: Okay, if there is no...yes, John? Oh, yeah, go ahead.

**Award bid - VC9805-01  
Old Henderson Road bridge removal and culvert installation**

John Stoll: I would like to recommend that we award project number VC9805-01, the Old Henderson Road bridge removal and culvert installation, to CCC of Evansville in the amount of \$71,744.93.

Joe Harrison, Jr.: They were the low bidder.

President Jerrel: Yes.

Commissioner Mourdock: They were the low bidder and you've had all of 20 minutes. You're comfortable with that?

John Stoll: Yes.

Commissioner Mourdock: I mean, I know it's an emergency. Okay, I'll move approval of the award of the Old Henderson bridge and culvert project to CCC of Evansville.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: I really doubt that they'll be able to do any work this week because the water is up, but in the event the water would recede, then we want to get the contractor started as soon as possible.

President Jerrel: Okay. Any further business? Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

John Stoll: So ordered.

The meeting was adjourned at 6:22 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Tony Greubel  
Charlene Timmons  
Lynn Ellis  
John Stoll  
Harris Howerton  
Raymond H. Bailey  
Doris Bailey  
Dwight Markwell  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
May 11, 1998**

The Vanderburgh County Board of Commissioners met in session this 11th day of May at 5:45 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I would like to call the County Commissioners meeting to order. The first item on the agenda, I would like to introduce those at the front of the room. Tony Greubel, our Administrative Assistant, is in that vacant seat and he has gone to do some brief copying. Next to him is Joe Harrison, our County Attorney; Pat Tuley, County Commissioner, to my right; the far left, Charlene Timmons, our Recording Secretary; next to her Suzanne Crouch, the County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. Would you join me in the Pledge of Allegiance to the flag on this side? That flag gets moved so that's the reason we had to figure out which side of the room it's on.

**Approval of minutes**

President Jerrel: The first action item is the approval of minutes and they were in your packet. Is there a motion?

Commissioner Mourdock: I'll move approval of the minutes of May 4, 1998.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**DMD - Flood mitigation resolution and agreement**

President Jerrel: Next, Mary Arnold, flood mitigation.

Mary Arnold: Thank you. When I brought this in front of you we originally had three (inaudible, mike not on.) We have since picked up an additional person who now qualifies for the flood mitigation program and this is to add that person to the resolution (inaudible, mike not on).

President Jerrel: Okay, so this is to add one person for the engineering cost?

Mary Arnold: Yes, one property.

President Jerrel: One more property. Do we know who that is? Is that...well, I am having trouble finding it in this.

Mary Arnold: (Inaudible, mike not on).

Commissioner Mourdock: It's 12125 Old Henderson Road.

President Jerrel: Okay.

Mary Arnold: (Inaudible, mike not on.)

President Jerrel: Okay, is there a motion regarding that property on Old Henderson Road.

Commissioner Mourdock: Just one more question before we get there. What kind of engineering are they doing on a property by property basis, Mary, do you know?

Mary Arnold: (Inaudible, mike not on).

Commissioner Mourdock: Okay, I'll move approval of the resolution of the Vanderburgh County Board of Commissioners authorizing the award of the contract for engineering and surveying surfaces at 12125 Old Henderson Road.

Commissioner Tuley: I'll second. I just need to ask a question. Is this \$3,950...or I'm not sure, there are two different numbers. That's for this parcel?

Mary Arnold: Yes, the original contract was for (inaudible, mike not on).

Commissioner Tuley: Substantially more work?

Mary Arnold: Yes.

Commissioner Tuley: Okay.

Mary Arnold: This is part of a (inaudible, mike not on).

Commissioner Tuley: Okay, I'll second.

President Jerrel: I'll say so ordered.

Commissioner Mourdock: Having been involved with a couple of properties down along the river you can spend a lot of money getting the survey done down there.

Commissioner Tuley: Okay.

Commissioner Mourdock: Boundaries move.

Commissioner Tuley: Yeah, that's fine.

Mary Arnold: Thank you.

President Jerrel: Uh-huh, thank you.

**County Prosecutor - Certify provisions report for grant funding**

President Jerrel: The next item on the agenda is the County Prosecutor. I don't believe there is anyone here. This is the...this refers to the grants that are in your packet, some clarification as well as final end-of-year financial reporting.

Commissioner Mourdock: I'll move approval of the Civil Rights provision of the Federal Equitable Sharing Agreement that was submitted to us by the Prosecutor's Office.

Commissioner Tuley: Second.

President Jerrel: So ordered. Just for your information, since I did go to the trouble to ask the question today, when you see on page three the final amount of money, the total annual budget for non law enforcement this includes a number of budgets other than our General Fund, that \$62 million, because we don't have \$62 million in our General Fund and I knew it when I looked at that number.

### County Clerk - Storage space issue

President Jerrel: Okay, the next item on the agenda is the...oh, did I say so ordered?

Commissioner Mourdock: I thought you did.

President Jerrel: You moved, you second, so ordered. Okay, County Clerk. While you're on the way up here, Lynn did some research on this and she was under the impression...we were talking about the postage permit and it sounded like a good idea. The County Clerk and I talked at length about the numerous envelopes that get mailed out with postage on them that never get returned. I mean, something like a third or more than that, close to a half, don't come back.

Marsha Abell: Right.

President Jerrel: So Marsha was looking for a less expensive way of doing that which would be to get a permit. You might want to read this over a little bit before we make that decision because if you do "B" which is permit only, year end permit only, and you figure out the cost for the Superior Court part that would make each piece be .44¢.

Marsha Abell: Yeah, we don't think that's a good idea.

President Jerrel: Yeah, I don't either. Well, anyway I wanted you to have all this and let's...can we delay this one until Monday, next Monday, and you read through this because I thought this--

Marsha Abell: Yeah, because we had a question. We noticed on her Option A she had the \$85 a year permit and the \$205. I don't think it's both, I think it's either or. I think it's \$85 if you pay .44¢ and it's \$205 if you just pay .34¢.

President Jerrel: I suggested that too, but she said they said no, but let's--

Carla Hayden: That's what I wanted to verify because that was my understanding.

President Jerrel: Well, anyway, the research is here and we'll table that one if you don't mind.

Marsha Abell: That's fine, that's fine.

President Jerrel: Okay now to the--

Marsha Abell: Storage, I guess.

President Jerrel: --storage area.

Marsha Abell: Whose show is this?!

President Jerrel: I don't know.

Marsha Abell: I'm just standing here, I don't know what to say.

President Jerrel: Well, let me just say something, what we've been talking about. I think Mr. Wortman went to the...and there is Faye back there. We got the Old Courthouse present. Then you and I have talked about Kinders' location and then we have the third issue which is Willard Library.

Marsha Abell: Right.

President Jerrel: You know, there has been no interaction with Willard yet and, you know, that is a, you know, they have an archivist on board and I think, you know, you and I...I kind of have a clear picture about where you would like to go with this, but why don't you explain it to us. You know, what you need now and your idea about how we can put the materials that are needed in the short-term.

Marsha Abell: Okay. I have talked to Faye, with the Old Courthouse, and actually I had seen that particular area before and Faye and I were both under the assumption that was what I was going to do at that time, but that got waylaid in the Council and I don't know what happened to it, but at any rate I mainly am looking for some place to put dead files right now and I'm not necessarily looking for a place to put record books and order books because those, if I could get rid of dead files in the basement, I could keep order books here. Order books pretty much tell the judges everything they need know. Very rarely would they need to see the whole file, so it would make more sense to store off storage the files and leave the order books here. I could do that in the basement if I could get the old dead files out of the basement and get them somewhere else. Now what Willard actually wants is historic documents. They don't really want my files that in ten years are going to be destroyed. When I talk about Willard, it's not Willard Library facility per se, it's Garvin Park Industrial Center that they actually are renting. Yes?

Commissioner Mourdock: When you say they want historic documents what do you mean by that, Marsha? Is it simply...I mean, obviously, they want hard copy of what is coming out of the courts. How is that different from what you're calling your dead files?

Marsha Abell: Many years ago the committee met on destruction of public records and there was a lot of things they were going to destroy that they could and the Historical Preservation Society said, oh, don't throw that stuff away, that may mean something to the history of Evansville, we would like to keep it. Well, and then they kept it, but then they want to charge us to keep it and stuff that I was going to...we were going to destroy anyway because we were allowed to by the court system. They have some old marriage license over there on microfilm that are actually at the library facility, but over at Willard they have things that for instance old ordinance violations from the city where somebody got fined \$40 for not paying their rent to a city owned apartment. That means nothing to the court system. We would destroy that. I don't know why they want to keep it, but they for some reason wanted it. Those are things that I would not be paying storage to keep. I'm not required by law, no need for me to keep it. So when I say they want it that's the things that for some reason they thought would have some historic value to Evansville. A lot of what they want to keep has to do with people who want to search their genealogy. I just want...I'm sorry, go ahead.

Commissioner Mourdock: Yeah, let me just play devil's advocate for minute. If there is

information that you say you don't need to keep and they're saying they want to keep it what if you said well we said, fine then you keep it, but we're not paying you to keep it?

Marsha Abell: Well, that's what we virtually said when we first entered the contract with them.

Commissioner Mourdock: Okay.

Marsha Abell: And then I think what happened...evolved were two things. One, is there was enough space over there it could become adjunct storage without anybody screaming about it and then they started saying we need some financial support for this archivist because these genealogy things have become so popular and then the county, I guess, started giving them some money and that's how that all evolved. It's not really buying storage space because it's not storage space that would comply with law. Mr. Newman would never approve it. It's a wooden floor, it's a fire hazard. It's on the second floor. It's just got a lot of problems. The boxes are just laying on the floor and some of them have pulled open and files are spread all over the floor right now. It's a real bad situation. It's not a place to store documents that we need. What I need is a place that has shelving that we can put boxes of Circuit Court, Superior Court and small claims and misdemeanor files in until I can destroy them which is ten years, basically, is a good rule of thumb. Hopefully, with the new computer system that we're getting in the courts which has the ability to use imaging that this won't be an issue in four or five years, so I'm just looking for something to get me through right now and if we're not going to be adding to this every year at a monumental rate which we are now. Last year we hit...our court calendar was the same at the end of October as it was at the end of '96, so we had two full months of extra documents we didn't have. If we're not going to continue with that, then as we destroy we should have enough room to help for these few years until we get totally imaged or totally on microfilm or whatever we decide to do, so we've got a long range plan we've got to come up with, but for the short-term I don't even have a corner to put another file cabinet in. I mean, I like have to find something right now. Now I have looked at the space at the Old Courthouse before and Faye and I just talked, we kind of thought I was going to take it and I presume it's still available and it would be fine. The only thing I need extra is I would need to have a fax machine over there so that when documents are needed we can either send someone over there or maybe even call Faye and maybe she would have some staff that could fax that document back to my office rather than somebody going over there and bringing the document back because my experience with that is it never gets back where it belongs. Once it comes here it gets stacked up in the corner somewhere. We need shelving built or some type of boxes or portable shelves, I think Ms. Jerrel has found some pasteboard type boxes that are actually stacked already, and moving to get it over there and that would be it.

Commissioner Mourdock: Given privacy issues with court documents would it even be feasible to have someone from Faye's staff to look for that stuff? I would think it would have to be an officer of the court somehow.

Marsha Abell: Well, all of my juvenile records would stay here and they're the only ones that are not public record.

Commissioner Mourdock: Ah, okay.

Marsha Abell: My only concern would be that they would lose something, but there is

nothing private. They're all public record that I would be sending over there and juvenile would stay here.

Commissioner Mourdock: So your recommendation is...? Or request?

Marsha Abell: I think this is the most economical thing to do with the Old Courthouse.

President Jerrel: I'm going to make a suggestion. I think the Willard issue is a separate one really because they have sent their budget over for this year. Tony...it's a little in excess of \$59,000 for next year's budget. I think that this has changed direction from the original intent and I think that it would be a good idea for us to speak to him. I think first I would like to ask for Tony to contact him tomorrow and set up something so we can discuss it with them or their Board. They need to know that, you know, we're...this is not as practical as it once was. And then, Mr. Wortman, did you go to the Courthouse? Since you have to pay for this we want to get this...and you're okay with that space?

Marsha Abell: Yeah, I was okay with it. I think I asked Faye, it was November, I guess, when I was there. Yeah, I was okay with it then.

President Jerrel: Okay, 900 square feet, \$3,000? Is that still all the same?

Marsha Abell: I think it has gone up a little.

President Jerrel: Okay.

Marsha Abell: It was \$3,000 then and she has given me something that says \$306.67 which is \$3,680 annually.

Commissioner Mourdock: I think the County Council ought to negotiate air conditioners for rental space.

President Jerrel: Storage space.

Commissioner Tuley: We're out of money!

Commissioner Mourdock: That's why you negotiate!

Marsha Abell: Is there...what kind of control is there in there? Heat and air?

Faye Gibson: The heat is the boiler system that's--

Marsha Abell: I might have to buy a dehumidifier because I can't allow moisture being in there.

President Jerrel: Okay, whoever is going to speak give your name so we know who is talking.

Faye Gibson: Faye Gibson, Director of the Old Courthouse. The room itself to my knowledge would not draw moisture any more so than any other room in the building. It's on the lower level, that's ground level though. I don't want anyone to think this is subbasement. We do have a subbasement. We're not talking about that. We're talking lower level which houses several tenants in the building.

President Jerrel: Yeah, right.

Faye Gibson: It's the first room as soon as you come in the ramp entranceway of the building, so very easy access as far as needs would be. It is heated just like the rest of the offices in the building with our boiler system. Window air conditioning, as everyone knows that is what we do in the Old Courthouse right now. What we're going to air condition maybe will be the first floor, so it would not include this room unless we want to throw in an extra little duct just for this room when we get that project going.

President Jerrel: Tell me the amount again.

Faye Gibson: It's \$3,680 a year to be exact and that's at a storage rate of \$4.00 per square foot.

President Jerrel: Now, Mr. Wortman, where do you want this to be?

Curt Wortman: Curt Wortman, County Council 2nd District. I talked to Faye and also asked her about some shelving for the County Clerk, if that was a possibility and if I read you right you said you could probably arrange for something of that order to help us? With this figure, this \$3,680.

Faye Gibson: I don't know how much, but we do have some in the building that could be put into that room. I don't know how much we're going to need eventually, but we can certainly work with that.

Curt Wortman: Then also would you want to put those votomatics over there?

Marsha Abell: I don't know about the votomatics, but I don't see any reason not to put the ballot boxes. They're just boxes.

Curt Wortman: Well, this would be a temporary solution. It would be a permanent, naturally, but I think this would get us going and get you out of the woods, in plain words, and get things lined up. You don't know how many shelves you have over there to help her and all that? But that would clear they way down the basement for you.

Marsha Abell: Yeah, if I could get some space down in the basement for the record books--

President Jerrel: Okay, so you're going to take the old stuff and--

Marsha Abell: Well, most of the old stuff is over at the Industrial Park. I would have to pull it over to because I've got to get that out of there because he is going to start charging us for it if I don't.

President Jerrel: Well, let us discuss...let us have an opportunity to interact with Willard, but if you could file an appropriation, Tony, by Friday and what about the moving costs?

Marsha Abell: I could call Shetler tomorrow and get some or does that have to be bid out?

President Jerrel: Not for no more than that would be.

Marsha Abell: I can call Shetler tomorrow and find out how much they would charge me

to move it over there.

Commissioner Mourdock: And funding would also include for the fax machine? The appropriation?

President Jerrel: Well, all of that would have to be appropriated.

Marsha Abell: Yeah, a fax machine wouldn't be expensive. It doesn't have to receive, so it doesn't have to be plain copier. It could be one of those little \$200 thermals because it just has to send. I don't need anything that receives, I just need something that will send.

President Jerrel: Okay. You can...but that appropriation needs to go in, so you need to let him know approximately how many...you might get them to send some over here and look at the basement.

Marsha Abell: Okay.

President Jerrel: And then let us interact with Willard and then on that move since everything is in pretty bad shape anyway over there, a lot of those boxes, we might have to...I mean, Bennie could do some moving.

Marsha Abell: Yeah.

President Jerrel: So, we could...and I think Bennie would want to supervise the basement.

Marsha Abell: Oh, I think he would and that's fine because I don't want to supervise it. I don't want to do it, so he can do it. He also built the shelves in the basement and if we have shelves he could build those over there. Do you know, didn't Bennie build those in the basement?

President Jerrel: Yes, he did.

Marsha Abell: Yeah, and they're the right size for the boxes that we use.

President Jerrel: Well, he's the one that gave Tony and I the tour and he knows about every single thing that's down there and I think we ought to use him as a resource person.

Curt Wortman: As far as moving, I don't know, let's get some of them correction people out there to help move. Bennie's truck, too, would help.

Marsha Abell: Boy, you would be making a lot of trips in Bennie's truck.

Curt Wortman: Well, why don't you get a price from Shetler and see what it costs though first.

Marsha Abell: Yeah, maybe rent a big truck, but that one little pickup truck would take forever.

President Jerrel: No, it would take forever.

Marsha Abell: How long is it going to take you to get that stuff cleared out?

Faye Gibson: My main maintenance person is on vacation this week, (inaudible comments made away from mike). We'll make it top priority.

Marsha Abell: Can you get it out in a week?

Faye Gibson: Or two.

Marsha Abell: Two after he gets back? Three?

Faye Gibson: (Inaudible comments made away from mike.)

Curt Wortman: See, we could also rent a truck from like Ryder or one of them.

Marsha Abell: Yeah, that would make more sense.

Curt Wortman: We could do that, you see, but you get a price from them and then we'll just compare. How does that sound?

President Jerrel: That's good.

Curt Wortman: Because they're sitting out there idle, that would give them something to do.

President Jerrel: Okay, is there a motion to authorize the approval of the...plus fax machine and moving costs?

Commissioner Mourdock: Yeah, for the assistance or for the purpose of storing county records from the County Clerk's Office I'll move that we approve a contract for \$3,680 annually with the Old Courthouse Preservation Society for use of room GC on the ground floor.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

### **First reading - Vanderburgh County Code of Ordinances**

President Jerrel: Okay, next item on the agenda the first reading adoption of the Vanderburgh County Code of Ordinances.

Joe Harrison, Jr.: This is the codification process for the existing or current Code of County Ordinances. This will take two readings and the Auditor's Office has on file the codified version of the Code of Ordinances to be considered by this Board and I think they provided me with another copy tonight and I think Tony will probably have a copy of the same on file in his office. The ordinance is in front of you. Essentially...I'll just read it real quickly:

“WHEREAS the Board of Commissioners of Vanderburgh County (“Board”) have been advised that the County Auditor has compiled, edited and indexed the ordinances previously adopted by Vanderburgh County in book form “Vanderburgh County Code”;

WHEREAS, I.C. 36-1-4-11 authorizes the Board to adopt, codify and enforce ordinances; and,

WHEREAS, it is of mutual benefit to Vanderburgh County and its residents that a properly compiled and indexed County Code of Ordinances be adopted and codified;

BE IT HEREBY ORDAINED as follows:

1. The Board hereby adopts and codifies the revised "Vanderburgh County Code" as the official Code of Vanderburgh County;
2. This ordinance shall become a part of the Vanderburgh County Code and shall be in the words and figures hereto attached and identified as "Chapter 1.01, Code Adoption".

This ordinance shall be in full force and effect on and after the date that it is adopted by a majority vote of the Board and signed by its members."

Again, this would be the first reading and I would ask that you all take a voice vote on this and consider it next week also.

President Jerrel: Is there a motion to approve first?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: I'll now call for the voice vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: I vote yes.

**Final reading - Amended travel ordinance**

President Jerrel: The next item is the final reading for the amended travel ordinance.

Joe Harrison, Jr.: Last week the Board passed on first reading the travel ordinance. I believe a copy is in your file. Again, it's called Amended ordinance relating to authorization for official travel and reimbursement of travel expense and, again, you'll need a voice vote.

President Jerrel: Is there a motion regarding the final reading on the amended ordinance relating to authorization for official travel?

Commissioner Mourdock: I move approval.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered and we'll have a voice vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

### **Public hearing - Vacation of easement on portion of Boyle Lane**

President Jerrel: The next item on the agenda, public hearing for the vacation of easement on portion of Boyle Lane. Mr. Shively.

Les Shively: Ms. Jerrel--

President Jerrel: Yes.

Les Shively: --members of the Commission. I'm here representing Basden's RV. The owner is Jack and Alice Strassway. We're seeking to relax the...where are my letters here? Did you already give them to them? Okay, good, you're a step ahead of me. With me this evening also is David Sanders of our office. David joined us in September and he has been working with me on this. Essentially Basden's RV has a facility out there at Baseline Road and Boyle Lane. Boyle Lane, if you'll recall, was the Old Highway 41 way back when before they put in the new or the existing Highway 41 and what they did they simply gave the Old Highway to the county. That was 100 feet of right-of-way. Basden's RV has placed a fence along its property which is technically in the right-of-way and we originally were seeking this evening a relaxation of 30 feet on our side for that fence. Our fence is actually about 23 feet. I talked to Mr. Stoll here this evening and he has made an excellent point with all the development occurring in the county he would feel more comfortable if we would pare it down from 30 to 20 so that if our neighbor on the other side would ask for a vacation if you would give them likewise 20 it would still leave 60 and Mr. Stoll feels that is good planning and we ought to maintain at least 60 out there. I think that, you know, I'm not going to argue with Mr. Stoll. That certainly makes sense to me. My client has no problem with paring it down to 20 providing that we can work out an encroachment arrangement with the county to leave our fence there. It would still be your right-of-way and if they fence has to come down we wouldn't be able to be compensated for that, but we would like to be able to keep the fence there. So if we get an encroachment we would be willing to pare it back to 20 feet. We have given Charlene all the letters from the utilities. The only utility that had a concern...it really wasn't a concern, it sort of reminded us what the law is, was the Evansville Sewer & Water Utility. They have facilities in place and Indiana law states that notwithstanding any action you take to vacate if there are utilities in place those utilities in the easements commence with thereto are not affected and we concur with that.

President Jerrel: Okay, John, is that okay with you?

John Stoll: Yes, basically the only reason I thought we might want to keep 60 feet of right-of-way out there was in the event that continues to develop out there that would leave enough right-of-way that you could build a frontage road in that area. The existing road is in poor shape and it wouldn't serve as a frontage road so it would need total reconstruction, but if you went with a curb and gutter street in that 60 foot right-of-way

I think you would get a suitable frontage road in the 60 foot.

President Jerrel: Um--

Commissioner Tuley: The only question that I would have the encroachment as far as the fence goes, I mean, legally that's not a problem for us?

Joe Harrison, Jr.: No, it would be in our right-of-way.

Commissioner Tuley: As long as we don't do anything--

Les Shively: Right, and Mr. Harrison, and I don't think this will be a problem, when I have done this with the city, the Board of Public Works, they have asked that we include the county as additional insured for our public liability.

Joe Harrison, Jr.: Yes.

Les Shively: And we would do that and we would certainly agree that be part of any encroachment agreement that we include the county as additional insured--

Joe Harrison, Jr.: Okay.

Les Shively: --and provide you a certificate of insurance to show it. It's not in the traveled portion--

Joe Harrison, Jr.: Sure.

Les Shively: --but it's just extra insurance and we'll include you in on the insurance.

Joe Harrison, Jr.: That's fine.

Commissioner Mourdock: If I may, and I am particularly dense tonight on some point here, but let me repeat it back and tell me if this is close, Les. The present Boyle Lane has a 100 foot right-of-way?

Les Shively: Yes, sir.

Commissioner Mourdock: And on the Basden side there is...you originally wanted off that 100 foot coming from the center line going to the west 50 feet you originally wanted 23 feet, is that what you said?

Les Shively: Actually, we wanted to relax it by 30 feet so that it would only be 20 on our side--

Commissioner Mourdock: For the county.

Les Shively: We're actually...we could actually get by with 23 feet. That's kind of an odd number, but we were sort of rounding it up to 30. To basically relax it by 30 which would leave 20 feet there.

Commissioner Mourdock: Okay, so in effect we're vacating 20 feet so we're keeping the 30, so that 30 with the other side is 60?

Les Shively: Yes, sir. Actually, if you pass this vacation this evening what would happen would be you would still have 30 on the west side of the center line and you would still have the 50 on the east side of the center, so you would still have 80. What Mr. Stoll was trying to plan for is if the business on the other side would try to do likewise and you would want to treat both businesses the same and give them 20 you would have at least 60, but after tonight you'll still have 80.

Commissioner Mourdock: And is this easement, looking at least on this map, Boyle Lane is not a straight road. It appears it's got a bit of a radii to it.

Les Shively: Right.

Commissioner Mourdock: Are we following that line or is this a straight line?

Les Shively: No, it would follow...it would follow the road.

Commissioner Mourdock: So we would maintain the present center line for Boyle Lane?

Les Shively: Yes, sir.

Commissioner Mourdock: Alright, I'm comfortable with it.

President Jerrel: Is there a motion then--

Commissioner Tuley: Joe had a comment.

Joe Harrison, Jr.: What I would do is have this be a first reading tonight and have...can you provide an amended legal as opposed to 30 make it 20?

Les Shively: I would rather Mr. Stoll get it the way he wants it.

Joe Harrison, Jr.: Okay, I just want to make sure it's recorded properly.

John Stoll: I was going to say, it would probably be best if I work with Fred Kuester who did the original survey.

Les Shively: Yes.

Joe Harrison, Jr.: Okay.

John Stoll: Because he was the one--

Les Shively: I would like Mr. Stoll to direct Mr. Kuester how he wants it so--

Joe Harrison, Jr.: Could you have that by next Monday?

John Stoll: I can talk to Mr. Kuester. I'm not sure what his schedule will be like, but I can get in touch with him and we can give it a shot.

Joe Harrison, Jr.: Okay.

Commissioner Mourdock: And one more time for the record your client understands that the fence that's there now would henceforth be in the county easement--

Les Shively: That's correct.

Commissioner Mourdock: --and if that fence came down he's not going to be due compensation?

Les Shively: That's correct.

President Jerrel: Okay, so then we're going to do this as a first reading for permission to vacate with the assurances that have been described.

Commissioner Mourdock: Right, so I'll move that we vacate the easement requested on Boyle Lane subject to the revised engineering description to be provided by Mr. Stoll.

Commissioner Tuley: So on his advice we'll make this a first reading?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Right.

Commissioner Tuley: I'll second that.

President Jerrel: Okay, and I'll say so ordered. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Les Shively: Unrelated, I do want to commend the County Commission and the County Attorney for finally after all these years codifying the county ordinances. That's long overdue and very much appreciated by those of us that work with the county ordinances. I appreciate that.

### **Execution of deeds from Commissioners surplus property sale**

President Jerrel: Okay, we have a resolution authorizing the execution of deeds and we have 78 deeds that need to be signed by all three Commissioners and Commissioner Tuley and I are going to...he is going to sign and I'm going to sign tomorrow, so you get to sign tonight.

Commissioner Mourdock: Seventy-eight, huh?

President Jerrel: Seventy-eight. Is there a resolution authorizing the execution of these deeds?

Joe Harrison, Jr.: The resolution is in front of you. It relates to authority to execute these particular deeds. These are the ones arising out of the sale of the surplus properties to the successful bidders and also the resolution relates to any other deeds that may have been executed in the past to authorize the execution of those. It's just good to have a blanket resolution from time-to-time. That's what the resolution covers.

Commissioner Mourdock: Do you wish to read the property descriptions into the record?

Joe Harrison, Jr.: No! No. You can sign these. Hopefully you'll sign them tonight, but if you don't sign them tonight this will authorize you to sign them at your convenience.

Commissioner Mourdock: Okay, well I will move approval of the authorization of execution of deeds.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Commissioner Mourdock: That was a joke!

**Any group or individual wishing to address the Commission**

President Jerrel: Okay, any group or individuals wishing to address this Board?

**John Stoll - County Engineer**

President Jerrel: Seeing none, County Engineer.

John Stoll: The first item I've got is a request for street plan approval for Korressel Commercial Subdivision. This is a commercial subdivision located off of Vogel Road. One segment of the road will run between Vogel and Oak Grove and then the southern section of this subdivision runs between Vogel and the proposed extension of Columbia Street. The street plans consist of concrete streets with curb and gutter. There will be six inches of concrete on top of six inches of crushed stone, so the street cross section exceeds the county's minimum standards. The plans have been reviewed and it's recommended they be approved. There is just one thing I would like to make note of, the approval should be subject to the fact that these plans assume that Columbia Street will be constructed and as it stands right now there are no commitments to get Columbia Street constructed from its current dead-end at Kimber Lane west to the location of this street, so in the event that Columbia Street is never constructed these plans will have to come back in for a new approval because the southern end would have to have a cul-de-sac constructed rather than just having the street T into Columbia, so with that provision it is recommended the street be approved. Street plans be approved I should say.

Commissioner Mourdock: I'll move approval of the street plan for Korressel Commercial Sub.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: This is the first of seventy how many?

President Jerrel: I didn't tell you that earlier. I thought I would save that for you.

Commissioner Mourdock: You think it's hard to read now!

Commissioner Tuley: Yeah, wait until that 78th one!

Commissioner Mourdock: Yeah.

Joe Harrison, Jr.: Hopefully, we'll have a few more.

President Jerrel: By the time you get through they'll never know who--

Joe Harrison, Jr.: After Wednesday. The auction of the remaining properties is going to be Wednesday so hopefully we'll have a few more.

John Stoll: Next I would like to request to go before County Council to appropriate \$100,000 into the Road & Street Contractual Fund. This would cover the remainder of our proposed contractual paving projects plus the Allens Lane traffic signal at St. Joe Avenue.

Commissioner Mourdock: I'll move approval of the Council Call.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Okay, the next item I've got is a change order on the Maasberg Road bridge placement project. This is a final change order on the project. It results in a net decrease of the project of \$11,263.31. It's recommended that the change order be approved.

President Jerrel: That's my kind of change order.

Commissioner Mourdock: I move acceptance of saving money.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is a revised speed limit ordinance that needs to be advertised. The revisions on the speed limit ordinance consist of adding Bickmeier Road, Colonial Gardens Road, Crestwood Drive, Daniels Avenue, Lynch Road, Victoria Lane, Westlake Drive and Whetstone Road. Those speed limits have all been revised or added since they weren't...like Lynch Road they weren't previously included and I just need approval for advertising the ordinance.

Commissioner Mourdock: So moved.

President Jerrel: Is there a second to the--

Commissioner Tuley: Second.

President Jerrel: Okay, so ordered.

John Stoll: Next, I talked to Beam, Longest & Neff today regarding the Heckel Road bridge. They estimated that the construction cost of a rehab project would be about \$250,000. The design costs would be approximately \$25,000 and that project would

consist of replacing all the floor beams and the deck and doing some repairs on the truss and sandblasting and painting the truss. The problem with that is by doing that project the bridge would still only be rated to handle approximately a six to eight ton load, so it still would not handle a legal load limit even if we did do that rehab. They estimated that the life span of that rehab would be approximately 20 years, so the end result would be we would have a bridge that would be restricted to an eight ton load max and it would still be only a 15 foot wide bridge.

President Jerrel: I think rather than...do you have...I mean, have you all made your minds up about that bridge yet?

Commissioner Mourdock: No I haven't. When last we spoke about this the issue was raised about getting some population counts as far as user counts on the east side/west side of the bridge--

Commissioner Tuley: Right.

Commissioner Mourdock: --and I still think in some way that's appropriate without necessarily turning it into...

President Jerrel: East versus west?

Commissioner Mourdock: Yeah, east versus west or a simple popularity poll and I'm not sure how we do that, but there has got to be some road count, traffic count type information.

John Stoll: The traffic count which was last taken which I believe was in '94 or '95 showed that there were about 300 cars a day on the east side of that bridge. Just east of the bridge I should say.

Commissioner Mourdock: But is that saying 300 coming across that bridge everyday or is that 300 that some go north and go across Millersburg?

John Stoll: That would be...it was just east of the bridge, so I would believe it would be 300 would be using the bridge.

Commissioner Mourdock: Do we have any kind of rule of thumb in the past that has been applied, John, as far as a vehicle count per day versus cost?

John Stoll: No, none that I'm aware of. In every other case we have always replaced them. I mean there have been bridges that had extremely low volumes that have been expensive, Mann Road being an example of that, that we have replaced in the past, but as far as any rule of thumb on traffic count versus costs, no, there hasn't been any that I know of. I've heard from probably the majority of the people on the east side of the bridge and they all want to see it replaced or rehabed in some way or another. They just want to make sure it stays open and I've really not heard from anybody on the west side other than the one gentleman who was at the meeting one time.

Commissioner Mourdock: When it was declared unsafe, at that point had it been at the six to eight ton limit?

John Stoll: It was posted for four tons, so we would roughly double its capacity.

Commissioner Mourdock: Is it possible to restore it to four tons without spending \$250,000?

John Stoll: Probably not because the deck and floor beams are shot.

Commissioner Mourdock: As an engineer how do you look at this? Is it worth fixing?  
John Stoll: Just on what we've got to this point I think it would probably be a better recommendation to replace it than to spend that much and still get a 15 foot wide bridge that can't carry a legal load.

President Jerrel: And that's...you're talking about...?

John Stoll: Then we would be looking at probably \$400,000 to \$450,000. Something like that.

President Jerrel: Before we make a decision, we don't have to make a decision tonight. Before we make a decision like that I would like to be a little more certain of the engineering cost and the new structure cost.

John Stoll: Okay.

President Jerrel: Because sometimes they start out being that much and end up being a good bit more. I'd like to have a--

John Stoll: The place where we've had the biggest problems on the inflated costs has been on the rehab projects and if we're on a replacement I would think we could probably get a fairly good estimate. We haven't done any in-house designs of a bridge that long, but I would think we could get a pretty good estimate regardless.

Commissioner Mourdock: Yeah, I think that's the right thought process because you always find surprises when you try to rehab something like this and if you replace it you replace it. Sort of the difference between putting on a band-aid and putting on an artificial limb, but that would be the way to go.

John Stoll: I think if they would have done a significant rehab ten years or so ago we probably would not be in this position right now, but the band-aids have been applied repeatedly.

President Jerrel: Could you do that and then let's take a look at that budget, too?

John Stoll: Sure.

Commissioner Tuley: I don't like the cost, but I like the idea of replacing it. If you're going to do something with that other than tearing it down that is probably the way to go.

Commissioner Mourdock: Yeah, if there is an argument for not doing anything it's the fact that on the east side it is probably developed as much as it's going to develop given that low lying nature out there.

John Stoll: Right.

Commissioner Mourdock: But still we've got 300 vehicles a day. That's a tough one.

President Jerrel: Well, let's put this back on the agenda next week.

John Stoll: Okay. Next, an update on the projects that are going on right now. On Lynch Road the curbs and driveways have been poured along Oak Hill Road over the past few days. The I-beam that has been in the way that's being used as a guy wire for SIGECO's utilities is being moved today. During the month of April there were only ten workdays charged to the project with 22 available workdays so the weather has significantly slowed them down and as of yet in May there has only been two workdays charged, so things have not been going too quickly out there. The segment between Green River Road and Oak Hill is ready to be seeded, so they are going to try to get the seeding contractor in there sometime next week. Right now there is also signal work being done at the Oak Hill intersection. The revised estimated opening date is mid June based on Bernardin Lochmueller's inspector on the job right now. He said it was possible they may get it opened sooner, but the weather has set them back some and he would expect that mid June would probably be a realistic estimate. On Cross Pointe Boulevard at Morgan Avenue, I contacted Norfolk Southern and they received our revised railroad agreement and it was forwarded to their legal department on April 20th and we've been given some estimates that we could receive approval of the railroad agreement as soon as the latter part of this week or as late as the first week in June, so that's kind of up in the air at this point. Like Lynch there hasn't been a whole of progress on that project because weather has kept them shut down most of the time. On phase one of Burkhardt Road the project is 47% complete. All the storm drain pipes are in on the new northbound lanes, the new east half of the road that's been worked on for quite some time now. We've got video approval...verbal approval for the video signal detecting system at the Burkhardt and Lloyd intersection and we've got a gas line that's in the way on the very south end of the project. It will be a reimbursable relocation because it is within an easement based on the preliminary information that SIGECO has given us. They had given us a cost estimate of \$10,000 to \$20,000 for the relocation, but then when they gave us a price today from a contractor they said it was \$35,000, so I don't know exactly what the final cost will be, but that will be a cost that we'll have to pay. We'll get that worked out sometime over the next week or so. SIGECO is going to put that out for bid and they'll take their bids a week from Friday with relocation work on that gas line starting no sooner than two weeks from Wednesday. On phase two of Burkhardt there has not been much progress on that at all due to the weather. They've got 47% of that project complete as well on the basis of the dollar value of the construction that has been completed. The box culvert that is being installed on that project should be completed by the end of this month or early June and they're still on schedule on that project. That's all I've got on those unless you've got any questions.

Commissioner Mourdock: I've got a question, on SIGECO you mention them, I guess it's still the unnamed frontage road that would connect in front of the new Matrix/Replas building and Azteca that's running across the SIGECO property.

John Stoll: Right.

Commissioner Mourdock: I received a call this morning where they received the copy of the, basically, the agreement and engineering and the statement in there about the cost that they're responsible for if there is any overruns or anything. They have, and I think legitimately, quite a concern as far as being kept up-to-date with how that project progresses to make sure they know how to internally budget, so if at the last minute there is some cost overrun they can take care of it. Would you make a point to please keep them up-to-date at least every two weeks and I realize you may not have financial numbers to report to them every two weeks, but at least give them a status report every

two weeks as to where we are, on schedule, off schedule, what we've run into that might be an added expense, you know, looks like it will come in under budget or whatever?

John Stoll: Sure.

Commissioner Mourdock: They feel, not surprisingly, rather vulnerable that we've asked for a blank check from them and that's the perception. I just want to make sure they feel like they're going to get their money's worth and not get a surprise.

John Stoll: Yeah, when we get everything worked and get it under construction that shouldn't be any problem at all.

Commissioner Mourdock: Okay, thanks.

President Jerrel: I know you gave the report on the Lloyd. I think you did, you included it right after you gave Burkhardt one, first phase, but is that just the drying out of the soil the only thing that's necessary before they can pour those turn lanes?

John Stoll: They're planning on putting lime down on that this Wednesday in hopes of paving it early next week so once it has dried out, it has been doing fair well, they were going to lime stabilize that so they wouldn't have to be working out in that dirt for quite some time trying to get it compacted properly and hopefully next week they'll be getting some concrete poured.

President Jerrel: That's going to make a major difference.

Commissioner Tuley: Oh, yeah.

President Jerrel: I mean that's just going to be like night and day.

John Stoll: The problem is it won't be usable for quite some time because there won't be two lanes on the--

President Jerrel: Light?

John Stoll: --north side of Lloyd on Burkhardt to receive the two left turn lanes.

President Jerrel: Well, they better get ready to hear a lot of flack. People are going to want to use those.

John Stoll: I have a feeling you're right and they'll be rearranging their barrels quite a bit out there.

President Jerrel: Is there anything else?

John Stoll: That's all I've got.

President Jerrel: Okay, thank you very much.

**County Garage**

President Jerrel: We have a report from the County Garage and Milton Hayden was here, but he did leave. Is there a motion to accept that report?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

**Burdette Park**

President Jerrel: You also...Steve Craig was down this afternoon and I met with both he and his assistant and they had a project and a first meeting with all their new employees for the opening of the pool tonight, so is there a motion to approve their report?

Commissioner Mourdock: I'll move acceptance of their report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: The only thing I want to mention is that the auction for the remaining surplus properties will be held Wednesday in this room at 10:00. Curran Miller Auction will be conducting the auction and hopefully we'll have a few people here to purchase some additional properties and we'll report back next week.

President Jerrel: Okay, how about Superintendent of County Buildings.

Commissioner Mourdock: Um--

President Jerrel: Excuse me, I'm sorry.

Commissioner Mourdock: Question, County Attorney-wise. Joe, do you have an update for us on the ozone ordinance situation in tying our fees together with the city's?

Joe Harrison, Jr.: I have the document that I passed out last week and if you all are comfortable with the proposed changes I will report to Christine Terry to have the city move forward and we'll do the same thereafter, but I just wanted to get some indication from this Board if those minor changes were agreeable to you all.

Commissioner Mourdock: I've reviewed them. They're agreeable to me, so I will make a motion that we pass on the changes provided last week to the city so that we can dovetail the two acts or two ordinances.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Thank you.

**Superintendent of County Buildings**

President Jerrel: Now, Tony.

Tony Greubel: Mark Acker was wanting to use the auditorium Levee Lift in the coliseum. They're going to do some painting and they need it for some hard to reach places. Right now the Levee Lift is being held in storage by the Building Authority and Steve Utley was wanting just to make clear that the Building Authority wasn't liable if they have an accident while using it and Mark Acker sent me a certificate of insurance naming the Board as additional insured if they would tip it over or something. Only Mark will be driving it...will be using it and one other coliseum worker.

President Jerrel: But we do have coverage?

Tony Greubel: Yes.

President Jerrel: Okay, let's have a motion though to approve that so that it's on the record.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: That's it.

President Jerrel: Is there anything else?

Commissioner Mourdock: We have a report from the Soil & Water Conservation.

President Jerrel: No, we do not.

Tony Greubel: Do not.

President Jerrel: They had an article in the paper tonight.

Commissioner Tuley: They did? I didn't see it.

Joe Harrison, Jr.: I have a copy of a letter that they sent out today that I'll provide all of you. I got it in my packet that they sent out.

**Consent items**

President Jerrel: Okay, under consent items I think all the employee changes were in and accounted for. We did get the green slip that we needed for that one grant one.

Commissioner Tuley: That grant.

President Jerrel: Unless someone has a specific question, is there a motion to approve the consent items?

Commissioner Mourdock: I'll move approval as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Scheduled meetings**

President Jerrel: You've got the scheduled list of meetings.

### **Old business**

President Jerrel: Under old business is that enough discussion? That ozone?

Commissioner Mourdock: Let me just mention real quickly the meeting last Thursday on ozone with IDEM. I mentioned to you last week about the lower RVP gasoline and basically what Janet McCabe with IDEM is telling us that she feels the US EPA would come down on us if we tried to enact a lower RVP gasoline because we're now in attainment. However, as soon as we go into nonattainment, which everyone expects we will, then they'll probably mandate that we do so. So the idea that we take a corrective action and be proactive probably would get us sued by the EPA and my personal feeling is go for it big boy. I would love to be a County Commissioner sued for that, but at any rate, the more realistic approach is probably to watch and see as the new standards are implemented and see how we do with them.

President Jerrel: There was an interesting article, you know, with her quotes in there and I think I saved it in case we want to refer to what she says when the temperature reaches--

Commissioner Mourdock: I did...yeah, I did not see the article. I would like to see it. Oh, one other thing on that that I am encouraged by for the first time we had a representative there from the Posey County Commission and also the Posey County Chamber of Commerce was there. Dave Rector, the Commissioner for Warrick County, tried to be there but they had a finance committee meeting that night so he could not make it, but at least there seems to be more of a sense of urgency from their part to get involved with this county and I think that's real healthy.

President Jerrel: Any other old business?

### **New business**

President Jerrel: How about new business?

Commissioner Mourdock: Nope, I'll pass.

President Jerrel: How about a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:40 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Mary Arnold  
Marsha Abell  
Carla Hayden  
Faye Gibson  
Curt Wortman  
Les Shively  
John Stoll  
Members of the media  
Others unidentified

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
May 18, 1998**

The Vanderburgh County Board of Commissioners met in session this 18th day of May at 5:42 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. The first item on the agenda, I'd like to introduce the members at the front of the room. To my right is Tony Greubel, the Administrative Assistant; next to him is Joe Harrison, Jr., the County Attorney; Commissioner Pat Tuley is to my right; the far left is Charlene Timmons, the Recording Secretary; Suzanne Crouch, the Auditor; Richard Mourdock, County Commissioner; and my name is Bettye Lou Jerrel. I would like to ask you to join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Under action items the first is the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes of May 11, 1998.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Certification of Executive Session**

President Jerrel: We did have an Executive Session and we discussed pending and current litigation and county personnel matters. Is there a motion to approve?

Commissioner Mourdock: Motion for approval of the summary minutes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Open bids - VC9802-4, Old Courthouse air conditioning**

President Jerrel: First on our agenda is Lynn Ellis and she was in and spoke to Commissioner Tuley and I. She had to take her daughter somewhere so she is not going to be here for the opening, but we do need to authorize the opening of bids so that we can have them opened during the meeting, so is there a motion to authorize the opening of the Old Courthouse bids?

Commissioner Tuley: So moved.

President Jerrel: Is there a second?

Commissioner Mourdock: Second.

President Jerrel: So ordered. Is that what you have? Okay, fine.

**Environmental Management Consultants  
Agreement for underground storage tank removal at Burdette  
Park**

President Jerrel: The next item on the agenda is the County Attorney, approve agreement for removal of underground storage tanks. While he is finishing that last one just to refresh your memories, you know, there is a new law and I think this will bring us into compliance.

Joe Harrison, Jr.: Yeah, this will be for the removal of the underground storage tank out at Burdette and the contract price is \$4,250 and it's with Environmental Management Consultants here in Evansville. A copy of the contract should be in the materials you have in front of you.

Commissioner Mourdock: I'll move approval of this specific services agreement with Environmental Management Consultants for the removal of the underground storage tank at Burdette.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Final reading  
Ordinance to adopt and codify Vanderburgh County Code**

President Jerrel: We now have a final reading of the ordinance to adopt and codify Vanderburgh County Code. I do have a comment from the Auditor before we proceed.

Suzanne Crouch: Thank you. This codification, as you all know, was started prior to my assuming office, the initial part of it back in '95, and it's has been a long ongoing project that a lot of employees have put time in, particularly Charlene Timmons has put numerous hours in. It is now updated and upon your ratification tonight it will be available for distribution not only to your office and the Council and the Law Library, but to the public. It will be available on CD Rom or by a diskette and that, of course, will be very beneficial for law offices and business people that want to know, builders and contractors that want to know about the ordinances and their updates. We also have been talking and working with SCT and with the University of Evansville and are going to be making not only the Code, but the minutes to your meeting and the Council meeting available on the Internet sometime hopefully in the not too distant future and we'll keep you apprised of that, but we're happy to bring this to a completion for the county and for the Commissioners.

President Jerrel: I have one question. Is there a charge for the CD Rom?

Commissioner Mourdock: Why did I know that was a question you were going to ask?

Suzanne Crouch: I knew you were going to ask that question therefore we did get together some costs and it will be \$50 for the diskette and \$75 for the CD Rom.

President Jerrel: Okay.

Commissioner Mourdock: I think most of the legal profession...I know one of the attorneys working in the county last week made the offhand comment he was glad to see us finally get to this point, so I think it's something the legal community will appreciate as well as the builders and everyone else.

President Jerrel: Okay, is there a motion regarding the final reading and adoption?

Commissioner Mourdock: For final reading I will move adoption and approval of the Vanderburgh County Code.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

Commissioner Mourdock: You need a roll call.

Commissioner Tuley: Roll call.

President Jerrel: Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

**Any group or individual wishing to address the Commission**

President Jerrel: The next item on the agenda, we'll go back to the County Attorney. Are you ready or not ready yet? To read the bids, do you want to wait?

Commissioner Tuley: He could just make it part of his report.

Joe Harrison, Jr.: Yeah, can you just wait just a second?

President Jerrel: Sure, I'll just move ahead. Is there anyone under any group wishing to address the Board that is not on the agenda?

**John Stoll - County Engineer**

President Jerrel: Okay, hearing none let's move to the County Engineer.

John Stoll: The first item I've got is a request from the residents of Green River Estates Subdivision to install a subdivision name sign in the county right-of-way at the entrance to their subdivision. I've had Joe Harrison working with this...working on this as well and basically they just needed to acknowledge the fact that the signs would be placed in county right-of-way and that the county would not be responsible for maintaining the things and if they were ever in the way of any work that we had planned to do that the

signs would be removed at no cost to the county.

Commissioner Mourdock: These are not traffic control signs in any way?

John Stoll: No.

Commissioner Mourdock: They're just saying Green River Estates III.

John Stoll: I believe there is a sketch of it at the tail end of that. You're right, though, it is just a subdivision sign. They were requesting approval from the county to install those signs.

President Jerrel: There are that many, 123?

John Stoll: One hundred and twenty-three.

President Jerrel: Oh, I didn't realize that. Is there a motion or discussion that anyone has any questions they would like to ask?

Commissioner Mourdock: Just a quick question. There is another Green River Estates sign out there. Is that not in...is it either A, not Green River Estates III or B, is it not in the right-of-way already?

John Stoll: The ones that are out there are in the right-of-way. I don't believe it's for Green River Estates III.

Commissioner Mourdock: It might be II.

John Stoll: And this one is...this request is to upgrade an existing sign as well. They'll remove it, put in the brick sign they've shown in the drawing.

Commissioner Mourdock: So conceivably II and III will have the same type signs?

John Stoll: Similar, yes.

Commissioner Tuley: Did you say you bounced this off of Joe in terms of legal...?

John Stoll: Right.

Joe Harrison, Jr.: Yeah, there is no problem. They understand that if it has got to come down it will come down.

Commissioner Mourdock: Don't see any added--

Commissioner Tuley: What about liability if someone hits it? Goes off the road and hits it?

Joe Harrison, Jr.: They indicated that--

John Stoll: They consulted with an attorney who lives out there, I'm not sure what his name was, but Susie Burton, the lady that I've been working with on this, has said their homeowners' policies would be responsible in that event.

Joe Harrison, Jr.: What they've indicated...I don't know if we can require them to maintain coverage. The thing is it's their sign. It's the Homeowners Association decorative sign, although it's in our right-of-way they're responsible for it.

Commissioner Tuley: We did this on a commercial development out there for Joe Ream didn't we? Something like this?

John Stoll: Yes.

Commissioner Tuley: What...do you remember that discussion?

John Stoll: He put up a certificate of insurance, but he was allowed to put it in the right-of-way as well. In this case, even though there is 123 people involved there really is no Homeowners Association out in this subdivision. That's part of the problem here, so there is not one single entity--

Joe Harrison, Jr.: They had actual signage didn't they out there on Ream's?

John Stoll: They've got subdivision signs as well as more traffic type signs.

President Jerrel: What about the question that Richard asked regarding Green River Estates II, the sign being in the right-of-way, how did that happen?

John Stoll: Typically, the developers just go put them in the right-of-way and these people--

Commissioner Tuley: Trying to do it the right way.

John Stoll: --are trying to do it right to make sure they are covered.

Commissioner Tuley: So we'll give them grief!

Commissioner Mourdock: The only question I have is the one Pat raised which is do we assume some additional adverse liability if someone swerves off the road and hits the sign and there isn't a certificate of insurance on hand from a given entity?

Commissioner Tuley: These 123 are responsible.

Commissioner Mourdock: I don't see where this petition would make them responsible, but my favorite phrase, I'm not a lawyer.

Joe Harrison, Jr.: We ought to probably require that she can send us a letter stating that they will be responsible. Their association will be responsible for any liability that is associated with anyone striking the sign or the wall or whatever is put up.

John Stoll: Would we need each one of the 123 people to sign that?

Joe Harrison, Jr.: I think that we could probably have her sign on behalf if that's what she wants to do. At least we would have one signature, but I think that would be prudent to do.

President Jerrel: They've almost said that.

Joe Harrison, Jr.: They have.

President Jerrel: In the third paragraph they've almost said it. They just need a little bit more. If there is an accident that results in not the sign being damaged, but the person hitting the sign being damaged.

Commissioner Tuley: So we're not responsible for repair or damage to the replacement of the sign, but that doesn't say responsibility for injuries or whatever and that's the only thing I want to hear from this guy to say that he has read this and he reviewed this and he is comfortable. I don't care what their attorney says, I want to hear it from you.

Joe Harrison, Jr.: Why don't we see if we can get that modified. When were they wanting to come back...or when were they wanting to start doing the work?

John Stoll: This week of course.

Joe Harrison, Jr.: That's what I figured. Well, why don't we see if maybe this Board will approve this subject to additional language which would indemnify the county or at least hold us harmless for any damages resulting from the hitting or from someone hitting the sign and we can see if she can send you another letter maybe tomorrow or the next day, but if this body is willing to--

Commissioner Tuley: We can make it conditional upon receiving that letter.

Joe Harrison, Jr.: Conditional upon that language they can go ahead and approve it.

John Stoll: If you could just make a few comments on that so I can tell her what the letter needs to say.

Commissioner Mourdock: I think, again, the Joe Ream situation we did require that of him, so it would be consistent. That's reasonable. I'll move that we grant conditional approval of the placement of a sign by Green River Estates III in the county right-of-way subject to their documenting to this Board that we have liability coverage.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is a request for an encroachment in the Boyle Lane right-of-way. This is right across the street from the business that was here last week requesting a vacation of Boyle Lane right-of-way. This is an auto salvage business and they're wanting a fence to encroach 15 feet into the Boyle Lane right-of-way. In working with Cedric Hustace over in Joe's office he said we need to establish a date for a hearing so that way Mr. Easley can notify all the abutting property owners that this encroachment request will be heard at the Commissioners' meeting and basically all we need to do tonight is just to set a hearing date and I asked Andy Easley if around June 15th would be acceptable, if that gives him enough time to notify the abutting property owners, and he was okay with that so that what the suggestion is to set the date for the 15th.

Commissioner Mourdock: This is the one next to the RV place?

John Stoll: Yes, it's just on the east side of the road.

Commissioner Mourdock: I'll move the establishment of the hearing date for what date did you say, John?

John Stoll: June 15th.

Commissioner Mourdock: June 15, 1998.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is a right-of-way agreement for phase three of the Burkhardt project. This is with United Consulting and the amount of the agreement is \$25,595. This is an agreement to acquire the right-of-way needed for the portion of the Burkhardt project that runs between Interchange Road and Maxwell Avenue.

President Jerrel: Is there a motion?

Commissioner Tuley: I'm sorry.

John Stoll: Do you want to see it? I just passed it to Tony for the signature file.

President Jerrel: Yeah, let's get it.

Commissioner Tuley: Have you seen it yet?

President Jerrel: No, go ahead.

Commissioner Tuley: Oh, okay. This is what we talked about last week.

President Jerrel: Uh-huh.

Commissioner Tuley: The title search work. I know what it is.

Commissioner Mourdock: Right.

President Jerrel: Is there a motion to approve?

Commissioner Mourdock: I'll move approval of the Burkhardt Road phase three right-of-way agreement.

Commissioner Tuley: Second.

President Jerrel: Okay, so ordered. Put that back in the signature file.

John Stoll: The next item I've got is a Notice to Bidders for our second paving contract. This is for Hedden Road, Baumgart Road and Browning Road.

Commissioner Mourdock: What was the third one, John?

President Jerrel: Browning.

John Stoll: Browning, Baumgart and Hedden.

Commissioner Mourdock: Baumgart, okay. How are you monitoring those once we do this?

John Stoll: Monitoring?

Commissioner Mourdock: Just seeing how the work is going. Maybe I should probably ask the question of Rick when he comes up, but I just want to make sure we're seeing how long it takes them to get the job done, that it's done satisfactorily.

John Stoll: Oh, you mean as far as who is inspecting the projects?

Commissioner Mourdock: Yeah, right.

John Stoll: Usually Tom Goodman has been on the paving contracts. Dave Franklin may be on these as well, but we'll have an inspector present on the job while they're going on.

Commissioner Mourdock: Okay. I move the Notice to Bidders for the paving contracts for Hedden, Browning and Baumgart Road.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next, on the Heckel Road bridge we don't have a revised cost estimate as of yet, but we'll have that available at the next meeting. We've received numerous phone calls about that and we've been telling everybody that we should have the replacement cost of the bridge by June 1st. The final item that I've got is on Ward Road--

Commissioner Tuley: Oh, my favorite subject.

John Stoll: Mine too. Everybody's! The plan should be complete by the end of the week and I didn't know if you wanted us to send out letters to the affected properties notifying them that we'll be doing some ditch work and pipe work and things like that or just how you wanted us to approach it from here on out. There are about five parcels, I believe, where there will be some sort of ditching or piping done and I didn't know if you wanted us to just send them a copy of the plans notifying them what we were going to do or in addition to Mr. Bell or what the...in what way you wanted this handled really.

President Jerrel: I think everybody ought to get them.

Commissioner Tuley: Yeah, I'm afraid if we give it to one person somebody is going to come up here, I never got that notice, I didn't know anything about what you were doing until they already dug a hole.

President Jerrel: It's just a matter of copying.

John Stoll: Right.

President Jerrel: But I think we should notify everybody.

Commissioner Mourdock: I agree. I'll move that the County Engineer send letters to all the affected property owners on the Ward Road/St. Anthony drainage project.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: I can't say Ward Road without Anthony Drive. Somehow they are always linked.

Commissioner Tuley: Yeah. The plans will be completed by the end of the week and ditch and pipe work may begin when?

John Stoll: No timetable on that as of yet. Do you want Mr. Bell to have an engineer hired to address anything on his lot prior to us putting this out for bid or...?

Commissioner Mourdock: That was what we talked about before.

President Jerrel: That was the agreement.

Commissioner Tuley: Yeah, the only thing...you know, the only thing we were really trying to do now was coordinate what we were doing so that we could coordinate those efforts with his engineering so that we know they're going to match up.

John Stoll: I can send a set of plans to Bell and say here they are, now you can hire your engineer, you know what we're going to do. And then in the letter that we send to the rest of the affected property owners we can just put in there that the county plans to do the work sometime this summer. Leave it kind of open at this point.

Commissioner Mourdock: As soon as related work is finished.

Joe Harrison, Jr.: Yes.

John Stoll: Okay.

President Jerrel: We said that if we don't take--

Joe Harrison, Jr.: Yeah, have you gotten a commitment from whoever their engineer is and then those homeowners to do what they need to do?

John Stoll: Mr. Bell had contacted a consultant, but he hadn't hired him as of yet, just like Pat said, because we hadn't finalized our plans so they wanted to make sure that their projects worked well with ours.

Joe Harrison, Jr.: That's the key. I mean, if they're not going to do anything I'm not so sure you all want to do anything.

Commissioner Mourdock: That's what we've said from the beginning. That's right. There has to be...I mean we cannot deal off county right-of-way--

Joe Harrison, Jr.: No.

Commissioner Mourdock: --and much of the problem here is off county right-of-way.

Joe Harrison, Jr.: That's their problem.

Commissioner Mourdock: That is what has been our intention, if they do their part then we'll do our part.

Joe Harrison, Jr.: So, I mean, really you're not going to be doing...if you send out the letter it's based upon the assumption that they're going to be performing the work that they need to be doing and if that's done then this is what the county will do.

President Jerrel: Well, it's just one homeowner though.

John Stoll: Right, the affected properties along Ward Road will not really have--

Joe Harrison, Jr.: Are they going to contribute at all or is he going to pay?

John Stoll: No, they'll just have ditches dug out front and pipes installed and things like that, so they really don't benefit from it.

Joe Harrison, Jr.: But it's conditional upon his action.

John Stoll: Right.

Commissioner Mourdock: I don't think it is appropriate in the letter, John, to say how many other property owners need to do something on their right-of-way, and I understand it's only one, but I think it is appropriate in the letter to say that this work will not proceed until off right-of-way work is completed by private entity or entities or something.

John Stoll: Knowing that some ditch work will be done and some people will probably like it if it didn't get completed.

Commissioner Mourdock: Well, maybe so, and I don't mean to make this sound like a CYA kind of project, but we went into it from the beginning saying there is no point in us doing it if that isn't done.

President Jerrel: Well, would it be easier to contact Mr. Bell first?

John Stoll: Yeah, we can do that.

President Jerrel: And just find out, you know, what his plan to hire is.

Commissioner Tuley: He's called me again as late as last week, so, I mean, he is anxious. I think based on that meeting that you and I had with him that day in your office I think the only thing we worked out was let's make sure the plans are going to work together and let's get our plans in effect. I don't think there is any misunderstanding unless Mr. Bell has misunderstood, but there were some requirements on him to do his part, but I think he has made the effort to go out and at least contact, I don't want to say contract with an engineer yet, but he is waiting for these plans and I think he'll do it then.

Commissioner Mourdock: I can fully understand why he didn't contract that until he knew what these plans were.

Commissioner Tuley: Exactly.

Commissioner Mourdock: So I think we're moving in the right way.

President Jerrel: I think it's appropriate to talk to him first.

Commissioner Mourdock: Sure.

John Stoll: Prior to sending out the other letters?

President Jerrel: And let him see the plans and then after you...you'll know.

Commissioner Tuley: John, when you have time why don't you just call him in the morning and tell him what you're doing so he knows a letter is coming.

John Stoll: That he is going to get something.

Commissioner Tuley: If he has got any questions rather than me call him and he's going to ask me some question that I'm not going to be able to answer, then I am going to have to call you, call him. If you'll just call direct to him. If he is not in just leave a message on his voice mail for him to call you that you've got some updates for him. If you don't mind.

John Stoll: Sure.

Commissioner Mourdock: Do you have anything else, John?

John Stoll: That's it.

Commissioner Mourdock: Okay, before you walk away from the microphone then, just to bring you all up-to-date John and I met last Wednesday over at Three I Engineering to go over the Daylight sewer plans. Correct me if I say something incorrectly, John, but basically we're having them taking another look to see, number one, how we can get those landowners who have petitioned us onto the system. Logic says simple engineering. The best thing to do is have a second line that runs gravity feed to the north to the...what do they call that substation or that lift station?

John Stoll: Schlensker Ditch.

Commissioner Mourdock: Schlensker Ditch, yeah, the Schlensker Ditch pump station. Because there may be some interest further west off 57 in Bohannon Estates, I think is the name of it.

John Stoll: Right, there are no sewers out there.

Commissioner Mourdock: Yeah, we want to put a cost per foot estimate together so that when all those neighbors contact us, and we can be fairly sure they will, we have some reasonable estimate as to what it might cost. We're expecting that cost for the gravity side to be about \$45 a foot. That's rough--

John Stoll: Right, that was their preliminary estimate.

Commissioner Mourdock: But that's being honed. I mean, that was just kind of a discussion number, so it does look like certainly there is sufficient throughput capacity at those stations to take all the residents in that area including if there is quite of bit of additional residential development through those lines. What we're having them take another look at is if there is not a very wet commercial industrial situation at the Phoenix Subdivision Commercial Center, they might be able to put in some smaller pumps in the substations and still have the larger lines and then if something happens at Phoenix later

on they could come in and add the larger pumps so that we would just be upgrading pumps into that system. At the present rate of projected growth they're still thinking residentially they'll have 20 to 25 years capacity.

John Stoll: Right.

Commissioner Mourdock: So I guess...I think all of what I just told you is good news. We've got a plan that's being looked at. As soon as we get the final details we'll let all the people know. Barrett Law is something that they probably will want to pursue.

Commissioner Tuley: Is this a significant difference in terms of the current contract that we have. Are we going to have to rebid or are we going to have to add a second contract or how are we going to handle it? The construction side of it.

John Stoll: If it was Barrett Law it could be separate. It would have to be separate--

Commissioner Mourdock: It would have to be separate.

President Jerrel: Yeah, it would have to be.

Commissioner Tuley: Well, you're right. With the Barrett Law it would have to be separate. You're right. Okay.

Commissioner Mourdock: And there was some discussion, and I heard it at both ends of the table simultaneously which is to say I didn't hear either end well, but essentially there was some thought that the state wouldn't allow that second line on the state right-of-way and then it came back to say, no, they've done that before, so how we might time those two projects under a Barrett Law consideration to work in the same right-of-way I'm not sure.

John Stoll: The state said they wouldn't necessarily prohibit the second line in their right-of-way, but they weren't real gung ho about the idea either. They said that it's not out of the question, but their right-of-way is tied at that point. They wanted sewer lines to be behind the back slope of the ditch and that didn't leave much room to put anything between the back slope of the ditch and the right-of-way lines, so they said they would work with us, but their preference would be that it would be off their right-of-way and if these people are wanting sewers, like we talked about at the meeting, then they should be willing to dedicate an easement--

Commissioner Mourdock: Right.

John Stoll: --in the areas in front of their houses.

Commissioner Mourdock: As long as all of them want it.

John Stoll: Right.

Commissioner Mourdock: If there is somebody out there that doesn't want it that will be the problem. One other point, they were to do the re-engineering, get another bit of some budget numbers together and they will report to the Commission the first meeting in June, is that what we said? We gave them a date. I think that was the date.

John Stoll: I believe so.

Commissioner Mourdock: It's not next week because we don't meet next week, so the first meeting after that.

President Jerrel: Any other questions? Thank you.

**Rick Dickinson - County Garage**

President Jerrel: County Garage. You've got your reports. Are there any questions? We talked to John a few minutes ago about getting...by the first we'll start doing some of our charts again to show some of the status of the paving and the ditching.

Rick Dickinson: Oh, okay.

President Jerrel: So you're giving it to us, but he'll...if you'll give it to him he'll see to it that we start getting those.

Rick Dickinson: Are they not sending them to him now?

President Jerrel: I think they are, but they just haven't started. We're going to redo our board. We have the completed items on the left now and then we're going to get lined up so that we have those things...there are a few things that have already been completed in this year and then we're going to have a '98 priority list, so we want to get you all up there.

Commissioner Tuley: Rick, I understand they got the work done on 11th.

Rick Dickinson: Yeah, last week.

Commissioner Tuley: There was some ditching work done on 11th Avenue, that's all complete?

Rick Dickinson: That's all completed, seeded and it looks real good.

Commissioner Tuley: Okay, and the last time I was...was it the spreader...was there a hydraulic tube on the spreader that was...it has been several weeks ago. Is all the equipment for paving up and operational while we got the dry weather?

Rick Dickinson: Oh, yeah.

Commissioner Tuley: So we're out?

Rick Dickinson: We didn't pave today because we had to go to Illinois to get some prime for the rock roads. So he is spreading that prime today and tomorrow we'll start paving again, but it was just a one day shutdown thing. The only thing I've really got for you out on Bohannon...I heard you mention something about Bohannon. I don't think it's the same place, but this is Bohannon Drive, there is a lady there that has got a large pothole and it is big. It's as big as that desk. And I told her we would be out first thing this morning to patch it and on the way out there Bill Higgins called me and said that wasn't a county accepted road, so I called her back and told her that and she was really mad and she wanted to know why she could vote for you guys but she couldn't get her road fixed. I referred her to your number...Tony's number. She's going to call you guys.

President Jerrel: Oh, okay.

Commissioner Tuley: It's not a county accepted road?

Rick Dickinson: It's not a county road and that's the reason she is going to call you, but it is not a county accepted road.

President Jerrel: Well, let's talk just a minute about this. It's not an accepted road. Is there any way we can assist her in her paying for it? There isn't any way?

Commissioner Mourdock: This is off Bohannon, you said?

Rick Dickinson: Yeah, right there at Boonville-New Harmony and 57 and Bohannon Drive.

Commissioner Mourdock: Okay, coming west.

Rick Dickinson: Yeah.

Commissioner Mourdock: The only way we could...the only way that could happen would be like the one we did at Westwood--

Joe Harrison, Jr.: Right.

Commissioner Tuley: That's it.

Commissioner Mourdock: --something.

Commissioner Tuley: Westwood Hills.

Commissioner Mourdock: Western Hills, yeah.

Commissioner Tuley: Yeah, Westwood Hills.

Rick Dickinson: By a private contractor.

Joe Harrison, Jr.: It would have to be a Barrett Law which we could facilitate. It wouldn't have to be a bond issue or anything I guess. Unfortunately we can't improve streets or anything that aren't accepted.

Rick Dickinson: I suggested her and her neighbors get together and hire it out and that really set her off. I didn't know what else to tell her. What started it was I promised her we would be right out there and I didn't know that was not a county accepted road.

Commissioner Tuley: Yeah. You might just want to follow up with just a letter that upon checking and just a follow-up to our conversation that is not a county accepted road--

Rick Dickinson: I've already got it typed up.

President Jerrel: That's a good idea.

Commissioner Mourdock: Yeah.

Rick Dickinson: --to apologize for what I said. I told her it was a county accepted road. We get them calls every morning.

Commissioner Mourdock: Would you make sure you copy us with that letter, Rick, because--

Rick Dickinson: Okay.

Commissioner Mourdock: --yeah, that's not optional. Make sure that letter goes out.

Rick Dickinson: Okay.

President Jerrel: Another thing, I'm not going to ask you to answer it, but I talked to Betty Engelbrecht almost every week or so. You know, do we know anything yet about the railroad status there at Mill Road? Do we even know who owns it now?

Rick Dickinson: I think that (inaudible comments made away from mike).

John Stoll: Sort of.

President Jerrel: Sort of!

John Stoll: What we traced it down to was the company that owns it, I believe it's Evansville Terminal Railroad Company.

Commissioner Mourdock: Key word, terminal.

John Stoll: The office is in Connersville, we think.

President Jerrel: Okay, have we ever tried to call them?

John Stoll: Yes, the last time we called them was a couple of weeks ago. I think it was about a month ago and they said they were going to do some patching on the crossings and they did and it didn't help, but I did see where they had patched between rails and that is something that the county crews have not and won't do, but there was a few places where they had put some asphalt in but the crossings are so shot that putting some asphalt in there is not the answer.

President Jerrel: Have we ever thought of writing a letter to them explaining this and the liability that they're going to face if that isn't done correctly?

John Stoll: Yeah, we can do that. We sent it several times back before Indiana Hi-Rail went bankrupt and sold it off. I guess we had contacted Hi-Rail, Hi-Rail...the only one we could get them to act on was Allens Lane and then they did that and they sold it to a company called Rail America. We sent them a couple of letters and they have never responded and then, I guess, they've turned around and sold it now to this Evansville Terminal Railroad Company.

President Jerrel: Well, you can thank them for what they have done, but tell them that it's not enough.

John Stoll: Didn't do the trick.

Commissioner Mourdock: Is there any traffic on that stretch at all, rail traffic?

John Stoll: Very minimal from what I know.

Rick Dickinson: About once a month we see a train out there. It's never several cars.

Commissioner Tuley: Where is this?

Commissioner Mourdock: Mill Road.

President Jerrel: Right there by the Garage.

Commissioner Tuley: Oh, Mill Road by the Garage as you come down the hill?

President Jerrel: Right.

Commissioner Tuley: At Kratzville.

Commissioner Mourdock: Well, the one closest to the Garage.

John Stoll: It's right next to the Garage.

President Jerrel: Right over there--

John Stoll: By DSM Plastics, I think it is.

President Jerrel: That's a recent--

Commissioner Mourdock: Yeah, I saw his head go up and down, too. Now I know why.

President Jerrel: Well, anyway, I have told her, you know, that we're trying to make an effort to reach them. Now that we know who they are let's send them a letter.

Commissioner Mourdock: I would move that we have the County Attorney send them a letter stating in some fairly volatile language that we expect it to be taken care of. I mean, it truly is a hazard out there at that cross spot.

Joe Harrison, Jr.: Will do it.

President Jerrel: Okay, second?

Commissioner Tuley: Yeah.

President Jerrel: Okay, so ordered. Thank you. Is there a motion to accept the report?

Commissioner Mourdock: One other question. You gave me this one and I think you showed it to Pat.

President Jerrel: Oh, okay.

Commissioner Mourdock: On the Melody Hills Subdivision, we have a constituent letter that says the intersection was scraped, apparently milled, ready to be paved.

Rick Dickinson: The first time I seen that was this morning. I don't know what they are talking about at all out there. I know we did a bunch of milling and I didn't follow that project, Milton was following it.

Commissioner Mourdock: Okay, would you check on it this week and report both to the person who sent this letter and, again, send us a copy and let us know what the situation is?

Rick Dickinson: Yeah, I've still got it on my desk, so yeah.

Commissioner Mourdock: Okay.

President Jerrel: Okay.

Commissioner Mourdock: Alright, with that I'll move acceptance of the County Highway report for the week of...whatever the dates were.

Commissioner Tuley: The 8th through the 14th.

Commissioner Mourdock: May 8th through May 14th.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you, Rick.

Rick Dickinson: See ya.

### **Superintendent of County Buildings**

President Jerrel: Tony, do you have any report for us?

Tony Greubel: I have two issues. The first is on this Wednesday, May 20th, I got a call from Indiana Department of Environmental Management today and they want to go ahead and hold a public hearing in Vanderburgh County regarding ConAgra's air permit, so that will be this Wednesday at 7:00 p.m. in this room, Room 307.

President Jerrel: Okay.

Commissioner Mourdock: And since that's one of those things that always ends up on my desk I will say I would like to be here, but I've got to be in DC tomorrow, Wednesday and Thursday, so if either of you could attend.

President Jerrel: Is just like the 20th?

Tony Greubel: Yeah, the 20th.

Commissioner Tuley: In two days.

President Jerrel: I'll be in Indianapolis.

Tony Greubel: They don't...they didn't say any Commissioners have to be here.

President Jerrel: Okay, well, Pat did you...what time is it?

Commissioner Tuley: At 7:00.

Tony Greubel: At 7:00.

President Jerrel: Okay, well, if you so choose.

Commissioner Tuley: Okay.

Tony Greubel: The other issue, we had the auction for the county surplus properties on Wednesday morning and we made over \$9,000 and sold about two-thirds of our remaining property so we only have about 20 or 30 left, so that's a pretty big difference compared to--

Commissioner Tuley: How many did you say?

Tony Greubel: We only have 20 or 30 left.

President Jerrel: That's amazing. You know, now we are until they get their deeds we are mowing them and they sprayed some stuff today in the hopes that they wouldn't have to go back and mow, you know, any more. One time, so they've got some more.

Commissioner Tuley: I saw...I assume that is where they were going...he's got a nickname out at the Garage, Big Daddy or somebody like that, and I saw him driving down the road on First Avenue on one of those big tractors with the bushhog behind it. I assume that is probably where he was headed.

President Jerrel: Yeah. Okay, is there anything else?

Tony Greubel: That's it.

President Jerrel: Thank you.

### **Steve Craig - Burdette Park**

President Jerrel: Burdette Park. Did Steve leave? Oh, there is Steve.

Steve Craig: The painting of the office building is completed. The striping and the sealing is done. The paving should be done Thursday morning and everything else that we have in the park is pretty well caught up. I'm real pleased with where we are at. The fiberglass of the swimming pool is running behind and they're trying to catch up, but I don't know, I honestly don't think they're going to make it. They're going to start working night shifts tomorrow, two shifts first and second, but I don't think that the swimming pool will be open for Memorial Day weekend because of the time that they have to allow it to dry.

President Jerrel: If you find that out for sure, you know, you need to call the media and tell them.

Steve Craig: I mean, one of our pools and back slides and our bumper boats all will be open.

President Jerrel: Oh, okay.

Commissioner Mourdock: Which one will not be?

Steve Craig: What we call the swimming pool. One is called the olympic pool because of its structure and the other one we call the swimming pool.

Commissioner Mourdock: Okay, the olympic pool is the one that has the slides in it.  
Steve Craig: No, that's the ones that has got the lanes and the diving well and it will be open. It's ready to go right now.

President Jerrel: Okay.

Commissioner Tuley: I've got a question then because I called in reference to the safety patrol boys and I was told that the reason the contractor won't work on the one pool, won't be spraying if there are kids are anybody else around.

Steve Craig: Right.

Commissioner Tuley: Is all that spraying and that all is going to be done?

Steve Craig: By this weekend?

Commissioner Tuley: Well, what I was told is they couldn't open up the one because of the work being done on the other that the contractor said we won't spray and do the work to finish that up if there are people in here playing and swimming and what have you.

Steve Craig: That's correct.

Commissioner Mourdock: That event is tomorrow.

President Jerrel: That event is--

Commissioner Tuley: Right, that's what I'm asking. I just want clarification. So then by this weekend they'll be done with that aspect of it even though they won't be done that we can open the pool.

Steve Craig: They should be. They won't work this weekend. They'll be off Saturday, Sunday and Monday.

Commissioner Tuley: Okay.

Steve Craig: Then they'll come back and start working evenings.

Commissioner Tuley: But the work to be accomplished to finished it will not be a safety issue so that we can open up the other half?

President Jerrel: Right, right.

Steve Craig: There will not be that.

Commissioner Tuley: That's what I wanted to clarify.

Steve Craig: The thing about it was if it would have been on schedule...we was in a tight window anyway and then when we went through that period of rain it stuck them behind, but this week they would have been like caulking and doing stuff that was non-toxic, but beings they're behind they are still on the spraying process and if you go up there you would not want to be around it because, I mean, it puts up a mist and it's--

Commissioner Tuley: Right.

Commissioner Mourdock: So for the patrol group that's going to be there tomorrow some of the pools are open? Did I hear you not say a minute ago that they're ready to go.

Steve Craig: It's ready to go but we cannot open it because they are going to be spraying fiberglass in the other pool.

Commissioner Mourdock: I got you now.

Commissioner Tuley: Okay, so by Memorial Day that spraying will be done so that you can open that other pool?

President Jerrel: They won't be working.

Steve Craig: They won't be working.

Commissioner Tuley: That's why you can open it because they won't be up there working?

Steve Craig: Right, they won't be working.

Commissioner Tuley: Now the light is starting to come on. I'm trying to understand what has happened between Friday and today.

Steve Craig: No, they're hoping with running the two shifts that they'll be done spraying by then. They are approaching half the pool fiberglass down, but, you know, we've been getting good weather and they catch up. Like I said, they had a day where they caught up so good they ran out of material because they were like working two days ahead of themselves on what they were supposed to be doing, but they're trying, you know. Because even a couple of days that they got rained out it didn't rain and I went up there, but the pool was full of water because we had two and a half inches of rain the night before and they went back to pumping the water back out, you know, and they spent a day doing stuff that they didn't have on their schedule. They're trying. I mean--

Commissioner Tuley: Do you still have the safety patrol boys tomorrow then?

Steve Craig: Yeah, they're going to have the miniature golf is open, batter's box, we've got tennis courts, trails, basketball--

Commissioner Tuley: Other than swimming they'll have plenty to do?

Steve Craig: Yeah. I mean, last year there was probably three swimmers in because it was like 50 degrees.

Commissioner Tuley: So cold.

President Jerrel: Steve and I had a long talk about that and I gave him all the principals numbers and he made personal contact with them.

Steve Craig: The principals, they were all very understanding. The patrol boys were a little less understanding than what the principals...when you explained they were spraying fiberglass and we either had to close for the whole week and not let them work which just sticks us back into the summer which is even a bigger nightmare.

Commissioner Mourdock: Or having kids there and spray a bunch of chemicals and have them get exposed. Who is going to win in that situation?

Steve Craig: I mean the principals and the teachers were very understanding, but the patrol boys were a little less understanding.

Commissioner Mourdock: Okay.

Steve Craig: In your packet there was a thing included for cleaning the chalets and the guy that had got the bid on it gave us an alternate way of paying for it and I was wanting you to review that whenever.

President Jerrel: Would you review that, Joe, and tell us if that's okay to do it, the alternate. He gave a price and then the alternate.

Commissioner Mourdock: How do you know, Steve, with this proposal what the cleaning will be?

Steve Craig: We can call--

Commissioner Mourdock: No, I mean, will he be cleaning it five times a week, will he be cleaning it three times a week or just as we need it?

Steve Craig: As we need it.

Commissioner Mourdock: Okay, so every time he cleans it he would be looking to trade the service.

Steve Craig: The reason we are going to this we have been doing it ourselves, but we're going out and renting the equipment and that and they stay wet for like a day and a half. His you can use it two hours afterwards, so if we have something where there is a problem and they mess it up real bad we can get them in there in the morning and have it dry so that the people that has got it rented that afternoon don't have a major--

Commissioner Mourdock: On a per dollar basis as far as the value that he is looking to get from the park do you think this is a reasonable deal?

Steve Craig: Yeah, I think it's great.

President Jerrel: Okay, is there...what do you think?

Commissioner Tuley: I can speak to the...I mean, he does my house.

Steve Craig: He does?

Commissioner Tuley: Yeah.

Steve Craig: Oh, okay.

Commissioner Tuley: I've used--

President Jerrel: I'm going to tear this off and save it.

Commissioner Tuley: Yeah, he did the one we just moved into a year ago and he did all the ones in my other house and he does quality work.

Steve Craig: Plus they are going to start scotch guarding them which we can't do when we clean them and he says this makes it just a lot easier to keep them clean and a lot longer lifetime on them because it's not stained.

Commissioner Mourdock: I'll move approval of the cleaning agreement for the chalets with Randall Dillback.

Commissioner Tuley: Second.

President Jerrel: And that is assuming his offer describing how he will--

Commissioner Mourdock: Right.

President Jerrel: Okay, charge us for it.

Joe Harrison, Jr.: Is that so ordered?

President Jerrel: So ordered. Okay, just a comment real quick. Steve and I are working with USI on a couple of things and maybe June 1st we'll be able...or June 15th we'll be able to come back and give you some thoughts and Steve has put in a lot of work on discussing with Build Indiana and we're thinking about getting an application together just to see if it will fly on a day camp facility that could be used for other purposes off season, but we're also getting...rather than paying for the engineering we're attempting to work with the school for their senior engineer students to help us out. Maybe we can talk about...is there a motion to approve the Burdette--

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: Okay, so ordered. Thank you, that's it.

Steve Craig: Thank you.

Commissioner Mourdock: And, Steve, do please call that gentleman I gave you the name, Mr. whatever.

Steve Craig: I've got my speech down.

Commissioner Mourdock: Okay.

**Soil & Water Conservation District**

President Jerrel: You do also have the Soil & Water Conservation District's report and it's a lot clearer.

Commissioner Mourdock: More complete.

President Jerrel: More complete.

Commissioner Tuley: Yeah, he called and I just said, Mike, it would be nice if you would just kind of enlighten us with, met with the developer and tell us who and what you're doing.

President Jerrel: Yeah, that's very good. I didn't know who did that, but that was--

Commissioner Tuley: It's a little vague the way it is.

President Jerrel: Yeah, this is much, much better. Is there a motion to approve?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Consent items**

President Jerrel: Under the consent items I've got a couple of things I want--

Commissioner Mourdock: We need Joe's report, too.

President Jerrel: Yeah, I'm going to come back.

Commissioner Mourdock: Okay.

President Jerrel: Is that okay? Charlene, this is...these are pink slips that were submitted by the Clerk's Office that didn't get here in time for Sandie to review all of the steps and so I showed them to the Commissioners and we thought we could approve it subject to her completing that before they're...so they won't be signed. We'll initial one of these blank ones...I mean, one of these copies with the understanding that those numbers may not be correct, okay? You want to put that down into the signature file and we can just, you know, initial that one for Charlene's record. The other...that's the only thing that was different except the County Clerk's travel and I wrote a note on that. The Clerk's travel will come from the Commission budget, but the five people attending will come from the convention...I mean...convention bureau!

Commissioner Tuley: If you got them to pay for it, boy, we should put you on more people.

Suzanne Crouch: Incentive?

Commissioner Mourdock: Incentive fund?

President Jerrel: Incentive. I was moving it to a different fund, so anyway--

Commissioner Tuley: That's not a...that's okay. That's good because it is a state called meeting, but that just means it comes out of unappropriated.

President Jerrel: Well, normally you don't really take that many people from an office, so I spoke to her about it and she agreed, so when you see that come through that's...I put a note at the top. There aren't any other items that are unusual, so the County

Prosecutor just needs to have that fax machine declared surplus.

Commissioner Mourdock: Okay, I will move approval of the consent items as in the packet.

Commissioner Tuley: Second.

Commissioner Mourdock: And then the additional ones that you were talking to Charlene about, do we need to take action on those? I wasn't clear on that.

President Jerrel: The clerk's? Yes, we do subject to Sandie giving...she didn't get them in time to go over.

Commissioner Mourdock: Okay, then I'll move acceptance of the secondary packet of personnel changes subject to the County Council's Administrative Assistant reviewing them and approving them.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Scheduled meetings

President Jerrel: You've got the schedule of the meetings that is attached.

### Old business

President Jerrel: Is there anything under old business?

Commissioner Mourdock: Several items under old business. First of all, real briefly the Eco-House, you'll recall last week at Solid Waste, they had their grand opening yesterday. I went out to it and I was amazed. They had about 200 people at that thing at noon yesterday and it came out very, very nice and you made comment about having, perhaps, the engineering students at USI involved with the other building at Burdette. There may be some lessons at that facility that the group could learn because they did a great job with it. That's item one. Item two, regarding the auditorium and convention center in review, I don't know if now is the time discuss, maybe this is more new business than old, but the possibility of trying to get some contract service in there to manage that facility with all the budgets and everything coming up. I don't know, Bettye Lou, if you want to...

President Jerrel: Well, I think that I had mentioned to our attorney that we need to know whether we should ask for Request for Proposals or I had...there had been another method, Request for Qualifications, and so our attorney is researching the law to see--

Commissioner Mourdock: Okay.

President Jerrel: --just what we...we've gotten some sample RFP's and RFQ's--

Commissioner Tuley: To follow by?

President Jerrel: Yeah, so that we can and we all need to make sure.

Commissioner Mourdock: Okay, I just didn't know if we needed to do something formal tonight to direct Joe to do that. I guess perhaps not if--

President Jerrel: Well, go ahead.

Commissioner Mourdock: Alright, just formally then I'll move that we direct the County Attorney to assemble a Request for Qualifications for companies wishing to have management of the new auditorium convention center facility.

President Jerrel: Or a Request for...either one.

Commissioner Mourdock: Or RFP or RFQ.

Commissioner Tuley: I think it's important that we do that now and have plenty of time to get this lined out. I think it's a good idea and I'll second.

President Jerrel: And I'll say so ordered.

Commissioner Mourdock: Okay, third, the last bit of old business, from the jail hearing as you probably read in the paper, I was quite pleased with the fact that the members of the Jail Committee decided to stay active and stay with that program. We have seen since that committee started a marked reduction in the what previously had been an overcrowding situation. The consensus of that group last Wednesday was that we needed basically to move forward with three specific items and what I would like to do tonight would be to ask this Board, and I'll put this in the form of a motion, I guess, in a minute, but draft a letter from this Board to the County Council suggesting to them our support of three phases that can be implemented now to help reduce the jail overcrowding problem. First of all would be for the Council to help us find some funding for additional electronic home detention so that we can take some people out of jail who ought not be there and yet if they're not a great flight risk and have them be at home with electronic monitoring. The second item would be to use the existing Vanderburgh County Community Corrections facility to greater capacity. It is estimated that there are 50 beds over there in the dormitory section that could be housing people on a quasi permanent basis from the jail. Again, that would dramatically reduce the overcrowding. Budget estimates on that, originally the number thrown out was \$600,000, however, after some discussion it is thought it is probably more likely between \$250,000 and \$400,000 to upgrade the facility to do that. That's still a pretty good range, \$250,000 to \$400,000, but I think we need to start implementing the steps and have Council start implementing the steps so that we can do that. The third item, and this one it will largely be carried through the cost that the state allows us to recapture from some administrative funds of the current bond system, but it would be the hiring of two bond interview specialists who will be on staggered shifts so that we've got someone working most of the heavy hours so that when people are arrested they can be interviewed, determine what their flight risk would be, if they have jobs, if they have a place to stay. They don't need to be in jail. Sometimes those people are put in jail with fairly high bonds and they can't come up with the bond. Sometimes maybe there isn't even a bond required and people are in jail. We're not at all trying to infringe on what the judges can do, but we certainly do want to make sure, and these people would actually work as officers of the court under the judges to see that proper bonds are being set. So those three items were the things that surfaced most clearly that we can do today at reasonable costs. Reasonable costs meaning something other than a \$40 million jail facility. Again, I guess at this point will formally move that we send a letter to the County Council asking that they give positive consideration to the funding that would be needed for those three steps.

President Jerrel: I would like to just ask a question before you make your second. During the meeting they indicated that they received \$6.50 a day for the some 100 or more that they already have electronic monitoring and I was just wondering where that funding goes?

Suzanne Crouch: For the housing of federal prisoners?

President Jerrel: No. This would be electronic monitoring.

Commissioner Mourdock: The people who are today given electronic monitoring and sent home have to pay \$6.50 a day.

Suzanne Crouch: I'm sure that goes to one of the funds or one of the budgets that is connected with the Community Corrections. It doesn't come to General Fund.

President Jerrel: It might be helpful if we just ask that question. The discussion last week, again, I agree with you. Those are three reasonable ideas that can be proposed and after we vote on this motion I think it's appropriate that maybe we talk about the budget just a little bit, the overall budget.

Commissioner Mourdock: Sure, yeah.

President Jerrel: I said after we vote...we need a second to that motion.

Commissioner Tuley: Yeah, I want to make a comment before I make a second though. That sounds good, okay, and I know we've got a very large committee and a lot of people doing it from different viewpoints. I like the idea of the Community Corrections involvement, but I want to make sure we don't let happen what happened in the past where it got too big and we're at where we're at today in that situation because it just grew too fast and, you know, got to big. I think if we're going to use it for, as you say, 50 let's monitor that and have some way to monitor that and make sure that we're going to keep it at whatever limit we think we can reasonable handle.

Commissioner Mourdock: That is an excellent comment because one of the issues that came up not at this last meeting, but the one prior was how big a jail...if we were to build a jail, how big of a jail is enough? Most of the people from the Prosecutor's Office and the judges agreed if you build a jail for 500 you'll have 500 people in it.

Commissioner Tuley: No question.

Commissioner Mourdock: If you build it for 750 you'll have 750 because nobody wants to campaign with an empty jail.

Commissioner Tuley: Right.

Commissioner Mourdock: So your comment, I think, is well taken. One of the things, and I failed to mention this before, one of the other commitments that came down and it doesn't necessarily need additional budget approval because it's already in the current budget is how do we better maintain and rehabilitate the existing facility. One of the ongoing problems has been that the Sheriff has not had additional space to move people out of a cell, put them in another cell, while that first cell is being rehabed. Part of the idea of using Vanderburgh Community Corrections would be to put people in there while some of that rehab goes on. You know, I'm hoping that even if we have 50 dormitory

beds out there that we don't keep it filled with 50, but that maybe we have 10 or 15 enough that we can empty some of the cells, do the work and send them back. Your point is well taken.

Commissioner Tuley: Having said that, I'll second.

President Jerrel: And I'll say so ordered. Before we leave the budget issue, if this is an appropriate time to talk about it. All the county offices will be receiving their budget information in about a week or so and there are several things I just want to call to your attention and I'll send this information also to the Council so that they are aware of it. We're going to have probably a five month or so auditorium budget that will be included in the Building Authority's presentation. It will be in our budget line item, but that could be a budget that is relatively high getting the equipment and everything that is needed, start up costs. The Safe House, as Commissioner Mourdock said, could run from, oh, \$250,000 to \$350,000 and the auditorium could be more than that. We also have a project that is the formative stages at Central Dispatch and we're responsible for much of that budget and that will include significant improvements in the software and the hardware on-site and the software maintenance yearly support is quite costly. We're negotiating now with Ameritech because it will be an upgrade of what they currently have, but it is expensive also and patient inmate. Those four items are going to add...could add a good bit of money to the budget. I know that the Councilmen will be looking at salaries to tell the officeholders what to set in probably in the next week and I didn't want to not give them this information. That's why I would like to be able to pass it on. The numbers aren't firm. I don't have anything now. They're all in some stage of negotiations, but they'll have to be ready to be included in the '99 budget.

Commissioner Mourdock: I think that's all an excellent point and, again, I think we need something reduced to writing to express the will of what I hope is this united Commission to deal with those issues and just a couple of numbers to fill in something you said. As they look at those salary increases just doing some real quick arithmetic if they're looking at a three percent increase, which has been somewhat traditional, that's \$585,000 additional each year. If it goes to five percent, which is in the rumor mill, that's something like \$975,000 additional this year. I'm always amazed...well, in the three years I have been on this Board it always amazes me that it seems the first thing the Council wants to do is talk about wage increases and the last thing it does is deal with some of these other bricks and mortar type issues and I think we just need to point that out that we put it all the proper perspective.

President Jerrel: Do you have any feeling?

Commissioner Tuley: I think three percent is reasonable given the current cost of living. It has been quoted at two and a half or 2.55 or something like that. I think that's reasonable. I think that's what we should be submitting on behalf of our departments and people under our direct control and a recommendation that the other officeholders follow suit.

President Jerrel: Well, I can include that in this. I just think these are big items and rather than wait and not share with them those things that we know are out there, but I would like to with your permission.

Commissioner Mourdock: I'll move the writing and signing of such a letter on behalf of this Commission to the Commission President...to the County Council President.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**New business**

President Jerrel: Is there any under new business? We have ozone reduction recommendation.

Commissioner Mourdock: Not an ozone reduction recommendation, but I do have...or at least I had in front of me a moment ago...as you know the community has been working on a number of things and one of the things that has come through the ACORN group is they would like to publicly recognize some of the companies, especially one company that has been leading the way, and in your packet there is a recommendation for us to sign or a commendation for us. Just mentioning real briefly Whirlpool has done some amazing things to help reduce volatile organic compounds and that is in 1994 they were emitting just over 1,200 tons of VOC's and in '95 they dropped it to 678, cut it in half in one year. Next year, even with increased production levels, they dropped it down to 656. Their 1997 numbers are not complete, but it appears they may have done it at something like a third of the 1996 levels, so they have made really dramatic reductions and we do have a resolution which I won't read into the entire record, but...or I won't read it entirely, but basically it saying that public and private sectors acknowledge clean air is essential for the general well being of residents of Vanderburgh and Whirlpool has recently implemented a series of voluntary measures at its facility in order to substantially reduce ozone. They've done that while they've had the price concerns that we all hear about because of the job reductions and all those other competitive things they face, so I think it's quite appropriate for this Board to sign this commendation. It will be presented to them formally at the kick-off of Ozone Week next week by the ACORN group, so with that I would make all that as a motion.

Commissioner Tuley: Second.

President Jerrel: So ordered. I think that's a good idea.

Commissioner Mourdock: Do you have a final copy of that?

President Jerrel: Yeah, there is a...okay, is there any further business to come before this Board?

**Joe Harrison, Jr. - County Attorney**

Joe Harrison, Jr.: My report.

President Jerrel: Yes, sir. I'm not going to forget you. I've got Joe written down.

Joe Harrison, Jr.: It will just take a second. The long awaited opening of the bids for the air conditioning project of the Vanderburgh County Old Courthouse, VC9802-4. The two bids were submitted and they are as follows:

US Industries Group	<b>Bidders</b>	JE Shekell, Inc.
\$178,318.00	<b>Basic bid total</b>	\$204,824.00
\$1,592.00	<b>Smoke detectors</b>	\$1,400.00
\$1,758.00	<b>Landscaping</b>	\$1,598.00
\$4,796.00	<b>Drain system</b>	\$3,553.00

Again, I would ask that you take these under advisement and review the same for their responsiveness.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The only other item I have is the city, I think back in 1996, passed an adult entertainment ordinance. It may have been passed in early `97, but I think it was late `96. I have finally, after some revisions, drafted an adult entertainment ordinance for consideration by the Commissioners that would pertain to the county and I will give you all a draft of that and mail it over to you this week and have you take a look at it. At the June 1st meeting if you all want to proceed forward with that I'll pass it along to the Area Plan Commission. They have been working with me in connection with the parameters and--

Commissioner Mourdock: Didn't we do that one?

Joe Harrison, Jr.: No, we didn't ever. It was discussed, but we had to modify substantially some of the things that we wanted to do.

Commissioner Tuley: Businesses or something?

Joe Harrison, Jr.: Yes, so we had to revamp a draft that was prepared before I started and we've done that and we've been speaking with Barbara's office, Barbara Cunningham's office, about some of the items that we had to add in there. It's done now and I think she is comfortable with it and it would start here and then go to Area Plan and then be approved by them since it is a zoning ordinance and then it would come back to us for final approval.

Commissioner Mourdock: I would move that you submit that to us for next week.

Commissioner Tuley: Two weeks.

Commissioner Mourdock: Two weeks, that's right. We won't be meeting next week.

Joe Harrison, Jr.: But I'll get it to you in the next day or two.

Commissioner Tuley: Second.

President Jerrel: So ordered and before we adjourn we do not have a meeting next

week.

Commissioner Mourdock: I've got one other item, too.

President Jerrel: Okay.

Commissioner Mourdock: Just very quickly one other old business item looking at the chart over there on the bulletin board. We have been getting, just for the record, the weekly reports from Azteca. They do seem to pretty well be sticking to the schedule that they laid out with that chart.

Commissioner Tuley: Is anyone from the neighbors out there coming and getting that stuff, Tony?

Tony Greubel: No one has come in to look at their progress update.

President Jerrel: They are putting the cover on.

Commissioner Mourdock: Right.

President Jerrel: They've got a percentage of that finished.

Commissioner Mourdock: They're adding the BioEnergizer or de-energizer, whichever is appropriate, energizer, I think. They have contracted out for the gas flare system. It's not expected to be completed until, I think, the end of June and the cover is actually going on as scheduled. Have either of you gotten any calls lately? I have not, so for what it is worth from my office when I walk outside there is...I've not been noticing anything at all lately. Maybe that's wind, maybe it's the time of year, maybe it is working.

President Jerrel: Well, the heat though...it has a good chance not to work if it isn't.

Commissioner Mourdock: Right.

President Jerrel: Anything else?

Commissioner Mourdock: Motion to adjourn.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:47 p.m.

***Those in attendance:***

Bettye Lou Jerrel

Richard E. Mourdock

Patrick Tuley

Joe Harrison, Jr.

Suzanne M. Crouch

Charlene Timmons

Tony Greubel

John Stoll

Rick Dickinson

Steve Craig

Others unidentified

Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
June 1, 1998**

The Vanderburgh County Board of Commissioners met in session this 1st day of June at 5:35 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order, please. The first item on the agenda, I'd like to introduce to you the people at this main table and on my far right is Joe Harrison, Jr., and he is the County Attorney; next to him is Pat Tuley, the County Commissioner; and on the far left, Charlene Timmons, is our Recording Secretary; Bill Fluty is the Deputy Auditor; next to him is Richard Mourdock, County Commissioner; and my name is Bettye Lou Jerrel and I'm a County Commissioner. I invite you to join me in the Pledge of Allegiance, please.

**Approval of minutes**

President Jerrel: Thank you very much. The first item on our agenda is the approval of the minutes and they are in your packet. Is there a motion?

Commissioner Mourdock: I'll move approval of the minutes of May 18, 1998.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Certification of Executive Session**

President Jerrel: Next is the certification of the Executive Session and we did meet from 4:30 until 5:30 and we discussed the purchase or lease of real property and county personnel matters.

Commissioner Mourdock: I'll move approval of the summary minutes of today's Executive Session.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Open bids - Title search services**

President Jerrel: The next item on the agenda is the opening of the bid for title search services and is there a motion regarding that?

Commissioner Mourdock: I'll move--

Commissioner Tuley: Do we have them?

President Jerrel: Yes, we have one.

Commissioner Tuley: We do?

Joe Harrison, Jr.: Do you have it?

Bill Fluty: Tony.

President Jerrel: Tell him we're ready, would you mind?

Commissioner Tuley: We can go ahead.

President Jerrel: Yeah, we can go ahead.

Commissioner Mourdock: I'll move approval of the opening of bids that were advertised for the title search work.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered. When they have been opened and examined we would like to be able to come back after they've been reviewed.

**Award bid - VC9802-4, Old Courthouse air conditioning**

President Jerrel: The next item on the agenda is Lynn Ellis, the Purchasing Agent Director.

Lynn Ellis: Yes, this evening we have the infamous air conditioning of the first floor of the Old Courthouse and we're finally ready to make a recommendation for award. The low bidder that meets bid specifications is US Industries and their bid is in the amount of \$178,318. My request includes a note to come back later through change order and add the alternate items once this work is done. The alternates that were included in the bid are for items such as landscaping to cover the units outside and smoke detectors and that kind of thing and I would like to do addendums later to the contract so that the work can be done if there aren't change orders that result in the use of all of the money prior to that.

Commissioner Mourdock: All of those types of addendum items you see would be unrelated to the work conditions, correct? I mean, like you mention landscaping. Obviously, it doesn't matter what happens to air conditioning if you get all the air conditioning done then you can do the landscaping, but none of the potential change orders that you see out there right now would be from change in conditions?

Lynn Ellis: No, they're items that can be done after they do like the duct work and the other labor intensive items that may result in finding materials in the ceiling and walls that we can't see now.

Commissioner Mourdock: So those are change of condition items? This person bid it assuming conditions were A, if he gets in there and there are conditions B and C that require additional cost or additional dollars that's the addendums you would come back and request?

President Jerrel: No.

Lynn Ellis: Well, there were alternates that were included in the bid that I would come

back and request to be added as change orders to the contract that were included in the original request for bids. There are only a couple of instances where we would issue a change order prior to that change order coming to you for approval and the bid that was offered had a statement that, you know, it would be subject to increases and that kind of thing--

Commissioner Mourdock: That's what I'm trying to clarify.

Lynn Ellis: --and I asked the bidder to remove that language and they agreed to do that in written form.

Commissioner Mourdock: Okay.

Lynn Ellis: So that's been taken care of, but there was an instance that was raised in the pre-bid by Mike Buente that may result in a change order, but we're not anticipating that. I don't want to ask that you approve the entire thing with the alternates and then find out later that we can't do those alternates.

Commissioner Tuley: That we don't have the money.

Commissioner Mourdock: Okay, well my concern was I saw the letter you sent through with that language in it and I didn't want to get us in the trap of having someone suddenly start change ordering us the day they walk on the property.

Lynn Ellis: Right. That was deleted and they've agreed to it. This is a design build project and they have agreed to do that.

President Jerrel: And the money, if there are no change orders, what I'm reading and what you're saying, if there is no change orders we have sufficient monies to do these add-ons--

Lynn Ellis: Yes, ma'am.

President Jerrel: --and that's what you want to do?

Lynn Ellis: Yes, ma'am.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move approval.

Commissioner Tuley: Second.

President Jerrel: And so ordered.

Lynn Ellis: Thank you.

President Jerrel: You're welcome.

Commissioner Mourdock: You'll be cool soon, Faye!

**Bovine Brucellosis and Tuberculosis Eradication Program**

President Jerrel: Next on the agenda is Indiana State Board of Health contract regarding the bovine TB eradication. This is a contract that we have signed regularly and it goes to the Auditor and then comes to us. I would recommend that we continue this. This must be signed by both us and the Indiana State Health Department.

Commissioner Mourdock: I'll move approval of the contract between Vanderburgh County and the State Board of Animal Health for the Bovine Brucellosis and Tuberculosis Eradication Program.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**United Way - Agreement for services**

President Jerrel: The next item on the agenda is the United Way agreement to render services for the Health Department.

Commissioner Mourdock: Again, I think that one is a pretty straight forward document.

President Jerrel: They're going to have \$500--

Commissioner Mourdock: Right, as in year's past. I'll move approval.

Commissioner Tuley: Second.

President Jerrel: So ordered. These are Health Department developmental series for employees and there are four sessions: team building, communication, problem solving, collaboration and consensus building.

Commissioner Tuley: Maybe we ought to take it!

President Jerrel: Yeah, I think we probably should.

**Willis Corroon - Claims service contract**

President Jerrel: The next item on the agenda is the agreement between Willis Corroon...this our claims service contract that we renew each year. It just needs to be run through an official Board meeting.

Commissioner Mourdock: I will, again, move approval of the claim service contract with Willis Corroon Administrative Services Corp.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**First reading - Adult entertainment ordinance**

President Jerrel: Next item on the agenda is the first reading of the ordinance amending the zoning code of Vanderburgh County.

Joe Harrison, Jr.: This relates to the adult entertainment issue that was discussed a couple of weeks ago. The ordinance is in front of you. Again, the actual title of the ordinance is:

“An ordinance amending the zoning code of Vanderburgh County, Indiana concerning the designation and special uses of certain adult businesses.”

The Commissioners, should they choose to do so, would approve first reading this evening of this ordinance. It would then go to the county...the Area Plan Commission and they would hold a public hearing, I believe, probably within 60 days of submission of this to them and then it would come back for a second reading to the County Commissioners in the next couple of months. I would ask that if you all will consider the same it would be entered into the record as set forth in front of you. It will have to be published at some point either by the Area Plan Commission or by the Commissioners and it essentially tracks the city ordinance. There are a few differences, but for the most part it tracks the city's ordinance regarding the adult uses, adult entertainment uses, which would apply to that area of the county outside the city of Evansville.

Commissioner Mourdock: Just to clarify my own memory, most of the requirements in this that would establish the zoning code is putting in there certain distances, 1000 feet from certain public buildings, 500 feet from other types of facilities?

Joe Harrison, Jr.: That's correct. Obviously, there had to be some reference to agricultural designations. You know, there aren't agricultural areas for the most part within the city of Evansville. There were some references to a public park. There is only, to my understanding, I believe there is only one in the county and that would be Burdette. There were...that was essentially it. The agricultural zoning issue was the one that was different, obviously, from the city and I would ask that you approve this on first reading. Again, there will be a public hearing not only by the Area Plan Commission, but it may be necessary to have one before the County Commissioners prior to the second reading.

Commissioner Mourdock: Okay, do we need to establish that date now?

Joe Harrison, Jr.: Not yet because I don't know what the timetable will be for the Area Plan Commission. They have to pass it first and make a recommendation to us and then we'll go from there, but if I had to guess it would probably be August before it comes back to this body.

Commissioner Mourdock: I'll move approval on first--

Joe Harrison, Jr.: Yeah--

Commissioner Mourdock: I'm sorry.

Joe Harrison, Jr.: Go ahead.

Commissioner Mourdock: I'll move approval on first reading of an ordinance amending

the zoning code of Vanderburgh County, Indiana concerning the designation as special uses of certain adult businesses.

Commissioner Tuley: Second.

President Jerrel: And I'll ask for a roll call. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Joe Harrison, Jr.: And again, I would ask that you refer this to the Area Plan Commission, if that could be a part of your motion.

Commissioner Mourdock: I will amend my motion accordingly.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Amended vacation of easement for portion of Boyle Lane**

President Jerrel: The next item on the agenda is the amended request for vacation of a public easement on Boyle Lane.

David Sanders: My name is David Sanders. I'm an associate with the law firm of Fine & Hatfield and we represent Four S Properties. As you'll recall on May 11th we had brought a petition for the partial vacation of Boyle Lane. At that time we were requesting a vacation of 30 feet of that right-of-way. It was agreed on at that meeting that the amount would be reduced to 20 feet, so we're here for the final approval on this. In connection with that I have also circulated an encroachment agreement which would allow Four S Properties to maintain the fence at its existing location. I would submit that for your approval also.

President Jerrel: Have you...have you seen this?

Joe Harrison, Jr.: Yes, I have been in contact with Mr. Sanders and the ordinance, this would be a second reading on the ordinance which would take a roll call vote, but the legal has been revised. Scaled back from the original request. The second item relates to the encroachment and the encroachment agreement does provide that Four S Properties will maintain the fence, will not relocate the fence without prior written consent of the county. In addition, if the fence has to be removed they will bear the cost of removing the fence and will not be entitled to any compensation. Finally, the company, Four S Properties, agrees to list the county as an additional insured on its policies regarding any damage that may result in connection with the location for that fence.

President Jerrel: Okay, did you recommend two separate motions?

Joe Harrison, Jr.: Yes.

President Jerrel: Okay. Alright, first of all is there anyone here that wishes to speak to this? Okay, well then I'll entertain the motion on the vacation of the public easement on Boyle Lane in the amount of 20 feet, the adjusted.

Commissioner Mourdock: I'll move the vacation of that public right-of-way within Vanderburgh County commonly known as Boyle Lane to a distance of 20 feet as discussed.

Commissioner Tuley: Second.

President Jerrel: And I'll ask for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Commissioner Mourdock: And secondly then, I will move that the county enter into this encroachment agreement with Four S Properties regarding the easement along Boyle Lane.

Commissioner Tuley: I'll second.

President Jerrel: Now is this also a roll call?

Joe Harrison, Jr.: No.

President Jerrel: Okay, then I'll say so ordered. Thank you.

Joe Harrison, Jr.: Jack Strassweg of Four S Properties will also need to sign this document, so I'll have them sign an extra copy and you can provide that to him and get it back to us. Thank you.

### **Community Rating System application**

President Jerrel: Okay, the next item on the agenda is the approval to submit Community Ratings System application. This is from Area Plan and I don't believe there is anyone here, but it is a request for an application relating to flood mitigation and it does reduce the insurance exposure for people that live in Vanderburgh County.

Commissioner Mourdock: I'll move that we act to forward the application for the county's Community Rating System as recommended by Area Plan Commission.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Any group or individual wishing to address the Commission**

President Jerrel: Typically on our agenda at this time any group or individual wishing to address the Board, may I ask if you all are here for Drainage?

Response: No.

Commissioner Tuley: Some are here for Heckel.

President Jerrel: Some are Heckel.

Unidentified: Most of us for the bridge on Heckel Road.

**John Stoll - County Engineer**

President Jerrel: Okay, alright. Well, if you don't object we'll move into our department heads because John Stoll is the engineer that you've been talking to. You guys aren't being overlooked. I'm just going to move on in the agenda. County Engineer. We do have the petition that you have submitted, so everybody has copies.

John Stoll: The cost estimate that I passed out was the revised cost estimate that Tim prepared for the replacement of Heckel Road bridge. That cost estimate is \$550,273.29. The reason it was higher than the \$450,000 that we have given you in the past was there was more approach work to raise the bridge up. The opening area is the same as what it is at the present time and I-beams basically would have been in the water if we didn't raise the bridge somewhat (inaudible), so that is why the cost estimate is \$100,000 higher.

President Jerrel: Do you have any questions regarding the estimate, \$550,273.29? What about the repair budgets?

John Stoll: The last estimate I got from Beam Longest & Neff was \$275,000. Two hundred and fifty thousand of that for construction and \$25,000 for the design cost. I contacted Tom Schnetzer at Beam, Longest & Neff today regarding that because of overruns we have seen on previous rehab projects and he was fairly confident that the cost estimate was fairly accurate. He is going back through that estimate again. He asked to me to fax him a copy of previous rehab projects that we had done so he could take that local (inaudible) and apply it to his cost estimate to make sure he had an accurate estimate. The estimate for rehabing this project was \$275,000, so the replacement would be about twice as much as the rehab. The replacement of the bridge would also be twice as wide (inaudible).

Commissioner Mourdock: On an expenditure basis this is one that sounds like a no brainer.

President Jerrel: Want to see if anybody wants to speaks to this?

John Stoll: One drawback to the rehab is (inaudible).

Commissioner Mourdock: But the current limit is also six to eight tons?

John Stoll: Four tons.

Commissioner Mourdock: Four tons, so we would--

John Stoll: We would gain some.

Commissioner Mourdock: Be upgrading a little, but the width would be the same?

John Stoll: Right.

President Jerrel: Mr. Titzer, are you going to be the spokesman or do you want to...do you want to come to the mike?

Audry Titzer: I couldn't hear what he was saying, but that's alright.

President Jerrel: Let me repeat what he said.

Audry Titzer: Is this Mr. Stoll?

Commissioner Tuley: That's Mr. Stoll.

President Jerrel: Yes, this is Mr. Titzer and if you'll come to the mike and give your name for the record.

Audry Titzer: I'm Audry Titzer. I'm the first house east of the bridge. I talked to Mr. Stoll before and he told me most of the estimates, you know, what it would cost. This bridge has been falling apart for the last 20 years and first it started out with a whole in the bottom of it. Then the boards would get patched up with blacktop on it. It's falling apart now. The kids have been walking half a mile plus across this bridge to catch a bus on the other side. Now, I don't think any of us want our children in the wintertime to be walking over half a mile through the ice and snow because we don't have bridge to hold up a school bus. Not only that, we have to worry about the Fire Department getting to us, medics, Police Department or anything to get to us over on that side. I think you all know if a person is sick we can't wait all day for somebody to drive all the way around or find a place to get to you. I firmly believe that we deserve a new bridge in that area for putting up with this bunch of junk for about 20 years and then you'll have a two lane bridge. Everybody can use it, buses, anybody, Fire Department, anybody can use it. As long as we've got a patched up piece of junk you're still going to have a car bridge. You won't have nothing that the buses can go over. You won't have anything that, you know, anybody else can use other than a few cars.

President Jerrel: How do they get to your...what are the roads that lead into your Heckel Road homes?

Audry Titzer: Well, Heckel Road, Heerdink Road and they have to go to Millersburg Road to get out. To me to come into Evansville it's a two and a half miles extra. Going back is two and a half. That's five miles every time I come into town and anybody else coming in or out they have to drive that same amount.

President Jerrel: How many here are from Heckel Road? Is that all of the people that live on Heckel Road?

Response: No.

President Jerrel: Oh, okay, there is some more.

Audry Titzer: There is a lot of them not here now.

President Jerrel: Okay.

Commissioner Mourdock: Let me jump to an assumption for a minute. I just want to clarify, I heard John Stoll say that we would go from...with the repair option we would go from four tons to eight tons. Would, in fact, that increase from four to eight tons take care of the traffic that Mr. Titzer just mentioned? Would the school buses then be able to use it at eight tons, would the fire service be able to use it at eight tons? Have we solved that problem?

Unidentified: No.

President Jerrel: Do the school buses normally come Millersburg Road and up and around?

Audry Titzer: Well, they do. Some of them do now, but some of them don't. They stop at the horse barn...well, you're not familiar with it.

President Jerrel: No.

Audry Titzer: I'd say west of the bridge probably 500 yards they turn around where they have some horses in a place there and then the kids on that bus have to walk clear across the bridge and on down and now they're climbing over railing where they closed it off to get through. Of course, now school is out so that solves it now, but it will be next fall. They're going to be doing the same old thing over again. Some of the kids, the bus comes around and turns around at Heckel Road from Heerdink.

Tracy Hulse: My name is Tracy Hulse and I have two children. For the last four years their bus driver refused to come around. Every morning I have to take them across the bridge and wait for the bus. That was okay. The worst thing is every afternoon whether I was working or whatnot if it was raining I had to make sure I got off work and I met that bus across the bridge because their bus driver refused to come around. This has been going on for four years.

President Jerrel: Did you contact the School Corporation?

Tracy Hulse: Yes, I did. They are in dire need of bus drivers, they are not going to do anything.

President Jerrel: What is your bus number? I don't want any names, just the number.

Tracy Hulse: N78.

President Jerrel: N78, okay.

Rick Moore: My name is Rick Moore, I live across the street from Mr. Titzer. I would just like to add that the traffic on Millersburg Road when you go down to cross Green River Road to try to get out you've got all those people running in and out to get from Chandler they're cutting across there and usually when you pull up there there is anywhere from two to four cars. You're waiting on both sides to cross the road there and it's just really a hassle just to even get out and to take a little bit, you know, consideration it would take a lot of the load off of Millersburg Road.

President Jerrel: I want to make a comment now just so you know, we can't make a

decision tonight because you can't make a decision until you know you have money. I mean, there is one thing the law forbids us to do and that is to say that we're going to do something until we have money in place to do it.

Audry Titzer: May I speak again, please?

President Jerrel: Sure.

Audry Titzer: When they built the new Heerdink Road you probably know, Mr. Stoll knows, that I've got a signed paper that they would maintain or rebuild this road and they told me at that time it was no problem, they had plenty of money to build us a new bridge or replace it. Now, I'm talking about ten years ago and we've had a lot of problem since then and nothing has happened. So, please, save some money from somewhere and don't forget us.

President Jerrel: Well, we're not going to. Commissioners, questions?

Commissioner Mourdock: Another comment.

President Jerrel: Yes, sir.

Robert Sisson: My name is Robert Sisson. I live on Heckel Road. Have you ever been out there at Millersburg, Green River Road, Heckel Road area? They put up a flashing light there at Millersburg and Green River Road so it's a dangerous intersection. You have all these other cars piling into that one intersection. Heckel Road and Green River Road is a dangerous intersection. There are a lot of wrecks there and now we've got all the apartments coming up out there, so the bridge is a necessity. We're piling all these other vehicles on the one road so we need two outlets to get out of there.

President Jerrel: Would you like for us when we do our research and John did...we asked him to get this much for us and he did get that tonight so we could have something to go on. Do you want us to contact...I mean, Mr. Titzer, will you be able to get back in touch with everybody?

Audry Titzer: Pretty much.

President Jerrel: Okay, let's see, the four people that spoke maybe if I could just have the four telephone numbers would that help Mr.--

Commissioner Mourdock: Sisson.

President Jerrel: --Sisson?

Robert Sisson: It's 867-2971.

President Jerrel: Okay, 2971. Mr. Moore?

Rick Moore: It's 867-5656.

President Jerrel: And Hall?

Commissioner Mourdock: Walls.

Tracy Hulse: It's 867 5497.

President Jerrel: Okay, and, Mr. Titzer, what's your number?

Audry Titzer: It's 867-3872.

President Jerrel: Okay, so we can put the word out to four of you and then you can pass it on to everybody else.

Commissioner Mourdock: I would like to clarify a couple of points though. John, if you would, first of all I am shocked that our estimate went from \$450,000 to \$550,000 to totally rehab the bridge. I mean, I understand if you're looking at it differently and having to raise the elevation why that would happen. If you did it to that level what kind of weight limitation are you talking about?

John Stoll: It would handle all legal loads.

Commissioner Mourdock: Okay.

John Stoll: So then it would take care of school buses and fire trucks.

Commissioner Mourdock: What legal load does it have to have for a bus?

John Stoll: I'm not sure off the top of my head.

Commissioner Mourdock: Is there something in between these two numbers? I mean, I'm not asking you to answer this off the top of your head, but it's a logical question that it was certainly my impression from the prior discussions that we've had here in this room on this subject and I'll say this the way I recall it because the folks who stood before us talking about this issue, I always had the impression that, well, if we can just get the bridge rebuilt to be basically at the same width, but then with that eight ton limit that everything was going to be fine and happy. I'm kind of surprised because tonight I'm getting a totally different feeling.

(Inaudible comments made from audience.)

Commissioner Mourdock: A bus is 12,000 pounds?

(Inaudible comments made from audience.)

Commissioner Mourdock: Okay, so that is less than eight tons, but my point is last time I felt reasonably comfortable that everyone was there with a let's repair the bridge for 20 years and we can live with that and tonight at least I'm getting the feeling that a lot of folks are saying, oh, no we want the whole thing rebuilt, raise it to a higher elevation and do all that.

John Stoll: A lot of the comments that I got basically wanted to make sure that there was some sort of bridge there whether it was the--

Commissioner Mourdock: Exactly.

John Stoll: --existing one or a replacement, but as long as the bridge was kept open that was the focus of a lot of the comments that I received.

Commissioner Mourdock: Thank you. That says it better than I said it and maybe with all of you in attendance tonight I'll just take an informal poll. Being a politician we love polls. How many of you are, in fact, looking at that as your option? I understand you want the bridge open and you would accept the bridge open at an eight ton limit.

Unidentified: What time limits are you talking about on these two different things?

Commissioner Mourdock: That's a good question.

Unidentified: Are you talking about a year, two years or three years? What are we talking about?

John Stoll: If funding is available I would say it would probably be the fall in either case before design was done and reconstruction I would say it would be this time next year before we would have a new bridge in place and as far as time frames on a rehab project I'm not sure at this point. I would assume the rehab would go faster, but I'm not sure how much faster.

President Jerrel: So we're looking at least a year or more.

Unidentified: I think the point is--

Commissioner Mourdock: You need to state your name, sir. Come on up. The reason we do that is all of our minutes are kept on tape and we like to have reference to everybody.

Jack Charlier: Yes, alright. My name is Jack Charlier and I'm also on Heckel Road. I think that there was also some kind of a question of closing down this bridge. Now, if we've got two options and you tell us that we're only going to have one option that's fine. I think all of us would take the 8,000 ton situation rather than have that bridge closed down.

Commissioner Mourdock: Sure

Jack Charlier: Because that really is not an option for us people out there.

President Jerrel: That came up in our meeting not very long ago because the person on the other side of the bridge wanted it to remain closed.

Jack Charlier: Well, it's nice to have a private cul-de-sac for half a dozen people out there, but nobody out there that had either built there or moved there ever came in where that bridge wasn't there.

President Jerrel: Right.

Jack Charlier: So it's not...nobody had a surprise sprung on them with the bridge.

President Jerrel: Right.

Commissioner Mourdock: Sometimes in this room we like to say the system works because we were hearing from one person who said let's close the bridge and now we see, I'm going to guess, 30 people here this evening that are saying the other side.

Jack Charlier: Yeah, what's his name? We probably have a comment or two.

Audry Titzer: I have another comment to say I never thought of earlier, but now when we have a flood in that area...you all know we're in a floodplain. When the flood comes up to get across that bridge just west of the bridge is a low place, it floods in that area to get through. Well, at the same time that's flooding it is flooding on the Millersburg Road about the same time. Another thing we can look at, to get them people all to get out they have to...I don't know how they get out, but they say go through Chandler. Well, there is a bridge on the road up there that floods, too, so we've got a problem any way you go, but if we can build a new bridge and raise it the level everybody in that area could use our bridge to get out in case of a flood. You know, they've got a way out. This way they don't have a way out. They used to have a way out through St. Johns until the coal mine tore it up. Now I don't know whether you can get out through past up St. Johns or not now.

Unidentified: You can't.

Audry Titzer: You can't get out that way? See, that's the problem we have.

Commissioner Mourdock: Let me ask this question, Mr. Titzer. John, if, in fact, we rehab the present bridge at the present elevation and not raise it we're still well above any flood level that has ever been a problem out there is that correct?

Several responses: No!

Unidentified: There has been 18 inches of water on that bridge.

Commissioner Mourdock: Okay.

Audry Titzer: I've seen 30 inches of water over the top of that bridge. Thirty inches of water.

Commissioner Mourdock: Okay.

John Stoll: The \$550,000 cost estimate also does not include raising the approaches enough to get those all high and dry during floods either. I mean, this was the bear minimum that we needed to get the bridge raised up from abutment to abutment, but we were bringing the approaches back down as fast as possible to keep that cost down around \$550,000. If we do longer approaches and have to raise those substantially, then that cost will go up pretty quickly because originally we had a lot more approach work involved and it was probably \$625,000 for that option, so if we do all that work the cost will continue to go higher.

Commissioner Mourdock: Okay. Well, I guess it appears to me there are two questions. Number one, is the bridge going to be repaired or is it going to be closed and number two, if it is going to remain open under what level is it going to remain open? Either this \$550,000 estimate or the \$245,000 estimate.

Commissioner Tuley: I think it's down to one question. I don't really think it's a question whether it ought to be closed in my mind.

Commissioner Mourdock: Yeah, I think we're at that point, too. I would make that motion right now that we act to keep a bridge in service, but I think we do need some more

information on which of those two options we would pursue.

Commissioner Tuley: If that is a motion I'll second that.

President Jerrel: Alright, with that I'll say so ordered. So it's going to stay open. We just have to be able to evaluate what is left in the Cum Bridge Fund and what line items have not...are not going to be needed before the year is over or early next year that we've already designated it to be finished, so we'll get back with you and let you know that. I'll call the four of you and then you pass the word on. Okay. You're welcome to stay for the rest of our meeting.

Commissioner Mourdock: Unless you have a life!

Commissioner Tuley: Yeah, unless you have a life.

President Jerrel: Thank you very much for coming. Thank you.

Commissioner Mourdock: Okay, thank you.

President Jerrel: We have them every Monday at 5:30 and we advertise.

Unidentified: In the paper?

President Jerrel: Yes, and you can call our office and get the agenda if you want to on a Friday afternoon.

Unidentified: Okay.

Unidentified: This is the meeting that I'm going to, it starts at 6:00.

President Jerrel: Is this for Drainage?

Commissioner Tuley: See you Janet.

Joe Harrison, Jr.: It starts in a few minutes probably.

President Jerrel: Yeah, it will just be a few minutes.

Unidentified: I'm sorry I came in on the other one.

Joe Harrison, Jr.: Oh, no problem.

John Stoll: Next, I've got a sidewalk waiver request for Koressel Court Subdivision. This is a--

President Jerrel: That's right. Okay, sorry.

Commissioner Tuley: Sorry, John.

Commissioner Mourdock: I went back and checked his name!

John Stoll: This subdivision is a commercial subdivision located between the proposed extension of Columbia Street and Vogel Road just east of Royal Avenue. The sidewalk

waiver request was made because there are no other sidewalks that currently serve this area and the developer doesn't want to install those sidewalks when they don't tie into anything either at Vogel or at Oak Grove or Columbia Street, so that's basically why he has requested it.

President Jerrel: What is your recommendation?

John Stoll: I recommend it be approved.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

John Stoll: Next, I've got a street acceptance request from North Greens Subdivision. This is 493 linear feet of Evergreen Road and 206 linear feet of Wilderness Green. I've also got a request for acceptance of storm sewers. This is for 157 feet of 15 inch concrete pipe and 118 feet of 36 inch concrete pipe in the same subdivision. The developer has paid the \$2 fee and it is recommended that this all be accepted.

President Jerrel: Is there a motion to that effect?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next, I've got a change order on the Lynch Road project. It results in a net increase of \$2,048.42 of which 20 percent would be ours. The reason for the change order is the plans called for a 21 inch pipe and the 21 inch pipe extension and the existing pipe out there under Oak Hill Road is an 18 inch pipe, so this is mainly just a correction of the plans.

President Jerrel: You have \$409.68?

John Stoll: Yes.

President Jerrel: Okay.

Commissioner Mourdock: I'll move approval of the change order.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Before we leave that subject though, John, what are you hearing on the timing?

John Stoll: As of today there are 28 work days remaining. Using all those would extend

the project into early July, but on the basis of the current estimated amount of work left they're saying that it should be done the latter part of June. That rain we got for those four or five days straight set them back again somewhat.

Commissioner Mourdock: What remains to be done?

John Stoll: There is about a week's worth of signal work, they said, at Green River Road. All the asphalt surface has to be placed at the Oak Hill Road intersection which should go this week if weather permits. They have to stripe and sign the whole project as of yet. They've got some seeding and sodding that they'll get finished yet this week, weather permitting. That's all I can remember right off the top of my head. I know they had some ditch work down at the Burkhardt end of the project, but I'm not sure if that has been completed as of yet or not. I know there is some repair work that they have to do at the Green River intersection from where they had some steel plates across the road. Last summer when the asphalt heated up those plates were smashed into the pavement, so they are going to mill that and resurface that area where those bumps are in the road.

President Jerrel: Are you the person in contact with them or is there someone else on your staff?

John Stoll: I'm in contact with Pat Gould of Bernardin Lochmueller who is overseeing the project.

President Jerrel: Okay. Well, maybe since you've told those to us on the minutes tonight it would be a good idea to check those off next Monday night and see what they got finished this week.

Commissioner Mourdock: Good thought.

John Stoll: Okay.

President Jerrel: So we can keep better track. Okay, anything else?

John Stoll: Yeah, I've got street plans for McJohnston Heights Subdivision and the realignment of Seib Road. The first set of plans there is the Seib Road realignment. This is the plan that was prepared to bring the Seib Road/Kansas Road intersection further away from Highway 57. The design provides for superelevated curves that bring the road approximately 400 feet away from the intersection of Kansas and 57. In conjunction with that there will be some pavement removal at the existing intersection of Kansas and Seib and then the existing portion of Seib Road will become sort of a local service road that will dead-end. As a part of this project I had asked the developer to overlay the whole road for their widening of Seib Road in front of McJohnston Heights Subdivision mainly because the crown in the road was not going to be at the center of the road and the developer agreed to do that. The pavement section for the realigned portion of Seib Road, I asked that to be increased from the county minimums and they're providing five inches of asphalt, six inches of stone, rather than eight inches of stone and three inches of asphalt so we got a better pavement section there as well. The right-of-way that will be needed for this realignment will be provided in a legal description at a later date. There is also some additional right-of-way that will be dedicated along Kansas Road and that will also be provided at a later date.

Commissioner Mourdock: What part of the cost for the road project itself is the developer responsible for, John?

John Stoll: All of it.

Commissioner Mourdock: That was, I thought, the answer. I wasn't sure.

President Jerrel: Are there any questions related to this?

Commissioner Tuley: The only thing, John, I want to make sure this is marked right where it says:

“Remove overlay, existing pavement at the contractors discretion.”

John Stoll: That was just in one portion where the transition from the existing road to the curb is taking place. Where they can work it in and keep it they can do that. There is a typical section in the plan that shows how they'll widen the road and if that will work in that location then they will go ahead and keep it. If not, then they'll remove it like the section just south of there.

President Jerrel: Okay, is there a motion regarding this subdivision?

Commissioner Mourdock: I'll move approval of the plans for the relocation of Seib Road connecting to Kansas Road as recommended by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next set of plans is the McJohnston Heights Subdivision plans. These plan provide curb and gutter streets throughout the subdivision. They've been reviewed and it is recommended that they be approved as well.

President Jerrel: Is there a motion regarding the site plans?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

John Stoll: The next item I've got you may have already seen. Three I Engineering submitted a letter regarding the gravity sewer portion of the Daylight sewer. This would be the extension of the sewer that would provide sanitary sewer to the 17 people who have remonstrated against the Daylight sewer project. If you haven't received that letter you'll be getting a copy, but what I did was I attached a map on the back of the letter that indicates who would be served by these extensions if they were done. The section that is highlighted in pink on the sheet...on the map shows the gravity sewer that would provide the access, the sewer access, for the 17 people along Highway 57 and then the yellow would be the portions that serve Bohannon Court and on further west towards Seib Road.

Commissioner Mourdock: The first question I would have, and I realize the County Attorney hasn't seen this, and we talked about trying to do this as a Barrett Law project for the people out there, I don't know is there any reason why this can't be sent to all the 17 remonstrators and the people who are interested in possibly pursuing that from the

Barrett Law aspect?

John Stoll: None that I'm aware of.

Commissioner Mourdock: Go ahead, Joe.

John Stoll: I've not gotten any feedback from anybody in the Bohannon Court area. I don't know if any of you have. From that prospective if nobody has heard from anybody it may be something where you might want to look at two different Barrett Law projects. One that would serve the people on 57 and then at a future date if the people out on Bohannon Court wanted to have sewer extended to them, then they could be done in a separate phase.

Joe Harrison, Jr.: The only...now how many acres are on that one property that the line would have to run in front of? Is it over ten?

John Stoll: I believe so.

Joe Harrison, Jr.: See, so that can't be in the Barrett Law provision.

John Stoll: Right. I believe it's 1,500 feet between Schlensker Ditch and Boonville-New Harmony. There is a ten inch line there. I'll show you on your map. It's right here.

President Jerrel: Now where are their properties?

Commissioner Mourdock: Up here all the way along 57.

President Jerrel: Okay, down there.

John Stoll: These 17 and this is the one large parcel Joe was talking about.

President Jerrel: Yeah.

Joe Harrison, Jr.: So that wouldn't be able to be part of the Barrett Law.

Commissioner Tuley: Because it's too large of a tract?

Joe Harrison, Jr.: Uh-huh. Barrett Law, realistically it is designed to serve residential, you know, for the most part even though this line would have to be connected.

John Stoll: Right, that would be the first--

Joe Harrison, Jr.: That's the first thing that's got to be done, but unfortunately that can't be included in any Barrett Law, so I guess you've got to decide who wants to pay for that.

Commissioner Mourdock: Yeah, that's the real question.

Joe Harrison, Jr.: That's the issue.

Commissioner Mourdock: What's the funding option for that ten inch gravity feed line roughly 1,500 feet long?

Joe Harrison, Jr.: You know, whether it's the county or the private individual there or some other mechanism.

John Stoll: If that property owner was willing to dedicate an easement is it something that could be divided among the other 17 people or are they excluded from being--

Joe Harrison, Jr.: Yeah, I just don't...it is my understanding that a Barrett Law project can't include an owner of a tract of property in excess of ten acres and that is in excess of ten acres, right?

John Stoll: I believe so, yes.

President Jerrel: All owned by one person?

John Stoll: As far as I know.

President Jerrel: So if he--

Joe Harrison, Jr.: And I think the reason the law is like that is that each property owner that would be served...he would be a property owner, so he would pay his share of the \$300,000 and the law is probably designed in such a fashion that they don't think it's fair for one person that owns over ten acres to only pay, you know, one eighteenth, or whatever it is, of the amount. How much does that portion...or what is the estimate on that portion?

Commissioner Mourdock: It's \$42 a foot for 1,500 feet.

John Stoll: Right.

Joe Harrison, Jr.: Which is?

Commissioner Mourdock: Something over \$68,000.

Joe Harrison, Jr.: Okay. So that's something the county will have to--

President Jerrel: Help me, I'm stuck a little bit.

Joe Harrison, Jr.: Okay.

President Jerrel: Looking at the map, in order to do that section here--

Commissioner Mourdock: It's \$63,000.

President Jerrel: Okay, \$63,000--

John Stoll: Right.

President Jerrel: --and you're saying we can't enforce the Barrett Law or provide the Barrett Law for--

Commissioner Mourdock: That section.

President Jerrel: --that section, but we can provide it for the rest of this section?

Commissioner Mourdock: Correct.

John Stoll: Right.

President Jerrel: And all of this together costs...?

Commissioner Mourdock: It's \$380,000.

President Jerrel: Three hundred and eighty thousand.

John Stoll: Well, not just the pink. That includes a portion of the yellow as well.

President Jerrel: So what if you didn't do any of the yellow?

John Stoll: That would lessen the cost. The amount they're quoting you is just this area right here.

Commissioner Mourdock: Yeah, is this yellow--

John Stoll: That--

Commissioner Mourdock: --were you looking at that as maybe that would be separate Barrett Law as you put it together?

John Stoll: Yes.

Joe Harrison, Jr.: I might as well just...

President Jerrel: Okay.

Joe Harrison, Jr.: If that line was...somehow or another money was found somewhere to put in that line across that--

Commissioner Mourdock: The 1,500 feet?

Joe Harrison, Jr.: Yeah, then it would enable really almost anyone out there--

John Stoll: The rest of them.

Joe Harrison, Jr.: --to--

John Stoll: Extend it.

Joe Harrison, Jr.: --extend the line from wherever out to 57 to connect into that line. That is the typical Barrett Law scenario where someone is extending a line from who knows where out to a line that is already out there. It would have been nice if the line out there that was proposed out there, you know, could of had that capability already, but that's not the case. That's the typical scenario, so there might be three subdivisions that would have three different Barrett Laws or two--

John Stoll: Right.

Joe Harrison, Jr.: --to hook in, but they would connect in and then they would also have to pay their own tap-in fee to connect their line from their house out to the line.

John Stoll: And dedicate easements.

Joe Harrison, Jr.: Right, and dedicate easements.

President Jerrel: But the \$380,000 minus \$68,000, so it would be \$312,325 includes this and this?

Commissioner Mourdock: That's right.

John Stoll: It includes a portion of this. The way the letter was written it just--

President Jerrel: So it doesn't include that?

John Stoll: I'm not sure what the western most limit that they were talking about. They said 33 houses, I believe, in Bohannon Drive/Bohannon Court area. I'm not sure exactly where that stops. It may be a manhole about right here.

Commissioner Mourdock: Is there any way, Joe, if...I'm trying to think outside the box here for a minute, if the county were to do the 1,500 feet in some way is there any way that subsequent revenues could pay that back as basically tap-in fees for that 1,500 foot line? In other words, if the Barrett Law existed from two separate ones and we charged them a throughput rate to pay that back over a short period?

Joe Harrison, Jr.: Well, the thing is the city gets that tap-in fee--

Commissioner Tuley: For maintaining.

Joe Harrison, Jr.: --for maintaining it.

Commissioner Mourdock: Yeah, but we would have our own tap-in fee for building it. That's what I am suggesting.

President Jerrel: Like the Caranza...what's the name of that, Caranza?

Commissioner Tuley: Caranza.

Joe Harrison, Jr.: Well, I don't believe that we could do that because we don't maintain it.

John Stoll: Unless they change their surcharge rates that they charge out in that area.

Joe Harrison, Jr.: Right. The only thing is if that line is put in then anyone out there can do whatever they want to take advantage of Barrett Law or get together among themselves and get a group together.

Commissioner Mourdock: Is that it?

Joe Harrison, Jr.: No, right now they can't even do the Barrett Law without the--

Commissioner Tuley: That 1,500.

Joe Harrison, Jr.: --1,500 feet, but once that is done then it's really up to them to decide what they want to do. Right now they can't do anything.

Commissioner Tuley: Can't that be economic development money?

Commissioner Mourdock: Yeah, there you go. I mean--

Joe Harrison, Jr.: That's what I think. I think it should have been a part of the original project probably.

Commissioner Mourdock: I mean, that's what should happen. I don't see why it shouldn't. Pat's point is a good one. Could that not be economic--

President Jerrel: It is good, but you don't--

Commissioner Mourdock: Or infrastructure.

President Jerrel: --have any funding until we're sure about Burkhardt's payments. That's what we're using that for this year, '97-'98 money was for those projects. Now there may be that \$68,000.

Commissioner Tuley: That's what we're talking about.

Commissioner Mourdock: Yeah.

Commissioner Tuley: That's all we're talking about.

President Jerrel: But there may not be.

Commissioner Mourdock: Right, but that is all we're talking about is that section.

President Jerrel: Right.

Commissioner Mourdock: And realizing that we're half way through '98 now is it at all possible that it could be a '99 thing given the Burkhardt situation?

President Jerrel: Well, I don't know. How's the construction proceeding?

John Stoll: On this sewer or Burkhardt?

Commissioner Tuley: They haven't done anything yet have they?

John Stoll: Not on the sewer, no.

President Jerrel: I'm saying so in your mind is Commissioner Mourdock's thought process heading in the right direction?

John Stoll: I would think so just on the basis that if it is going to be Barrett Law it's going to be separate from this project that has been currently out for bid anyway.

Commissioner Mourdock: If we could find a way to fund that 1,500 foot length to start tying those all together is it not likely that it would still be bid all as one project anyway? The Barrett Law side of it and ours? I mean, you would get a...construction cost would be better to do it that way.

Joe Harrison, Jr.: Well, I don't think we can. We can't include that in a Barrett Law

project. That's the problem.

Commissioner Mourdock: Of course, that makes sense, meaning it makes too much sense.

Joe Harrison, Jr.: It might be able to be included in the current project.

President Jerrel: But the current project--

John Stoll: Then we would need the money this year.

President Jerrel: --has it been...I mean, what about the status?

Joe Harrison, Jr.: It has been bid out.

President Jerrel: The bid and everything--

John Stoll: It's awarded, it's just the construction--

President Jerrel: Yeah, it's awarded, so we're looking at amending and adding on something.

Joe Harrison, Jr.: It would be a change order to it.

President Jerrel: Well, it's a pretty big change order, but I mean it may have to be negotiated with the builder.

John Stoll: The other problem would be design time and approval time through the Sewer Department and easement acquisition, so that may push it off into '99 by default. I'm not sure. I'm not--

Joe Harrison, Jr.: It has to be bid out separately.

Commissioner Tuley: What's the status of this appeal?

Commissioner Mourdock: Oh, of their hearing request?

Commissioner Tuley: Yeah, what is the status of that?

Joe Harrison, Jr.: I haven't heard.

John Stoll: I haven't either.

Commissioner Mourdock: Yeah, that's a good point also.

Joe Harrison, Jr.: But they haven't started any construction anyway, but I think if there was some commitment to do something I think that would go away.

Commissioner Tuley: Yeah, I think it would, too, but we're back to this we can't commit that until we have the answers to this in terms of finances.

President Jerrel: Well, we can--

Commissioner Tuley: It's pretty complicated.

President Jerrel: --have the money. The \$68,000 would definitely be available in '99 from either one of those accounts, 1220 or whatever it is.

John Stoll: Right.

Commissioner Tuley: We can make that dedication at budget hearings?

President Jerrel: No, they're just dedicated in three lump sums.

Commissioner Tuley: Okay.

President Jerrel: That's our discretion.

Commissioner Tuley: So now during this year the monies have been allocated for Burkhardt Road?

Commissioner Mourdock: Right.

President Jerrel: Right, and Cross Pointe.

Commissioner Tuley: And Cross Pointe, so next year's money is there without any dedications to it?

President Jerrel: And we can look at using some of that money then.

Joe Harrison, Jr.: It's going to take them a month or two to figure out if they can...if the owner of that ten acre tract or in excess of ten acres will give an easement.

Commissioner Mourdock: I understand that person...actually I think it's a business.

John Stoll: The way I understood it from that meeting they had sold it, but nobody was really sure who it had been sold to at this point.

Commissioner Mourdock: Right, but I think it was some business. In fact, I've heard the name and I frankly don't remember who it was. I can't imagine they would have any objection. It would be the best thing that ever happened to them.

President Jerrel: Well, then this evening our action is simply what? We're going to communicate back to Ray Bailey and tell them what you've learned tonight?

Commissioner Mourdock: I think we need to send a copy of this to them with the suggestion that they begin to think of Barrett Law considerations with the understanding that the 1,500 foot length cannot be done under Barrett Law and the county will investigate how funding might be appropriated during fiscal year '99 to make that happen.

Commissioner Tuley: As we know, it's going to take them a while to get their Barrett Law together anyway.

Commissioner Mourdock: Sure.

Joe Harrison, Jr.: Oh, sure.

Commissioner Mourdock: I don't know any those that have been done in less than six months.

President Jerrel: And they can do those sewers outside of...I mean, they do that digging and all that can be done in the winter, can't it?

John Stoll: Right.

President Jerrel: So that's not necessarily slowed down by weather.

Commissioner Tuley: Summertime only.

Commissioner Mourdock: Yeah, and in the meantime we have the option of looking whether or not number one, we could get the easement we need from that landowner; number two, see if it, in fact, could be tied in with the existing project in some way, at least be constructed at the same time. There ought to be some dollar savings there. Number three, just understanding what the whole timing is from their Barrett Law aspects. So do you want to put all that in a letter to them, John?

John Stoll: Which one of you should a draft go to so I make sure I get that right?

Commissioner Mourdock: You can send it to me. I think I understand this one.

President Jerrel: And then we can...you've got Ray Bailey's...?

Commissioner Mourdock: I'm sure I can get it.

President Jerrel: Yeah, so he would be the one to let know.

Joe Harrison, Jr.: Are you doing a motion or anything?

Commissioner Mourdock: Yeah, I'll make a motion that the County Engineer contact me regarding a letter to Mr. Bailey, etal, to pass on the information that Three I has provided us about the Daylight sewer project.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next, on the update of the other projects other than Lynch, on Burkhardt phase one we did receive a copy of the final signal agreement from INDOT. We also found out the video signal...video detection will not be installed. The costs were running about \$8,000 higher than the original estimate which put us \$8,000 higher than what is currently in the plans and there were also some overhead conflicts with some utility lines that couldn't be resolved, so it will go back to the standard loop detectors that will be sawed into the pavement. The gas line relocation at the south end of the project is under way. This is the estimate from SIGECO that I had mentioned to each of you. It was...the total estimate is \$31,200. This is to relocate an eight inch gas line just south of the Lloyd Expressway.

President Jerrel: Do we typically pay these?

John Stoll: When they are in an easement we're stuck paying those.

Commissioner Mourdock: It's in our easement.

John Stoll: In this case even the easement is not written very well. It just basically says part of the northwest quarter of section whatever and that's it. It doesn't define any widths, distances or anything. It's basically a blanket easement across the whole quarter section is about what it amounts to, so that's why it was shown on the plans because nobody knew where it was until it was in the way of the ditch realignment out there on the south end of the project.

President Jerrel: Okay, is there a motion to relocate the gas line?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: In the amount of \$31,200. So ordered.

John Stoll: Another thing on phase one of Burkhardt, they've been setting forms out there and they are planning on trying to pour the turns lanes out there on the Lloyd Expressway this week. Hopefully the rain won't shut that down again. They've tried...wanted to do it last week, but the rain delayed things again. On phase two of Burkhardt all but 14 sections of box culvert have been installed as of last Friday, so that should be done. If it is not done right now it should be done this week and then the next operation would be to start filling the ditch and putting in the storm sewers across Burkhardt. On Cross Pointe we did receive a signed copy of the railroad agreement and the railroad has scheduled the crossing construction, but they've got a four month lead time on that construction, so sometime in...oh, September or October we'll be seeing some construction activity on their part.

Commissioner Mourdock: Is that in dog years?

John Stoll: I hope not. If it's like the agreement it is. Also, on that project there has been some paving that's been done on the south side of the railroad tracks, but the weather has been slowing down quite a few of these as of late. Hopefully, things will dry out and they can make some better progress here.

President Jerrel: Is there anything else?

John Stoll: That's all I've got.

Commissioner Mourdock: One item, just as part of that report, and Charlene I don't know that we mentioned it before, but for the record we did receive from the people from Heckel Road a petition about the Bluegrass Creek Bridge that we need to enter into the record, so I'll give you my copy.

Commissioner Tuley: Ward, did you get a letter out?

John Stoll: The plans and letter went out today. I thought we would get them out early last week, but Valerie was out on the Old Henderson culvert project which slowed her down on the Ward Road design, but we did send the plans to Bell today.

Commissioner Tuley: Okay, what about the Henderson Road project?

John Stoll: They're on target getting finished this week. There has been a couple of concerns expressed about the width between the guard rails. We pushed the guard rails out about as far as we can get without causing any problems with the height of the guard rail, so they'll have at least 24 feet between the face of the guard rail so hopefully that will alleviate some of the concerns I know that the farmers have had because of the distance between the old walls on the bridge was about 20 feet, I believe. So it will be better, but it still won't be wide open like an interstate or anything, but at least it will be better than what it was.

President Jerrel: Okay, thank you.

**Rick Dickinson - County Garage**

President Jerrel: County Garage. If you'll notice on the--

Rick Dickinson: Yeah, I see them charts up there.

President Jerrel: Yeah, the county paving has begun and the ditching and Tim Spurling has completed the graphs for us. Have any questions about either report?

Commissioner Tuley: Rick...not Ward Road, I've got Ward Road on the brain. Walnut Lane and Radio and all that we were doing, are we done out there?

Rick Dickinson: Yeah, we've been done, well, since Morphey left.

Commissioner Tuley: Okay. Well, I got a call from one of the residents out there and asked me to call her in reference to what is going on and before I call her I wanted to know what was going on from our side.

Commissioner Mourdock: Was that Ms. Smith?

Commissioner Tuley: Yeah, did you talk to her?

Commissioner Mourdock: Yeah, I have spoken with her and I think Tony has spoken with her.

Rick Dickinson: What does she want?

Commissioner Mourdock: Her comment was one that was almost on the edge of the Erosion Control Ordinance as much as anything. Someone upstream from her was putting in a pond and is apparently getting some barrow out of it and he is pumping water. Even now that it has dried out a little bit as this guy keeps pumping water the water comes down and goes underneath the county culvert and then runs across this little narrow area--

Rick Dickinson: I drove down there today and the ditches out there are holding water, but they will for the next week or so. The river had gone down now and now that it is starting to dry out they won't see any water out there.

Commissioner Mourdock: The advice Tony gave her and the advice I gave her was basically this really isn't one of our issues and just because the water is coming through the county culvert doesn't make it our problem. Her response to that was, well, if I block off the culvert the water will go by the other way and it won't be my problem. Quite

honestly, I don't know if that happened whose problem it becomes, but I'll bet you it becomes somebody's problem.

Rick Dickinson: It might be hers if we get the attorney after her.

Commissioner Mourdock: Well, that's true, too.

Rick Dickinson: I don't think I would block off a culvert.

Commissioner Mourdock: At any rate, I think, and I spoke with her on Wednesday night-

Commissioner Tuley: Okay, my message probably came in before then.

Commissioner Mourdock: Okay.

Commissioner Tuley: I picked it up this weekend.

Commissioner Mourdock: We told her, quite honestly, that she needs to try to amicably work with her neighbor to see if she can get something done there so she can begin to dry the area out and she was going to try that, so hopefully that will work.

Rick Dickinson: If she would wait a week or two when the ground dries out it will dry out out there. We had a problem with this last year when the river was up--

Commissioner Mourdock: Yeah.

Rick Dickinson: --that the ditches will stay moist and they do almost everywhere in the county when the river is up because there is no where for the water to actually soak into the ground.

Commissioner Mourdock: Her concern though even when it started to dry out everywhere else out in that area it wasn't drying out there because this guy is continually pumping--

Rick Dickinson: Oh, she was still wet?

Commissioner Mourdock: --water. He's got a couple of two inch pumps up there and he is just pumping water to get that barrow area emptied out--

Rick Dickinson: I don't know where you are talking about.

Commissioner Mourdock: --and it's kind of plugged up, she says, and she wants to go in there and mow it and she can't even mow it because it's constantly wet.

Commissioner Tuley: It stays wet.

Commissioner Mourdock: If it dried out for two weeks she thinks her problem would go away. She could go out there, clean it out and then be done.

President Jerrel: I think Tony really gave her some advice on how to follow the steps to set up the drainage ordinance so she could move on them, so I think if she follows what he said that we'll be okay.

Rick Dickinson: Do you have an address on her where I can go by so I at least know what you guys are talking about?

Commissioner Mourdock: Her number is 867-5326...no, 3263, 867-3263.

Rick Dickinson: I don't have a pen.

Commissioner Tuley: There you go. You don't need a pen, you can have the note.

Commissioner Mourdock: Is that right, 867-3263?

Commissioner Tuley: What was it? Is his memory good?

Commissioner Mourdock: It's 867-3263.

Rick Dickinson: Yeah, Ms. Smith, 867-3263.

Commissioner Tuley: Very good.

Commissioner Mourdock: And now I'll confess, that used to be my phone number is why I remember! It sounds real impressive.

President Jerrel: One other thing before you leave, we have been doing a pilot with retardants and herbicides on county properties. You know, all our city properties that we still haven't turned over everything, so this we hope is the last time we have to do all this mowing and there were I don't remember, there was a whole page full of them. I think you got copies. I did drive out and look at the median on St. Joe where they had used some of it and it looks like it is working.

Rick Dickinson: Had it already been cut?

President Jerrel: No, it hadn't.

Rick Dickinson: They cut it pretty early this morning. We thought that we messed up.

President Jerrel: No, I saw it before it was cut and it's--

Rick Dickinson: I think it's going to work, but I think the way that is supposed to work is you cut it, you spray the stuff and then you go back and cut it a week or two later and then you wait until the end of the season--

President Jerrel: To see what it does.

Rick Dickinson: --to cut it again because it still...it doesn't kill it overnight. It takes a couple of days for it to die.

President Jerrel: Right.

Rick Dickinson: It looks like it's going to work a lot better than what we're doing right now, just letting it grow out of control until we can get to it to cut it.

President Jerrel: Right. No, I think it is worth pursuing. It's been successful. Now we have to figure out how to implement that in your budget next year.

Rick Dickinson: Yeah. It only takes...it takes like two people to do this.

President Jerrel: Yeah.

Rick Dickinson: That's really pretty real cost efficient.

President Jerrel: Yeah, very efficient.

Rick Dickinson: The one thing I've got is the Commissioners wanted me to write a letter to lady on Bohannon about the pothole that is on private property.

President Jerrel: Yes.

Rick Dickinson: I wrote her the letter and it is sitting on my desk and when I gave the...the phone number that she gave when I called it back it worked the first time before when I explained to her what was going on, but now it has been disconnected so I don't know her address. I've got the letter sitting on my desk.

President Jerrel: Oh, okay.

Rick Dickinson: There is a note on Joe's desk if she calls to get an address.

Charlene Timmons: We might be able to help you with that.

Rick Dickinson: Did she call?

Charlene Timmons: No, but we could look her up in the computer under property address. Do you know her last name?

Rick Dickinson: Un-huh. Did I give you guys the last name?

President Jerrel: Would it have been in last month's minutes?

Rick Dickinson: Two Mondays ago.

Commissioner Tuley: The was last meeting.

Rick Dickinson: That wasn't last meeting, it was the meeting before.

President Jerrel: Meeting before. Well, we'll look it up. Charlene, would you want to look it up?

Charlene Timmons: I can probably help.

President Jerrel: Two meeting past--

Rick Dickinson: I'm not really sure if I had a name on her at all. I think I did because I think I told Tony to expect a call.

Commissioner Mourdock: Is that Robert Ulrich?

Rick Dickinson: No, this was a lady.

Commissioner Mourdock: Mrs. Ulrich? This was a couple of weeks ago, County Garage: Notified Rick Dickinson to let Robert Ulrich and a constituent on Bohannon know the status of a couple of their projects. Bohannon is not county accepted.

Rick Dickinson: That might be it then, Ulrich?

Commissioner Mourdock: Yeah, if that isn't the one, I'm sure he would...pardon?

Charlene Timmons: There were two that day.

President Jerrel: Yeah, Ulrich was one and then--

Commissioner Mourdock: If you let him know I'm sure he can get the other one because they are both here together, I guess.

Rick Dickinson: I'll call up there tomorrow.

Commissioner Mourdock: Okay.

President Jerrel: Is there a motion to accept the report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

Rick Dickinson: You all have a good night.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: The bid opening was opened on the title services for...let me see how many parcels. It looks like 21 parcels in connection with the expedited tax sale to be conducted in the next couple of months. The bid came in...the only bid came in from Evansville Title Corporation of Evansville for \$250 for each search. The total being \$5,250, is what it says. That's VC9802-4. Bill Fluty of the Auditor's Office has reviewed the bid and is requesting acceptance of the bid.

Commissioner Mourdock: I'll move that we accept the bid for the title work as submitted and as recommended by the Auditor's Office.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The other matter I had with regard to the modifications that the county needs to consider with regard to the ozone ordinance. The city has been advised of the fact that the Commissioners are agreeable to the changes suggested by the city and conferred with between the county and the city and I will be submitting an amended ordinance for consideration by the Commissioners and would ask for permission to advertise for that hearing that would be in connection with the ordinance. We'll have to

publish the proposed changes and I'll try to get that to Charlene this week, so I would just ask for the authority to have that published and scheduled for a hearing.

Commissioner Mourdock: I'll move that we publish the ozone ordinance amendment.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: On that same subject for a just a second, Joe, a couple of things. First of all, I understand the city is about to do their thing as well this month.

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: So it is moving along, but as long as we're on that subject I was going to bring this up under old business, but as you may know as a result of our ACORN discussion the other night this...the ozone situation we are presently in attainment, of course, but the fact is during the month of May when we almost never have any exceedances of the standard this past month of May we had three. We are destined, I think, to end up on the non-attainment list and this to me remains the ultimate infrastructure issue in that air quality is infrastructure when we consider what it means to us economic development-wise. Early on ACORN kicked around a number of different issues, one of them being closing the drive through windows at different business, and other things being lower Reid vapor pressure gasoline which, of course, we originally wanted to do under our ordinance. Those things are coming whether we like it or not because once we go back into non-attainment, as we are certainly destined to do, we're going to have those things forced on us. My personal feeling is that by being somewhat proactive with it we may be able to buy some time with the EPA or otherwise get in better position and I'm wondering if we ought to set aside, as we've done in the past for other issues, one upcoming meeting for our County Commissioners that we can have a hearing to take public input as to what they think the effect of those types of measures would be. I'm certain if we unilaterally acted to say we want all the county businesses to close down their drive through windows and even if we got the city on board, yeah, that's right, we better be ducking because things are going to be thrown at us.

President Jerrel: Question, do we have the authority to do that or is that a state function?

Commissioner Mourdock: Well, that's a good question and part of the thing, I think, it would be something we could do under the county as part of our ordinance. We would again have to amend our ordinance and then the state would implement that as part of our state implementation plan which is exactly what they've done thus far to those measures we have put in our ordinance. You know, I feel somewhat between the rock and a hard place because as a politician I don't want to start telling businesses what they can and can't do, but on the other hand it is very much our responsibility to make sure we've got infrastructure for further economic development. All you have to do is look through the applications that come to Vision 2000 and one of the first questions that is always asked is are we in attainment for air quality and if we're not we're going to continue to lose out. All that goes even without discussing the health issue which may or may not be real based on which scientist you trust. I feel some way we need to keep profiling this issue in front of the public and keep some public discussion going with it and I'm certainly amenable to any other suggestions that you might have, but it seems to me that might be something we want to begin to consider by just having some hearings

specific to that measure or a hearing.

President Jerrel: When do you expect the ordinance to be available for amending? You're going to advertise it...I just need some advice on how long that takes.

Joe Harrison, Jr.: Well, we would be able to consider it this month, but as far as what you're talking about unfortunately the state would have to approve that first.

Commissioner Mourdock: That's right.

Joe Harrison, Jr.: As far as drive through windows and that thing is concerned. Again, keep in mind our jurisdiction is only outside the City of Evansville, outside the Town of Darmstadt. There might be two drive through windows in the county.

Commissioner Mourdock: Exactly. It is something that we would have to coordinate with the city.

Joe Harrison, Jr.: Sure.

Commissioner Mourdock: I understand that perfectly, but thus far the city and the county have worked well to dovetail these two ordinances together. They effectively say the same thing.

Joe Harrison, Jr.: Sure.

Commissioner Mourdock: That has to be what our goal is.

Joe Harrison, Jr.: But as far as discussion on the issues, I think it's--

President Jerrel: Say that again, Joe. Are you saying that if this were included in our ozone ordinance and the city's ozone ordinance we could do it or the state would have to order it?

Joe Harrison, Jr.: No, the state would have to approve it first.

President Jerrel: Okay.

Joe Harrison, Jr.: They have approved everything that is in our ordinance now. They would have to go through that scenario again.

President Jerrel: And they didn't approve the lower Reid vapor pressures?

Joe Harrison, Jr.: They didn't, that's correct.

Commissioner Mourdock: And not to talk old news here but, again, let me say what they did with the lower Reid vapor pressure gasoline. They said because we had gone from non-attainment to attainment we could not impose lower Reid vapor gasoline--

Commissioner Tuley: But when...

Commissioner Mourdock: Pardon?

Commissioner Tuley: I'm sorry, I'm interrupting, but when we go off.

Commissioner Mourdock: Yeah, but when we go back off they're going to force us to do it to which the obvious question is well, what if we go ahead and voluntarily do that and we're told if we do that the EPA will sue us.

Joe Harrison, Jr.: That's right.

President Jerrel: What about the latter part of the month?

Commissioner Mourdock: That's fine. I'm not sure it even needs to come that soon, but I just want to make sure we keep this public discussion going because it is a real issue. I've seen it throughout my career when the EPA comes out with things and people say, oh, they really can't do that, that really won't happen, it happens. I've seen them hit two industries really hard with things that people thought were utterly preposterous when they were first proposed, but they came into effect and the consequences were expensive and dire. Perhaps one of the meetings in July would be appropriate. I know we've got a full schedule through June.

President Jerrel: Right, okay.

Joe Harrison, Jr.: I've got an article that appeared in the Indianapolis Star that I'll give to you that they encouraged...it must have been a week ago when they were having some similar problems in Indianapolis and they put out an alert where they encouraged, you know, residents not to attend...go to drive through windows. It was the same thing you're speaking about, but I'll provide that to you. I'm not too sure that is that extraordinary to make such a suggestion. I mean, it is probably done in all the big communities in the state.

Commissioner Mourdock: Oh, sure.

Joe Harrison, Jr.: As far as it being an ordinance, no, but as far as that being an alert I've heard it on the radio before by Christine Terry, you know, the same suggestion.

Commissioner Tuley: The trick is getting people to follow it.

Commissioner Mourdock: That's right and, again, we have an enforcement...or will have by June 15th an Enforcement Officer in place so if we at some point down the road do that then we do have at least a mechanism to enforce that we didn't have previously.

Commissioner Tuley: I think you're on target in terms of it being a critical component that it has to be up front and on people's mind because if we don't we're going to end up there and then we're not going to like what gets--

Commissioner Mourdock: Right.

Commissioner Tuley: I don't know if I am ready to shut down the lines yet, but I am willing to listen to any kind of discussion and bring in state...invite state people to come in to hear what they have to say before...as part of that discussion.

Commissioner Mourdock: That's where I am at right now. I'm not really ready to thump my hand on the desk and say, let's do this.

Commissioner Tuley: Even if you could.

Commissioner Mourdock: Yeah, but I think we've got to start getting people to think. At

least if they're doing it maybe even just the pressure will cause a lot of them to do it voluntarily. The banks like to be...some of them like to even lead the way, you know. Perhaps they would do it with their windows.

President Jerrel: However this continues though I think we need to always be cognizant of the fact that you can tell people to do things and you can put it in your ordinance, but if you don't have some penalty attached to it--

Commissioner Tuley: Sure.

Commissioner Mourdock: Absolutely true.

President Jerrel: --you know, we're just likely not going to have any kind of uniform compliance. That, I think, we need to always be mindful that we have a community that we don't want to effectively shut down some portion of it.

Commissioner Mourdock: That's right.

President Jerrel: I mean, I personally don't want to.

Commissioner Tuley: Oh, I don't either and I know that's not what I am saying either, but I am willing to go along with Richard in terms of having a public discussion and exploring whatever options we have available to us.

President Jerrel: Right, okay.

Commissioner Mourdock: My last comment on the subject on these exceedances, the question was asked of IDEM recently with the weather we had in May did every county have exceedances and the answer was, no, only those counties that have monitors. So, yes, effectively every county had exceedances.

President Jerrel: Okay, you know we could take a look at our calendar while we're on this subject. I'll move along quickly, Steve, because I know you're waiting. You know we have five meetings in June and we have 4th of July. Tell me those dates, Charlene.

Charlene Timmons: July 4th is a Saturday and the building is closed on Friday.

President Jerrel: Okay.

Commissioner Tuley: So effectively Friday--

Commissioner Mourdock: So we'll be open Monday.

President Jerrel: So we will be open on Monday?

Commissioner Tuley: Right.

President Jerrel: Okay, alright. And you want to have the five meetings in June?

Commissioner Tuley: Why couldn't we take the last one? That so-called extra meeting.

Commissioner Mourdock: That would be fine. That would be the 29th.

Commissioner Tuley: Can we pull it together then?

Commissioner Mourdock: Is that right, the 28th?

President Jerrel: No, it's the 29th.

Commissioner Tuley: I mean, I just trying to think. That's the meeting we don't have the extra.

Commissioner Mourdock: I think that's wise. I'll move, since that is our extra meeting, that we publish a special hearing for ozone matters on our June 29th meeting.

President Jerrel: Okay, but...alright.

Commissioner Tuley: Well, you were getting ready to say something before I did.

President Jerrel: Yeah, I was going to say I didn't know if we were going to look at our summer calendar and see if we were going to reduce any Monday meetings when we have five in a month and I don't know if we've got five in August. No, we do not. We have only five in June. We don't have five in August and we don't have...we have a number of meetings crowded in that. I mean, the whole...remember last August we had all of the people that do transcribing doing the budget minutes, see, so I'm trying to be--

Commissioner Mourdock: Now I understand where you are at.

President Jerrel: I'm trying to work with the people that are doing that. I mean, we don't have to set anything for tonight if we can think about it and maybe Monday set these meetings after we find out how many people are going to be doing transcribing because they have three hour hearings two weeks in a row and they want those minutes all transcribed.

Commissioner Mourdock: So you prefer that we wait to schedule? That's fine with me.

President Jerrel: I think if that's okay with you.

Commissioner Mourdock: I'll withdraw the motion.

President Jerrel: Is that alright with you?

Commissioner Tuley: Yeah.

Commissioner Mourdock: Next week we'll set the meetings.

President Jerrel: Okay.

Joe Harrison, Jr.: My only...if I could just throw out a thought even though you don't have to listen to me, you might want to just see what kind of summer we have if you want to wait that long. You know, wait until July or something just to see how bad it is this summer. If it's bad, but if you don't...

Commissioner Tuley: I don't think we're going to have to wait too long as hot as it has gotten already. I think we know what we're in for.

Commissioner Mourdock: Typically, we do not have exceedances in May and we've had three already and even if it isn't this summer it's going to be next summer or the next.

President Jerrel: Sure.

Commissioner Mourdock: I think we need to do it.

Joe Harrison, Jr.: Probably on the 29th will probably be when the amendment to the current past ordinance will be available for at least the second reading. It would probably be that night.

President Jerrel: Okay, well we'll just hold until...alright. Okay, is there anything else?

Joe Harrison, Jr.: No, that's all.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I don't have anything to report.

President Jerrel: Okay.

**Steve Craig - Burdette Park**

President Jerrel: Okay, Burdette Park.

Steve Craig: The only thing I have to report is about the progress of the swimming pool. With the weather holding out this week we should have water in it by Saturday, but they are predicting rain later in the week so we'll go from there, but it looks good now.

President Jerrel: One item that you have. I think we have a letter from you, do we not?

Steve Craig: Yes.

President Jerrel: Concerning the...I don't have...I can't put my hands on it. Is it in the signature file, Tony?

Tony Greubel: Which letter? About the picnic?

President Jerrel: The letter regarding the second year returnees--

Commissioner Tuley: The minimum wage one.

President Jerrel: The minimum wage.

Commissioner Tuley: The increase.

President Jerrel: Increase.

Commissioner Tuley: For the second and third year pool employees.

President Jerrel: Yeah, 15¢ for those second year and 30¢ for those coming back the third year. There will need to be a motion to that effect so that it can be presented Wednesday. I'll go to the Council meeting and it will need to have the salary ordinance because this is what you've done in the past, is it not?

Commissioner Mourdock: I'll move then the second and third year increases be presented to County Council for budget purposes as in the past for the part-time employees at Burdette Park.

President Jerrel: It's 15 and 30.

Commissioner Mourdock: At 15¢ an hour and 30¢ an hour respectively.

Commissioner Tuley: I want to make sure...you're saying budget, but are you not talking about current? This season?

President Jerrel: Yes, current.

Commissioner Mourdock: Yeah, you're right.

President Jerrel: But they have to amended the ordinance.

Commissioner Tuley: Okay, I'll second.

Steve Craig: Okay, and that money does come...the minimum wage is mostly the concession and that comes out of the non-reverting account.

President Jerrel: Right.

Steve Craig: So it's not out of the General Fund.

President Jerrel: We're not asking...I'm going to say so ordered, but we're not asking for additional money, but it is a Council function and we need to note that so that they are aware of it and I'll present it to them.

Steve Craig: That's it.

President Jerrel: Okay, is there anything else?

President Jerrel: No.

Commissioner Mourdock: Thanks, Steve.

Steve Craig: Thank you.

President Jerrel: Thank you very much.

**Soil & Water Conservation District**

President Jerrel: You have one pink slip that came in late from the Clerk's Office and that is in there. It's for...these are new hires and it will be in the consent items.

Commissioner Mourdock: Before we do the consent items, just for the record, we have Soil & Water Conservation District bi-weekly report for the record too.

President Jerrel: Oh, I'm sorry. Yes, we do. Is there a second to accept that?

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Consent items

Commissioner Mourdock: I'll move approval of the consent items with the one addition provided.

Commissioner Tuley: Second.

President Jerrel: So ordered. County Assessor, permission to advertise a job.

Commissioner Tuley: That's part of consent.

President Jerrel: Oh, that's part of the consent, I'm sorry.

### Scheduled meetings

President Jerrel: Okay, scheduled meetings.

### Old business

President Jerrel: Did you have any additional old business?

Commissioner Mourdock: No.

### New business

President Jerrel: Okay, under new business we have road projects.

Commissioner Mourdock: Just very, very quickly what I would like to bring up at that point is we've got a system that seems to be working fairly well out at Burkhardt Road in that the plan that was put together as far as how traffic would enter and exit off Burkhardt Road seems to be working. At this point I think we need to seriously consider implementing a similar plan for frontage roads on the US 41 corridor going north clear out to I-64 and also to do something similar perhaps, at least take a good look where we are, on the west side with some better traffic plans. We've got some money right now. Obviously, we've got a couple of good years behind us and I think it's important that we stay focused on using our money for those types of projects, but as far 41 specifically there is a lot of development going on up that way. Everything from Replas to expansion at Azteca coming up. I really think with the congestion that continues to grow out that way as well now is the time to put a traffic plan together. What I would like to suggest would be to have a meeting with perhaps EUTS, Barbara Cunningham, members of this Board, County Engineer, just to see if we can come up with a plan similar to what we did on Burkhardt where we simply had on a map where the frontage roads need to go so that when people come in to petition for zoning we can say here is the plan, is your plan going to meet this guideline? The old phrase when you fail to plan you plan to fail, I think

it's time we do something like that. I'll throw that out for discussion.

Commissioner Tuley: Well, I mean that's the one thing we get criticized for all the time is reacting after something is already in place, so I think you've targeted the two future growth areas in terms of commercial development and apartments and what have you. On that west side I know that development there at Red Bank and that is going to be...you know, with that university continuing to grow.

President Jerrel: I would just like to add one thing. The State of Indiana has now received additional funding and what I'm going to tell you is sort of part of the rumor mill, but I understand there are counties that have been contacted. Apparently there is some reluctance, at least I heard this from Rose, they're being told to go ahead, but they're kind of looking at I-169 as all of our...that we're the big receivers of the I-169 therefore there shouldn't be other things down here. I'm suggesting that we need a very aggressive plan with INDOT and I'm going to go tomorrow...Curt Wiley will be here in town at Rotary and I want to be sure and at least bend his ear to the degree I can. With that additional funding I would like to see us get some dialogue going on are we going to get Fulton Street Bridge back and done this year? Are we going to...do you want me to be quiet?

Charlene Timmons: Yes, for a minute. This caught me off guard.

President Jerrel: Well, I didn't intend to say that much, but I have written a letter and I want to make sure that we proceed with this.

### **Tape change**

President Jerrel: I want to just mention the things if I could wave a magic wand that I would see happening. I would see them picking up quickly on the Lynch Road interchange. That would give us that beltway, horseshoe type, John Stoll said about \$9.5 million. You know, it could be an 80/20 thing. We could perhaps put that funding into our next two year plan. The next thing they'll do, I would like for them to take a look at Diamond Avenue. That's all their road and it's just like a washboard and I would like for them to use some of that money to do their road. Then I think that it's time that they take a look, as I said, we have problems on the west side in traffic flow and some of that is light related. Some of it is as Pat pointed out, and Richard, on just having a traffic plan that will flow normally based upon the development and I would like to get them to agree if we have the plans ready. Like for instance, Eickhoff/Koressel.

Commissioner Tuley: Uh-huh.

President Jerrel: If we had a phase from the Lloyd to Hogue Road we could pay for that. We could help pay for a share of Lynch Road, but they have to come in here and be willing to put some money up front and they've got the money, almost 40% more than they had before.

Commissioner Mourdock: Is it \$360 million?

President Jerrel: Yep, at least.

Commissioner Tuley: On that west side it was suggested to me, and I mentioned it to Bettye today and I still have to put it in writing to EUTS, is it was suggested to me that maybe Claremont be extended west all the way to the university and try to get the people

coming in the back way instead of coming right down the expressway.

Commissioner Mourdock: Um, that's an interesting thought.

President Jerrel: Uh-huh. Well, I think we need to gear up now because according to Rose they are reaching out to other counties. Muncie for instance, I think, had about eight or nine projects that they were being given, you know, the go ahead on or at least discussing further and I don't want them to think I-69 is just Evansville, Indiana because that will be a long time happening and it certainly benefits a lot more than just Evansville. Okay, well, I kind of get--

Commissioner Mourdock: Well, on the first part of that, and certainly we can encompass all that in the discussion, what I would like to do is to try to set something with Barbara, Rose, John Stoll and get something going here real quickly so we can put some lines on a map.

President Jerrel: I agree. Well, let's--

Commissioner Mourdock: So I will set something like that up and keep you all advised as far as when I can do that.

President Jerrel: Okay, let's do it in June, early.

Commissioner Mourdock: I think maybe even yet this week I can get a preliminary meeting.

President Jerrel: Okay, good.

Commissioner Mourdock: I'll let you know.

President Jerrel: Okay, any other business? We have one item that we do need to do and it's a letter authorizing...well, it would authorize me to sign, but a letter to the Building Authority authorizing them to go ahead and do the...use the \$1.5 million Food and Beverage that we have and then they can...we can then have our \$1.5 million replaced when we get the Visitors & Convention Bureau money over the next 18 months.

Commissioner Mourdock: I'll move approval of the County Commission President signing the letter.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. Is there anything else I've forgotten?

Commissioner Mourdock: Ah, wait a minute, let me check my notes. There was one other thing. Oh, that's alright. I've got it, but I'll give to you--

President Jerrel: Okay, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:10 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Bill Fluty  
Charlene Timmons  
Tony Greubel  
John Stoll  
Steve Craig  
Rick Dickinson  
David Sanders  
Audry Titzer  
Robert Sisson  
Tracy Hulse  
Jack Charlier  
Rick Moore  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
June 8, 1998**

The Vanderburgh County Board of Commissioners met in session this 8th day of June at 5:49 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Betty Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Solid Waste...I'd like to call the Vanderburgh County Commission to order. I apologize, but we got very involved with the last meeting and, obviously, I don't want to leave it. I would like to introduce those at the podium. To my right is Tony Greubel, our Administrative Assistant; Joe Harrison, Jr., County Attorney; Commissioner Pat Tuley; on my far left is Charlene Timmons, our Recording Secretary; Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and I'm Commissioner Betty Lou Jerrel. Please join us for the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of the minutes.

Commissioner Mourdock: I'll move approval of the minutes from June 1, 1998.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Open bids - VC9804-03, Repair and repaving of county roads**

President Jerrel: Next on the agenda is the opening of the bids for paving of county roads.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Approval of county picnic**

President Jerrel: Next on the agenda is the approval to hold the county picnic on June 27, 1998. That's just an approval item.

Commissioner Mourdock: I will not only move approval, but note that as in the past each of us as Commissioners have helped with the soft drink fund and I have already made my contribution and would encourage others to do so.

President Jerrel: Did you make it to the Steering Committee?

Commissioner Mourdock: I made it to Tony, but I didn't get a receipt.

President Jerrel: I was going to say, I need to collect from both of you for the postman,

Mr. Ray's contribution, and then we can all put in so we know, I think seven or eight cases they wanted from us. Is that kind of it?

Tony Greubel: Three cases an elected officeholder.

President Jerrel: That would be nine cases. Alright--

Commissioner Mourdock: There was a motion on that, if we needed to approve it.

Commissioner Tuley: Second, I'm sorry.

President Jerrel: I'll say so ordered.

### **AMR - Ambulance contract**

President Jerrel: Next is the approval of the AMR ambulance contract. County Attorney?

Joe Harrison, Jr.: The agreement in front of you is essentially the agreement the county has been working under since the first of the year although the document was not signed. It includes those areas of the county outside the city of Evansville, not including Darmstadt, not including Scott Township and not including Armstrong Township. That was essentially the area last year except Armstrong was in last year and Armstrong has decided to go out of the AMR agreement for 1998. The amount of money is the same as the year before, not to exceed \$197,000. The response times are the same. This agreement would go to the end of the year.

President Jerrel: Are there are any questions?

Commissioner Mourdock: I'll move approval of the agreement with AMR and the county.

Commissioner Tuley: Second.

President Jerrel: Before I say so ordered I did ask a question and it was on page nine and I asked what was "algorithms for evaluation of pre-hospital care". It was a strange word to use in that kind of a description. Tony looked it up in the dictionary with me and somebody had to go out their way to find the definition of the word procedures because that's really the way they're interpreting that word.

Joe Harrison, Jr.: Well, I had a phone call into Jerry Key and I didn't hear back from him as to what that word meant.

President Jerrel: I know it's a picky thing, but I read these things and then I wonder why they put them in, and I'll say so ordered on the approval.

### **Any group or individual wishing to address the Commission**

President Jerrel: The next item on the agenda is any group that wishes to speak or address the Board. Yes, sir.

Mike Elliott: My name is Mike Elliott. I live on Heckel Road and it's in regards to the Heckel Road bridge. I didn't know if Mr. Stoll was going to have anything? Okay, last week I came in about midway through the meeting. I found out very late that there was

something to be talked about about the Heckel Road bridge. It was not on the agenda. When I was here last...approximately a month ago, you said that it would be on the agenda. I was checking it regularly and it was not. I did happen to come up to take care of some other business up here and talk to Tony and he said he thought Mr. Stoll was going to bring something up at the time in last week's meeting. When I came in it kind of surprised me that there was 30 something people here that knew that there was something to be on the agenda and then when I got to seeing some of the other things that was presented it seemed that everybody knew about it except I did not and I did not have a chance to get the group of people together that I wanted to. That's why I was wanting to speak tonight. I have gathered a lot of information together for you in regards to the bridge about the fire department, about the police department, about the school buses. There again, it's not that we're completely against rebuilding this bridge, but as I said before when the Commissioners in the past back in '86 set a plan, spends some \$200,000 to widen Heerdink Road to give these people an access out whenever they knew that the bridge at some time would have to be retired. It seems kind of foolish that we just keep spending more money and more money. I guess the first question I had is I understand after seeing the minutes of last week that you had...that you did make an order and it was approved by you to either replace or repair the bridge. Is that...?

President Jerrel: We took a...there is a motion. In fact, if you'll go on with your discussion I'll find it in the minutes and read it to you.

Commissioner Tuley: Page eight.

President Jerrel: Page what?

Commissioner Tuley: Page eight and nine.

President Jerrel: Page eight and nine.

Commissioner Tuley: That's where it starts.

President Jerrel: After much discussion...I'm looking for the motion part.

Commissioner Tuley: Okay, I'm sorry, that's further back.

Mike Elliott: I think it's on page 15, I believe. Yes. On page 15, Commissioner Mourdock made a motion to keep the bridge in service, Commissioner Tuley second and President Jerrel so ordered it.

President Jerrel: That is correct.

Mike Elliott: My question is back earlier on page 11, President Jerrel, you said that we asked, and this was a quote in your...we asked Mr. Stoll...I'm sorry. You said in there:

"We cannot make a decision tonight because we can't make a decision until you know you have the money"--

President Jerrel: Uh-huh.

Mike Elliott:

--but I mean there is one thing the law forbids us to do something until we have money in place to do it.”

President Jerrel: We do have.

Mike Elliott: You do have it?

President Jerrel: Yes, we haven't made a decision on whether to rehab or rebuild, but the money is available.

Mike Elliott: Okay, I just...like I say we was not aware that there was going to be anything about the meeting at all and then you said this here on page 11 that you couldn't make a decision until money was in place, but yet four pages later in the minutes you went and--

President Jerrel: We couldn't give out a bid.

Commissioner Mourdock: Right.

President Jerrel: We could make the decision that we wanted to do it. At that point when the question was raised we didn't know the balances, but the money is available. It's now a decision on whether to do a rehab or completely rebuild it.

Mike Elliott: Some of the things that I've got in here that you might be interested in, I'm sure you will be, when you was talking about repairing the bridge. I talked to Charlie Johnson today which is over at bus transportation, yes, I talked with him and he had me to contact Curtis Fritz, he runs the bus garage. He gave me the weight of the 66 passenger school bus which is 25,580 without any children on there. If we build a bridge back that's six to eight ton capacity, we're not even getting close to what a school bus needs, 13 ton, to get across there. I talked with two volunteer fire departments, one in McCutchanville which does access Heckel...our area down there. The fire trucks, the weight on them are 36,000 pounds to 48,000 pounds. You're talking about 18 ton to 24 ton. I don't think that's going to go across a replaced or repaired bridge down there whatsoever. To kind of jump back, so I won't be moving back and forth, I did talk to Mr. Johnson. There was some comments made last week by the people that was here. There again, I got in late and just heard part of it that's why I asked for...I came and got a copy of the minutes from you. There was some things in there said that the bus drivers have refused to pick their children up back there. That is definitely not so. I've talked to each and every bus driver. I have their bus numbers. I know them all very well. I contacted them over the weekend and discussed this problem with them and they said that is absolutely not true whatsoever. Mr. Johnson said the same thing as well today, that it is definitely not true, that they provide buses for all three schools, for elementary, middle and high school as well. The bus drivers did say that they asked the parents sometimes, like the middle school for instance, there is only one child back there that was riding the middle school bus and they asked him if he would be kind enough to walk across the bridge where he did not have to drive all the way around and he did that. As far as the fire department, there again, with the weight of these vehicles going across there they have road books, I think was the term that they had. Yeah, road books. I talked to the chief at the McCutchanville Fire Department and he said it has been on their books since 1993 to go around. They have Mr. Titzer's address, 5600 and everything east of there they know to go down Millersburg and down Heerdink to access those people. Everything from 5300 west they know to come in off of Millersburg. It's in their road books. I talked to the Sheriff's Department and they said the same thing. It's in

their roll call every night when a bridge or road is closed they have all of this knowledge and it has been there as well. I don't know how we can even think of replacing a bridge when it's not going to do anything except let some people drive out. If high water is up you still can't get out. I guess there is a lot of other things I had and I'll get out of here so you all won't be here so long tonight, but my concern is if we're going to build a new bridge and at what elevation...I talked with Tim today down in Mr. Stoll's office and he gave me some...the elevations and basically told me where they were proposing the width and the height and so forth of the new bridge. What they're trying to do. They didn't have any really narrowed down as far as the width, somewhere between 24 to 28 feet I think he had told me. My concern is what are we going to do about the road getting up to the bridge? I've got some pictures here that I'll leave with you and it does show some of the flood two years ago. It was after the water was already going down, but, for instance, in front of Connie Corbett's driveway, Connie is here tonight, she lives closest to the bridge, water was up over...up to her driveway and up over that area and she is some 450 feet from the bridge, so the approach to the bridge is going to have to come back or the road is going to have to be raised considerably. My driveway is another 300 feet from hers and at my drive we had over two feet of water and cars were parking...some were driving through it and some was parking on the other side of it as well. So what are we going to do? I think when we look at a new bridge, \$550,000, I don't think it's going to come anywhere close to the actual cost that it is going to take to get this road built up through there. I've been in touch with Mr. Andy Easley. Andy has helped me get some of these elevations and some of these things together and came up with some numbers and so forth that we're looking at somewhere up \$700,000 to \$800,000 in actual costs rather than the \$550,000 that we're talking about. If this road...if we do build this new road through here the main concern I have about it is what is going to happen with the fast traffic that we still have down Heckel Road? There hasn't been anything done about it for the last...I bought my property out there, 37 acres on the north side and 24 acres on the south side, back in 1985. I put a training...a horse training center in there. The barns are on the north side. I put a five-eighth mile training track on the south side. I had an investment of almost \$400,000 out there. Over a period of about eight and a half years I lost \$185,000 and I will say that the biggest problem with it was the cars flying down there. I just couldn't imagine that cars fly up and down that road. We could not take our thoroughbreds across the street. They had to be walked across by someone. I had a starting gate out there. We couldn't work our horses out of the gate because of the cars flying down through there. This has been a problem. I've had people get thrown off horses. Suzanna Link, which I've leased my farm to now, Terry is here tonight he owns the farm...I sold the farm last year to them. They train horses over there and give riding lessons. They have a problem with cars flying down through there as well. I talked to the Sheriff's Department. They don't even want us to call them anymore. They can't get out there to catch the drag racers. They did it over and over and over. It just doesn't do any good for us to call, so there is a problem with the cars speeding down through there. This Green River Road group of kids that every...and it's not just on Friday and Saturday nights. It's Sunday nights and it's all the through the week. Sometimes it is daytime, sometimes it nighttime. They get a group and they want to go test their cars and that's where they head. They head down to Heerdink. It's all marked off and they've got them a nice little dragstrip down there. I think last week there was one guy who was caught over 100 mile an hour down there. A sheriff just happened to be coming back in Millersburg Road and just happened to catch him back there. As far as I know, and I did check with the Sheriff's Department, they said it's the first one that they caught.

Commissioner Mourdock: This is on Green River?

Mike Elliott: No, this is on Heerdink Lane.

Commissioner Tuley: Heerdink.

Mike Elliott: Back on the...what everybody calls the drag strip.

Commissioner Mourdock: Where the bridge is at?

Commissioner Tuley: No, no.

Mike Elliott: Yes, that is the new road that was put in from Heckel to Millersburg Road. So the traffic and the speeding is a problem. That's really all I have. In regards to it, I do have petition together which I'll give to you and have some pictures that I think you would be interested in looking at and seeing.

President Jerrel: Thank you. I did have an opportunity to meet with Mr. Elliott and look at these, so I think you would be interested.

Mike Elliott: I blew couple of these. Here is one copy and there is a lot more--

President Jerrel: Okay, we'll get these.

Mike Elliott: --one of the other parties did not have a chance to give to me and copies made tonight.

President Jerrel: Okay, but, again, do these people live on the west side of the...

Mike Elliott: Some people live on the top of it and some do not. These are just basically taxpayers of Vanderburgh County that is opposing spending the money for the bridge.

President Jerrel: Oh, okay.

Mike Elliott: Yes.

Commissioner Mourdock: Was the question posed to them as you just said it a minute ago at the microphone regarding the new bridge?

Mike Elliott: Opposing the new bridge?

Commissioner Mourdock: Yeah.

Mike Elliott: Yes, sir.

Commissioner Mourdock: Okay, did you distinguish between the discussions...since you were here last week you heard the discussion about building a new bridge or rehabing the existing bridge?

Mike Elliott: Yes.

Commissioner Mourdock: And was that...were the differences in those two sides explained to the people at the time?

Mike Elliott: Yes, I told them that I came down to the meeting here, there was nothing on

the agenda and I just happened to have...I was taking some business up here and I asked Tony and he said he thought that Mr. Stoll was going to bring something up about it. I came on up. I was late getting here and I only caught bits and pieces of it. That's the reason I wasn't here, because I would have been and, yes, I did tell the people, yes, that it was passed and it was ordered that they were going to repair or replace the bridge.

Commissioner Mourdock: Okay.

Mike Elliott: I really don't understand how Commissioners can approve this whenever we didn't have a chance to...it would have been like four weeks ago me being here by myself and the other group not showing up and hearing from them and you already approving it and saying, okay, we're shutting it down and we're never going to open it up. It wouldn't have been fair to them and I don't think it was fair to us to make these steps at that time.

President Jerrel: Are there any comments from either Commissioner regarding the decision to keep the bridge open?

Commissioner Mourdock: Well, I just make two comments. The first one regarding the fact that it wasn't on the agenda, since you mentioned it several times. I can appreciate your frustration with that, but I hope you recognize as well that you weren't on our agenda this evening--

Mike Elliott: Sure.

Commissioner Mourdock: --that's why we have that one section there, anyone who wishes to bring the issue up. Those people came down on their own and I guess had spoken with John or something to know that he was going to give that as part of his report that night. Don't feel that we were trying to push something through. That wasn't the point at all. It's just a matter of business, sometimes things are on the agenda and sometimes they come up at the last minute when a lot of people walk in the room. As far as the decision itself on whether or not that bridge should still be in place in some form, I'll just tell you the vote that I cast or in making the motion my thought was and remains there are a lot of people on the other side of that bridge, there are a lot of acres out there that certainly will likely see some form of development in some way, manner, shape or form over the next 15 or 20 years. I am concerned, as I said last week and I know you heard this, about the capability of a rehabed bridge in dealing with the school buses, ambulances and all those kind of things. So the resolution that we had last week was do we want to make some commitment to try to keep that bridge open? The answer there was, yes, and where we go from here as far as the money has yet to shake out.

Commissioner Tuley: Well--

Mike Elliott: One of the...go ahead.

Commissioner Tuley: The only thing I was going to say is we keep making reference to Heerdink. None of the three of us were here, so I don't know what the rationale was. I did talk to John and John said back when that discussion...he wasn't here either and I don't know that he has found anything to substantiate or deny what you're saying about Heerdink, but Heerdink had to go in as long as there was any hope or discussion that something would happen to that bridge at some point in time because even if they chose not to do anything with the bridge and just leave it and close it at some point Heerdink

had to go in otherwise we would just have nothing, so I don't know that Heerdink is, you know, the building of Heerdink is the rationale for not doing something with the bridge. It is another alternative route and most of us would like to have more than a single way to and from our house. As far as whether we rehab or reconstruct completely, if we just reconstruct or rehab there is no way that we're going to be able to get fire departments and buses and stuff like you said. I understand that and I think we recognize that.

President Jerrel: You've got one of your pictures that clearly says there are no trucks allowed.

Mike Elliott: Right.

President Jerrel: That would also be no buses. I mean, that wouldn't change.

Commissioner Tuley: That's not what I'm saying. If we reconstruct and don't make it large enough to accommodate that I'm more inclined to go for rehabing, but that is something that is down the road. I think tonight your concern is the fact that the Commissioners voted last week to keep it open and you feel like there was a decision made in the past that said, no, we're not going to keep it open.

Mike Elliott: No, I knew you did not make decision to close it. I knew that you was trying to decide whether to rehab, rebuild or close it.

Commissioner Tuley: I mean, in '86 though there seems to be an indication that someone indicated that bridge was going to be shut down at some point.

Mike Elliott: Yes, I did and I'll tell you why. I was here in '86 when it happened.

Commissioner Tuley: Right.

Mike Elliott: Andy Easley was--

Commissioner Tuley: The engineer.

Mike Elliott: --the engineer at that time. I've been in touch with Andy. Andy does...has been doing work for me for 20 something years now. Andy also signed the petition because he...actually the cover letter to the petition, he was the one that prepared that, so you can look on there and see where he said that he actually asked that the expenditure was made of this road, speaking of Heerdink at the time, so the Heckel Road bridge could be retired when its economic life had expired. Back at that time when I-164 went through the state was going to build a very narrow access road along the side of 164. Bob Brenner, which I think was the Surveyor--

Commissioner Tuley: Still is.

Mike Elliott: Okay. I think he was the Surveyor and the Surveyor at that time was in charge of things to do with the bridge--

Commissioner Tuley: Bridge, that is correct.

Mike Elliott: Bob Brenner got with the state and said, hey, instead of you wasting money putting this narrow road through here why don't you go half the money, we will go have the money and let's widen Heerdink because sometime or another this bridge has got

to be retired. The weight capacity then...when that bridge was built 100 years ago it was only eight ton, so for all these years the fire trucks and emergency ambulances and buses have been going over an unsafe--

Commissioner Tuley: Even though they weren't rated.

Mike Elliott: Yes, exactly. Bob Brenner was the one and Mr. Easley was the one that engineered that, all the drainage and everything on that at that time. I've been in touch with Andy basically every day. He is doing some other work for me now on a subdivision and we've been going over this file and he still has some things in his file on this as well and he does remember it very well. He said if it was on the agenda he would show up and speak in regards to it or if one of you would like to give him a call he said he would be glad to discuss it with you. He was also involved in the Millersburg bridge. Some of the people said the other day that when the water was up the Millersburg bridge...that Millersburg Road floods the same time Heckel Road does, that's not true at all. Millersburg bridge was raised an additional two feet above the 100 year floodplain, if I recall correctly, because DNR requested that because they had to do some...Mr. Easley said he remembers having to change the approach and put some more fill and everything in to get that bridge on up higher. There is a benchmark on that bridge because I own another piece of property down on Millersburg Road east of the Millersburg bridge and there is a benchmark down there. I was down there with Mr. Easley's crew when we was getting an elevation and off one of the supports on the southwest corner was some 384, if I remember correctly, so that bridge is definitely up high enough that it would handle any type of flooding.

Commissioner Tuley: What was the rationale behind building an access road along 164 at the time that discussion was taken place and we ended up with Heerdink instead of, do you remember?

Mike Elliott: Because Heckel Road had a way out the back going out to Burkhardt. When 164 was put across right there, that was Burkhardt Road that came on through was closed.

Commissioner Mourdock: I think there also would have been some properties otherwise landlocked by I-164. Properties that would have--

Commissioner Tuley: What I am real concerned about is if we close off...or just close that off and I realize that is some pretty low ground back there, but I drove out there today and if they bring in fill if they need to and they build back there, there is only one way out and that's going to be down Millersburg and then we're going to have all those people in Millersburg over here raising Cain just like everybody else saying we don't want all that traffic on our road. The one thing we also seem to get faulted for in government is not planning ahead and not thinking ahead. None of us in '86, and I wasn't sitting here in '86, obviously, probably thought we would be going through what we are going through right now in terms of the growth and development in this community and surrounding communities, so there may have been the rationale that we can close off Heckel Road and they can travel Millersburg, but I'm just not inclined to shut off another access back there.

Mike Elliott: The only thing I'm asking that I would ask as far as myself because I do still...I own 24 acres and my home and I have just broken three and a half acres off and have my house for sale now, I'm going to build on the back 20 acres remaining, is that if we're going to spend that kind of money for the bridge let's widen the road and get it

on back far enough that we don't have the flooding across the middle of the property there.

Commissioner Tuley: I want to look at that.

Mike Elliott: Because that elevation, let's see 850 feet back from the bridge and I shot the elevation today. I called down to...and Tim gave me the elevation of the bridge floor and I went out and did shoot the elevation of the low spot that you'll see in that picture where the water is standing and it is 850 feet back. That elevation is only 10 inches higher than that bridge is. Every year we get water up underneath this bridge.

President Jerrel: So if nothing is done, you would still have the water now though, right?

Mike Elliott: Yes, there needs to be some culverts, actually, in front of Connie Corbett's house also there is a culvert that is very small.

Commissioner Tuley: Is yours the last house on the right down there before you get to the bridge?

Mike Elliott: Pardon me?

Commissioner Tuley: Connie, is your house like the last house on the right before you get to the bridge?

Unidentified: Yes.

Mike Elliott: I live right before her on the right.

Commissioner Tuley: The one that sits way back off the road?

Mike Elliott: Yes.

Commissioner Tuley: I went out there and I understand your concern about the dragging because it is. I mean Connie told me it's lined off and it's marked start and finish and all these. I saw the tire marks out there, so I think this body needs to try to work with the Sheriff's Department and see if there is some way we can--

Commissioner Mourdock: Yeah, I was going to come back to that one, too, because obviously that's a problem you have right now regardless of whether the bridge ever gets repaired or not.

Commissioner Tuley: Yeah, it's still a problem.

Commissioner Mourdock: Right, and sometimes people think that the Sheriff works for the County Commissioners or something and believe me he doesn't have that illusion and--

Commissioner Tuley: We don't either.

Commissioner Mourdock: Yeah, we don't either. That's not to say that we can't put something together to try to get a little bit better enforcement out there and hopefully that would be something that would be continuing, not just a short-term thing.

Commissioner Tuley: They sit out by house on Red Bank or Upper Mount Vernon all the time, so I don't know why they can't sit out in that area as well, too.

Mike Elliott: You know there is not a lot of traffic down through there other than just this group--

Commissioner Tuley: Those kids.

Mike Elliott: Sometimes it's an hour apart. There will be groups coming down through there. Sometimes they won't be there for two or three days.

Commissioner Tuley: Right.

Mike Elliott: You never know day or night when, but it's pretty regular especially in the summertime it gets pretty bad.

President Jerrel: You want to stay and listen to the County Engineer if he has comments to make about this and we'll keep you informed. We've got notes to call the other four people that were the spokesmen for the east side and we'll contact you on the west side if there is anything that at anytime comes that we're ready to make a decision on what we're...which of those alternatives.

Commissioner Mourdock: Were you submitting these for the record or do you want these back?

Mike Elliott: Yes, you can have those as well.

President Jerrel: Okay, thank you. The next item on the agenda if there is no one else that wishes...there is someone else that wishes to speak. Sorry, Ray.

Raymond H. Bailey: My name is Raymond H. Bailey. I live at 11220 Highway 57, Evansville. I would like to speak to the Commissioners tonight about the Daylight sewer project really to get an update. I'm speaking on behalf of all the neighbors that live between Kansas Road and Boonville-New Harmony Road on Highway 57 and we appeared before you five weeks ago tonight to discuss our concerns. We simply, the bottom line was, we wanted to be included in that Daylight sewer project and I am asking you tonight for an update on that on whether or not we have been included and to share some other things with you if we have not been.

Commissioner Mourdock: Okay, let me start this if I may.

President Jerrel: Yes.

Commissioner Mourdock: John, the letter that I saw the other day, was that a draft? So it has not been sent yet, okay. There has been a letter prepared to go to you and the other 16 folks and I guess other people in the area as well on Bohannon Drive and some of the other areas in that immediate vicinity. John and I met with Three I Engineering several weeks ago to have them take another look to see how we might put something together by way of gravity flow to go basically to the north to get to the Schlensker substation or pump station. We've had the County Attorney take a quick look to see if the Barrett Law might be applicable for that area and, in fact, that does seem to be the case with one exception which is the roughly 1,500 feet from Boonville-New Harmony Road north to the Schlensker substation. Because that tract is greater than ten acres

it doesn't qualify for Barrett Law.

Raymond H. Bailey: Right.

Commissioner Mourdock: We had a brief discussion last week in this meeting about whether or not there could be infrastructure money used to somehow help bring that section into it. There has been no decision reached on that one. Do you have the draft of the letter, John, that...okay. The cost, and I'm going off the top of my head here for a minute, but I believe the cost was just over \$45 a linear foot.

John Stoll: Inaudible comments made from audience.

Commissioner Mourdock: Okay, for construction. Yeah, go ahead, John, add to my comments here.

John Stoll: It was \$42 per foot for construction and it was like \$5 per foot for inspection and another (inaudible). All in all it's like \$42, \$5 and \$2 or something like that. The cost for the piece on the parcel description of ten acres was in the neighborhood of \$75,000.

Commissioner Mourdock: By good fortune I do have a copy of the draft you sent me, so we can have, Tony, if you would make a copy and the purpose of having it in my package tonight was just to bring it up during John's discussion to see if there were any new updates. I guess the long and the short of it is we're making progress. We're trying to find a way to make it happen. While I was looking, I don't know that you commented, John, I understand the state has been adverse to having the additional gravity flow line on their right-of-way going to the north, is that correct?

John Stoll: That's correct. They said they didn't know if there was enough room within their right-of-way to accommodate another line, so their preference was to have it on easements outside their right-of-way and the only situation where they were really wanting it on their right-of-way would be if there were problems where we couldn't acquire easements in any way, shape or form, otherwise they wanted it in an easement.

Commissioner Mourdock: So in its usual style it sounds like an ultimatum, but not necessarily a final ultimatum.

President Jerrel: I'm going to ask the three pages that we discussed the last time so you can have a copy of those minutes also.

Commissioner Mourdock: As you'll see, Mr. Bailey, this letter is intended for your folks. John had prepared it and we hadn't had a chance to discuss it here yet, but there may be some changes. It is marked draft, but at least we're trying to make it work.

Raymond H. Bailey: So I guess a status report at this time is you're still working on it?

Commissioner Mourdock: We are. We think there is a Barrett Law application.

Raymond H. Bailey: There is some progress?

Commissioner Mourdock: Very definitely, yeah. There is a Barrett Law application...let me rephrase that. It appears to be possible to do this under the Barrett Law and there could be two separate areas for which the Barrett Law might be applied. One being immediately along 57, the other being back into Bohannon Estates. It may be two

separate projects and other folks may want to look at it as well, but the question I think that is at least foremost in my mind right now is how we can work with that 1,500 foot stretch that otherwise is not under the Barrett Law.

Joe Harrison, Jr.: Yeah, essentially if the county is able financially to do that 1,500 square foot, then your group and the other group near you would have the ability then to hook up in some fashion, but that would be the cost that you would have to bear just like any other subdivision area with some of the other Barrett Law projects that are currently going on, but up to this point apparently that is not possible. Again, Mr. Stoll and the Commissioners will be looking at that and those options.

Raymond H. Bailey: You have received, been carbon copied, for some memos from the Office of Environmental Adjudication. To make sure you have been receiving copies on all of those, I want to make sure that you have that. I will give copies to each of the three of you plus Mr. Harrison. In the meantime a pre-hearing has been scheduled for August 18th which you did receive a copy of and we have asked that this project be put on hold until we can be somehow included in this. We're not asking for a free ride. We want to pay our way. We want to be included somehow, some way. As far as the roadway...as far as getting the right-of-way, excuse me, I'm sure there is no problem on that of getting that from the neighbors.

Commissioner Mourdock: I wouldn't think so. I guess just as a practical matter if there is some way I would still like to keep it right on the state's just so we're perhaps digging one trench instead of two.

Raymond H. Bailey: Sure.

Commissioner Mourdock: Trying to do it that way. Maybe the practical matter that wouldn't work, but, you know, I understand what you're saying and I guess at the risk of sounding like I am opening negotiations here which isn't my intention at all, we would like this project to move forward as rapidly as possible. I would hope that by the 18th you can see enough good faith effort on our part. We're trying to make this thing happen.

Raymond H. Bailey: I believe that, yes.

Commissioner Mourdock: Not just to please you, but to make the whole project work, so perhaps on the 18th when that hearing takes place you'll be able to give that report that you came to the Commissioners, you came to the county--

Raymond H. Bailey: We would like to check back with you like six weeks from now a couple of weeks before the 18th, and maybe get an update with you at that time and--

Commissioner Mourdock: Or sooner.

Raymond H. Bailey: Pardon me?

Commissioner Mourdock: Or sooner, please feel free.

Raymond H. Bailey: Yes, if we're able to see enough progress we would like to just call everything off out there.

Commissioner Mourdock: That's fair and reasonable and we appreciate the approach.

Raymond H. Bailey: We thank you very much for your time.

Commissioner Mourdock: Okay, thank you.

President Jerrel: He'll have those for you in just a minute.

Charles Theuerkauf: My name is Charles Theuerkauf, I am a neighbor next to Ray Bailey at 11300 Highway 57. You was talking about the easement on the right-of-way...the highway coming south. They said they had a problem with getting two lines along the highway. Is that what your statement was?

Commissioner Mourdock: That wasn't my statement per se, but what I said it would be my preference that when the line goes through that there would be one trench dug on one stretch of easement rather than having one line going on the state's easement and then having the other line go on a separate set of easements.

Commissioner Tuley: I think he is referring...but weren't you referring to the comment someone made, I think John may have made, or someone made reference that the state was reluctant to allow us to use their right-of-way. That's what your question was regarding though, wasn't it?

Charles Theuerkauf: Well, I thought the termination that I got they would allow you to run one line, but they didn't want you to run two on the right-of-way.

Commissioner Mourdock: That is what the state is saying--

Commissioner Tuley: That is what the state is telling us.

Commissioner Mourdock: --at this point, right.

Charles Theuerkauf: Let me ask you another question. The electrical, you know, the utility poles which runs behind all of our homes out there, that also runs between the adjoining properties on the Bohannon Estates. Now, we gave easement of...I don't know, usually ten feet you give for utilities. Is that preferable to run a sewer system?

Commissioner Mourdock: I'm not sure what you mean by preferable. Are you asking would we be better off to run the line on that easement?

Charles Theuerkauf: Yeah, I you can't divide it out on the highway.

Commissioner Mourdock: Oh, okay. Well, first of all that easement wouldn't be the property of the county or the state. That easement would be the property of SIGECO.

Charles Theuerkauf: Yeah.

Commissioner Mourdock: I don't know that SIGECO would ever grant the use of their easement. Joe, perhaps you can answer this. I've never known them to do that.

Charles Theuerkauf: All the water that falls on top of that hill goes down that way.

Commissioner Mourdock: Yeah, right.

Charles Theuerkauf: I'll just put it like that. I mean, it's a natural drainage and naturally you want to follow the least line of resistance.

Commissioner Mourdock: Gravity is a plus, yeah. We can have John take a look at that and just see what the easement might be.

Charles Theuerkauf: That feeds right behind of all the houses on Bohannon Estates except the ones on the other side of the street.

John Stoll: That might be something that Three I Engineering, if we get that far along, could take a look at and see whether or not it would be better to serve the lots from the back if that easement was a blanket utility easement rather than a specific SIGECO easement. They may be able to cut some footage off the sewer and not have to run as many lines if they did run back there, but that would be more of a question that would have to be answered during the design.

Commissioner Mourdock: You just said if it's a utility easement as opposed to a direct SIGECO easement?

John Stoll: Yeah, if it's like on the subdivision plat where it is just a public utility easement as opposed to something that each property owner signed off specifically to SIGECO.

Commissioner Mourdock: Okay, I got you. Okay, well we can check it out. Good suggestion.

Charles Theuerkauf: You're talking about the 1,500 feet from Boonville-New Harmony Road--

Commissioner Mourdock: North.

Charles Theuerkauf: --north, is there a reason why you would have to extend that with a lift station on Boonville-New Harmony Road reasonable cost wise?

Commissioner Mourdock: Yeah, John, take a shot at that one. That would be a major design issue, I think.

John Stoll: The way I understood it from the Three I conceptual plan was it would be gravity from Boonville-New Harmony back to the Schlensker pump station so there wouldn't be a second pump station installed at Boonville-New Harmony Road. It would all be gravity through there as well.

Charles Theuerkauf: It would be gravity? Well, what I am trying to say instead of running the extra 1,500 feet down to the Schlensker pump station you pick up Bohannon and Highway 57 and the Boonville-New Harmony residents at a pump station at the corner of Boonville-New Harmony Road.

Commissioner Mourdock: But I think where that pump station is now is further downhill.

John Stoll: Right, I believe that was by choice of the Utility Department. That location would serve a greater area because it was lower and they could serve more west and north of there potentially, so they had selected that spot as their water pump station.

Charles Theuerkauf: That property that you're talking about there is fairly low off the highway.

Commissioner Tuley: Very low.

Commissioner Mourdock: Okay.

Charles Theuerkauf: That northwest corner.

President Jerrel: Well, we'll keep you informed.

Charles Theuerkauf: Okay.

Commissioner Mourdock: Thank you very much.

President Jerrel: Yes, Mr. Elliott.

Mike Elliott: I did have four things I was going to ask you and I asked Mr. Stoll about this. There were four things I wanted to see if we could have done immediately that I think needs to be. One, is there any way possible to get a dead-end sign posted out at Heckel out at Green River Road. We are still getting semis and I don't know why the semis want to turn on Heckel and come down there, but we get semis every week that come down and they can't turn around. They try to turn around in Terry's driveway over at the farm. They back all the way up to Green River Road. Sometimes in the past when the bridge was open they would back up to Green River Road and try to get out and they couldn't do it, they would come on across the bridge anyway. They can't get out now. They're having to back out day and night across Green River Road out there with nobody to stop traffic, so if we could get a dead-end sign posted out there.

President Jerrel: Well, we'll have him check on it. What is the other three?

Mike Elliott: A road closed sign. The one that is sitting out there now I pick it up every morning and reset it back up and put it out in the middle of the street where it was. It gets moved over and knocked down every day. The bridge down there where the barricades are at, the kids have torn flashing lights off. You can't see. The other night a group of drag racers came down through there and they locked down and tires were squalling because they almost went through the bridge. It's not marked at all and a lot of the brush...I did cut the brush the other day and trimmed up the edges there to try to open up wider where you could see a little better. I did that Sunday. If they could get some lights or something on there. One other thing that I asked Mr. Stoll if he could possibly do, is there any way that the barricades that are up there can be offset? There are just dozens and dozens of walkers, bicycle riders, joggers that come down through there. Yesterday in about an hour period there was probably 15 bikes just one at a time, two at a time, that come down through there. They stop, lift their bikes over the guardrails to go across. There is a lot of elderly people that live on Irene and Bassett that come through my farm and walks down Heckel. I don't know where they are walking now because they can't get over the rail, but they walked every morning, every night. So if there is a way that it could be offset to where bikes and people could get through there to at least still walk and so forth.

President Jerrel: And the other? You had four.

Mike Elliott: That's it.

President Jerrel: Okay, thank you.

Mike Elliott: Okay, thanks.

**John Stoll - County Engineer**

President Jerrel: Let's go on with the agenda under County Engineer.

John Stoll: In regard to those four issues we have sent a work order to the County Garage to offset the guardrails and to put some reflectorized tape on the guardrails and I'm not sure if Bill Higgins has made it out there yet, but we were going to have a sign installed on a post so it would be a more permanent type installation at the corner of Green River--

Commissioner Tuley: He wasn't out there as of 1:00 today.

John Stoll: Well, I'm not sure if he has been out there to get the distance, but what we were going to do was put a sign up, a warning sign, that said bridge closed and then put a supplemental plate underneath that said X number of feet, so once he gets out there and measures that distance off then we'll send that over to the sign shop and then there will be a more permanent type sign that won't get knocked over all the time.

Commissioner Tuley: It's an old high water sign that they just taped over high water.

John Stoll: Right, so we will get something installed on a post out there.

Commissioner Tuley: John is there in that decking as it exists today, is there a hole that goes all the way through there?

John Stoll: Yes.

Commissioner Tuley: That may present a problem with the offset. I was just asking Joe about liability. If someone walks through there and steps in that hole and breaks a leg or something what is going to happen to us for your pedestrian.

Mike Elliott: I'll fix the hole. I fixed it two years ago when it was patched. I was the one that put the concrete in it then.

Commissioner Tuley: I'll tell you what we'll do, we can agree to the other three, I think, relatively easily, but let's let John go out and take a look at what we've got and let John get with Joe and let us take a closer look at that one. That one scares me a little bit. The others are common sense, but that one scares me a little bit.

Commissioner Mourdock: Good point.

John Stoll: I'll tell the County Garage then to put a hold on that work order until we get something resolved on that.

President Jerrel: I think that's a good idea.

John Stoll: Also in regard to that bridge I spoke with Tom Schnetzer of Beam, Longest and Neff today and he revised his rehab cost of the bridge to \$350,000. That was on the basis of paint costs. I had faxed him a copy of two rehab projects, the Oak Hill and the Stringtown rehabs, and the substantial fluctuation that we had in the bids that were submitted on those two projects gave him some concerns about his estimate for painting, so that is why he bumped it up another \$100,000.

Commissioner Tuley: Another how much?

John Stoll: Another \$100,000.

Commissioner Tuley: I'm sorry, I thought it was \$275,000 last week.

John Stoll: Oh, this is construction only. The \$275,000 that was an estimate of \$250,000 for construction and \$25,000 for design, so \$350,000 that's \$100,000 more on construction, but that wasn't any change on the design fee.

Commissioner Mourdock: We better get this bridge done fast.

President Jerrel: Uh-huh.

Commissioner Tuley: It's growing by the week.

John Stoll: We were wondering about the painting cost estimate because we have seen some substantial variations on many of the bridges that have been painted since I've been with the county and this is par for the course from what we've seen. I didn't have anything else on Heckel unless you had some questions on that. The next item I've got, I need Commissioners' authorization for either me or for David Franklin to sign off on the paperwork for the disposal of the sand and paint debris from the sandblasting and painting of the Heckel...not the Heckel Road bridge, the Oak Hill Road bridge. The bridge has been sandblasted. Paint chips and sand has been sitting there waiting for disposal and most of the paperwork has been written...typed up in David Franklin's name, but there may be some in mine as well, so I am just asking for your authorization for us to sign off on the paperwork on behalf of the county.

President Jerrel: Okay, is there authorization granted to--

Commissioner Mourdock: I think...is that basically labeling that some sort of special waste?

John Stoll: Yes, it's special waste and it's going to be disposed of at Blackfoot Landfill in Winslow and this is just part of the manifest and other paperwork needed to track that it was disposed of properly.

Commissioner Mourdock: I'll move approval of the signature of the County Engineer or staff to authorize disposal of the special waste.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is on the Lynch Road project. Last week you had asked about giving an update on what was done the previous week. Before the weather got bad last week they did get the remainder of the seeding and sodding done. They did not get the Oak Hill intersection paved. They plan to do that starting Wednesday weather permitting and they didn't get any of the signal work done as well, but they're kind of waiting on the signal work until after the surface and asphalt has been placed and some of the striping is down and things like that before they go out there and start installing the signal loops. They didn't get a substantial amount accomplished last week before the weather got bad.

President Jerrel: Okay, any questions?

Commissioner Mourdock: Only comments.

John Stoll: Pardon?

Commissioner Mourdock: No questions on Lynch Road, only comments.

John Stoll: That's all I have.

President Jerrel: Okay, thank you.

Commissioner Mourdock: John, I have a letter from EUTS, I don't know if you got it, regarding possible rail highway crossing closing at Hillsdale Road.

John Stoll: Yeah, I got a copy.

Commissioner Mourdock: Do you have any comments on that one yet?

John Stoll: From the perspective that the railroad would potentially cooperate with us they like to see crossings closed whenever possible and given the fact that does have alternate access up at Old State or down at Mount Pleasant and that there are signals at those two, I would agree that, yeah, that does make it a viable candidate to be removed. The...what was it, 800 people or whatever, who use that crossing there may be some controversy associated with that on closing it, but--

Commissioner Mourdock: Do you know what basis they use to say 800 people?

John Stoll: Traffic counters. They just have a--

Commissioner Mourdock: So it wasn't based on number of homes in the area, it's just off of traffic count?

John Stoll: Right. Part of the problem with those crossings all along 41 as you all know is the grade difference between the railroad and 41 is so substantial that the approaches across the railroad are not good in any of those cases. Upgrading that to provide a better surface and signals and gates if they were warranted in the future would be expensive.

President Jerrel: Speaking of railroads, I can go back and look in the minutes, but we did determine who currently is responsible for the railroad that is near St. Joe and Mill Road. Have we tried to communicate with them since that meeting?

John Stoll: Joe sent them a letter and they did respond. I don't know if you brought a copy of it, but--

Joe Harrison, Jr.: You want to go ahead. I just got the letter and I sent a copy to John if you guys want to look at it.

John Stoll: Yeah, I got a copy faxed to me last week.

Joe Harrison, Jr.: Essentially what they're going to do is make some repairs to St. Joe and Mill. We also made reference to Keubler and Boonville-New Harmony, but they're

wanting some assistance from the county on the approaches to the tracks which is consistent with--

John Stoll: That's what we did on Allens Lane a few years ago when it was the worst one of the crossings. The railroad at that time was Indiana Hi Rail and they hired a contractor to come in and do some of the work on the crossing itself, on the crossing surface, and then the County Highway crews paved the approaches, so that worked out fairly well otherwise I don't think that one would have ever been approved.

Joe Harrison, Jr.: Their letter is a little obnoxious, but that is understandable, I guess. I think it would probably be a good idea if John had...if you gave him the authority to call them and see what they can work out. I would just propose that maybe he would say, oh, well that's fine, we would be willing to help you. Let's start next week or some time real soon and see what they say. At least they're willing to work on their tracks and I think if we say we would be willing to help with the approaches maybe something can get worked out real soon. I'd be curious to see how quickly they respond to that contact though. I don't think...I think the letter is a little exaggerated as far as what actually needs to be done, but obviously there needs to be some improvement to the approaches. I don't think it's as bad as they're proposing.

President Jerrel: I would like to keep a copy, Tony, of this so we can...I have had questions and I didn't really have a very good answer.

John Stoll: In my opinion the approaches are not half the problem, it's the crossing surfaces especially at Mill. It's in terrible shape. They tried to put some asphalt in to patch a few of the potholes within the...between the rails, but it didn't help. The crossing needs rebuilt and then, yes, the approaches would need to be repaved, but right now I would say that the crossing surfaces are the worst thing and that's their responsibility, not the county.

President Jerrel: Go ahead.

Joe Harrison, Jr.: So if John could have that authority to contact them and get going I think they would move faster if they got a quick response from John saying, okay, we'll help you with the approaches when do you want to start?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: So go ahead and offer to them that we would pave the approaches if they do the surface work then?

President Jerrel: Uh-huh.

John Stoll: Will do.

President Jerrel: Okay, is that all?

John Stoll: That's it.

President Jerrel: Thank you.

**County Garage**

President Jerrel: Okay, County Attorney...oh, the County Garage. Rick did not have a babysitter, so that is the reason he is not here. He was to have been here tonight.

Commissioner Tuley: Is Milton off or just not feeling well?

President Jerrel: Pardon me?

Commissioner Tuley: Is Milton off or not feeling well?

President Jerrel: Yes, yeah, so there does need to be--

Commissioner Tuley: Or both?

President Jerrel: --a motion regarding the--

Commissioner Tuley: Highway report.

President Jerrel: --highway report.

Commissioner Tuley: I'll move acceptance.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: The bids were as follows on project VC9804-03, that's repair and repaving of Baumgart, Browning and Hedden Road in the county.

Bidder	Total
E & B Paving, Evansville, Indiana	\$243,961.27
JH Rudolph & Co., Evansville, Indiana	\$244,931.92

I would ask that you take these two under advisement and review the same for their responsiveness.

Commissioner Mourdock: Wait a minute. Say those numbers again.

Commissioner Tuley: Take in past performance.

Joe Harrison, Jr.: I'm sorry?

Commissioner Mourdock: It was \$243,960 versus \$244,931?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Close bid.

Commissioner Tuley: I would like to take into consideration past performance on this one. Don't they have Lynch?

Joe Harrison, Jr.: Well, anyway. Again, you'll take those under advisement, I'm sure, and review the same.

Commissioner Mourdock: I'll move we take them under advisement.

President Jerrel: Is there a second?

Commissioner Tuley: Second, I'm sorry.

Commissioner Mourdock: So ordered.

President Jerrel: It's \$970.65.

Commissioner Mourdock: On a \$244,000 job.

President Jerrel: That's close.

Commissioner Mourdock: That's because there is all that money to be made in the construction business.

Joe Harrison, Jr.: That's it, thank you.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: Let's see. I need permission to contact Janet Watson in the Auditor's Office. She sent a memo talking about the phone companies. The county is being affected by slamming. If a employee gets a call at home about their personal line, they might say, yeah, you can switch my long distance and then they say are there any other lines that you use and if they give out their work number they'll just automatically switch that. It's unethical. They're not giving them permission to, but they are trying to find a way to get them to say yes one way or the other.

President Jerrel: We need to authorize...I had that happen to me today. I had a company, I don't even remember the name, that's the reason I was late. They said, you know, we will do this and that and I said I'm not interested, I have a better price with my carrier. It's 10¢ no matter where I call. They kept insisting and I said we're going to talk tonight about slamming and I said I'm going to put you on the agenda if you ever call me again. So I would like to ask for authorization for a letter to our carrier to block out our lines.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: Okay, is there anything else, Tony?

Tony Greubel: Let's see, the Chamber is going to have an ozone meeting, I think, for the private sector talking about the city and the county ozone ordinance. That will be on June 10th from 10:00 to 12:00 and they wanted the County Commissioners to know about it.

Commissioner Mourdock: June 10th?

Tony Greubel: Yeah, June 10th.

President Jerrel: That's this Wednesday. I don't know if I can.

Commissioner Tuley: What time is it, Tony?

Tony Greubel: It's 10:00 to 12:00 and it's in the Old Post Office Place.

Commissioner Tuley: I'm--

Tony Greubel: They didn't really invite...it's more just for our information that we know about it. We don't have to have a representative there.

President Jerrel: Okay, anything else?

Tony Greubel: The latest Azteca letter, update letter, just came in a few minutes ago. About an hour ago.

Commissioner Mourdock: I noticed in the last one they deleted any comment about the gas flare system. Up until that one they always included that and suddenly it was missing. Did you contact them on it?

Tony Greubel: Well, it's back in this week's letter.

Commissioner Mourdock: Maybe they just left it out.

Tony Greubel: I think it was a...they're about one week behind schedule still.

**Steve Craig - Burdette Park**

President Jerrel: Okay, Steve Craig.

Steve Craig: I have a couple of things on the agenda tonight. One of them, I guess, was for Joe about the ambulance contract from AMR. Did you approve it?

Commissioner Mourdock: Yes.

Joe Harrison, Jr.: Yes, they just approved it.

Steve Craig: Is Burdette, are we...like our first response from our swimming pool are we supposed to call--

Joe Harrison, Jr.: Call whoever you want. If want to dial 911 you get AMR. If you dial some other number you get somebody else.

Steve Craig: Well, this is a big sales thing now, I guess, because I mean I have them

approaching me and I know we talked to you before about--

Joe Harrison, Jr.: Whatever you all want to do. It just depends on the emergency, but, I mean, someone that--

Steve Craig: Perry Township, you know, they respond when we call 911, but these other companies, you know, they're coming out telling us they have half the response time, they're cheaper.

Joe Harrison, Jr.: You just never know who is going to be dialing 911 or some other number. I mean, it may be someone with a cell phone out at the pool. It may be a patron calling the ambulance and it may be someone from your staff. It's kind of hard to control who calls an ambulance isn't it?

Steve Craig: Yeah, well they want us to call...like put a number up above the phone and like call their number for them.

Joe Harrison, Jr.: I think that's just a call you guys will just have to make. Whatever you want to do.

Commissioner Tuley: I think he should be getting some direction from us.

President Jerrel: Perry Township does what for you?

Steve Craig: They respond to any 911 call in their area.

President Jerrel: But they don't...that isn't exactly true. Let me ask this question, Joe, is Perry Township included in the AMR contract or excluded?

Joe Harrison, Jr.: No, they're in.

Commissioner Tuley: There is just two out, Armstrong and Scott.

Commissioner Mourdock: Yeah, Armstrong and Scott.

President Jerrel: Okay, so when he says--

Joe Harrison, Jr.: Perry is the fire trucks that come.

Steve Craig: They send a--

President Jerrel: No, they do the others.

Joe Harrison, Jr.: No, they don't have ambulances.

Steve Craig: Perry Township doesn't have paramedics?

Joe Harrison, Jr.: They have them on their trucks. They're a first responder, but the ambulance crew that comes is AMR. If you call Perry, AMR comes.

President Jerrel: Well,--

Joe Harrison, Jr.: If you dial 911 you get a Perry truck and an AMR ambulance.

Steve Craig: Right, but other ambulances want to respond to it.

Joe Harrison, Jr.: Well, again, this Board may want to--

Steve Craig: I mean, I don't want them having a wreck out in front of the park or something.

Joe Harrison, Jr.: --say dial 911.

Commissioner Tuley: Yeah, I think we should direct your employees to dial 911.

Commissioner Mourdock: Exactly.

Commissioner Tuley: If someone on a cell phone, as Joe says, picks up we can't control that, but your employees should be directed, I think, to dial 911.

Commissioner Mourdock: Absolutely for several reasons. Number one, for the county's point of view 911 is the excepted emergency procedure and for us to do that is only reinforcing what we did a few minutes ago which means we get AMR involved who we've said is our approved contractor. If you started...or if you people started dialing someone else, we've not given them any authority to work out there and there could be some liability down the road with that, so I think your folks, in fact I'll make it as a motion, that the manager at Burdette direct his people for a first call to use 911.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: Thank you very much.

Commissioner Mourdock: Is that clear?

Steve Craig: Yes, that makes everything easy.

Commissioner Tuley: You can say those nasty old Commissioners did it to me again.

Commissioner Mourdock: That's right.

Steve Craig: Well, I won't say nasty old!

Commissioner Tuley: We just took the monkey off your back.

Steve Craig: Yeah, well it's almost like aluminum siding salesman anymore.

President Jerrel: I know, it's the way the telephone business is.

Steve Craig: Yeah.

President Jerrel: If you sign up within 24 hours you get a reduced rate.

Steve Craig: The last thing I have is a project report on the swimming pool which with any luck in the weather we will have water in it by this weekend.

Commissioner Tuley: Well, you'll have water in it!

Steve Craig: I don't know if anybody will want to get in it.

Commissioner Mourdock: May convert it for skating.

Steve Craig: The company is making every effort there is. They worked Saturday night until Sunday morning at 3:00 in the morning on Sunday morning. They started again Sunday evening and worked until Monday morning. This morning at 5:00 they had they a crew out at Burdette that got rained out. We have another crew coming in at 5:00 and it started raining at Burdette then and when the floor and that gets wet they can't fiberglass, so we're just going with the weather, but the company is making an all out effort. I mean, there wasn't many construction companies working at 3:00 on Sunday morning, but they were doing it and making an effort.

Commissioner Mourdock: Okay. Another issue for the park, Steve, do you know, and perhaps before your tenure out there, I've heard several times about the rates we're paying SIGECO for the chalets and everything else out there. Have we ever tried to negotiate a better rate with SIGECO?

Steve Craig: Yes, we have. It's been...Bettye and I we had talked about the SIGECO rate before and it has been an ongoing thing for years, but they do not want to let loose of the rate that they have for the park.

President Jerrel: We need to keep after them.

Steve Craig: I mean, it's tough because, you know, we've had them come out and talk to us and when you're done nothing is done and then it is six months to year before they'll talk to you again and I think...I don't know if I am perfectly correct, but it's peak demand and the way I understand it whatever day of the month that you use the most they rate it for 30 days to pay that way and that's in case you ever have the demand, you know, to be the highest rate for all 30 days.

Commissioner Mourdock: What is our best position for negotiation on a better rate? I mean, I sense we're...in fact, I don't sense I know we're always in the push and pull of trying to work with SIGECO as the local utility. On the one hand we're trying to get them to do some things we want them to do with the road out there in front of Replas and Matrix and trying to get them to come along there and on the other hand they seem to be holding us up on this kind of thing. I mean, do we have any areas for good negotiations?

President Jerrel: The gentleman that previously had worked with us is no longer with them.

Steve Craig: Is that Bob?

Commissioner Tuley: Bob, yeah.

President Jerrel: So I think we need to start all over again and it has to do with the meters. That is what it has to do with and if we have a long cold dry spell and--

Commissioner Tuley: Remember we had those discussions in budget '96?

President Jerrel: Yes, yes we did. We've been working--

Steve Craig: It's been going on for years.

President Jerrel: We just haven't been able to get anywhere and I don't know what to do.

Steve Craig: Well, one thing the person that we worked with before left and that's how we got Bob and then we worked with him four or five years and now--

President Jerrel: Now he's gone.

Steve Craig: Now we have to, you know, start all over.

Commissioner Mourdock: Do we know, is the city getting any better breaks on its park operations?

President Jerrel: They don't have a park like us.

Steve Craig: Yeah.

Commissioner Mourdock: Well, they don't have one like us, but they certainly have swimming pools and things like that that still use a bunch power.

Steve Craig: I don't know. I've never went to them and found out what their rate was. The way I understood it, they are supposed to do everybody that, you know, uses this type of energy. They're supposed to treat everybody fairly or the same, which under my interpretation everybody is getting charged the rate we are, but I don't believe that is happening.

Commissioner Tuley: I can't imagine.

Commissioner Mourdock: Yeah, would you check and see. Talk to some folks in the city, the park's people, and just see.

Joe Harrison, Jr.: You might check and see what their...if you need to call me give me a call, but you might check with Swonder and Lloyd Pool. I mean, they're probably the two that probably use the most energy, wouldn't you think?

Steve Craig: What about Roberts Stadium?

Joe Harrison, Jr.: Well, that's a little different monkey...a little different animal. I would check...don't you think the Lloyd Pool and Swonder might be--

Commissioner Mourdock: I think those would be good ones to start with.

Joe Harrison, Jr.: Those would be the two I would look at.

Steve Craig: Places that are events, like where you have a real big day then you might go for a week and the building not be used and they would charge you the same price for every--

Commissioner Tuley: That's a good point, Steve. Right there is the point because that is how they charge us.

Steve Craig: Right.

President Jerrel: That's the issue. That's the basic issue.

Steve Craig: You know, you've got a concert, I'm just using the stadium, on a Saturday night and they use all that energy they pay that same rate every day of the month for that month that the concert was held there. They pay the highest day and that's the rate.

President Jerrel: If they pay like we do.

Steve Craig: Right.

Commissioner Tuley: If they're charged. That's a good one to put in the mix I think. It is a little different animal, but the rate they're charged, if it is the same as ours or different than ours. Particularly if it is different than ours we need to find out what it is.

Steve Craig: Yeah, because, I mean, supposedly some place like Swonder if you are open almost 24 hours a day then it is supposedly good for you or, you know, you don't lose as much.

President Jerrel: Yes.

Steve Craig: But when you have down time like on rental buildings or--

Commissioner Tuley: Chalets.

Steve Craig: Yeah, just any of them or you have 102 degree day and the rest of the month it's 80 you pay the same rate for the 102 degree day the whole--

President Jerrel: Sandy Aaron might be able to answer that question for you because I think she is very tuned into the details of the budget and utilities would be a big one.

Steve Craig: Sandy Aaron?

President Jerrel: At the stadium. Let's don't drop this. It may not work, but let's keep after it.

Commissioner Mourdock: Right.

President Jerrel: Okay, is there anything else?

Commissioner Tuley: I've got something for Steve since he is here.

President Jerrel: Okay.

Commissioner Tuley: It could have come up under new business. Steve, has Mike Madriaga been talking to you about using the Bishea Building for that Evansville Sports...what is it called? Evansville Athletic Council.

Steve Craig: He has called me two or three times and I have returned his call two or three times, but I haven't actually got with him on what he wanted.

Commissioner Tuley: Well, yeah. We've always in the past, and I don't know...we've always kind of waived the fee for this event and it looks like it is scheduled for August 5th and they are asking again--

Commissioner Mourdock: Will the Advisory Board meet between now and then?

Steve Craig: Yeah, we're supposed to, yes, Thursday.

President Jerrel: This Thursday?

Commissioner Mourdock: Shall we not send it back to them?

Commissioner Tuley: That's fine. I just need to let Mike know where we're going or where it is headed.

Commissioner Mourdock: I think that's what we kind of started doing with some of those.

Commissioner Tuley: Okay, I'll call Mike and tell him. When do they meet again?

Steve Craig: We're supposed to meet Thursday.

Commissioner Mourdock: Oh, okay.

Commissioner Tuley: Yeah.

President Jerrel: Would you want to give that to him, so that he can give it to the Board.

Commissioner Tuley: Okay, I can just give you this.

Joe Harrison, Jr.: He can have mine.

Commissioner Tuley: Okay, Joe's copy. So they meet Thursday. I'll call Mike and let him know because he called me today.

President Jerrel: Okay, is there anything else?

Steve Craig: I don't have anything, thank you.

President Jerrel: Okay, moving on to the consent items. Well, we need to accept Burdette's report.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: Okay, so ordered.

<b>Consent items</b>
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President Jerrel: The consent items, are there any questions about any of those?

Commissioner Tuley: I'll move acceptance.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

**Old business**

President Jerrel: Under old business, this might be considered old business, but I have for you an estimate of the cost to repair 96 toilets and 30 showers in the jail. This was given to me by Steve Utley and I've included also some information for you. Did I give...here, I didn't give you yours. This is the letter, but there is also a cover letter and we are going to have to have a...we're going to have to make a decision on where we want to take that money from and if we want to, in fact, go to Council and make the request or if we want to suggest to the Sheriff that the Jail Commissary Fund balance of \$186,098.33 be used, but we need to repair the toilets and the shower stalls.

Commissioner Mourdock: So in giving us this now are you looking for action on this now or do you want to deal with this next week?

President Jerrel: I want...I mean, I just want for a funding source to be determined because I think we want to get on with this.

Commissioner Tuley: Let me throw out something here.

President Jerrel: Sure.

Commissioner Tuley: Given that it's the last year of the current Sheriff and the fact that we've got lawsuits, we're talking about \$12,600. Let's take the money out the General Fund, wherever we've got to take it from, and get it done.

President Jerrel: Okay.

Commissioner Tuley: Start a new program with a new Sheriff.

President Jerrel: You mean about using the \$186,000?

Commissioner Tuley: That way we can go ahead and get it done. He may not quibble with us, but on the other hand--

President Jerrel: Sure.

Commissioner Mourdock: Is that a motion, Pat?

Commissioner Tuley: I threw it out there for discussion.

President Jerrel: Well, we have to go to Council to ask for an appropriation.

Commissioner Tuley: Right.

President Jerrel: Okay, that would be--

Commissioner Tuley: I just threw it out there to see if it sticks. I'm just thinking we've got those things pending and the quicker we can move on this the better we might be on those areas.

Commissioner Mourdock: As you said, \$12,000 isn't going to set the world on fire.

Commissioner Tuley: Yeah, if it was \$126,000 I would take a little closer look at it, but having said that I'll make that in the form of a motion that we approach the Council for an appropriation for \$12,600 to fix the toilets and showers.

Commissioner Mourdock: I will second.

President Jerrel: So ordered. The next item I have...I don't have anything else on old business. Does anyone else have...?

Commissioner Mourdock: One item, last week when we talked about the ozone situation we said we would pick a date tonight for that formal public meeting for public input and information.

President Jerrel: I've been going over the calendar, I started the other day. We have the 29th, it is the fifth meeting of the month. We can either have it then or we can not have a meeting on the 29th period or we can have this on July 6th which is the Monday...we have four meetings in the month of July or we can have it some other date.

Commissioner Mourdock: So the 6th would be the Solid Waste meeting?

Commissioner Tuley: No, the 13th is Solid Waste.

President Jerrel: No, the 13th is the Solid Waste meeting. The 20th is the drainage and the 27th is the zoning.

Commissioner Tuley: I would hate to cancel a meeting on the 29th and then include this in the 6th because we'll have plenty to do on the 6th just by virtue of a cancellation.

Commissioner Mourdock: I agree with that.

Commissioner Tuley: Maybe we can just do the public hearing on the 29th.

Commissioner Mourdock: Yeah, the 29th ought to be a relatively simple meeting, tee hee, yeah, so I would move that we use our regular Commission meeting on the 29th of June for a formal hearing to take public input on issues of ozone.

Commissioner Tuley: Second.

President Jerrel: I think we would be well served to have some sort of, you know, information to the public. Either in the form of a news release or something of that sort.

Commissioner Mourdock: Sure. Why don't we...Tony, if you would make sure the previous Monday to that, the 22nd, that we're ready to issue such a thing.

President Jerrel: I don't know if I said so ordered or not, so I will. I have a resignation. John Dunn will have to resign from the Welfare to Work Local Planning Council and I just have this letter to send him thanking him. The other bit of information is we have vacancy...we've had a vacancy for some time on the Human Relations Committee and we've had a request, Barbara Apfelstadt would like to serve on that. She is a week or two late in terms of the action.

Commissioner Mourdock: Maybe to her betterment, I don't know.

President Jerrel: I would like for you to consider her name.

Commissioner Mourdock: I know Barb is always real active and been involved in public affairs. In fact, when I first moved to Vanderburgh County I was working on my house and painting walls and heard a knock at the door and she was there to register me to vote, so that was back in 1980 so I will certainly move that we appoint Barb given her involvement in a lot of things for the Human Relations Committee. And that's Barbara Apfelstadt.

Commissioner Tuley: Second.

President Jerrel: So ordered. She is an employee with SWIRCA that deals with an aspect of the elderly, so that is an appropriate background.

Commissioner Tuley: That's fine. Along with resignations and stuff I have a question.

President Jerrel: Okay.

Commissioner Tuley: Do we have an official resignation from the Veterans Service Office?

President Jerrel: We do. That's next.

Commissioner Tuley: Okay.

President Jerrel: We did have an official letter of resignation from the assistant in the Veterans Administration.

Commissioner Mourdock: Is that Brown?

President Jerrel: Ron Brown.

Commissioner Tuley: Yeah, Ron Brown, that's right.

President Jerrel: Ron, it's effective the 12th and I spoke with Mark and asked him to do an advertisement and I would like permission to advertise that position.

Commissioner Tuley: I will so move.

Commissioner Mourdock: Second.

President Jerrel: So ordered. We have the job description which I'll get to everybody, but we asked him to do--

Commissioner Tuley: Yeah, there are certain, I guess you have to what...a veteran or married to veteran or there is some kind of rules or something.

President Jerrel: I'm not sure on the...that was a job description for the assistant position. The only one where that pertains to is the Director.

Commissioner Tuley: Oh.

President Jerrel: But I think that's an appropriate thing to have some background.

Commissioner Tuley: Yeah, it would help.

President Jerrel: You know, I don't think that's a requirement,--

Commissioner Tuley: Okay.

President Jerrel: --but I think it would be the appropriate thing to do.

Commissioner Mourdock: Speaking of personnel it just occurred to me our Ozone Officer is scheduled to start on the 15th. We voted some time ago for the hiring.

Commissioner Tuley: The pink slip is in there tonight.

President Jerrel: That is in there. The pink slip is in there tonight.

Commissioner Tuley: I saw that.

President Jerrel: Yeah, it's in there.

Commissioner Mourdock: I missed that one.

Commissioner Tuley: I won't say her name because I can't.

Commissioner Mourdock: Alexandrovich.

Commissioner Tuley: Okay.

President Jerrel: What is her first name?

Commissioner Mourdock: Joann.

Commissioner Tuley: Mrs.!

President Jerrel: Mrs., okay. Is there any other business to come before the Board.

Commissioner Mourdock: One brief item just informationally. The Jail Commission was thinking of meeting tomorrow and then with the final schedule as it worked out with Brad Ellsworth's and Ray Hamner's group coming in...I can never say it. The Institute of Criminal Justice, is that right?

President Jerrel: Yes.

Commissioner Mourdock: They're going to be interviewing a number of folks including myself tomorrow and then they're going to have a public hearing from 8:00 to 12:00 on Wednesday. I learned today that I've got to be in Cincinnati on Wednesday, so--

President Jerrel: I plan on attending.

Commissioner Mourdock: Oh, very good.

President Jerrel: Yeah, I plan on attending and tomorrow I am going to go to their

program in the morning.

Commissioner Mourdock: Are they having a formal program in the morning?

President Jerrel: They're interviewing people individually.

Commissioner Mourdock: Oh, okay, so you're being interviewed?

President Jerrel: Interviewed early, right. You know, I've gone through these and I'm not going to take the time to go through them again, but, you know, we're doing the pilot program on the lots and the culverts and the different areas of the city with the weeds and we've got before and after pictures and it is working. I think that we really want to congratulate those people for taking that effort and I'll bring these so you can look at them next week. Is there any other business to come before the Board?

Commissioner Mourdock: Motion for adjournment.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:12 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
John Stoll  
Steve Craig  
Mike Elliott  
Raymond H. Bailey  
Charles Theuerkauf  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
June 15, 1998**

The Vanderburgh County Board of Commissioners met in session this 15th day of June at 5:40 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introduction and Pledge of Allegiance**

President Jerrel: I'd like to call the meeting to order. The first item on the agenda is the introduction of this group in front of you. To my far right is Tony Greubel, he is the Administrative Assistant; next to him is Joe Harrison, Jr., County Attorney; Commissioner Pat Tuley is to my right; the far left is Charlene Timmons, our Recording Secretary; Suzanne Crouch, County Auditor; Richard Mourdock, County Commissioner and my name is Bettye Lou Jerrel. I would like for you to join me now in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Under action items the first is the approval of the June 8th minutes.

Commissioner Mourdock: I'll move approval as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Certification of Executive Session**

President Jerrel: The next item on the agenda is the certification of the Executive Session.

Commissioner Mourdock: I'll move approval of the minutes of the Executive Session of June 15, 1998 that dealt with the initiation, litigation or pending or threatened litigation, purchase or lease of real property and certain county personnel matters.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Roger Lehman - Building Commissioner**

President Jerrel: The next item on the agenda is the discussion on certain properties in the county from the Building Commissioner. Is there anyone here to represent them?

Tony Greubel: Roger Lehman called on Friday saying he was going to be in Louisville and he wasn't sure if he would be back in time, if he wasn't here just to delay it a week.

President Jerrel: Alright, then we'll just take by consent that is no longer on the agenda.

**PIC - Approval of local service plan**

President Jerrel: Item D is PIC and it's the approval of a local plan and that has been before us. Tony, do you know--

Tony Greubel: This is a little bit different. The other had for the more local southwest Indiana plan of agreement and this is more with programs in Vanderburgh County.

President Jerrel: It is just an information item or it needed action?

Tony Greubel: It has to be approved by the Board of Commissioners.

President Jerrel: You have seen their previous report and this is one that is in this agenda. Is there action on this item?

Commissioner Mourdock: I'll move acceptance of the 1998-1999 local plan of service for southwest Indiana between the PIC, Private Industry Council, and Vanderburgh County Board of Commissioners.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Area Plan Commission - Approval of summer intern**

President Jerrel: The next is an item of information also that needs approval. It is from the Area Plan Commission and it is an approval of agreement with a summer intern.

Commissioner Mourdock: I'll move approval of the letter contract between Vanderburgh County and Bryant Lewis as an intern for the Area Plan Commission.

President Jerrel: Do--

Commissioner Tuley: Second, I'm sorry.

President Jerrel: Do you want to include the amount?

Commissioner Mourdock: In the amount of six hundred and--

Commissioner Tuley: Fifty dollars.

Commissioner Mourdock: Six hundred and fifty dollars.

Commissioner Tuley: Not to exceed. I'll second.

President Jerrel: So ordered.

**Simms Painting Company - Contract for VC9803**

President Jerrel: The next item on the agenda is a contract that we just simply need to approve. We've approved it, but we haven't signed...we didn't have this contract to sign

for Burdette Park painting of the office building.

Commissioner Mourdock: I'll move approval of contract VC9803 between Simms Painting Company and Vanderburgh County for Burdette Park.

Commissioner Tuley: Second.

President Jerrel: So ordered.

<p style="text-align: center;"><b>Great Lakes Athletic Trainers Association Agreement to reserve Auditorium</b></p>
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President Jerrel: The next item on the agenda is the Great Lakes Athletic Trainers Association and this is kind of a fun thing to do.

Commissioner Mourdock: This may be the first?

President Jerrel: It may be the first we've done.

Commissioner Mourdock: We have before us, as you said, the Great Lakes Athletic Trainers Association a reservation of the...it doesn't say it this way, but the newly rebuilt, revised Evansville Auditorium and Convention Center and that is for their 2002 convention.

President Jerrel: March, did you look at that?

Commissioner Mourdock: Yeah, March 13th, 14th, 15th, 16th, and 17th in the year 2002. Who says we don't look into the future?

Commissioner Tuley: I will second.

President Jerrel: I'll say so ordered. Just for your information, Larry Aiken did send a request for a number of dates for 1999. Several Broadway shows and also Welborn's dinner and the program that they have annually, so those things...I've faxed all that over to Dolli Kight to include in the calendar, so we're booking.

Commissioner Tuley: Good.

Commissioner Mourdock: That reminds me, Tony, you and I have had some E-mail back and forth regarding an update from Veazey Parrott & Shoulders and Industrial Contractors.

Tony Greubel: They're going to come a week from tonight.

Commissioner Mourdock: A week from tonight, okay.

President Jerrel: We're also...I might just ask the County Attorney, since we're on this subject right now, are we getting nearer to having a request for proposal ready for The Centre's management?

Joe Harrison, Jr.: I'm working on a draft and I will get a copy of that over to all the Commissioners, at least a preliminary draft. If you have any thoughts and other

suggestions and I'm also talking to two groups that might be able to assist us in a consulting way in connection with this. As soon as I get some more information from them as to whether or not they're willing to assist and for what price I will contact you all and give you that information, but I have had contact with two groups up in Indianapolis.

President Jerrel: Just to point out, you remember the program we approved sharing the costs with the Convention & Visitors Bureau, it was beautiful? Well, Joe Harrison has done a color copy of that from their printer over there, so if we get ready to send out RFP's the people that get them will see the sizes of the rooms and, you know, a pretty good description of what it will look like when we're ready to open.

### **Appointment of local health officer**

President Jerrel: Okay, Health Department. This is a renewal.

Commissioner Tuley: Just a reappointment isn't it?

Commissioner Mourdock: Yeah, a reappointment of Dr. John A. Heidingsfelder as our Indiana State Department of Health Local Health Officer and I make that as a motion.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Discussion regarding National Institute of Criminal Justice**

President Jerrel: Next is Commissioner Mourdock, we have a little discussion on the forum that was held last week for the Criminal Justice System.

Commissioner Mourdock: Very briefly and if you know...oh, I'm sorry, Charlene. As you know, I was out of town last week when the National Institute of Criminal Justice was here to host their forum. Bettye Lou attended and I appreciate the summary minutes of that meeting. The long and the short of it was, I think, the summary of the two experts was very positive. They basically said that the committee that this body formed seems to be on the right track as far as facing up to a lot of the issues. As you know, they were looking at the problem more than being simply the jail is overcrowded, but looking at it from the point of view of what is a long-term fix. Several of the suggestions that they made in a private meeting that I had with them, and I think they reiterated these at the public meeting, dealt with where do we go from here and the two things they suggested as being first and foremost number one was that we perhaps work to mold what we've somehow come to designate as our Blue Ribbon Commission to be not just a temporary body, but somewhat of a permanent body so that it continues to have the oversight function to work with all the different people involved in the jail and criminal justice issue and as such perhaps even put a different name on that as a criminal justice committee or something quasi official sounding. That's point number one. Point number two was that we work to broaden that committee to have some more stakeholders, if you will. Not just the people who have the financial and managerial interest that we've had in the past, but have some other people on there who may represent different parts of the community. The present plan is that they will be reporting probably at the end of the first week in July. They're going to submit a written report to Sheriff Hamner. He has told me he will provide it immediately over to our office and we can make copies and get it

out to all of the jail committee members with the thought being that they'll have it a week and then we'll reconvene the Blue Ribbon Commission so that we can take all that into context. That's kind of the long and short of it and open to comments as far as where we go and how we get there.

President Jerrel: Just aside, Mr. Cushman suggested that someone work as staff for this committee. In other words, he said the committee would collapse under its own weight if they didn't have some assistance. You know, throughout the whole program there was this general thread that there is a lot of turf involved, so you have to find people that other people can have confidence in and trust and so that is something that they suggested that you see and we could use existing people in...maybe someone from the court or some of these offices and he also suggested that we keep the facilitator, not for every meeting, but that has proven to be successful so if we're interested in that then we certainly ought to request some small amount of money to be kept in our budget for that committee. So I don't know what that might be, \$4,000 or \$5,000, but for research. He said our biggest need is to not make a decision without a firm basis of facts that relate from the moment of arrest through the prosecution decisions, through the court decisions, through the bonding process, through the Sheriff's Department and we don't have any data and he recommended more discussion among all of the players.

Commissioner Mourdock: I guess my only question, and I fully agree, I think it is worth a line item somewhere in the budget as far as how we set that committee up. I think \$5,000 might be a little bit lean, but I personally think maybe \$10,000 for a year. Try that. There is...and they made this comment during the private meeting and I suspect they made it publicly as well that we really even though we have tried to look at it a couple of times from the jail commission point of view, we really don't have a good handle on who is in the jail on any given day as far as what the demographics are as to who is in that jail. A big part of their push was that until you know the who you're not going to get to the how. How can you begin to deal with the problem effectively if you don't know who it is you're dealing with. I agree and concur that we need a line item to begin to get that information and also even if we use a facilitator only one meeting in three or something to work this through, a particular problem, I think that approach has been very, very helpful. They were hoping to talk with Dr. Ellspermann who has done the facilitation. I don't know if they...did they mention during the public hearing, did they get to do that?

President Jerrel: I don't know, but I gave them her phone number and address and how they could reach her. The statistical part is what they recommended that we update. These were the latest numbers they could get. That's...they're going to put this in probably a better form, but this is what they put on the board and it is interesting when you look at the surrounding counties. It's food for thought.

Commissioner Mourdock: Yeah.

President Jerrel: That needs to be updated. I had more in mind, when I said \$5,000, to get us through the rest of this year.

Commissioner Mourdock: Oh, okay.

President Jerrel: We don't have any money in any account.

Commissioner Mourdock: So for half a year we may be thinking about the same then anyway, \$10,000 per year.

President Jerrel: Well, how do you feel?

Commissioner Tuley: That's fine and I think it is important by virtue of the fact as soon as you formed the committee we saw what happened to the jail population.

Commissioner Mourdock: Yeah.

Commissioner Tuley: I think, and I don't have a copy of it with me, but I think one of the things that I had in my initial letter when we started talking about this was a way to continually monitor this so that we don't get back in the same situation that we're currently in and I think part of that was from the time of the arrest until the release, so it sounds like we may have already had some ideas among this Board that you guys have just expanded on in the committee that you've got and then all they've done is reinforced that we're in the right process.

Commissioner Mourdock: Yeah.

Commissioner Tuley: And I think that is important.

Commissioner Mourdock: You know, I know there were a couple of people who raised questions about the statistics that they presented and that's fine, but it still...the comments that were made, I think, really hit home that as you just said, Pat, something has changed since the committee started. We've got fewer people in there and I think there is no one person, no one body can take credit for that because I think a whole lot of people are doing things maybe just a little bit differently.

Commissioner Tuley: Yeah, I agree.

President Jerrel: They used the expression, it helps to shine a light on the whole process. From that shining of the light that better cooperation and understanding will come.

Commissioner Tuley: That's probably true.

President Jerrel: That's not my quote. That's theirs.

Commissioner Tuley: I know.

President Jerrel: We could go on Council Call...we can't. We're too late. Today was the last for June, but if we approve that we could go on next month.

Commissioner Mourdock: I would move that we shine the light on a \$5,000 line item beginning in...well, it would actually show up in August.

President Jerrel: Right.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. What, contractual services, Tony, would that be the best? Is that what you used before?

Tony Greubel: That's what I have been using to pay Sue Ellspermann.

President Jerrel: Okay.

**DMD - Resolution regarding 12125 Old Henderson Road**

President Jerrel: Okay, I left out number I, I knew I did.

Commissioner Tuley: Okay.

President Jerrel: Metropolitan Development, we have an approval of a resolution to establish an offering price and this is part of our flood mitigation.

Commissioner Mourdock: Right, I'll move the approval of the resolution to establish offering price for real estate at 12125 Old Henderson Road. I thought we had a remonstrator there for a second.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**First reading - Ordinance to amend speed limits**

President Jerrel: Item K is the first reading of the ordinance to amend Chapter 10.16 code of ordinances. This relates to the speed limits and our County Engineer is here and he is the one that has prepared this. I think Tony has received a fax today from a citizen that wished to express--

Tony Greubel: Give their opinion.

President Jerrel: John, do you have a...we just got it.

John Stoll: Just looking at these ones that are marked here these aren't ones that we are revising at this time. Those are ones that have been in this ordinance for quite some time. I'm not sure when they were established, but these aren't ones that have been changed as a result of this latest revision of the ordinance.

President Jerrel: Is there anyone that would like to ask any questions in the audience or that have any information they would like to contribute to the speed limit schedule?

Commissioner Mourdock: I will move approval of the ordinance amending Chapter 72, Schedule I of the Code of Ordinances of Vanderburgh County dealing with certain speed limits on various streets as indicated in the packet.

Commissioner Tuley: Second.

Joe Harrison, Jr.: You'll need a vote on that.

Commissioner Mourdock: Yeah, we'll need a roll call.

Commissioner Tuley: It is a roll call.

President Jerrel: Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

**Public hearing - Encroachment request on Boyle Lane**

President Jerrel: The next item on the agenda is the public hearing regarding the encroachment hearing regarding the encroachment request on Boyle Lane. That's what those of you are here for. Mr. Easley.

Andy Easley: My name is Andy Easley. I'm here on behalf of Mr. and Mrs. Bengert. I believe we submitted a sketch and a letter. Mr. Bengert is being required to construct an eight foot high fence around his lot where he stores automobiles that have to be stored in conjunction with his towing service, wrecker service. In order to adequately enclose the area we need to encroach as much as 15 feet into a 100 foot wide right-of-way on Boyle Lane. As we stated in the letter, this will put the fence as much as 35 feet from the center line of Boyle Lane which is a two lane road. It will still be over 20 feet from the edge of the pavement. If Boyle ever needs to be improved, which is rather unlikely, they agree to move the fence at their expense. We would like to have a temporary encroachment permit.

Joe Harrison, Jr.: Mr. Easley, with regard to that what sort of provisions would your client make with regard to indemnifying and holding the county harmless for any injuries or damages sustained by third parties in striking the fence?

Andy Easley: Well, when this is done in the city we've never been asked to do anything like that. There are plenty of trees and power poles in the right-of-way and I don't think people that own trees or power poles or mailboxes have to do anything like that. If absolutely necessary, he would sign some kind of indemnification agreement, but it seems a little unnecessary in my opinion, if I may say so.

Joe Harrison, Jr.: Okay, what about the possibility of listing the county as an additional insured with regard to any general policies of insurance that he may have? Would he be willing to do that as well?

Andy Easley: Well, that would cost him so much a year. Again, Dick, I really, you know-

Joe Harrison, Jr.: I'm just asking.

Andy Easley: I don't think it's really necessary and I think it's an unnecessary expense on his part to do that.

Commissioner Mourdock: Allow me to ask you a question, if I may. Here's my word consistent. On the other...what was it? About three weeks maybe a month ago we had some other folks in on Boyle Lane. I presume it was the other side of the road from this one.

Andy Easley: Yes.

Commissioner Mourdock: Did we not make those requests?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Did they agree to those requests?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Okay. So to be consistent and quite honestly I don't know that it's a big deal, either an expense or inconvenience or anything else, but I do like to see us be consistent, obviously.

Andy Easley: Well,--

Commissioner Mourdock: Before you say something, Andy, let me just think through it. Were they doing essentially the same thing? They were putting up a fence and possibly a sign or something.

Andy Easley: Quite an extensive fence.

Joe Harrison, Jr.: Yes, it was still a fence. There may be others that may want to comment on this issue, but that was required before and I just wanted to toss that out and let the Commissioners decide what they want to do with regard to the request. We can go from there with it.

Andy Easley: You know there are a lot of things in the right-of-way and if people run off the road and lose control they're going to hit it. They used to hit a garage that was in the right-of-way or near the right-of-way out north of Darmstadt until we put the curve in out there. I can't imagine that the county has been sued very many times in the last ten years because somebody hit something that's in the right-of-way, but--

President Jerrel: Amazingly we just got something this week.

Andy Easley: Well, if you have to make that a condition, I think he would probably agree to it but reluctantly and with a mild protest.

Commissioner Mourdock: Well, I suppose I could say your argument just made it a moot point. If it's a moot point you ought to go ahead and agree to it, but our point of view, obviously, if somebody swerves off the road and hits something it's probably not your liability, it's not ours to get it replaced. We just don't want to have somebody come back and say that it's because they hit something that shouldn't have been there that the county is otherwise at risk. As far as being listed as an additional insured something like that is usually not a cost item.

Andy Easley: No, it's not that much.

Commissioner Mourdock: Again, I just like...the times I feel most uncomfortable on this side of the desk is when people come in say, well, you did it this way yesterday and now you're doing it this way today, so I would like to see us be consistent.

Joe Harrison, Jr.: The other issue, and you probably understood this, but if down the road the county wishes to widen the road and would have to have the entire width of the road that the fence would be either removed by us or by you, but not at the county's

expense and we would not be responsible for paying any costs whatsoever to you for that purpose.

Andy Easley: That is correct. He would agree with that or let that be a condition of the permit, certainly. I think John Stoll said...or it was my understanding that the Commissioners even felt that perhaps it might...someday they might even vacate Boyle Lane, so the chances of it ever being improved there is only about three or four property owners on the street.

Joe Harrison, Jr.: Sure.

President Jerrel: Before we do anything further, is there anyone here that wishes to speak to the Boyle Lane vacation of that property for the fence? Are there any other questions from the Commissioners? Is there a motion?

Commissioner Tuley: I'm sorry, but I have to agree with Richard that, you know, this is something that this word consistent that he likes to throw out there and use is what we try to do. We just did this three weeks ago, Andy.

Andy Easley: Okay.

Commissioner Tuley: I have to agree with you.

Commissioner Mourdock: Well, upon the condition of being named as a co-insured, with the condition that if, in fact, the fence ever needs to be removed it would be done at your cost, and with the condition of--

Joe Harrison, Jr.: Of indemnifying the county and holding us harmless from any actions resulting from a third party striking the fence.

Commissioner Mourdock: With those conditions I'll move approval of the encroachment request on Boyle Lane as submitted this evening by Mr. Easley.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Andy Easley: Thank you very much.

**Any group or individual wishing to address the Commission**

President Jerrel: Okay, at this time is there anyone here that wishes to speak to the Commission on any issue?

**John Stoll - County Engineer**

President Jerrel: Okay, moving on, County Engineer.

John Stoll: I've got a sidewalk waiver request for Waterford Plaza Subdivision. This will be a commercial subdivision located between Vogel and Oak Grove just west of Burkhardt Road. The new streets that will be built in it will tie into Oak Grove Road and Tudor Lane and also there will be a connection out to Burkhardt Road. The developer

is asking for a sidewalk waiver due to the fact that there aren't any other sidewalks in that area, in any of the commercial subdivisions out there.

President Jerrel: This is your recommendation also?

John Stoll: That it be approved, yes.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move the sidewalk waiver request.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item that I've got is a recommendation to award contract number VC9804-03 to E & B Paving in the amount of \$243,961.27. E & B was the low bidder on the project.

Commissioner Mourdock: I'll move approval of the award as recommended by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: I have a question. Is this in the ballpark?

John Stoll: In the ballpark?

President Jerrel: That you thought it would be?

John Stoll: It's \$5,000 less than what our estimate was.

President Jerrel: Okay, alright. Motion, second, so ordered.

Commissioner Mourdock: Good estimate and a good bid. That's the one that was only what...\$800?

John Stoll: Yes.

Commissioner Mourdock: On a quarter of a million?

John Stoll: Right. Next I would like to go before County Council to transfer \$126,000 from the Seminary Road Bridge Number 1961 account to the Other Contractual Bridge account. This is to cover the cost of a culvert that we have found that needs to be replaced. The bridge number 1961 does not currently call for replacement according to the current inspection report. They are estimating they'll have another three years before it needs replaced and this other culvert on Seminary that needs replaced is in more immediate need.

President Jerrel: Before we have a motion on that, I did drive out and look at the culvert that was...you know, the one we had. The bridge that--

Commissioner Tuley: On Old Henderson.

President Jerrel: Yeah, on Old Henderson and they used a culvert and that has worked out nicely. Quicker than we thought and everybody is happy.

Commissioner Mourdock: Okay.

Commissioner Tuley: That's a switch.

President Jerrel: Well, I think this will be a similar...isn't this a similar replacement using-

John Stoll: This may end up being a bridge when it is all said and done. It's a large culvert that by the times the slopes are brought back when the new culvert or bridge is installed the length may make it a bridge by bridge standards which is 20 feet in length, so I'm not sure on that as of yet, but it very well could end up being a bridge rather than just a culvert like the one on Old Henderson. We've got a couple of other spots on Old Henderson Road where a culvert installation may be appropriate and remove the bridge, but we'll get back into at least one of those by the end of the year.

Commissioner Mourdock: At this point your Council Call request is basically for the engineering to review and take a look at it?

John Stoll: Tim and Valerie have already started doing the surveying and they'll start on the design here any time. The \$126,000 would basically be taken from the bridge account because the bridge...a different bridge does not need replaced and then we can use that money towards this culvert replacement.

Commissioner Mourdock: Okay, I'll move approval of the Council Call.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: I've got a breakdown of Beam, Longest and Neff's cost estimate on the rehab of the Heckel Road bridge for your information. The next item I've got is an update on the projects. On phase one of Burkhardt a substantial amount of the concrete work out on the Lloyd Expressway has been completed. The new traffic signal at Lloyd has been installed. The gas line out on the south end of the project has been relocated and the contractor is now starting to do some ditch work, getting the ditch in its final condition and putting the rip rap in. On phase two of Burkhardt the box culvert installation is completed and the contractor started filling the ditch, but they've not made much progress on that as of yet because of all the rain. On Lynch Road the Oak Hill and Lynch intersection asphalt paving was completed today. The repairs out at the Green River intersection were started today and as of the middle of the afternoon they weren't complete when I talked to Bernardin Lochmueller's representative on the job, but that was under way. He said about 75 percent of the signs had been installed. The signal work will start yet this week. Pavement markings will be installed sometime in the near future. They've got to repair or replace a couple of the concrete slabs out there on the new road. They're cracked and need replacement, but once that has been done then the striping can be placed. As of now there are 22 work days left in the contract. On the Cross Pointe and 62 project not much has taken place. The only thing significant that has occurred is the interconnect agreement between the railroad and INDOT has been revised by the railroad and forwarded back to INDOT so maybe that will get signed off on sometime here in the near future.

President Jerrel: John, what's happening with the agreement with Warrick County that they voted to enter into an agreement on the Lynch Road extension?

John Stoll: I saw that in the paper that they had signed off on it, but I don't have a copy of it back as of yet. That was the one that Joe and I had worked on to cover all the reimbursements for the right-of-way engineering and right-of-way services costs.

President Jerrel: I guess that's what I'm...we need to decide, you know, and our contract needs to be in place and am I correct that we will pay those costs out front and then whatever share belongs to Warrick County they will reimburse us?

John Stoll: Right. The agreement with Bernardin Lochmueller for that was around \$93,000. The way the agreement was set up, the actual cost for each of the Warrick County parcels would be invoiced to Warrick County and they would reimburse us and then we quietus the check back into our Lynch Road accounts. The way we kind of see that progressing would be that they would be able to start on the interchange right-of-way parcels first so that way if there was some additional money that came available we could at least get under way with the interchange construction.

President Jerrel: What this does is complete part of that transportation improvement program that is in the current plan that Rose has submitted and if we get this finished and manage to get some ears up there to listen to us they could come up with the 80 percent and we would be ready to move. Okay,--

Commissioner Mourdock: Before we leave that subject, what else should we be doing right now to speed that process along?

John Stoll: The right-of-way acquisition will be the next step, so the next thing we'll have to do would be sign an agreement with the consultant to go ahead and pursue the right-of-way acquisition. Once we get that signed, then they can go ahead and start the appraisal work and start letting us know how much it's going to cost us to get all that right-of-way acquired.

Commissioner Mourdock: When do you expect us to be doing that?

John Stoll: I would assume that if Warrick County has signed off on that interlocal agreement that we would be seeing that sometime soon, so we'll have to get an appropriation in place before we can sign the agreement.

President Jerrel: Ninety-three--

John Stoll: No, I take that back. There is money in the Lynch Road account to cover that--

President Jerrel: Yes.

John Stoll: --so we could proceed with that immediately once we know that...once we have a signed copy of the interlocal agreement.

President Jerrel: John and I spent an hour on the phone the other day and we went through budgeting plans for the next three or four years, but I think we'll be able to accomplish it.

Commissioner Mourdock: Can we plan on taking action next week then to hire an appraisal firm to do that?

John Stoll: We won't hire the appraisal firm directly. The consultant will take care of all of that. That's part of the consulting agreement.

Commissioner Mourdock: So hire the consultant.

John Stoll: Right.

President Jerrel: I think the other issue, we have some property out there that has already dedicated right-of-way.

Commissioner Mourdock: Right.

President Jerrel: We need to fold that into the mix so that it won't cost us anything, but it is ready. Okay, well, Tony, don't forget to put that on the agenda next week.

Joe Harrison, Jr.: That's assuming we get it back. I mean, I am pretty certain we'll have that. John, can you call and get that?

John Stoll: Yeah, I'll get in touch with their engineer and find out.

Joe Harrison, Jr.: Hopefully we'll have the interlocal agreement. At least we can get that signed.

President Jerrel: Right.

Commissioner Mourdock: Okay, well let's just stay on top of this one, obviously, because if we can get a consultant hired and start doing all that work to get the properties put together that will speed the process along.

John Stoll: Right, and I've got the agreements already.

President Jerrel: Just a comment. Rose has...you know, throughout the state they have a lot of areas that aren't ready with projects and they do have almost twice as much money as they had before. I mean, at least it's gone from three hundred and some odd million to six hundred and forty or fifty million, so if we can move quickly enough I think we can be in a very auspicious mode and we need to...John, another thing we need, that Fifth Avenue bridge.

Commissioner Tuley: I was going to ask Rick and John about that.

President Jerrel: Oh, okay.

John Stoll: Yeah, it's closed again for patching.

Commissioner Tuley: We've been told it has got a rather large sized hole in it.

John Stoll: Right.

Commissioner Tuley: So we've got it closed now?

John Stoll: Right.

Commissioner Tuley: And the patching will hold it until...hopefully?

John Stoll: I'm not sure what the time frames are.

President Jerrel: I wish you would get a picture of that hole and let me have it. I'm going to make a...I'm going to take it up there. They've got bridge money. I know it's tight. I know all counties have needs, but that one is big enough to run a motorcycle through.

John Stoll: It probably wouldn't fall apart as bad as it always does except for all the overweight trucks disregard the posted weight limits on there and--

President Jerrel: Tear it up.

John Stoll: --beat it to death.

Commissioner Mourdock: John, what you gave us a moment ago, it doesn't say which bridge this is for.

John Stoll: Oh, that's Heckel.

Commissioner Mourdock: I thought that was the case, but I wasn't sure.

John Stoll: Yeah, that's the rehab cost on Heckel.

President Jerrel: Okay, do you have other...?

John Stoll: That's all I have.

President Jerrel: Are there any questions of John?

Commissioner Tuley: No, Kratzville, that bridge was all.

**Rick Dickinson - County Garage**

President Jerrel: County Garage.

Rick Dickinson: He was talking about Heckel, Stan started working on it today and he jackhammered a bunch of stuff out. I'm not sure what the engineers and Stan had planned on this, but I guess they're...what are you guys going to do, jackhammer that out and just patch it?

John Stoll: Right.

Rick Dickinson: There is a hole. I mean a hole all the way through it.

John Stoll: Just patch it. It's going to be another band-aid on a series of band-aids out there on that bridge, but given the fact that we don't know when money might become available it just needs some more temporary patches on there. Like I told Milton and Dave Franklin when I was talking to them this morning, since we don't know when we might get funding on it the best bet might be to get whatever we think might deteriorate over the winter patched and hopefully not be out there again yet this year.

President Jerrel: It would be nice to have a picture of that hole.

Rick Dickinson: I'll get one tomorrow.

President Jerrel: Would you?

Rick Dickinson: Yeah.

President Jerrel: That would help.

Commissioner Tuley: It might help us up at state.

President Jerrel: That's what I mean. I would like to have something with me. You know, everybody has got a story about something that needs fixing, but I like showing them.

Rick Dickinson: This is...you could almost put your car in it.

President Jerrel: Yeah.

Commissioner Tuley: That's what we were told.

Rick Dickinson: By the time they get done jackhammering it out and making it ready for the patch it's going to be a good sized hole.

President Jerrel: Do you have any questions about the updates on the ditching and the paving?

Commissioner Mourdock: No. I've look at the--

Rick Dickinson: The paving is going pretty good as far as the weather is which we'll work a day and off two days because of rain and work a day. After this month we're going to start seeing a little better progress in that.

Commissioner Tuley: Equipment holding up okay?

Rick Dickinson: Huh?

Commissioner Tuley: You don't have any equipment problems?

Rick Dickinson: No, it's holding up real well. As a matter of fact, on the last couple of rain days we had CMC or whoever we bought that paver from, he's come down and they've serviced it and cleaned stuff that you can't really reach, you've got to take off and clean it. Right now we're in real good shape with the paver.

President Jerrel: Is there a motion to accept?

Commissioner Mourdock: I'll move acceptance of the weekly County Garage report.

Commissioner Tuley: Second.

President Jerrel: So ordered. Any other questions? Thank you, Rick.

Rick Dickinson: Have a good night.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: I have one other item that wasn't talked about earlier. There was a bill submitted by the Engineer's Office for the county to pay to Burkhardt Crossing Partnership regarding engineering cost expended by Burkhardt Crossing Partnership in connection with the Oak Grove area off of Burkhardt Road. The amount to be paid by the county is \$15,000 for the work done by Morley, although the actual invoice submitted by them was higher than that, but the \$15,000 figure should be considered by this Board and then that relates to an agreement back to 1996 with Burkhardt Crossing Partnership in connection with an inducement to perform certain engineering costs for that project. So I would ask that you give that consideration and approve that claim that was submitted to you all.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The other thing out on Burkhardt Road and Lloyd, we've been working with Williamsburg and we're close to a settlement regarding the payment for a perpetual drainage easement and I believe three temporary easements and I hope to have that document to you all for consideration either next week or the following week and the price that the county will be paying is consistent with...a little bit higher than our original appraisal, but given the fact that they've already let us in the property, they gave us right of entry, it's a reasonable figure and it will allow us to proceed quickly and there will be new fencing put up on the south side of the Lloyd Expressway along the Williamsburg property and hopefully that will all be done yet late this summer or early fall. I'll get that document to you. I'm working with counsel for the other side and hope to have something within the next week or two. That's it.

President Jerrel: Okay, any questions?

**Superintendent of County Buildings**

President Jerrel: Next item on the agenda is Superintendent of County Buildings.

Tony Greubel: I filed three appropriation requests today on behalf of the Commissioners. One was \$15,000 for jail maintenance, then we filed \$2,500 for examination of records, that was in the red and then I filed for \$36,000 for the Southwest Mental Health line item because we didn't have the exact assessed valuations last year when we did budget so this brings us even for that and that's all.

President Jerrel: Okay, thank you. Speaking of budgets I really need to share information with you and I'll try to get it to both of you this week. I worked with Leslie today on all of our joint budgets and, you know, it is hard to get all of that to coincide. Sometimes you have to give a guesstimate of what you think it is going to be if it hasn't been turned in. All of our outlying budget issues are also in the mix, but Tony and I have been working on ours. I would say it's two-thirds finished and I'll get that information to both of you so you can take a look at it and then we can submit it in a timely manner to the Auditor.

**Gary Hohman - Burdette Park**

President Jerrel: Okay, Burdette Park.

Gary Hohman: Yes, I think you have the package there before you. The only additional information that we would have would be to provide you with an update of our construction project regarding fibreglassing the pool which I'm sure everyone has been receiving some comments or telephone calls regarding. We're just like the road department, weather is playing tremendous havoc with this project. If Mother Nature will give us four days of working conditions we could have the pool open on the fifth day.

President Jerrel: Well, I know it's a problem. I could have cried at Burkhardt and the Lloyd when they had it all dried and ready to pour cement and now it's a lake out there, so I'm sure that's true of our Burdette Park also.

Gary Hohman: The type of working conditions that the contractor is involved with not only does the rain come into effect, but also relative humidity once it reaches 80 percent level the moisture content starts coming up on the pool surface and they've had to call off a couple of nights of work due to inconducive working conditions for the application of this fiberglass process.

President Jerrel: Gary, could you based upon this experience that you're going through, could you develop a reasonable schedule that you would see us using next year if we wish to do the other pool so that we pick a better...you know, we get more timely control? I know it can't be too cold to do it either.

Gary Hohman: Right, you've got weather conditions that are involved on both ends of this particular process. Steve and I were discussing this same situation this morning, as far as an exact number of days or time element. We were anticipating that if the contract was up and available to be presented to a contractor sometime the middle or latter part of January and then a timetable that he was involved with some type of monetary descriptions being placed on any and every date beyond that we would like to try to put into effect.

President Jerrel: I think we would like some recommendations from you. As a point of information, I have given Gary the application for Build Indiana Funds. I met with some of the legislators and Commissioner Mourdock also was there and spoke with them and Venita Becker faxed it to me today and I just passed it on. As I read it, it reads that a taxing unit needs to do the application. I mean, I think we need to apply for Burdette.

Commissioner Mourdock: Okay.

President Jerrel: Are there any other questions of Gary?

Commissioner Mourdock: No, just your follow-up on your comment about the other pool and the other work that needs to be done, is there anyway possible that could be done this fall? I mean, is that...

Gary Hohman: Uh--

Commissioner Mourdock: Let me rephrase that, Gary. What I am saying is once we get the other pool open, could we go ahead and shut that one down early, maybe before we would otherwise plan to and use that time during the fall so at least we wouldn't have this

same problem next year? Maybe...don't worry about answering it right now, but please consider it.

Gary Hohman: I think there is enough time element from the first part of the year into the normal Memorial Day opening time for a contractor to complete this project. From what I have been able to ascertain from Steve, the contract on this project that we're going through now the contractor didn't have it until sometime in May, April or May, and by virtue of having it available to them in January, some of the preliminary work as far as the sandblasting preparation can be done regardless of weather issues, but the other application process would be dealt with as far as regarding the temperature and climate conditions and so forth.

Commissioner Mourdock: Okay.

President Jerrel: Okay, are there any other questions? Thank you very much.

Commissioner Tuley: Thanks, Gary.

Gary Hohman: Thank you.

### **Consent items**

President Jerrel: Under the consent items, are there any questions?

Tony Greubel: You might want to add the request for appropriation from Burdette Park. They faxed it in this morning.

President Jerrel: Oh, oh yes. Thank you very much. There is a request, and this is the \$50,000...I don't have it here, but I can speak to it.

Commissioner Tuley: Here it is.

President Jerrel: The \$50,000 part-time employees and that money comes from the revolving account that they have raised that money and it will actually...while it's appropriated in the other money will come back into the General Fund, so you might want to make a motion to approve that Council Call by Burdette.

Commissioner Mourdock: Okay, I'll move approval of the consent items including the last minute request for Council Call from Burdette.

President Jerrel: Yeah, thank you very much.

Commissioner Tuley: Second.

President Jerrel: So ordered. I had forgotten that.

### **Scheduled meetings**

President Jerrel: Under...you have your scheduled meeting list.

**Old business**

President Jerrel: How about old business?

Commissioner Mourdock: I know this is both old business and scheduled meetings. We've spoken several weeks ago about taking a longer term look at US 41 and some things out on the west side and just as an update the people from the Area Plan Commission, Engineering Department, EUTS and I and if either of you would like to join us we're going to meet this Wednesday at, I think, 4:00 or 4:30. Something like that. Hopefully after this meeting I may be able to report back to the Commission as a whole with some maps and kick those discussions around.

President Jerrel: Is it possible you could do that next week? I think we need to...with the budget coming up it would be nice to be able to move on--

Commissioner Mourdock: Sure, that was kind of the intention of why we're moving as we are and they just wanted to have a preliminary look at these maps before they bring them to us as a whole.

John Stoll: We did meet again briefly last Friday morning to go over the maps. They have been prepared. There are some changes, but once we get a chance to look at them then after Wednesday we'll know what final changes will be necessary. I don't think it will be a problem.

President Jerrel: You may speak a little bit about the interchange, the Lynch completion, at your meeting because all of this has budget implications and it may be budgeted next year, but it may need to be encompassed in a two year plan and there may be money available this year that we can utilize for some of these, but I would like your direction.

Commissioner Mourdock: Sure, the discussion thus far that we've had has been strictly 41 and the west side. We haven't look at...at least I wasn't at the meeting on Friday, but at the prior meeting we weren't looking at Lynch, but your thoughts are--

John Stoll: At Friday's meeting we weren't either. It was mainly just a review of where we had conceptually sketched roads out on North 41.

President Jerrel: I certainly don't mean to move that in front of the Eichkoff/Korressel or whatever else you're looking at. It's just that is an 80/20 spot and any of those that we can have ready would be to our advantage. Do you think maybe Monday we could...?

Commissioner Mourdock: I'm hoping that next Monday we'll have...John, you suddenly had a look of terror in your face.

John Stoll: The only thing I don't know about is any kind of drafting time on Barbara's staff to revise the maps. That's the only unknown as far as I'm concerned.

President Jerrel: You could maybe ask her...call her in the morning and tell her we would like to do it Monday.

John Stoll: I told her that last Friday when we met as well and there weren't significant changes required on the maps, but I'm not sure how often her draftsman is in her office.

Commissioner Mourdock: I know she is not going to want to do the full-time drafting until we all take a look at it when we're in one room together to bounce things off of it. We can try for that.

John Stoll: As long as there are no significant revisions though, we should be okay.  
President Jerrel: Okay, any other old business?

<b>New business</b>
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President Jerrel: Any new business? If there is no further...is there a--

Commissioner Mourdock: One bit of old business. We didn't get our letter, or at least I haven't seen it, from Marco DeLucio, however, I did get some comments the other day from people at Azteca that felt very good about the situation. They felt things were improving and were saying that they hadn't been noticing any particular smells in the air, so to the best of my knowledge Azteca has been very much on the schedule they've given us. They've run a little bit behind with the gas burner collection system, but it seems that their system is starting to work.

Commissioner Tuley: Let's hope.

Commissioner Mourdock: Let's hope, yeah. It's good news to report.

President Jerrel: Okay, is there a motion to adjourn?

Commissioner Tuley: So moved.

President Jerrel: So ordered.

Commissioner Mourdock: Second.

The meeting was adjourned at 6:35 p.m.

**The meeting was reconvened at 6:36 p.m.**

President Jerrel: Okay, this meeting is officially reopened.

Unidentified: Okay, this is concerning the jail.

President Jerrel: Okay, would you want to give us your name?

Linda Bell: Linda Bell.

President Jerrel: Okay.

Linda Bell: My son has been incarcerated in there for about six weeks. I've had to...he needs medical help. My son is manic-depressive bipolar. Southwestern was sent over there. They talked to him through the little hole which is not very big. They said we can't give you medicine, so I asked...I left money for the doctor to give him medication. He put him on elavil which is not what he needs for manic-depressive disorder. They jerked him off after two weeks. He tried to commit suicide the next day. He has been in the suicide cell. He had tried it two times in there. He just now got a bath this morning after me complaining. He hadn't had one since last Saturday. He does not get one daily, he

does not get to brush his teeth. My concern is that is my son, my only son. If this continues...the judge has set such a high bond when he has not even been to court yet, \$110,000. Now that is a little outrageous. I mean, me and my ex-husband got up \$11,000 and tried to get him out this weekend so he can get the medical help. Unless these bondsmen, which are making a fortune off of people...why can't these judges set cash bonds, you know? The bondsman keeps that money. That is surety money. You get none of it back. They won't even do it unless you have a house with equity of \$80,000 in it. Now that is a little...I'm upset with a lot over his medical condition. People don't believe me. I have talked to Brad Ellsworth. He has been very nice to me. In fact, he went up there today to check on him. My son is very unruly without medication. He has been diagnosed in the jail in a severe depression. I have been through a severe depression, I know what it does to you. You're not nice to people. You don't care if you live or die. He has a child coming in five weeks, a new baby. He has a three year old out there, but because of this bond situation he's not going to see that baby. His attorney has already stated he is not medically able to even go to court, so if he can't go to court on July 27th he is going to continue to sit in there. For how long? I mean, it's not helping him. I mean, you know, I know they get out here and they do wrong, but I thought the legal system was innocent until proven guilty. It has worked the opposite with him.

President Jerrel: May I make a comment, Ms. Bell? We have our minutes typed and completed in a timely manner. I would recommend that we send the minutes containing your comments to the appropriate people who have the authority to take action. As a Board we don't have that kind of authority, but we can send that information on to the judges or the prosecutor and the Sheriff's Department and that is probably all we can do, but we will get the typed minutes, and if you will give me your address I will send you a copy also.

Linda Bell: Okay, I live at 510 East Illinois. Now Mr. Becker is taking him back into court Wednesday morning to try and get this bond lowered to a decent level.

Commissioner Mourdock: Is that his attorney?

Linda Bell: Huh?

Commissioner Tuley: Yeah,--

Commissioner Mourdock: Is Mr. Becker his attorney?

Commissioner Tuley: --I assume.

Linda Bell: Yeah, you know, he has had him in there twice trying to get this bond lowered. They can't expect a person to be able to pay out that kind of money, that's not right. Thank you.

President Jerrel: Well, we will...as I said, we have no authority to get involved in those situations, but we will send a copy of those minutes.

Commissioner Mourdock: Sure, yeah.

Linda Bell: Thank you.

Commissioner Mourdock: Okay, thank you.

President Jerrel: Is there a motion now to adjourn?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:42 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Andy Easley  
John Stoll  
Rick Dickinson  
Gary Hohman  
Linda Bell  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
June 22, 1998**

The Vanderburgh County Board of Commissioners met in session this 22nd day of June at 5:37 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. The first item on the agenda is the introductions. On my far right, Heidi Schoffstall who is taking Tony Greubel's place while Tony is in Japan. He and his wife and little boy are visiting their in-laws. Next is Joe Harrison, Jr., the County Attorney; next to him is Commissioner Pat Tuley; on my far left is Charlene Timmons, the Recording Secretary; next to her is Suzanne Crouch, the County Auditor; to my left is Commissioner Richard Mourdock; my name is Bettye Lou Jerrel. I would like for you to join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Under action items, the first is the approval of the minutes of the June 15th meeting.

Commissioner Mourdock: I'll move approval of the minutes as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Certification of Executive Session**

President Jerrel: Next is the certification of the Executive Session.

Commissioner Mourdock: I'll move approval of an Executive Session which began at 4:45 p.m. on the 22nd day of June and concluded at 5:30. It dealt with certain purchases or leasing of real estate on behalf of the county and also certain county personnel matters.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Dan Hoefling, Industrial Contractors - Auditorium update**

President Jerrel: The next item on the agenda is an auditorium update. We watch it out the window every day, but this is going to be firsthand, so I would like now...Mr. Hoefling.

Dan Hoefling: Thanks for having us tonight. I'm accompanied by Steve Utley and Mike Buente and the job is going well.

Commissioner Mourdock: Excuse me, you'll need to grab the mike. Our sound system doesn't work very well.

Dan Hoefling: We have about 100 people on the job site. We've had no accidents to date and we are on schedule if not just a little bit ahead of schedule in certain areas. The designers had broken the project down into three areas, areas A, B and C, which area...Mike, if you'll show them. Area A is the meeting rooms and that's the part of the project that is furthest along. It's along Martin Luther King Drive. We've completed the structural steel and in the top exhibit is a milestone schedule. We've got a very detailed schedule which we're tracking the project, but we thought we would break it down into milestones. We are...we have completed the superstructure ahead of schedule. It was scheduled for July 6 completion. We're starting the masonry, starting to enclose it right now and pouring slabs inside on the first and second floors. We expect to be weather tight somewhere in the month of September on that part of it and complete in May of '99 on Area A. We are...Area B is the auditorium which the majority of the structural steel erection is taking place right now. We're setting the superstructure as well as the miscellaneous steel for the catwalks. We expect to have the superstructure complete October 1st and all the miscellaneous steel and concrete slabs right before Christmas of this year and then we hope to have the building weather tight February of '99 and overall completion of the auditorium by the end of September of '99 which I know there is a convention scheduled for October of '99, so things are going well. If anywhere that we're behind schedule is a little bit in the auditorium. We've been pushing our fabricator out of Indianapolis, but by the time we complete erection of that steel we'll be back on schedule. We're maybe just a couple of weeks behind there. We have broken area C, which is the exhibit hall, down into two areas. On the bottom part we've set this mechanical space, which is the building that's out there by itself, we thought we should expedite that in order to get the mechanical systems up and going to support area A, so we have expedited that. We expect area C, complete the superstructure in January of '99 and have it weather tight in April of '99 and also completion concurrent with the auditorium in September of '99, so things are going well. We have found that the majority of the construction if not all of it that was left in place has fit well with the new construction. It was a good idea to save the stage area and the areas that Veazey Parrott & Shoulders elected to save. It saved us...oh, we haven't put a pencil to it, but we are talking in the neighborhood of probably \$4 to \$5 million to the project. The new construction is fitting well with that.

President Jerrel: It's fun to watch.

Dan Hoefling: Yeah, it is. We should peak at about...with 100 people we should peak at about 250 people probably fall of this year.

Commissioner Mourdock: At the bottom of your chart on the left you've got mechanical room.

Dan Hoefling: Yes, sir.

Commissioner Mourdock: Is that a part of area C or is that the mechanical room for the entire facility? Is that heating/cooling, HVAC, for everything?

Dan Hoefling: It's for the entire facility, yes.

Commissioner Mourdock: Okay, so that's just kind of on a separate schedule from the other three areas?

Dan Hoefling: Yeah, we wanted...with the mechanical equipment being critical delivery dates we wanted to get the structure ready to receive that and begin piping all that up

inside that room. We hope to have...with area A being completed sooner than areas B and C we hope to have the mechanical systems up and going to support the completion of area A. We'll need to temper those spaces as we're installing those finishes.

Commissioner Mourdock: For area A you show that being completed, if my eyes are good enough, the 24th of May of '99?

Dan Hoefling: Yes, sir.

Commissioner Mourdock: That's absolutely complete, curtains on the wall, carpets down, everything?

Dan Hoefling: Should be.

Commissioner Mourdock: I guess my first recollection I thought it was the end of September? Or the beginning of September? Is it the end of September what the date was?

Michael Buente: The date the Convention & Visitors Bureau gave me was October 3rd to October 9th (inaudible comments made away from mike).

President Jerrel: We've had some requests for the end of September and...complete all construction by July 15, 1999 and occupy the building by August 15, 1999.

Michael Buente: That's one of the early schedules.

President Jerrel: Uh-huh.

Michael Buente: When we rebid it we had October as the date that the Convention & Visitors Bureau gave us. October 3rd was the date that was...this schedule shows--

Dan Hoefling: We're showing end of September '99.

Commissioner Tuley: In September sometime.

President Jerrel: As I said, we've got a Broadway show that has requested the latter part of September. Dolli has that.

Michael Buente: She talked to me about that and we had earlier conversation (inaudible) any Broadway show type activity or any major activity in the auditorium until the end of the year when everything is checked out. That's a very complicated part of the building.

President Jerrel: Did that get communicated?

Michael Buente: Yes.

President Jerrel: To the person that was wanting it?

Commissioner Mourdock: I have a question. Did it get communicated or did it get heard and understood? It may be two different things here, I'm not sure.

Michael Buente: It got communicated very clearly.

President Jerrel: Okay.

Commissioner Mourdock: Bettye Lou, you're saying that they had contacted--

President Jerrel: They sent--

Michael Buente: I have since heard from the Convention & Visitors Bureau, well, just last week that was the case and--

President Jerrel: Well, I wrote on there...they sent me a list of requests and I said I can sign it and send it to the Visitors & Convention Bureau, but those early dates would be subject to completion.

Commissioner Tuley: I can't imagine anybody trying to cut it that close that they would send stuff in there before it gets guaranteed of being opened or checked out to make sure everything is working. I'm not in that business, but I sure wouldn't be doing that.

President Jerrel: Well, I'll follow through and make sure. I hadn't heard any more from any of the parties, so I didn't even know this part that you're describing now.

Michael Buente: We had conversations well before and during the very first time we put it out for bid, so it's an old discussion.

President Jerrel: Okay, well I need to call them and make sure that they are aware of that.

Michael Buente: Mr. Shoulders is the one that had that discussion.

President Jerrel: Okay.

Commissioner Mourdock: Dan, what areas are out ahead of you that you think are most iffy on the schedule? In other words, if you're going to have a problem where would you most likely expect to have problems in the scheduling?

Dan Hoefling: We felt the critical part of the job was the structural steel and we have a handle on it right now. Our fabricator was falling a little bit behind in area B, but we have pushed him on and I think once we do erect the steel we'll be in good shape. With that information, you know, there are opportunities to accelerate.

Commissioner Mourdock: That's why we wanted to have you come tonight so that everybody is communicating as much as possible on this. Have you had any problem at this point, and I wouldn't have expected you to, but with all the construction going on in the area have you been able to get the folks that you need out of the halls?

Dan Hoefling: We're pretty well working our regular people over there.

Commissioner Mourdock: Ah, okay.

Dan Hoefling: So it shouldn't be a problem.

Commissioner Mourdock: Okay, when you get into finishing will that be the case as well?

Dan Hoefling: No, sir, it shouldn't be a problem at all.

Commissioner Mourdock: Okay.

President Jerrel: I know the weather was bad, but it was amazing how you all just kept working.

Commissioner Tuley: That's what I was going to say. I work, as you know, right across the street from it and you can go in at 7:30 in the morning and get back off later in the afternoon and you see how much progress and it doesn't make any difference pouring down rain or sunshine they're over there working.

Dan Hoefling: They're pretty concerned about meeting this schedule. Thanks a lot.

Commissioner Mourdock: Have you had any dramatic...that's a bad word. Have you had any change orders to speak of from where you were with the plans to what's going on now?

Steve Utey: Yes. We've had a few changes order so far. Do I have to announce myself?

President Jerrel: Yes.

Steve Utey: I'm Steve Utey with the Building Authority. To date we have change orders that amounted to \$37...I'm sorry, \$39,000. However, the first couple of change orders were...the net was in our favor, they were give backs, so the net effect is actually about \$12,000 that we've gone out of contingencies for. We have a few others that are hanging. One thing that Dan didn't mention was the work we did in area A where we had to pour all...where all the gravel is on the first floor. We ran into some problems with some foundations and that type of thing and those change orders have to come through yet. I talked with Umbaugh & Associates on a letter that I had written them a couple of weeks ago and asked them to update the projection of expenditures report that we had from December and they say that we're on target, things seem to be fine and so we should be in pretty good shape. Once...I feel like once we get out of the ground we'll know more about what we have in the way of contingencies to work the rest of the project with. We're all just waiting to see what happens there.

President Jerrel: This question doesn't really tell us anything, but I have felt that the people that parked around there and use that street have kind of adjusted. You're not getting yelled at or anything?

Dan Hoefling: No.

President Jerrel: It looks like it's working.

Dan Hoefling: It's flowing pretty good. Lots of sidewalk superintendents!

Commissioner Mourdock: Lots of supervision.

Michael Buente: I just want to say one thing.

Commissioner Mourdock: Sure.

Michael Buente: Mike Buente with Veazey Parrott & Shoulders. Just wanted to say that working with Industrial Contractors, as you said many of you have been watching the

project, there doesn't seem to be any wasted effort. They have a very efficient operation. When it's raining they work elsewhere in the existing building. We've been meeting at their request weekly. We had monthly progress meetings scheduled and yet they wanted to meet once a week, so we have been doing that. The overall feeling of the project, at least from my point of view having attended almost all of these meetings, is that Industrial Contractors is being very cooperative. There seems to be a lot of sense of pride and as Dan said, they do have the schedule in the forefront of their thoughts and their activities.

Commissioner Mourdock: Very good.

President Jerrel: Well, we hope you'll come back and give us an update later on. We appreciate the information. Is the upper one one that you use or did you do that for this evening?

Dan Hoefling: It's new.

Commissioner Mourdock: Can you leave that?

President Jerrel: Yes, I was asking if you could.

Commissioner Mourdock: Sure, that would be great.

President Jerrel: It would be nice for us to be able to show people or people ask questions about certain things. We would appreciate it.

Dan Hoefling: Thanks for having us.

Commissioner Mourdock: Okay, thank you. Look forward to your next report.

President Jerrel: Heidi, would you want to take that and we can stand it back there and then we'll have it to use. Thank you.

### **Building Commission**

President Jerrel: Okay, is there a representative from the Building Commission, the next item on the agenda?

David Hayes: David Hayes with the Building Commission. I'm a Building Inspector. I second what the gentleman just said. I've attended their weekly meetings, most of them. The number of inspections that I do in a month's time it is always a joy to go to a place that has such professionalism.

Commissioner Mourdock: You're going to spoil them now, you know that?

Commissioner Tuley: You just set up a benchmark. You guys have to stay with it.

David Hayes: Pump them up and they stay there.

Commissioner Mourdock: Very good.

David Hayes: It's your lead.

President Jerrel: Pardon me?

David Hayes: It's your lead. Do you have a copy of our--

President Jerrel: Yes, we have a copy of your memo and it concerns the demolition of structures at 2910 South Red Bank Road on the Otis Futrell property.

David Hayes: Yes, I personally have been to that property twice. It is in a dilapidated state. We work with the Health Department on obtaining the information on the owners. I collected history on it and according to the family of Mr. Futrell no one is interested in trying to save the structures. I think it would be beneficial to everyone involved to have the building razed.

President Jerrel: Okay, so I might stop at that point and you've gotten three price quotes and it would be appropriate then to grant approval for that low bid.

David Hayes: That is correct.

Commissioner Mourdock: I guess I am having a brain fade here. The property that is out there, how are we doing this as a condemnation of the county. It's on private property, correct?

President Jerrel: Uh-huh.

Commissioner Mourdock: So how are we doing this on private property at this point?

Joe Harrison, Jr.: Is this through the judgement? I'm a little at a loss, too. I know a little bit about this, but is this work relating to a judgement or not?

President Jerrel: Well, the dilapidated house and partially collapsed outbuildings need to be removed prior to the Health Departments' cleanup.

Joe Harrison, Jr.: I understand, but what is this relating to? Is this...did this arise out of a judgement?

David Hayes: No, it was an abandoned property.

Joe Harrison, Jr.: Pardon me?

David Hayes: Abandoned property.

Joe Harrison, Jr.: Okay, when?

President Jerrel: Well, it's been--

Commissioner Mourdock: Let me go backwards for a second. As far as the property that's on Futrell where the Health Department went in and did the waste site characterization, it's my understanding they did that because it was a feared health risk so under some--

Joe Harrison, Jr.: Somewhere along the line we are now in possession of the property?

David Hayes: It's my understanding.

Joe Harrison, Jr.: By what--

President Jerrel: By what authority?

Joe Harrison, Jr.: By what authority?

Commissioner Mourdock: Yeah, that's--

Joe Harrison, Jr.: That's why I am asking if it is out of some court decree of some sort? I'm sorry, I just don't have the facts.

David Hayes: I don't have that with me.

Commissioner Mourdock: Maybe we can take this under advisement then to find out.

David Hayes: Yes.

Commissioner Mourdock: Again, it's my understanding that what we did through the Board of Health when they did the waste characterization study that was seen as an emergency because there might be a health risk and they got some right to enter the property to do that which I think was fully valid, but this goes a long way beyond that, obviously, and I just want to make sure we're 100% clean here.

Joe Harrison, Jr.: It may be that the Health Board as opposed to this body and it may be this body that would award any demolition work if, in fact, we do have a right to tear down some things, but it could be that it comes from the Health Board. I mean, they have the power to award contracts and that sort of thing and it may be in their domain, but I don't know.

President Jerrel: Okay, is there a motion to defer?

Commissioner Mourdock: I would move that we take under advisement the demolition suggested on 2910 South Red Bank Road and have the County Attorney report back to us next week.

President Jerrel: Then we'll get--

Commissioner Tuley: Yeah, I'll second. I know that they do it in the city all the time. Once these buildings fall below code then they're warned to clean them up they go in there and raze them all the time.

Commissioner Mourdock: It may be the 100% right thing to do, but I don't want to get out there and have illegal trespassing either.

Commissioner Tuley: I'm just saying I think they can find the basis for doing it, but I don't have a problem taking it under advisement for a week.

President Jerrel: I'll say so ordered to that motion and remind you we do have the line item in our budget for demolition. We do demolition all the time based upon the Building Commissioner's recommendation.

David Hayes: I'm new to this.

President Jerrel: Alright, the next item is...you want to describe that? That's the property on Huebner.

David Hayes: Yes, this is property that sits off of North Green River Road, I believe just south of Boonville-New Harmony. It's my understanding that it has been a problem property for a number of years where the owners have let the buildings become dilapidated. As Roger stated, it's an attractive nuisance. He sent me out there last Thursday and I walked through the building. It's open. It's not in what I consider my opinion that would be salvageable. There was evidence of possibly somebody staying there on a mattress. There are no utilities, there was no running water. The commodes were full of...

Commissioner Tuley: Waste?

David Hayes: Waste, yeah, that's a good way of putting it. We use a different word at the office. The weeds are high. Abandoned vehicles. Across the road was another structure that appeared to be either a camper or a small modular mobile home with a very bad built lean-to on it. I inspected it also because there were some plumbing problems with it that have since been resolved, mitigated. I think we're asking that we be allowed to seal it, the house, to prevent children and matches getting in.

Commissioner Mourdock: Same question would apply as far as our right of access, that's all.

Joe Harrison, Jr.: I think with this situation, I mean there is a building code and there is the authority to do this and this is a little different than demolishing a piece of property, so I don't have a problem with them sealing the facility legality wise, but this is different from the first one.

Suzanne Crouch: Someone in the audience wants to speak.

President Jerrel: Pardon me?

Suzanne Crouch: Someone in the audience wants to speak.

Unidentified: May I say something?

President Jerrel: Sure, we ask for...you want to come up? You have to come up to the mike if you will and give your name.

Unidentified: We live right by this mess out there. We've been fighting this for about two years.

Commissioner Mourdock: Which one of the messes?

Unidentified: Both of them. One is right across the street from the other.

President Jerrel: Would you give your name?

Unidentified: We're at 4407.

President Jerrel: What?

Unidentified: It's 4407.

President Jerrel: Okay, and what is your name?

Unidentified: McIntosh.

President Jerrel: First name?

Marge McIntosh: Russell and Marge.

President Jerrel: Okay, Russell and Marge McIntosh.

Marge McIntosh: I'm Marge.

President Jerrel: Okay.

Marge McIntosh: This place is ungodly out there.

Commissioner Mourdock: Again, you're referring to the one on Huebner Lane?

Marge McIntosh: Both of them, 4425 and 4430.

Commissioner Mourdock: Okay, we only have one listed here as 4425...I'm sorry, you're right, we do have the other one.

Marge McIntosh: Like yesterday they started boarding up the house. I mean, I don't understand. What good does it do to board up the house? They don't have the money to fix it and then they order it razed. Why don't they just raze it and be done with it?

President Jerrel: Is--

Marge McIntosh: It's pitiful.

President Jerrel: That's what Bennie, he has been out there and he said it is.

Marge McIntosh: There are young adults hanging around out there that I call the Sheriff out there every other day and they make arrests. There are vehicles running in and out. Skid marks up and down the road. They moved one vehicle away from the house and now there is another one sitting there. They just defy the law. They absolutely think they don't have to live by the law. Plus we get called names and everything else.

President Jerrel: The 4430 is where the lean-to and the shed--

Marge McIntosh: That's the trailer.

President Jerrel: The trailer?

Marge McIntosh: Which doesn't even show up on the plot plan. I don't know how that ever happened.

President Jerrel: Okay.

Marge McIntosh: I understand their home built there before we bought the property there

and they brought the trailer in and they were supposed to build in a year. The trailer is still there.

President Jerrel: Do we know who owns the trailer?

David Hayes: We've gotten service on them.

President Jerrel: Okay, so if this motion to proceed then you will follow up even though 4425 is the only one mentioned, you are also following through on 4430?

David Hayes: (Inaudible.)

Commissioner Mourdock: You'll need to go to the microphone again.

David Hayes: At my visit last Thursday someone was living...in fact, I had to wake one person up for me to enter the trailer for me to inspect the plumbing.

Marge McIntosh: They had fixed the plumbing?

David Hayes: They had fixed...I think the points were the commode, which they took the old one out and busted it into little pieces in the front yard and the kitchen sink that leaked. The floors were like walking across pillows. There was a definite odor in the house, animal waste and human waste.

Marge McIntosh: (Inaudible) there was supposed to be a permit and a licensed plumber.

David Hayes: The plumber's name was mentioned and I contacted him this morning and he is checking his records to see if, in fact, they did it. Normally on a repair it's not required on such a small amount. It's whenever they replace pipes and things like that. We're going to hear the plumber's side of the story of what all was done there before we determine if a permit is needed.

President Jerrel: Okay, so is there a motion regarding the request on 4425?

Commissioner Mourdock: I'll move that pursuant to the Building Commissioner's recommendation we act to authorize the sealing of the openings on 4425 Huebner Lane.

Commissioner Tuley: Okay, and I'll second, but I have a question. David, is that...?

David Hayes: Yes, sir.

Commissioner Tuley: You guys have to pardon my voice, but it looks like here if you go ahead and board it up then there is a request then or you'll go back on the second week of July and they've been given notice on what they'll have to do and you don't think it is going to happen anyway? It's beyond salvage?

David Hayes: It's going to snow tomorrow before they fix it up.

Commissioner Tuley: At that point in time then you'll go to court or wherever you need to go to get an order to raze?

David Hayes: Yes, sir.

Commissioner Tuley: What I am trying to get across to the McIntoshs is that, you know, this is a country built on property rights and whereas they are affecting your property and your rights they still are within their rights and we have to follow procedure before we can actually tear it down, but I think that's where we are headed but we want to do it right.

Marge McIntosh: The lady who owns the trailer is in the nursing home. This is the granddaughter.

Commissioner Tuley: I'm talking about 4425, is what I'm talking about.

Marge McIntosh: That's the house.

Commissioner Tuley: Yeah.

President Jerrel: Well, when you get your order to raze if the second week of July shows no improvement can your office do that or do you have to go get authority elsewhere?

David Hayes: Our office can.

President Jerrel: Has the authority, that's what I thought.

Marge McIntosh: Are cesspools legal?

President Jerrel: Well, no.

Marge McIntosh: Well, that's the trailer has is a cesspool that sits down in the southeast corner of our property and sometimes we can't even get in there and mow because it's so wet.

Commissioner Tuley: Is that a Health Department issue?

Marge McIntosh: Well, they come out and say there must be a spring there, but I've never seen a spring with suds in it.

Commissioner Mourdock: Going back to 4425, if you would then plan to report back to us on the 13th of July. That would be the end of the second week. That's a Monday. So if there is a raze order that needs to come through, that's when we can have it on the agenda. If, as you say, it snows between now and then we'll all be surprised.

David Hayes: Yes, we will.

President Jerrel: Well, we'll see if we can't get something accomplished and I'll say so ordered.

Marge McIntosh: We sure appreciate it. I don't enjoy going out in my yard and being called such filthy names, you know. I mean, you ignore them because all they want is a confrontation with you anyway--

Commissioner Tuley: Right.

Marge McIntosh: --and they're just a bunch of smart-ass teenagers is all they are. I'm

sorry, but that's the way it is. I don't mean to be belligerent about it, it's just the way it is. Something has got to be done.

Commissioner Tuley: Sure.

President Jerrel: Sure.

Commissioner Tuley: Understand.

Commissioner Mourdock: Thank you, Mrs. McIntosh.

**First reading - Amended ozone ordinance**

President Jerrel: Okay, the next item on the agenda is the first reading of the amended ozone ordinance.

Joe Harrison, Jr.: I don't know if...is Christine--

Commissioner Tuley: Yeah, she's back there.

Joe Harrison, Jr.: And JoAnn, they're both here. In front of you is a proposed amendment to the ozone ordinance that was adopted by the Commissioners back in December, December 8, 1997. There are several amendments to the ordinance that need to be made and those are reflected. I can go through, if you would like. Section 1 is gasoline dispensing regulations and there is an amendment to the applicability section regarding the chapter applying to any gasoline storage tank at a gasoline dispensing facility located in Vanderburgh County. The requirements, there is an amendment there in that section. Number 3, there is a couple, and these are the major changes for the most part to the ordinance, and in this particular section would be the violations and penalties. That's in Number 3 of Section 1. It's states in 1, 2 and 3 what the penalty will be for a violation of a particular section of the ordinance. Initially we had kind of a range of fines, however...or I believe we originally had a figure of \$2,000, I believe, that was on there as far as a figure that could be assessed against someone for a violation not to exceed that particular sum. Now it has been changed where Number 1 it says:

"The fine for a violation of A1 under Section 19.08.030 shall be not less than \$1,000 nor more than \$2,500 per violation."

Then in Number 2:

"The fine for a violation of A2 under Section 19.08.030 shall be \$200 per violation."

And then Number 3:

"The fine for a violation of A3 under Section 19.08.030 shall be \$100; each week shall be a separate violation."

Those are the major changes to the gasoline dispensing regulations. The next, Section 2, there are some changes to automobile refinishing. The definition of automobile refinishing was changed and modified. The definition there for automobile refinishing means:

“Refinishing operations for after-market motor vehicles or mobile equipment performed in auto body and repair shops, production pain shops, new car dealer repair and paint shops, fleet operation repair paint shops and any other facility which coats vehicles (top, body, and upholstery repair shops and paint shops) including dealer repair of vehicles damaged in transit.”

Also, the definition for facility was changed to mean:

“Any building, structure, installation or operation which emits or has potential to emit any air contaminate where automobile refinishing or automobile application work is performed.”

In the applicability section, 19.12.030 of our ordinance, this section has been amended to add the following:

This Section does not apply to individuals who own, lease, operate or control a facility that refinishes three or fewer personally owned motor vehicles or mobile equipment per calendar year.”

Also, Section 3 of that talks about work practice standards. The basic changes there was there was language about gaskets that were originally in the ordinance and those have been removed, so there is not a requirement for the use of gaskets any more. In addition, the violations, again, like before there is a specific fine for a violation of the provisions of this particular section which is the automobile refinishing and it's under 1, 2, 3, 4 and 5. You will note those changes again. Initially we had, I believe, it was a fine not to exceed \$2,500 and there are specific fines set forth, kind of a range, but at least it has got a minimum for each offense. Christine Terry is here and JoAnn is here. The reason for the, and Christine may want to speak a little bit about it, but the reason for the body shop exception for those who repair three or fewer personal vehicles or types of vehicles in a year, I guess, relates to hobbyists and I know Mr. Mourdock has a question and we may want to add a word or two about the definition about the word personally. I want to see if Christine may have a thought on that. Do you understand where I am getting at?

Commissioner Mourdock: Just my question and apparently I've got two copies of it here. On Section 2, on Bettye Lou's page 3 versus my page 3, I don't know how else to reference it here, under the applicability the language:

“This section does not apply to individuals who own, lease, operate or control facilities that refinishes three or fewer personally owned motor vehicles or mobile equipment per calendar year.”

My concern there is that's kind of ambiguous in that I suspect someone who wanted to be rather evasive could say, yeah, they did 100 of them, but all of them were personally owned by some individual and it didn't say that it had to be owned personally by the refinisher. I think that's what the intent is.

Christine Terry: Yes, that was the intent.

Commissioner Mourdock: I would just suggest that somehow we have that wording in there.

Christine Terry: I guess that was...my name is Christine Terry. Those words were added by our Advisory Board, the Environmental Protection Agency Advisory Board, because they wanted to close that gap. They wanted to make sure that the person that was doing the work would prove that they personally owned those vehicles which could be done through--

Commissioner Mourdock: That's fine, the intention is fine. It was just the wording.

Christine Terry: Joe, do you have a suggested...?

Joe Harrison, Jr.: Well, I was thinking you could probably say:

“...that refinishes three or fewer personally owned motor vehicles or mobile equipment owned...”

Commissioner Mourdock: How about this? Three or fewer motor vehicles or equipment per calendar year that are personally owned by the refinisher or something along those lines?

Joe Harrison, Jr.: It's kind of redundant, but I don't know how else you can say it.

Commissioner Tuley: Make it real clear.

President Jerrel: Yeah, if you don't say it--

Commissioner Mourdock: It could be misinterpreted.

Christine Terry: I mean, how can personally owned be misconstrued, I guess is my question to that?

Commissioner Tuley: They're not fleet vehicles.

Commissioner Mourdock: They're not fleet vehicles. In other words, I am in business and everybody that brings theirs through is personally owned.

Christine Terry: Oh, okay.

Joe Harrison, Jr.: Yeah, if someone really wanted to be sly.

Christine Terry: Okay.

Commissioner Mourdock: I deal with too many lawyers. Sorry, Christine.

Christine Terry: No, I appreciate it, Mr. Mourdock, because I have about two more minutes and I have to be next door to discuss this very issue.

President Jerrel: Why don't you just take this and then you'll know the issue--

Christine Terry: Oh, I have it.

President Jerrel: Okay.

Commissioner Mourdock: Other than that comment or question I didn't have any other

comments regarding the suggestions and it would appear now that our ordinance does dovetail with the city ordinance which was what our purpose was.

Christine Terry: So you are suggesting personally owned by the vendor...or by the refinisher.

Joe Harrison, Jr.: Which are personally owned by the refinisher.

Christine Terry: Okay, thank you very much.

Joe Harrison, Jr.: Tonight, again, is a first reading. The second reading with a public hearing will be next Monday.

President Jerrel: Is there a motion regarding the first reading?

Commissioner Mourdock: With that amendment I'll move approval on first reading the ordinance for amending the ozone reduction remedial measures adopted by the county.

Commissioner Tuley: Second.

President Jerrel: So ordered. The next item on the agenda is the final reading--

Joe Harrison, Jr.: I'm sorry, could you all do a roll call on that, do you mind?

President Jerrel: Certainly. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: I vote yes.

**Final reading - Ordinance to amend speed limits**

President Jerrel: Item G is the final reading on the ordinance to amend Chapter 10.16 Code of Ordinance.

Joe Harrison, Jr.: I believe this is the...is John here? I think this is the speed limit.

Commissioner Mourdock: No, this is purchasing, I believe.

Commissioner Tuley: No, what she read was the speed limit.

Commissioner Mourdock: Oh, I'm sorry.

President Jerrel: That's what was on the...this really, the speed limit should come under John. This should be--

Joe Harrison, Jr.: It's a final reading.

President Jerrel: Was it advertised? There was an error in the advertising of the--

Joe Harrison, Jr.: No, we're going to advertise it after we're done. Yeah, it was published in the paper, yeah. This is the final reading.

President Jerrel: Alright.

Joe Harrison, Jr.: I guess we can go back to the first reading of the purchasing if you want to after this or you can do it now. Whatever you want to do.

President Jerrel: Alright, do you want to do it now?

Joe Harrison, Jr.: It's up to you.

President Jerrel: I lost somebody.

Joe Harrison, Jr.: You might as well go ahead and do this final reading on the--

President Jerrel: Final reading to amend the Code of Ordinance. We do not have...your section that you have in your materials.

Commissioner Mourdock: I've got it.

President Jerrel: Okay.

Commissioner Mourdock: On final approval I'll move the ordinance amending Chapter 72, Section 1 of the Code of Ordinance of Vanderburgh County regarding certain streets and highways.

Commissioner Tuley: Second.

President Jerrel: I'll call for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

<b>First reading - Public purchasing</b>
--

President Jerrel: You want to save the other one for your--

Joe Harrison, Jr.: No, that's fine. We can do it now.

President Jerrel: Okay, do the one on public purchasing under Indiana Code 5-22-1-1.

Joe Harrison, Jr.: Yes, this ordinance again deals with county purchasing of supplies and services. Beginning July 1st a new law takes effect here in the state of Indiana governing state purchases and local government purchases. In accordance with that, local governments are required to pass a county or city or municipal ordinance which dovetails the state statute. What is in front of you is essentially a guideline that the

county would follow in connection with public purchases. One of the things that it does is it designates...the Commissioners will designate the public purchasing agency for the county and that public agency...purchasing agency will be the County Commissioners. The purchasing agents are listed there on page 2, A, B, C and D. It would be the Director of City/County Purchasing, the various department heads of the county, the County Commissioners, and any official or employee of the county specifically designated by the Commissioners as a purchasing agent. That essentially is what is required. There are some other provision in here regarding small purchase procedures which for your information permits the purchasing agency to make small purchases of less than \$25,000 on the open market without inviting or receiving quotes or bids in the future, so that is a substantial change in the current law. Again, that takes effect July 1st. There is a provision in here that says the purchasing agent or the purchasing agents which are contemplated to be designated by this Board shall have the authority to purchase items of less than \$10,000 on the open market without inviting or receiving quotes or bids. That is essentially the nuts and bolts of the ordinance that is in front of you. If the Commissioners do not pass such a county purchasing ordinance, then we would not be able to take advantage of the new law when it takes effect July 1st. Again, there will be two readings on this and then it will have to be published after the final reading.

Commissioner Mourdock: So that we may comply with the new Indiana code, I'll move that we approve on first reading the ordinance concerning public purchasing under Indiana Code 5-22-1-1.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: We need to have a roll call on that, too.

President Jerrel: Right, before we call for the roll, though, if this does pass on final reading this will be distributed to all offices and a letter of instruction going to each office that is affected by it. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: I vote yes. That concludes the action items.

**Any group or individual wishing to address the Commission**

President Jerrel: Under H, any individual or group wishing to address the Board and Shirley James is here to address our Board at this time.

Shirley James: I'm Shirley James and I'm the chairperson of the Pigeon Creek Greenway. I would like to introduce Meg Storrow and John Kinsella. They are our designers and they're here to answer any questions you may have. I have two projects today that I am bringing to you for consideration. One is the...I gave you a letter earlier today regarding a \$12,000 request for hiring our designers to help us with land use problems, developing an ordinance and some guidelines. We have an excellent,

excellent committee. They've been very influential in government and they are very well aware of local ordinances and so forth, but they have never done a greenway and you have a chairperson here that is a volunteer person and is not as perhaps trained in these sorts of things as need be. So we have asked, the land use guidelines committee has asked, that we hire Meg and John to help us out and get us off the ground with this because I must admit we our floundering a bit and we do need their help. Developers are asking us now that we please come forth with some guidelines so that they will know ahead of time what they should be doing on this greenway. Now we've checked with Toby Shaw in regard to legal aspects and he agrees that he thinks this is in order now. Leslie Blenner, the Controller, the City Controller, has indicated that the city will provide \$6,000 if the county can provide \$6,000. Now we will be into the county and we are already having problems in the county with this considering all the development along the Lynch Road area and so forth, so we do need to get some guidelines set up for this area, so I am asking you if you would tonight approve \$6,000 in this coming year's budget for this particular project.

President Jerrel: You understand if we agree to do this it is still subject to Council's approval?

Shirley James: Oh, definitely I do understand that.

President Jerrel: Okay.

Shirley James: Also, we are getting ready to submit fiscal year `98 TEA application and that's in your packet here. At this particular time...well, as you read through this you'll see that we are going to ask the county here for a match of \$847,000 approximately that would need to be provided somewhere in the year 2000. As you know, most of our work has been to date has been done in the city. If you'll look at the little chart down here at the bottom of the page to date the city, for our phase one and two construction, the city has given \$1,482,000 more or less. The county has given \$654,000. Now that was...I don't know if you will recall, but design and engineering money could not be considered a match. We had to have that to leverage our ISTEA money and it did leverage \$2.72 million and you did give \$354,000 for that. The other \$300,000 that is listed here under county is for the Innkeepers Tax as being part of the county's match and that was a match. That did go for design and construction. Then down to the next section here where we have the B and C sections that are going to be done and as you'll see here--

President Jerrel: Shirley, may I ask you a question before you leave that?

Shirley James: Uh-huh.

President Jerrel: So I'm clear on this. We have actually...the county has paid for construction under phase one and two?

Shirley James: No.

Commissioner Tuley: Design work.

Shirley James: The county donation from the Innkeepers Tax, ten percent of that went for design and the rest went for construction. It's actually going for amenities. That was the Innkeepers Tax which is considered a county match. The remaining \$354,000 is actually design money for all of the way to Angel Mounds, but that can't be considered a match. Anyway, B and C are already paid for. That would be...let me see. B is the

riverfront area and C is this area. Now the city has provided all of the match for that and no request was made from the county for that part as a match because you're not involved.

President Jerrel: Okay, where is the beginning for the county's share?

Meg Storrow: Section A, Bettye Lou, it starts at Sunrise Park and continues along the south side of the interstate to Angel Mounds.

President Jerrel: Where is the boundary, the city/county boundary?

Meg Storrow: It basically is underneath this green line, the purple line right here, and so there is a little portion where section A is outside of the city.

President Jerrel: No, I just...I needed to know because if we're going to...I had explained to Shirley earlier we want to be very supportive and I think that both Commissioners Tuley and Mourdock feel the same way. You have to bear in mind that we have about a \$38 million General Fund and the city's is about four times more than that, so it's a much bigger hit on county's money than it is on the city's money.

Shirley James: At any rate, we are not asking for any county match for those sections, but now we are getting ready to submit, and has to be submitted very shortly, the new TEA application. That will call for the city to match the Hi-Rail section. You're familiar with that on 41, this section here. They will match that to the tune of \$930,448...excuse me \$97,000...sorry, about that, \$97,750. The county, of course, will be asked to match the Angel Mound's section which is \$847,131. That means that INDOT will match those amount, we hope. Probably not all in one chunk, but at any rate for \$3,779,562. We don't know, of course, it might come in increments, but it would be hopeful that they would do that.

Commissioner Mourdock: Are you referring in your last line there with what you're showing as your fiscal year '99 request--

Shirley James: Right.

Commissioner Mourdock: Is that the whole south link from the end of B all the way eastward to Angel Mounds?

Shirley James: Right.

Commissioner Mourdock: Okay, it doesn't stop at 41?

Shirley James: No, 41--

Commissioner Mourdock: Highway 41 is just halfway or less than half way.

Meg Storrow: Section B from this pink to this pink dot.

Commissioner Mourdock: And that's all the city's?

Shirley James: That's the city's, yes.

Meg Storrow: Section A goes from this pink dot to that pink dot.

Commissioner Tuley: I think you're looking at it right.

Shirley James: About how many miles is that?

Meg Storrow: It's 6.2 or 6.3 miles.

Commissioner Mourdock: A couple of minutes ago, Shirley, in your comments you said you would be looking for the \$847,000 in the year 2000, but this says '99. Which is right?

Shirley James: Well, we can apply for...we apply for the money now, but it's not needed until actual construction begins. We estimate our construction may begin on that at that point in time.

Commissioner Mourdock: In 2000?

Shirley James: Uh-huh. It may be given in increments, so much each...you can divide it between years, as I understand it.

President Jerrel: If we indicate to you that we are supportive and will make every effort to have this money you understand that we can't say you may have \$847,141 because--

Shirley James: We do understand that.

President Jerrel: We don't...that's not the way the funding source...we're very dependant. Half of our General Fund comes from property taxes and approximately half of it is from miscellaneous revenues and we're very dependent upon the climate, the economic climate, for County Option Income, Excise, Inheritance, all the fees from every organization in the county that feeds into it. So to tell you that we'll have it...we can pledge to tell you to go ahead and file your application and I think that's what you need.

Shirley James: I think that is all that is required isn't it? Or do we have to have something from county government?

Meg Storrow: It's my understanding, and you may be more knowledgeable about the INDOT process in that regard, but I believe that you will be signing the TEA application and you'll basically be signing to say, yes, if we do get that you do pledge that money, that you'll have the match. You and the city jointly. However, you won't be asked to sign a check or write a check until the project is out to bid and accepted for construction.

President Jerrel: Okay, because when we...we have funding, I mean we've been very prudent in gathering funds to do Burkhardt Road, you know, phase two and Cross Pointe and now we've got some interchange work on Lynch that we would like to do and, you know, there is just X amount of dollars available.

Shirley James: By the way, when those interchange plans come up for Lynch please let us know because the Greenway will be affected by that and has already been.

President Jerrel: Well, I suggest that when we get ready to have the engineering done that you could be in touch with that person.

Shirley James: Certainly we need to be. This is our effort to do a little preplanning and

to advise you well ahead of time so nobody is caught by surprise.

Commissioner Mourdock: Always prudent!

Shirley James: We do have some charts over here that show the percentages of each of the little categories here. This would show the final, the one that we're submitting now will show that the county's match is the bigger piece of the pie in this particular case, but in each other case as you see it has been just the reverse.

Commissioner Mourdock: Again, the one you just showed said '98 and, in fact, this one says '99 and then you said 2000 verbally.

Meg Storrow: Did the pie chart say '98?

Shirley James: It says '98. It's '99.

Commissioner Tuley: Shirley, this isn't...any of this path of this money that you're asking for doesn't cross over into that Warrick County line does it?

Meg Storrow: No, that's a future phase.

Commissioner Tuley: Right, so you're stopping at that dot right there where it says Angel Mounds?

Shirley James: Right. Actually, we have...well, one phase here, but that's not at the Angel Mound site, the one that we have a certain amount donated. That's...where is that?

Meg Storrow: Let's see.

Shirley James: A business is going to donate...that's off of Lynch Road.

Meg Storrow: What Shirley is referring to is there is a developer that is dedicating a portion about a mile or mile and a half of their property to the greenway that's actually in Warrick.

Commissioner Tuley: Okay.

Commissioner Mourdock: Are they donating by way of an easement?

Meg Storrow: Yes, that is my understanding. I think they're going to build it as part of an enhancement to their development which is a residential community and it's not formalized, but my understanding is that they're going to give the greenway an easement so that the public can access the greenway.

President Jerrel: You will see to it that it is formalized though?

Meg Storrow: Oh, yes.

Commissioner Mourdock: That is in Warrick County. It's not in Vanderburgh.

Shirley James: It's in Warrick.

President Jerrel: Okay, are there any other questions from Commissioners? Your feelings?

Commissioner Tuley: Well, I want to support where we can. You know, I would like to commit to the \$6,000 if at all possible if we can get the funding out of the Council tonight as requested.

President Jerrel: Sure.

Shirley James: We would sure appreciate that.

Commissioner Tuley: You know, bearing in mind that we'll have to find the money. The other I would like to support, but I think with the meetings you just are conducting in terms of the west side development and orderly traffic flow out there I don't know what effect that is going to have on us. My voice is getting worse as the night is going along.

President Jerrel: You have comments?

Commissioner Mourdock: Just to echo what both of you have said now. We do have a bunch of infrastructure demands coming up on us. You mentioned a bunch of them, Pat just mentioned several. The \$6,000 for the thing coming up immediately to do the planning I don't necessarily have any problem with that. In fact, I'll make a motion that we go ahead and make that recommendation to the Council.

Commissioner Tuley: Second.

President Jerrel: Okay, that will be part of our budget proposals, the \$6,000. I'll say so ordered.

Commissioner Mourdock: The remainder, though, I think we just need to keep our eyes wide open. You talked about doing things in increments, Shirley, and I know this whole project has been going incrementally for a number of years.

Shirley James: Right.

Commissioner Mourdock: And I think realistically as a budget item that's what we need to continue to look at.

President Jerrel: We're going to support the project and you do your ISTEAs bearing in mind that we are likely not to have one big chunk of money, so do it incrementally.

Shirley James: That's quite satisfactory.

President Jerrel: Okay, is there a motion to that effect?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Just as a news item I ran into Shirley the other night at a restaurant. You might mention about the visit to Atlanta.

President Jerrel: Oh, that's right. We were talking about that and forgot it.

Shirley James: Well, the American Heritage Rivers has invited us to Atlanta to present some...well, our project here. Actually, the Pigeon Creek project in affiliation with ORSANCO and the Ohio River could have served as a model for their program, for the American Heritage Rivers program. However, you know, we didn't make the final cut, but they have invited us to come to Atlanta--

President Jerrel: That's nice.

Shirley James: --and present. So if we can get some money together--

Commissioner Mourdock: You never quit.

President Jerrel: No, well, I'm sorry we raised that!

Shirley James: I just thought I would point out to you that my husband just said one more trip that I have to pay for.

President Jerrel: Question, you all are from Indianapolis, right? How long is the Monon Trail?

Meg Storrow: The old section?

President Jerrel: Uh-huh.

Meg Storrow: Oh, boy. They have the...the Monon Trail is probably about a six mile, I would say, corridor of abandoned railroads.

President Jerrel: Right.

Meg Storrow: They've been building some other sections. They have a section under design on the White River levee system and they have a section built over by the Indianapolis Museum of Art that is probably a couple of miles.

President Jerrel: That's really a nice...is ours going to be similar to that?

Meg Storrow: I think yours will be better.

President Jerrel: Do you? Okay. I hope, but I like that one. I walked it the other day from Broadripple to Carmel.

Meg Storrow: Well, it's really interesting how the property owners there were skeptical about the project at first. They really...everybody just loves it now and are very pleased to live along it.

President Jerrel: It's almost dangerously traveled.

Meg Storrow: Yes, it is very crowded.

President Jerrel: If you're not careful...I would feel safer biking, but if you're walking you better watch out.

Meg Storrow: That's right. I think your greenway will be that way, too.

President Jerrel: Good, thank you very much.

Shirley James: Thank you.

**John Stoll - County Engineer**

President Jerrel: Okay, the next item on the agenda, the County Engineer.

John Stoll: I've got a change order on the Lynch Road project for \$1,078. This is to cover the cost to raise and basically construct an extension on top of the wall of the bridge that eliminated the five inch drop-off off the edge of the pavement, so it was for a safety issue.

Commissioner Mourdock: Is it \$700 reduction or increase?

John Stoll: It's \$1,078 increase, I'm sorry.

Commissioner Mourdock: Oh, \$1,078 increase. You're recommending it?

John Stoll: Yes.

Commissioner Mourdock: I'll move approval of the change order as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: I know last week we had discussed the right-of-way agreement for phase two to be brought to this evening's meeting, but Warrick County had not forwarded those to me as of yet and I talked to their County Engineer today and he said I should have those by next Monday's meeting.

President Jerrel: So we will have...next Monday's meeting will be more or less for transportation planning and recommendations from you and EUTS and Area Plan and that interlocal agreement?

John Stoll: Right.

President Jerrel: Okay.

John Stoll: I've also got the revised Bernardin Lochmueller agreement as well for the right-of-way services, so I should have the interlocal agreement and Bernardin's agreement.

President Jerrel: That will be on the agenda next...the Area Plan item and EUTS, so you might want to make a note of that.

John Stoll: On the Lynch Road agreement...I mean, Lynch Road project, as of today there are 18 work days left in the contract. The signal heads on the traffic signal at Green River Road and Lynch should be installed...should have been installed either today or tomorrow so they can be turned on flashing mode as soon as possible. They hope to have the signal work all completed by the end of this week or early next. The

center line striping has all been done on Lynch. The only thing that remains is the edge line striping and the lane use arrows at intersections. The repairs to the pavement where there were a couple of cracks, those repairs have been made. Those slabs of concrete have been replaced so that's all been taken care of. The inspector on the job said they were shooting to try to get pre-final inspection as soon as possible. The soonest that they could have gotten it making the request today would have been June 30th and once they get the inspection scheduled then a punch list of the remaining items can be prepared and assuming that the punch list isn't too extensive then maybe the first week or so of July it should be opened...weather permitting!

Commissioner Tuley: Famous last words, is that what you said?

President Jerrel: Lynch by the fourth.

John Stoll: I hope.

President Jerrel: Is there anything else?

John Stoll: That's all I have.

President Jerrel: Okay, are there any other questions? Okay.

### **County Garage**

President Jerrel: I can't...is there anybody here from County Garage?

Commissioner Tuley: No, Milton called me this afternoon. They were just dogged out.

President Jerrel: Yeah, from the heat.

Commissioner Tuley: He just asked if he could submit his report and go on home.

President Jerrel: Okay, is there a motion to accept the report?

Commissioner Tuley: Yeah, I'll so move. We need to move too on replacing Bill Higgs because they're going to be a little short out there.

President Jerrel: They're going to have to get a...next Monday they are going to send a pink slip in.

Commissioner Tuley: Oh, okay.

Commissioner Mourdock: Let me second the motion on accepting the report.

Commissioner Tuley: Okay.

President Jerrel: So ordered. The next item concerned Bill Higgs, but that won't be until next Monday.

### **Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: I've got two items. The first is a request from the Evansville Housing Authority for a pledge by the Commissioners to donate ten surplus properties to the Housing Authority over the next two years in connection with a grant which the Housing Authority is seeking I believe it's a \$10 million...well, it could be a \$10 million grant that they might be receiving. The Commissioners, back in 1994, pledged a similar amount of properties to the Housing Authority in connection with a grant that they sought at that time which they did not receive, but they are going to try again and the Commissioners have from time-to-time, even this year, earlier this year, donated properties to the Housing Authority and they are asking for consideration to receive ten future surplus properties over the next two years.

Commissioner Mourdock: Do we need to do that, Joe, simply by way of a letter? I mean, there are no selected properties at this point?

Joe Harrison, Jr.: Yes. They don't care where they are, but I am assuming that we are going to acquire more properties and we do have a number of properties at this time that were not sold through auction or through surplus sale and if there could be a motion to that effect I can send a letter to them or Commissioner Jerrel could.

Commissioner Mourdock: Okay, I'll move then that we pledge ten yet to be described tracts of properties from Vanderburgh County to the Evansville Housing Authority.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The only other informational item was to inform the Board that on the Safe House lawsuit the counsel for the plaintiff has filed a notice of appeal in connection with that case which is not surprising. I'll keep you all posted on that development as it occurs in the next year or so.

President Jerrel: I have a question about another issue. Are we getting closer to putting out an RFP for our Centre management?

Joe Harrison, Jr.: Yes, I have a draft and have received some information from two consultants that may be of...who are willing to possibly help us and I will have that for you next week. I don't have all their information, so I want to wait until then and see if you all are even interested in pursuing that route and if so then we can begin working with them on the draft that I have prepared already that they can assist with and if they are...if you indeed do retain a consultant they would also not only help with the RFP, but give some guidance on what sort of revenues we could project to receive in connection with the facility over the next couple of years based upon their experience in other communities with similar facilities.

President Jerrel: Well, let me just say to you that this is a little bit more urgent because we need to move so that it is clearly defined what we expect from the management of the facility in '99 or else we're going to be having a system in place that perhaps is not what we really want, so, you know, we need to get moving. It would be better if we could do this sometime, you know, before August.

Joe Harrison, Jr.: Okay.

Commissioner Mourdock: Because of the budget?

President Jerrel: Because of the budget, yes. At this point it will just be a line item in our budget, but if we're going to have...part of this is I've been talking to Leslie on how the city handles their contracts and I've talked to Indianapolis about how they handle theirs and they keep cautioning us to be sure that we've clearly defined what our expectations are of the management. They have all said, oh, I wish we could have done this in the beginning, so they are saying to us to do it in the beginning so you do it right the first time. Okay?

Joe Harrison, Jr.: Okay.

President Jerrel: Is there anything else?

Joe Harrison, Jr.: That's it.

### **Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Heidi Schoffstall: I have nothing to report at that time...at this time.

President Jerrel: Okay, thank you.

### **Steve Craig - Burdette Park**

President Jerrel: Burdette Park.

Commissioner Mourdock: Mr. Swimming Pool!

Steve Craig: I didn't really need to hear the comment about the snow because it could happen. We're coming down the stretch, I think, after last Monday night we had a, I would say, minor setback. They had painted probably one fourth of the pool with Gel-coat and we had the storm at 1:00 and we ended up removing all of that and ordering some more, but the supplies are all in and they were spraying today and were going to be spraying tonight and we should be in the pool by Friday. Unless a snow comes up.

President Jerrel: They said it was going to pass us.

Steve Craig: It did.

Commissioner Tuley: Oh, it did?

President Jerrel: Steve, I know this has been awful. Everything that could go wrong has gone wrong.

Steve Craig: Yeah, we did put water in the pool last week and we started all of our filters up and ran them for a while because we are that far along that, you know, we could do it and they are all running good and we'll be ready, you know, to put water back in it, I think, by Thursday, but to get it into the baby pool it should be by Friday. I had talked to Simms about what you had questioned, I think, Gary about last week about the timing of it and he...let me get right what he wrote. It says:

"This work would be best suited for scheduled completion in the fall of the

year due to the nature of the products to be applied in the pool. Dry or less humid air best complies with products being applied. The weather restrictions are typically less radical in the fall of the year versus the spring. If the completion time allocation could be arranged for the work scheduled to begin after the pool closes in the fall, then if bad weather becomes an issue the spring completion dates are easier to develop and make happen.”

He advised us if we did this again because of the size of the pool, which the other one is, that it's too hard to get done in the spring. The city pools are having major problems getting their 25 meter pools done, so I guess we can consider ourselves lucky with a pool that size getting done.

President Jerrel: So you either want to do the other pool the fall of this year or fall of next year?

Steve Craig: Yeah, he said whenever. It would just be best to start it in the fall. He said that way when spring comes we won't be trying to start it when the weather breaks, but we'll be finishing it if they don't finish it in the fall.

President Jerrel: Okay, how about have you had a chance to get going on the Build Indiana grant?

Steve Craig: Well, not really. I had contacted Mark Weaver about being a sponsor of one of the kid's projects, but I was looking forward, you know, I had got the packet on it and was looking forward to filling it out, but I haven't had a chance.

President Jerrel: I just want to give you this, something for the Advisory Board. It's a request that came in and you can run that past them. In your packet is also the budget that Steve submitted to the Advisory Board.

Steve Craig: Yeah.

President Jerrel: What?

Steve Craig: Nothing.

President Jerrel: Well, anyway this is the budget that he had submitted to the Advisory Board. It's not exactly what the budget looks like that the County Council will get, but it's something that you can look at and have some, you know, if there are questions or anything about it. Steve and I have gone over almost...well, we've gone over everything.

Steve Craig: Yeah.

President Jerrel: If there are any serious questions or anything, you know. We're going to try to do the brochures...it's included in the budget for next year, but we're going to try to do it this year. Get it done in the fall so the new brochures can go out at the first of the year. Are there any questions of Steve?

Commissioner Mourdock: How are you doing this year on campers? Do you have as many as last year after we changed the rates and all?

Steve Craig: It has been probably running ahead of last year, but we have a few openings now which is kind of surprising because we're usually full through the summer. Last winter and spring we were probably busier than we were before we raised the rates.

President Jerrel: I don't know what that--

Commissioner Tuley: Go figure.

Commissioner Mourdock: Moral to that story somewhere.

Steve Craig: I haven't figured out where it was at. Well, I did hear one thing that the other two, our competition, the other two campgrounds in the neighborhood have raised their prices to the same as ours, so it kind of put us back on the same playing field that, you know, we were not more expensive than the other ones.

President Jerrel: That's good.

Steve Craig: We're all at the same price and we offer a nicer facility than what they do, I think.

Commissioner Mourdock: When we had the rates...before we raised them you were basically at a 100% occupancy?

Steve Craig: We were probably at about 80.

Commissioner Mourdock: Okay.

President Jerrel: Any other questions? Motion to accept the Burdette reports?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

Steve Craig: Thank you.

### Consent items

President Jerrel: Okay, employment changes, travel requests, County Clerk and Health Department Lead Grant Agreement.

Commissioner Mourdock: We've got one addition to the consent items and that came in late. It's from County Council number 1480 as submitted, so I would approve or move approval of the consent items with that addition.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Then as Vice President of the Commission, I'll also move the acceptance of one from the Garage, number 2010.

Commissioner Tuley: Second.

Commissioner Mourdock: And I'll say so ordered on that one.

President Jerrel: The Lead Grant is something that we need to sign. That's a grant that they typically have applied for and hope to once again get this. I don't know where that is going or how long the state will support it, but that is included in your motion also?

Commissioner Mourdock: Yes.

### **Old business**

President Jerrel: Okay, under old business is there anything that needs to come before the Commission?

Commissioner Tuley: Not me.

Commissioner Mourdock: No.

### **New business**

President Jerrel: Under new business? I sent a letter to Dennis Faulkenberg today, just to mention to you, with INDOT and I sent him a set of pictures from last week or a week ago when the Fifth Avenue bridge got almost to the point of falling in. I sent the pictures to him and I told him that we had the match in place and that we were urging them to take emergency action. I know there are emergencies all over the state with old bridges, but I urged him to put our Fifth Avenue on that emergency list and let's move on it because it would be foolish to try to repair that facility and Fulton Avenue is going to be completed and there won't be good access to Diamond Avenue, so just for information.

Commissioner Mourdock: Speaking of roads and such, the folks from EUTS, and County Engineer's Office, and Area Plan and I met again last week. They've got a pretty good set of maps put together as far as a highway development plan for the North 41 corridor and also some things on the west side. Barbara Cunningham is hoping to present that to us next week and, obviously, we would take it under advisement and maybe schedule a hearing as we did with Burkhardt down the road a few weeks.

President Jerrel: Heidi, that's what I wanted you to make a note on. The road plan hearing...not hearing, but road plan discussion at next week's meeting.

Commissioner Mourdock: Really, we'll just be accepting the plan probably more than even discussing it, but at least we'll schedule a hearing date from that.

President Jerrel: Okay.

Commissioner Mourdock: We've got the state's ozone meeting on Thursday, ACORN on Wednesday and infrastructure group on Wednesday.

President Jerrel: Is there any further business to come before this body? If not, entertain a motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:56 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Heidi Schoffstall  
Dan Hoefling  
Mike Buente  
Steve Utle  
David Hayes  
Marge McIntosh  
Christine Terry  
Shirley James  
Meg Storrow  
John Stoll  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
June 29, 1998**

The Vanderburgh County Board of Commissioners met in session this 29th day of June at 5:40 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners meeting to order. I'd like to welcome all of you. Let me introduce to you our empty chair at the end, it is normally Tony Greubel and he's our Administrative Assistant and he was going to fax us today to make sure that we had everything we needed for the meeting from Japan, that's where he is. His wife is Japanese and they are visiting with their little grand, with their baby, the grandparents and so anyway he is asking about all of you because he really missed being here tonight so he could do this ozone hearing.

Commissioner Mourdock: Yeah, right. He ought to run for office.

President Jerrel: Next, on my far right is Joe Harrison, Jr., the County Attorney; Pat Tuley, County Commissioner; on my far left is B.J. Farrell, who is acting as Recording Secretary this evening; next to her is Bill Fluty, who is the Deputy Auditor; Commissioner Mourdock is to my left; and my name is Bettye Lou Jerrel and I am a Commissioner and would like to invite you to join me in the Pledge of Allegiance.

**Approval of Minutes**

President Jerrel: The first action item on the agenda is the approval of the minutes which are in your packet.

Commissioner Mourdock: I'll move approval of the minutes of the Board of Commissioners' June 22, 1998 meeting as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Certification of Executive Session**

President Jerrel: The Executive Session began at 4:30 p.m. and concluded at 5:30 p.m. and we dealt with contractual services and personnel items and is there a motion to certify the Executive Session?

Commissioner Mourdock: I'll move approval of the summary minutes regarding the county personnel matters and the initiation of litigation or pending.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Lynn Ellis - Purchasing Agent**

President Jerrel: The next item on the agenda is Lynn Ellis for the approval of the extension of the contract for timber materials.

Lynn Ellis: You have an agenda item request for an extension of APA018-97 through December 31, 1998. I included with that in a letter from the vendor agreeing to the terms to extend the contract.

President Jerrel: Are there any questions? Is there a motion?

Commissioner Mourdock: Just by way of question, I don't think that we have anything currently ongoing with Timber Bridge.

Commissioner Tuley: I don't think we do either.

Commissioner Mourdock: So, it is just a renewal of pricing should we go that way.

Commissioner Tuley: That is all it is.

Lynn Ellis: That's right.

Commissioner Mourdock: I suppose one option might be the famous Heckel Road Bridge, but who knows. I'll move approval of the extension of the contract for Timber Materials, APA018-97 through December 31, 1998.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Lynn Ellis: And I gave you a late item this evening. I had, during my absence, received three requests to bid some items and wanted to see if you all would approve those this evening. The first is for the purchase of the self-propelled hydraulically driven highway mower. The second is for a pickup truck and the third is for a compaction roller and trailer. Those are all for County Highway. The pickup truck is to replace Andy's truck that's used for gas. He goes back and forth between the Civic Center a lot and drives around quite a bit and it is very old.

President Jerrel: Right. I had, you know the information regarding the pickup truck because I think he has 250,000 miles but the other two items, Commissioner Tuley and Commissioner Mourdock wanted some additional information.

Commissioner Mourdock: Yeah, if you don't mind. I'd like to defer this for a week.

Commissioner Tuley: For a week. Yeah, that is what I would like to do.

Lynn Ellis: Okay.

President Jerrel: Well, then you will need a motion to that effect.

Commissioner Tuley: I will so move that this be deferred until next week's meeting.

Commissioner Mourdock: Second.

Lynn Ellis: Okay.

President Jerrel: So ordered.

Lynn Ellis: Okay, thank you.

**Area Plan Commission -  
U.S. 41 North Corridor Plan / S.R. 62 Corridor Plan**

President Jerrel: The Area Plan Commission, U.S. 41 North Corridor Plan and the S.R. 62 Corridor Plan.

Barbara Cunningham: Before I use the easel, the first stage of the corridor growth plan along 41, the County Commissioners have suggested that Area Plan Commission, the County Engineer, and Evansville Urban Transportation Study presented a draft plan for both U.S. 41 North corridor from I-164 to Mt. Pleasant Road and the west Lloyd Expressway corridor from Red Bank to the county line. These are areas of fast growth and it is wise to bring before the public not only the proposed plans for the area but also give all an opportunity to again, and I express again, preview plans for these areas that have been to previous public meetings. My purpose this evening is twofold, to present the land use maps which Rose and John are going to be my signs--

Rose Zigenfus: The way I'm going to do my sign is like Vanna White.

Barbara Cunningham: --Vanna White, Vanna White here to present the land use maps adopted in the comprehensive plan and to briefly describe the plans for the area that have been done to date. Then I will let Rose and John, wait until they hear this, speak to the transportation planning efforts. Area planning have been a series of growth management reports in the comprehensive plan. A comprehensive plan that has been adopted in 1979, 1983, 1985, 1987, 1991 and the present in 1996. So, you can't say that we haven't, that we have kept this a secret we have been bringing it back generally every two to three years. I found that when I got into it, interesting to note, that we have been making the same recommendations so it is good that we are here and it is good that the Commissioners have asked us to come tonight to remind all that the 1987 Highway 41 plan and the comprehensive plan have said pretty much the same thing that we are stating here tonight. We ask for utilization of frontage roads to channel the traffic to establish roads and cut down the possibility of the state allowing more and more stoplights. When I say that word, Rose hates to have me say stoplights, and I am sure that from the look on her face she is going to be addressing that issue. The upgrading, we ask always for the upgrading of existing and turnal roads such as Inglefield, Baseline, Volkman, Stacer. We always ask for limiting curb cuts and median cuts and limiting direct access onto either Highway 41 or onto the Lloyd. We would rather have street access and a system of frontage roads and we have discussed with the state the possibility of some of the median cuts along the highway, particularly Highway 41, and as always we recommend that before a rezoning occurs roads and infrastructure to serve development to be either constructed or committed to by that development. As you have before you, the first three panels are the U.S. 41 North corridor, and these are from the future land use 2015 map and the comprehensive plan. I don't know, Rose, can you point out, you can't very well see the code but the outlines like here and here are from the 2015 plan and those show the areas that are proposed for industrial and commercial use. The red lines are the series of frontage lines that

we are proposing, a road system that we are proposing along that highway in that area. The green lines are roads that we feel need to be upgraded in those areas. As you can tell by the large area in the 2015 comp plan this shows for a large area proposed for industrial and commercial south of the I-64. These areas have been consistent in comprehensive plan since 1987 and the other thing that has happened over the years is the areas have been expanded to larger areas. You want to show the next one? The next one is the west Lloyd Expressway corridor. On the future use land use 2015 map in the comprehensive plan and this has not really changed at all, we realize that University Shopping Center is there and we knew that general growth would be there and has been there and has been since 1971 and we really don't foresee and we think that the area that goes west towards the University should be, we are still proponents of residential areas that would be west. We thought that Boehne Camp should be the dividing line, the Boehne Camp intersection and we realize that there will need to be improvements in that area. We planned a draft conceptual plan for the area and my new word is "notional", that's the one I picked up, "notional" plat, which means that it can't have mistakes and we hurried and put this together. But, what we brought this together was for the Commissioners to take it to study it, to look and see if they are in agreement with it, and I'm sure that you would want to hold a public hearing on this issue. As we stated in the past, minor modifications to the plans presented are likely to occur and we understand that to meet the needs of the industrial site developers but the major concepts should remain as we stated before. The frontage roads, the limited access, the, a good well planned transportation network and as well as a good land use plan network and we are pleased that you're interested, and that is what you want. Another thing that I brought tonight which is the last slide that we haven't done anything on, is Mr. Mourdock suggested that we look at the Morgan Avenue corridor, east of I-164, that is still in Vanderburgh County. The state is probably planning some changes in that area and we need to be prepared because I think there too that we want to make sure that traffic moves and that land use is planned well. So, I will turn the rest of it for any questions you might have to John and Rose who do transportation. Oh, and I will give you, these are just examples of the 1996 comp plan future land use (Inaudible, comments made away from microphone).

President Jerrel: Do you have a question?

Commissioner Mourdock: Rose, before you do that one, go back one, if you would please. Barb, am I, is my memory failing, and that's entirely possible here, but the area that is between Oak Grove and the Lloyd. When we did the plan that included the access limitations, the May meeting a year ago, did that not also have some roads sketched in it?

Barbara Cunningham: The Burkhardt Road plan that we (Inaudible, comments made away from microphone).

Commissioner Mourdock: Right, but the area that Rose's hand is on right now.

Barbara Cunningham: We just took this off of the, this does not include the Burkhardt Road plan.

Commissioner Mourdock: Okay.

John Stoll: This is just platted subdivisions.

Barbara Cunningham: That is another thing that I wanted to tell you, if you will note,

if you will note on all of these the red, the red that you see on the subdivision, this is all activity that was not on our maps as such. These are all subdivisions that have occurred since 1990, which is massive if you look at some of these. The area that...

Commissioner Mourdock: I asked Barb to total up, after our meeting last week, to total up how many subdivisions that have come in the last 90 rather nine years that have been approved, what would you guess.

President Jerrel: I would, I don't have a clue.

Commissioner Tuley: Three hundred and some odd.

Commissioner Mourdock: Good guess. Three hundred and sixty subdivisions in 9 years. That is why we have traffic. That's part of it.

Barbara Cunningham: Now, they have not all been major subdivisions, some of them have been minors, new lots, and a few have been new plats. Some industrial, some commercial, but a lot residential. But if you look, when you have this, and we will leave this with you if you want us to. If you just look at the red on these, I mean it is massive, the amount of activity.

Commissioner Tuley: Why didn't the population go up any then?

President Jerrel: Well, that's the question. That is one that I think is very important and we are going to meet that goal of 200,000 plus, we need to have a better understanding of the census system and I know that the, Senator Lugar's person is working on that but we need to know, when you can show proof that this has happened and it is just not here, it is in our metropolitan area that we have to address, you know we are 183,000 or in that, we're close and that has to be impacted upon.

Barbara Cunningham: We have been working in our office on the year 2000 census for quite some time now.

President Jerrel: I am talking about our area.

Rose Zigenfus: Urbanized area.

President Jerrel: Urbanized area.

Commissioner Tuley: Urbanized area? Okay, so it goes outside of Vanderburgh County.

President Jerrel: Right. It is a little over 180,000 and we need to hit that magic number if in fact ... going to have the same, plus 200,000.

Rose Zigenfus: As far as I know (Inaudible, comments made away from microphone).

Commissioner Mourdock: Just a recap, of course we had asked John, Rose and Barb to put these plans together so that we can get a better handle for planning purposes especially on North 41 and on 62 on the west side so that we could do that same type of thing that we did for Burkhardt last year, to have a better plan for development. I have been in a couple of meetings with the three of them and their

staffs and I think that they have done a great job in laying out some preliminary thoughts here and I think that the best way for us to proceed is to set aside a meeting here in the next month to six weeks specific to a public hearing to take input on those plans and have those maps available here in the office or in one of their offices, between now and then, and see if in fact we can have some planned development. A novel concept, some would say.

President Jerrel: Do you think that we should invite developers?

Commissioner Mourdock: Sure, like we did before.

President Jerrel: This is important that they are on board and I think it would be important for Vision 2000, oftentimes that communication doesn't take place with us until after the fact and they need to be included also.

Commissioner Mourdock: I don't know that when we did Burkhardt, we had the Vision 2000 type people, but we certainly did have a number of developers who were interested in the area. I suspect that as soon as we say that we are going to do this we are going to get developers interested, which is, if we can focus some of the growth from the east side to the north, to the west, in a better fashion, we are doing something very worthwhile. So, if you want to pull your calendar maybe we can pick a date or come back next week to set a date for that hearing.

President Jerrel: Well, we could do it that last week in July.

Commissioner Mourdock: What date would that be?

President Jerrel: The thirteenth is, let's see...

Commissioner Mourdock: The 27th would be the last Monday...

Commissioner Tuley: You might want to do it the first week of August, it might be better.

President Jerrel: Okay, what's the date?

Commissioner Tuley: We don't need any extra meetings.

President Jerrel: Okay, what date is that?

Commissioner Mourdock: The first day, the Monday is--

Commissioner Tuley: August third.

Commissioner Mourdock: --August third.

President Jerrel: Okay, you want to set it for then?

Barbara Cunningham: (Inaudible, comments made away from microphone).

Commissioner Tuley: It would be nice.

Commissioner Mourdock: Very much so.

President Jerrel: Well, first of all, Pat, did you have any questions?

Commissioner Tuley: No, I just think that it is important to have a meeting and invite as many people as we can get here that are going to be affected and want to work with us and know from the beginning what it is that we are going to ask of them and expect them to do. So, I think that having another hearing in which we specifically contact the people and make them aware that we do want their input and work with them not against them. On the same hand, we want them coming to us with plans they know in advance that are going to be acceptable to what we want.

Barbara Cunningham: I think and I'll say it again and will stress the fact that we have the plans. I mean the plans have been the same things that we are saying now are what we have said before, but it is good to get it in front of the public again so that they can be reminded that we're not just all of a sudden saying we want frontage road. We have been saying that for many, many years.

Commissioner Mourdock: What we are doing differently here is that at least in concept putting a line on a map between what could be three or four developments to say this is where we would like it to be. We don't care if it is 100 feet this way or 200 feet that way as long as it is a straight line that's a good traffic flow.

Commissioner Tuley: Once, we set down with and informed the program for that Burkhardt Road, most of the plans are coming in with what we sat down and said we wanted.

Commissioner Mourdock: Right.

Barbara Cunningham: Look at the east side, Royal was a completely different place than where we first started out with.

President Jerrel: Would you put the Morgan Avenue map on top?

Barbara Cunningham: I think it is the last one. Yeah. We just did this real hurriedly this afternoon so we don't have the Burkhardt plans in there.

President Jerrel: Um um. Well, I was looking at the Morgan and also Lynch.

Barbara Cunningham: Well, Lynch isn't on this one here. Here is Hirsch. So, we don't have the Lynch Road.

President Jerrel: It needs to be on there also.

Barbara Cunningham: Why don't we revise this one before we drop this off.

President Jerrel: Well, we are not going to have it on the agenda tonight. You know we are looking at an agreement with Warrick County Commissioners on Lynch Road and we just received it this afternoon in the mail, we did receive it...

John Stoll: Finally.

President Jerrel: Yes, and there are issues there that we need to keep on the table and so that needs to be put in there also.

John Stoll: We also want to add a frontage road out there east of the interstate 164

ramps in order to get enough separation between S.R. 62 and the frontage road to where it will work unlike the ones that are out Lloyd Expressway and tentatively the plans for S.R. 62 call for more of those frontage roads just outside of the right-a-way fence so that has been shown that it doesn't work and that's what we want to plan in here to try and make it work this time around.

Commissioner Mourdock: Yeah, get ahead of the state and the stoplight brigade. You know at least most people when they think of the east side of Evansville anymore just the road being the barrier that it is, they tend to stop thinking that I-164 and think that is the county line but when you look at that map and basically from the Lloyd 64 cloverleaf, from there go north and that is the county line, there is still a lot of acres for potential development out there. Again, that is where a good plan will keep more stoplights out of, off of 62 and hopefully get better flow off of, what is that, Epworth Road?

Rose Zigenfus: Epworth Road.

President Jerrel: We truly do not have, Lloyd is not an expressway. I-164 is what we hope to be the expressway around the city. We don't want to contaminate that with any more signals than necessary. Well, I would like to thank you very much, if you could do that particular map ...

Barbara Cunningham: We will take that one with us and leave the rest of them here.

President Jerrel: Okay. Alright, then we will look for you on the third of August.

Commissioner Mourdock: Okay, and then just as a formality, I will schedule then that we have a special hearing then for the Highway 41, S.R. 62 west and S.R. 62 east corridor development plan on August 3.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Barbara Cunningham: And were you going to do Morgan too?

President Jerrel: Yes, and Lynch.

Commissioner Mourdock: Yes, state route east and west and Lynch added to that.

(TAPE CHANGE 6:03)

### Public Hearing - Ozone

President Jerrel: Next item on the agenda is the public hearing for ozone. I will ask Commissioner Mourdock to set some guidelines here.

Commissioner Mourdock: Ok, several weeks ago at a discussion here on the board, we talked about what we might do to get more community involvement into the issue of ozone. I know there's a group of people in this room who have been very active in the issue. The ACORN group. Somewhat to stir public interest, if you will, we talked about some of the necessary steps that might be ahead of us such as closing drive through windows or going to lower read vapor pressure gasoline. Those types

of things. I'll say at the outset, without knowing everyone in the audience, that I am already a little disappointed that we don't have more people here from the business side, who really want to take an active view of this issue. As all of you with ACORN know, and certainly as I've come to learn, and I think the members of this board have come to learn in the last couple years, the failure to attain the clean air standard to be on the attainment versus the non-attainment list is something that truly will have some serious consequences to us. We are trying to keep it a public issue. I think tonight what we really hope to do is to get some definition as far as how the community might--what price if you will--the community might be willing to pay to consider seriously dealing with this issue, if in fact we fail to meet the standards. As it said in the press release going out for this meeting, I know there'll be a lot of people with opinions. We would ask that you limit your opinion to five minutes and be specific to the ozone issue and the remedial measures that might be needed to deal with that. I think really, that's all we need by way of introduction, Janet McCabe from IDEM is here. Janet if you don't mind I'll ask you to go first, somewhat and if you would, perhaps explain to those in the audience that haven't heard it, what some of the consequences are for failing to meet the standard and just where you feel we might go.

Janet McCabe: Sure, I'd be happy to. I know some of you, but not all of you. I'm Janet McCabe from the Department of Environmental Management's office of air management. I've been involved in this area for a number of years now. Commissioner Mourdock asked me if I could come down and talk a little bit about what's going on relative to this area and the clean air standards. And as he said, what's ahead of this area and what some of the possibilities are. I think probably all of you know that EPA, last summer, revised the ozone standard, which is the key air quality standard that you guys are focusing on now. It looks, from the data we've been collecting over the years, that this area, not just Vanderburgh County, but the surrounding counties as well, will not meet that new eight hour ozone standard. EPA will make that decision formally in the year 2000. They wanted to have three full years of data on which to base that decision, but we already know from looking at data from 1997 and so far this summer, that there have been a number of days when air quality has exceeded that health standard. And that's not good for the health of the people down here and it certainly puts this area at risk at being on the non-attainment list. When an area is designated non-attainment, that means that through the operation of the Clean Air Act, certain mandatory requirements do come into play for that area and this county has some experience with that having been marginal non-attainment under the one hour standard previously. So the first and foremost requirement that comes into play that people focus on is limits on new and expanding businesses that emit the pollutants that contribute to the ozone problem, and that's volatile organic compounds and nitrogen oxides. There are many businesses that emit those two pollutants in significant quantities. So the first thing that EPA requires the state to do is to put the brakes on development that's going to increase emission of those pollutants. Requiring those businesses to install the very best available control technologies regardless of cost. And also to offset any new emissions by retiring existing emissions and as the area gets further and further away. As the air quality problem is more and more severe, the amount by which the emissions have to be offset also increases, and that is certainly perceived if it isn't in fact as a clean bar to expanding businesses or new businesses. In addition, there's some other things that come into play automatically. Some of which affect businesses, some of which affect mobile sources, or cars, which are another very large source of these emissions. Controls for existing businesses can certainly be something that is required, and that could be, the EPA would require the state to look at requiring controls for any existing businesses that emit volatile organic

compounds. And that's a very case by case determination depending on what the business is, but we would need to work with all the businesses down here to do that. In addition, depending on how severe the air quality problem is, things that apply to cars, such as gasoline measures, inspection and maintenance programs, as the area gets more and more severe. Required clean-fuel fleet programs, where areas are required to, private and public businesses that have fleets over a certain size are required to purchase vehicles that use alternative fuels that are not as polluting. And as I said, the worse the air quality problem gets, the more any new emissions would need to be offset by retiring old emissions. Vapor recovery at gas stations is another measure that we've had to put in place in a couple areas of the state. That could come into play for this area as well. So, as you move up the hierarchy, depending upon how far you are from the standard, there's an increasingly large list of mandatory measures that the Clean Air Act now requires for non-attainment areas. The act, right now, is fairly inflexible about what those measures are and when they need to be implemented. We believe that there's an opportunity in the next year and a half for areas like southwest Indiana to sort of take the bull by the horns and particularly for this area, build on some of the energy and enthusiasm that already exists down here to deal with this problem. To try to work together to come up with your own list of measures that you feel make sense for this area, so that those can be presented to U.S. EPA as an argument that this area has figured out a way to solve its own problem by committing to do the following things. Rather than have EPA hand you a list of measures on a plate and a schedule by which you need to implement them. The department has convened in this area, and in six other areas of the state, a regional steering committee that includes people from Vanderburgh, Posey and Warrick Counties from a broad variety of prospective small business/large business environmental health, local government, utilities and probably some others that I've forgotten, to try to talk through a lot of those issues. A lot of work has been done down here already, as I mentioned before, given the history of this area. So I think that we have a real opportunity to build on some of the work that's been done and some of the energy and awareness that exists down here to try to get ahead of this situation before this area of the state. IDEM is certainly committed to working aggressively with this community to do that. So if there are any questions, I'd be happy to answer them now or later.

President Jerrel: I have a question. I was writing down your Clean Air Act possibilities for non-attainment.

Janet McCabe: Yes?

President Jerrel: And I do have a question. Are any counties in Indiana currently under non-attainment and having that designation, have any of them had to limit new and expanding businesses? Have any had their major utilities, who have some pollution problems, are there any who have instituted a lower read vapor pressure?

Janet McCabe: The answer is yes, to all of those.

President Jerrel: Would you mind telling me where they are?

Janet McCabe: Sure. Sure. The most severely affected counties are Lake and Porter Counties up by Chicago. They've been non-attainment for many years. They have limits on new and expanding businesses and the fact is that there have been no major expansions up there for a number of years. They have a vehicle inspection and maintenance program. They've had that for about 10 years and three or four years ago we had to upgrade that program for that area. They have a different kind

of gasoline program, one that EPA required for, I think it's for eight or 10 areas around the country, it's called reformulated gasoline. It's available, it's required all year round as opposed to low read vapor pressure gasoline and it's a federal program. That's in place up there. Also all of the major VOC emitting sources up there have rules that apply to them. That required them, many years ago now, to have installed what's reasonably available, controlled technology, is the term of ours. So they all have that. Clark and Floyd counties, down by Louisville, are in a different category of non-attainment. They're considered moderate non-attainment. Those areas have the limits on new and expanding businesses. They have the inspection maintenance program. They have low read vapor pressure gasoline in the summer time. I should say both areas also have the vapor recovery devices at the gas pump. Then two other areas of the state also have the controls on existing businesses and that's the South Bend area and the Indianapolis area. They were in the same category as the Evansville area, although they were designated earlier, and so those requirements came into play for those communities. Those areas were redesignated to attainment, so they are now in the status that Vanderburgh County is, however, once you get rules in place, then you have to leave them in place. So those controls on existing businesses exist there. And those are two other areas that we're working with, because they're likely to face non-attainment as well.

President Jerrel: I'm moving on. The other question I had related to an article that was recently published in the Evansville papers defining utility companies and which were the major polluters in the state. I know from speaking to some people that have shared information, many of them have done a lot of, what's the correct word I'm searching for, they've already used and spent a great deal of money, but it would cost a great deal more if they completed their scrubbers and whatever it is that they were required to have.

Janet McCabe: Right.

President Jerrel: Do the utilities and these Lake, Porter, Clark and Floyd, are they in, have they been forced to proceed with more?

Janet McCabe: Utilities are emitters of nitrogen oxide rather than VOC's and they're large emitters of NOx. In Clark and Floyd Counties we have required that NOx be limited in those areas. In Lake and Porter counties, we're still evaluating that measure, because there's evidence that shows that if you reduce NOx right in the Chicago metropolitan area, you may actually increase ozone and it's due to the complicated chemistry of ozone formation. And something we're still looking at, but I should say in response to that question, that the U.S. EPA has determined that what's really going to be necessary to help all of these areas get close to attainment is region wide reductions from electric utilities and other large sources of NOx. Not just electric utilities, but boilers and other combustion sources that produce NOx. Indiana is looking probably at a state wide controlled program that will address electric utilities all across the state to significantly reduce NOx emissions.

President Jerrel: Thank you.

Janet McCabe: Yes.

Commissioner Tuley: The only other question, I want to follow up a little bit about Lake, Porter, Clark and Floyd, with the implementation of the changes and requirements and what have you, what impact has it had on the quality of their air?

Janet McCabe: It's improved.

Commissioner Tuley: Significantly?

Janet McCabe: It's improved at the number of accedences and the level of the accedences.

Commissioner Tuley: Are they greatly reduced?

Janet McCabe: Have gone down dramatically in the last 10 years or so.

Commissioner Mourdock: To follow up that question, will they meet the new standard?

Janet McCabe: No, but they don't meet the old standard and they're much larger metropolitan areas. One thing to note too, is that in those areas it's getting increasingly difficult to find cost effective control measurers to put in place, because we've done the most cost effective ones. Those were the ones that were done first. The inspection and maintenance program and some of the industry retrofits which were relatively cost effective. Those have already been done in those areas. They haven't been done in some of these other areas and so they are referred to as the low hanging fruit. You go for those first and then you have to retire to the tree.

Commissioner Tuley: Who all receives a vehicle inspection, is that how you say that? Since the state no longer requires that, who oversees that aspect of it, I mean. Who certifies the people who check the vehicles?

Janet McCabe: The state does require it in those four counties.

Commissioner Tuley: The state does require it in those four counties?

Janet McCabe: Right.

Commissioner Tuley: So the state does oversee it?

Janet McCabe: Yes, that's a state requirement and it's a state run program.

Commissioner Tuley: Okay.

Janet McCabe: The state has a contract with a company that builds and runs----

Commissioner Tuley: That's okay, since the state requires it then the state does oversee it?

Janet McCabe: Yes, that's right.

Commissioner Tuley: That was the answer then that I was looking for.

Janet McCabe: Okay.

Commissioner Mourdock: If we ever got to that point I don't presume, I presume, that's not necessarily something that's automatic though?

Janet McCabe: The inspection maintenance?

Commissioner Mourdock: No, the state's running of that program.

Janet McCabe: No, not necessarily.

Commissioner Mourdock: I mean, it is something that could be done locally if it was part of our program.

Janet McCabe: Yes, sure.

Commissioner Mourdock: Just to add a little definition to one word you used and that's regarding new businesses coming in with offsets. I understood the use of that term from some other backgrounds, and correct me if I'm wrong in this Janet, but the one has an almost bazaar aspect of future offsets (Inaudible) emissions, could be as a company comes into this area and they are given the option of having to go out and get some offsets for them to locate, the way they could get offsets could be to actually buy existing businesses, to put them out of business. In other words, you've got another business out there, maybe two or three and I'll just use an example, two or three auto body shops that are emitting V.C.'s and you've got some other business that wants to expand or come into the area, we all want business development so we think great, he's going to come in and they're going to do that, but the way they do it may be to put somebody else out of business by buying those businesses and shutting them down. Is that--

Janet McCabe: That's certainly possible. Yes.

Commissioner Mourdock: Which is crazy.

Commissioner Tuley: There is a whole lot of this that is craziness. I mean when we talk about what we can and can't do because we're in attainment status.

Commissioner Mourdock: But we can't go to the---

Commissioner Tuley: So in order to try to prevent ourselves from getting to non-attainment, we can't do that, put those things into effect until we get to non-attainment. That's absurd.

Janet McCabe: Yes, although with the passage of the new standard last summer, I think that does change the posture a little bit. Because I think this area clearly is looking at a future non-attainment designation. I mean it's hard to image the weather conditions that would have to occur for the ozone data to not show non-attainment of the eight hour standard. So from my perspective, I'd feel a lot more comfortable going to EPA and saying we need this measure in this part of the state in order to---

Commissioner: Tuley: To prevent.

Janet McCabe: To attain the new standard. Even though you haven't formally designated it yet. It's clear it's needed.

Commissioner Mourdock: One other quick point, Janet. You said right now that Clean Air Act is fairly inflexible and also you said you feel that we need to build on the energy we have down there. What's the upside of that approach? Let's say we do some things that other communities aren't doing, we are getting out ahead of this. How do you see that having a factor?

Janet McCabe: Well EPA has offered some incentives to communities that sort of jump on this early and come up with a plan before the official designations are made. What they are trying to do is set up a situation where you get exactly that. You get more flexibility if you come in early and they are looking at ways to make the new source review provisions that would otherwise come into effect, more flexible for communities that come in and say well, here's our plan and you don't need to impose offsets on us because we have the following five things. And those are going to get us to the same place that offsets would get us. So I think that really behooves and all the other ones to be aggressive and to be proactive in showing EPA that yes, we want to write our plan for this area and if we present a plan to EPA that credibly shows the reductions that are going to occur and the air quality that's going occur, it would be I think, difficult for EPA to say well we don't care about all that. We want you to do X, Y and Z.

Commissioner Tuley: Alright, thank you.

Janet McCabe: Okay.

Commissioner Mourdock: I know you had a long drive down here so your five minutes got long.

Janet McCabe: Yes, well that's okay.

Commissioner Mourdock: And that's quite alright.

Janet McCabe: I'll stick around.

Commissioner Mourdock: I'll open up to anyone else. And for those of you who may be here for the first time tonight, when you go to the mike, please state your name and address for our sound system.

David Coker: My name is David Coker and I live at 1601 Western Hills Drive. I'm Vice President of Save Our Land and Environment, a Posey and Warrick County, or Posey and Vanderburgh County based environmental organization. Mr. Tuley just recently, just a few minutes ago, pointed to the confusion that exists about what we can and what we cannot do with regard to the air quality situation, not only of Vanderburgh County, but of this region. I've been to a lot of meetings and I've spent a lot of time on the phone and I've written a lot over the past three years about this issue and I'm here to tell you that we are in a current situation of policy schizophrenia in this region on the air quality issue. Right now we are looking at ConAgra, which is two miles from the Vanderburgh County line, in the West Franklin site that wants to dump over 937 tons of normal hexane into the atmosphere every year. Now, to quantify that, consider what one 100 ton rail condola car holds and multiply that times nine and a half. That gives you some idea as to the volume of normal hexane that's going to be put into the atmosphere over here. What this amounts to is roughly a third of the total emissions at Toyota in Gibson County for less than one tenth of the jobs. I don't know how on earth we can ever get to the notion of taking the bull by the horns, to use Janet's term, and capitalizing upon the momentum that has been generated by our constantly meeting and talking and writing and trying to educate neighbors in all the rest of it. If we don't solve this policy schizophrenia that we have here. We've got a \$28 billion company that's given thousands and thousands of dollars to both of our state senators and to at least Mitch McConnell in Kentucky over the past several election cycles. It almost leads me to believe that perhaps the redesignation from the very get go was all

about ConAgra. Was all about letting the camel's nose underneath the tent, if you will. Honestly, my involvement in this is not about politics, it's not about the members of the organization that I happen to be the vice president of, but it's about the kids. It's about the children and it's about the potential for economic development beyond ConAgra, because we don't know what that's going to be. If we're putting all our eggs in this ConAgra basket, it's going to hurt existing businesses in Vanderburgh County and it's going to put the brakes on future businesses in Vanderburgh County. And yet, not one City Council person, nor anybody from the County Commissioners, nor anybody from the County Council from this county has said one single, solitary thing about ConAgra and it's two miles from the Posey/Vanderburgh County line. We know that pollution is going to be diverted by the 200 foot rise north of Highway 62 directly aimed at the central business district of the city of Evansville. Now how can we get serious, how can we ask the average person in Vanderburgh County who drives to work every day because our city is not laid out to be conducive to bicycle use or walking or to using mass transit. How is it fair that we ask all these people, small business owners, motorists and all the rest of it to pay through the nose for our negligence with respect to what ought to be and what ought not to be? I don't know how we deal with this, but I know that using the reasonable man test and the balance of justice that this system of government is all supposed to be about in this country. We have got to crack this nut before we're going to see any significant improvement in the quality of the air in this region. I think that everybody around here knows that. It's not a secret. I have said more than once, that in my humble opinion that what we need to have in this region is an ozone summit. We need to go beyond this regional steering committee that IDEM has tried to convene, because the elected officials from Posey County aren't participating and they seem to think that they have the option of whether they want to or not, but what they've got to realize is, is that we're all in this boat together in this entire region. And, you know, our members of these organizations are frustrated. The people that go to all of these meetings are frustrated, but not only that, I'll leave one more piece of information and then I'm out of here. I went to church yesterday and I found out that the daughter of a lady, a nine year girl, wrote a letter to a construction company that's working on this project north of Highway 62 because she is concerned about the open burning, which apparently the Evansville EPA issued a permit for. It is not as if our people in this community are not concerned about air quality situation around here. If nine year old children are writing to contractors and asking them serious questions, I think the rest of us need to be asking them as well. Thank you.

President Jerrel: Do you have a question?

Commissioner Mourdock: I'll just add one little quick comment on that, David. You commented about, I'm sorry, you commented about the frustration of people who have been attending the meetings and the lack of input from the surrounding counties and certainly I share that one. I know that Janet has put together the three county area, or IDEM has and largely still there are folks from this county. Dixie, was your hand the next one up?

Dixie Wagner: Dixie Wagner. You all usually see me on another issue and I really do involve myself mostly with solid waste issues, but the way this is being handled, there's a good analogy that can be made. If you recall, maybe five or six or however many years ago, there was a shortage of landfill space and we had to do something. So we instituted a recycling program that more or less is mandatory because you have to pay for it whether you use the service or not. The comparison that I see is that we have come to the point now where we have seen that measure didn't work,

because not everybody was on the same page that we're on. We haven't conserved any landfill space. Everyone else has just sent theirs here and the reason I bring this up is because I think it's important that you have to look to the future and what seems to be a good idea if it is not a solution to the problem it's a waste of money. You know what brought this to my mind was the idea of mandatory vehicle inspections, for example, if you would institute that. It's not going to solve the problem. It's going to cause the general public a heck of a lot of money and it's not going to solve our problem. That's why I decided to speak. You know, it seems like we continue to confront the air quality problem kind of with a mind set of how can we clean up our air enough to keep the feds off our backs and to be able to continue to attract industry? That's confusing to me because in my mind our mind set, number one, should be to improve the air quality to healthy levels. That should be number one. Not just enough just to allow more industry to come in or to allow existing industry to expand. We continually forget that this is a health issue. When Ms. McCabe got put here and said now if you do go into, if your air quality continues to get worse you're going to have mandatory this and mandatory this, you might not be able to do this. Not once did she say the people in your community are going to get sicker. That's what we forget. This is about people's health.

Commissioner Mourdock: Let me ask a question. Do you think that the .085 is not a healthy standard?

Dixie Wagner: The new standard?

Commissioner Mourdock: Right.

Dixie Wagner: I think there will probably still be detrimental health effects at that level. You know I just can't imagine always looking at it from that point of view, that we need to do this for economic growth. We need to do this so that we have healthy children. That's why we need to do this, number one. Additionally, it's my opinion that it seems we, at times, address the problem in the least effective manner. I think Ms. McCabe pointed out, that emissions from utilities and industry is the major part of our problem in this area, however, any time you read about it in the newspaper, the measures that we propose seem to, those measures embrace those that effect industry the least and it perpetuates the myth that our cars and our driving habits and how often we mow our lawn is the major party of the problem and that's just not the case. In other parts of the country that is the case, but here we have a unique situation where auto exhaust is not the major part of our problem. Everyone agrees that we have a serious problem. I think we need to start addressing it as a serious problem instead of employing measures to go after what's responsible for 17% of our problem. Maybe we should go after the bulk of the problem. If you, God forbid, would have a heart attack and go to the hospital right now, and you also have a cold, chances are they are going to treat you for the heart attack before they treat you for the cold. We continually treat the cold before we treat the heart attack and that's why we seem to get better in teeny tiny little increments instead of making a strong effort aggressively attacking the problem so that we don't have to deal with this over and over and over and years and years and years. The last thing I want to bring up, David did bring up, I was distressed too at the ConAgra hearing, admittedly Con Agra is going to have a detrimental effect on Vanderburgh County's air quality and Dennis Avery was there and Dennis Avery has a problem with, maybe he doesn't have enough answers to his questions. He came to that hearing and he said, I see this as a potential problem for Vanderburgh County's air quality. If we were serious about this we need to work for our county. I'm all for combining counties in a regional approach, but if you are going to put the emphasize on the residence of

Vanderburgh County you had better make sure all the other counties, especially at this point, Posey, who is embracing ConAgra with open arms. They're getting their economic development, but we're getting dirtier air and hopefully somewhere there will be a solution to the problem. I don't see any great improvements with baby steps when we need giant steps.

President Jerrel: Just one comment. Dixie has raised the issue that's probably one that Dennis Avery and the rest of the legislators need to address because county boundaries may be our cake, but they are recognized by the legislature and the constitution. My concerns are the 2000 trucks that are going to come off Franklin and go onto the Lloyd and head to 41. Even though they have a plan for them to go somewhere else. Now that's a little picture, but we are not, we can't stop another county from soliciting and encouraging new businesses. I mean if we went to the commissioners in Posey County and said do not support ConAgra because they're going to have the 2000 trucks that are going to come on the Lloyd Expressway and their emissions are going to handicap our county. I've been in that role before of trying to get people to, they are not interested in our problems. I mean, I think that, I'm not saying a callas comment, they're more interested in their own economic development and they are a relatively poor county. Anymore than we could have kept Toyota out of Gibson County, or AK Steel. That's the reality of it even though

Dixie Wagner: When I made that comment that's not what I expected you all to do, because I understand that. Really, the reason I was frustrated at that hearing is I look at you three and you represent me and that ConAgra plant will be a detriment to me because it will be a detriment to Vanderburgh County's air quality. This was the air hearing for the permit. All I would have liked to have seen was for one of you all to participate on behalf of the commissioners, much in the way that Dennis Avery did and say as a representative of residence of Vanderburgh County, I have a problem with this.

President Jerrel: Okay, thank you.

(Tape Change 6:38)

David Coker: This is David Coker again. What you are pointing to is one of the cultural contradictions of capitalism that we confront today, in this day and time. These are ethical decisions that we are talking about here. And I think they are also a human rights issue. What right does one group of people that are delineated by a certain boundary have to contribute a deleterious effect to another group of people that don't live in that same county? That is what we are dealing with here and working on a county by county basis just doesn't work and we have been saying this all along. That is something that we are all going to have to do, eventually, if any of this is going to make any sense.

Commissioner Mourdock: As you are coming up Jim, Dixie, I appreciate your comments on the IDEM issue because, again, our thoughts here tonight are trying to look at what may or may not work down the road, so I appreciate it that comment on how it affects folks. Jim.

Jim Daniels: My name is Jim Daniels and I live at 1808 Ravenswood Drive here in the city. I am here tonight representing the Izaak Walton League of America. We are a national organization and I am the First Vice-President for the Indiana Division. I have not been attending the ACORN meetings but I am interested in the ozone

issue. In fact I have written the national policy that the Izaak Walton League has about ozone. The EPA is moving in that direction, though they haven't quite gotten there yet. What I wanted to see was a .08 standard on an hourly basis, not an average of eight hours. I would mention that I think that the policy that they have adopted is a little bit weaker than it should be. There are health hazards, especially to children and senior citizens even at .08 (Inaudible) at a one hour standard, .085, which actually could be translated into .09 standard over an eight hour period is less stringent than that and therefore weaker and more of a health hazard. I am not a scientist but I consider my qualifications as a person who breathes, so that is my qualification to speak to the issue. I think there are several things that have been said already that need to have emphasis. For once the public, I don't think, has a strong feeling that this is really an issue at this point. They don't see any difference when there is an ozone alert and when there isn't. They are not seeing anything being shut down, they are not seeing drive-thrus being shut down. I don't think they see quite as much, or as many, elected officials stating in public that this is really an issue. What they see instead is public officials going to Chicago to lobby EPA saying that we shouldn't have the new standard at all. That is sending the wrong signal. What we need to really wind up doing is really to look at an ordinance that is going to be before you that is going to be a baby step, but a step in the right direction nonetheless. These kind of steps need to be taken but the phrase that I have heard before that I like to repeat is the way a lot of large businesses and the way a lot of governments operate when they make decisions under the concept of just disjointed incrementalism. I really like to say that, I may say that again if you want it for the tape. That is one of my favorite phrases, disjointed incrementalism. It basically means that they make very small decisions on very large issues that don't seem to be related. It has a tendency to cost more over time than recognizing the importance of what you are trying to do and to go to that decision to begin with. I think for the public and this community to get a grasp on the seriousness of the issue, there is going to have to be a fairness involved. You are going to have to wind up looking at the large emitters, which are by the way easier to control than a backyard lawn mower. Also look at what the impact is of being able to inspect one thing over the other. It is not going to be easy to inspect backyard lawn mowers and barbecues and what you are going to wind up doing with those kinds of thing, I believe, is causing even more of a rift when they don't see a large emitter (Inaudible) not really doing much of anything. The fairness issue is extremely important to keep in mind when you are looking at trying to make these decisions. I didn't come here with a written out plan to say I think you need to do this and this and this. I think there is a wide range of things that need to happen and the best available technology is just one of those. I don't think we need to listen to the whines and moans of some of the industrial, large emitters because they whined and moaned in 1970 when the Clean Air Act was first written they whined and moaned in 1990 when the Clean Air Act amendments were approved. During that entire period of time, as opposed to the economy of this country absolutely collapsing, which is what a lot of these folks said was going to happen, that there would be massive collapse and massive unemployment, just the opposite has occurred. We have expanded our economy during that time. We have created more jobs in that period of time, and our economy has improved in that period of time. What we are doing now as we are approaching the 21st century, is we are starting to listen to...and allowing industry to whine even more and we are starting that industry can't do paradigm. This country used to be a "can do" country. It is becoming "can't do". We can meet strong standards, we need to meet strong standards. The economy will not only not get worse, the economy will get better because of the new standards. And even if it didn't, we need to really look at what the issue is, the issue is not an economic development issue, the issue is a health issue. And as for as I am concerned, if you

don't have good health, it doesn't make much difference what your economy is. Those are not mutually exclusive, you can't have a good environment and a bad economy and you can't have a bad economy and a good environment, they are not exclusive. To have a good economy you have to have a good environment, studies prove that. That I think is the emphasis that I need to make and the kind of things we need to keep in mind as we are making these kind of decisions and putting things in place. Thank you.

Commissioner Tuley: There is a gentleman that I don't think you can see because of the podium.

Commissioner Mourdock: Please come forward sir.

Walter Hatfield: Good evening. I am a west side businessman and my name is Walter Hatfield. I am owner/operator of Walt's Marathon at 5001 New Harmony Road on the west side of Evansville. I am just kind of touching base on vapor recovery and what...where do we stand...I think a lot of the operators are a little confused as to where we stand on vapor recovery here in 1998 and where are we headed on vapor recovery.

Commissioner Mourdock: Okay. As a question, I guess either Christine or Joanne can deal with that, but effectively the answer is as of July 1, 1998, the ordinance calls for the vapor...as of July 1, 1998, no other operating gasoline dispersive facility shall allow the transfer of gasoline between any transport and any storage tank unless such tank is equipped with the vapor recovery system. So the July 1 date is out there and, as you are probably aware, we are slowly coming up to speed within the city and the county to have this ordinance in place.

Walter Hatfield: I had bits and pieces Richard, I had not really...

Commissioner Mourdock: Had you received a copy of it?

Walter Hatfield: No, I have not.

Commissioner Mourdock: We can make sure you get one before you leave this evening.

Walter Hatfield: We are in the county, not in the city of Evansville.

Commissioner Mourdock: The new ordinance actually (Inaudible) there was some delay in getting it together, in fact, because the city has its separate ordinance and the county has one for the area of the county that is not inside the city but the two ordinances are the same.

Walter Hatfield: They are the same?

Commissioner Mourdock: Yes.

Walter Hatfield: I was not sure of that. Like I said, I just had bits and pieces, I really wasn't (Inaudible).

Commissioner Mourdock: If I may ask you, Mr. Hatfield, and don't let me put you on the spot, do you have any estimate as to what you see cost-wise on the vapor recovery system that this ordinance involves?

Walter Hatfield: It is going to be really tough on that one...independent businesspeople like me have been at it for 40 years and it is a family run operation and I think we are looking at somewhere around \$15,000.00. It could be more, it all depends on what the system that I had put in back in 1992 when I thought I was in total compliance and I spent \$100,000.00 in 1992. In good faith, I thought I was in compliance.

Commissioner Mourdock: And that was with the federal act regarding underground storage tanks.

Walter Hatfield: Yes, that is correct. I wasn't aware in 1992 that if I would have put in some more PVC piping under the ground I would have been ready for this vapor recovery that would be a mandate now, I was not aware of that. If I had been aware of that, I could of saved maybe \$7000.00 or \$8000.00 by putting underground piping in and I wouldn't have to bust the concrete back out. I think you are going to see independent operators like me, and there is not a lot of them in Evansville, most of them have sold out to major corporations, but I think you are going to see a very severe lick that maybe we won't be able to...maybe it won't be profitable enough to spend another \$10,000.00 of \$15,000.00 to bring this thing up to compliance and here we are...times are good now you say, July 1 is here. What is the fine?

Commissioner Mourdock: Christine Terry of the EPA has something...

Christine Terry: Christine Terry, Director of Evansville's Environmental Protection Agency. What you are talking about, going through the expense of putting the new underground storage tanks. They should be equipped with your stage one vapor recovery system. That is the only system that is required. And you are talking about putting additional piping in, and those would be going to the pumps. That is stage two.

Walter Hatfield: Okay, that is stage two.

Christine Terry: That is not being required. So if you are complying with the underground storage tank regulations, what the ordinance is doing is simply requiring that tanker truck, when they come to your facility, to do the hook up to collect the fumes on equipment that you already have in place. So there should not be any additional expense to you.

Walter Hatfield: Okay. That clears everything up.

Commissioner Mourdock: I'm sorry, I confused the issue. I misunderstood the question.

Walter Hatfield: Well, right now, what we do is...is the tractor trailer, as it hooks and drops the fuel, we have vent pipes in here...they are whistling vent pipes, they are whistling when the fuel is dropped. And on a good day when you go in (Inaudible) and on a bad day you see (Inaudible). So you are telling me that...

President Jerrel: We are having storm warnings and tornado watches right now.

Walter Hatfield: You are telling me with my system now, that the transport company that drops the fuel, they will be responsible for this...

Christine Terry: You have to make sure that he is using it.

Joe Harrison, Jr.: You are untimely on the hook, sir. But...

Christine Terry: You have to make sure that he does hook up and that he is using his hoses correctly, to the system that you already have in place.

Walter Hatfield: Question, if he is hooked up correctly, do we get the whistle out of the vent pipes?

Christine Terry: I am having some come to do training tomorrow. Tomorrow I can answer that question, most likely.

Commissioner Mourdock: We will get that question answered and certainly let you know, Mr. Hatfield.

Walter Hatfield: (Inaudible). My phone number is 963-5154, fax number 963-6747.

Commissioner Mourdock: We wish that all business owners left the podium that pleased. Is there anyone else wishing to give us an opinion on the issue?

Kent Brasseale: My name is Kent Brasseale, my address is 501 Main Street. I am an attorney with Kahn, Dees, Donovan, & Kahn but I am here as co-chairman of the environmental committee for the Chamber of Commerce. I guess I have just a couple of comments kind of to (Inaudible) a few things people have said, partly recognizing Pat's comments when Janet was up here, some of the frustration that we feel by not being able to implement some things because we are not under that gun yet. My understanding of this hearing tonight is to come up with some ideas of what could be done to try and address this. I don't think that it is a complete solution by any means, but, frankly, I was fairly impressed with the ACORN process that started about three years ago and the recommendations that were able to come out of such a diverse group there. Recognizing that we are not under the gun, but also hearing some of the suggested measures that keep coming up tonight, such as inspection and maintenance and pollution prevention on businesses and things like that...a lot of what I am hearing is a lot of what was in the ACORN ordinance. There were six recommendations in there, four of them were recommended to be implemented, and two contingent measures, which are basically what people are talking about here tonight. There has been comment that maybe industry is not doing enough and why should individuals get into this game if we are not seeing the large emitters active in participating in this and I think that is incorrect. I'm not going to say by any means that industry has done everything that it should or that it can. I will say that a lot of effort has been made in that area by industry. You know the big ones, you know we have a major manufacturer that has gone exclusively to dry coatings that has significantly reduced VOC's. We have another large corporation that has spent literally millions of dollars on pollution prevention efforts to dramatically reduce its VC emissions. We have several medium, large, and small businesses that are engaging in pollution prevention activities, looking at their low hanging fruit, if you will, what they can do to reduce their emissions and as an added benefit to them, save some money, which, like it or not, is a very real concern for industry. We have also, if you recall the county ordinance that had a non-enforceable provision in there that talks about the pollution prevention and education program. The chamber environmental committee has gotten active participation by all of the businesses in the county who will be subject to the Ozone Alert Network. I think the non-enforceable ordinance provides that businesses with emissions of greater than five tons per year are going to be required to participate in the network. That network has been expanded, the Ozone Alert Network is an ongoing network

that we have had for years but the businesses that are going to be subject to that, when that ordinance becomes enforceable, are already participating in the network, as of this year we have had networks that go out, and they are not just participating and receiving the fax that says be careful, today is a high ozone day. They are active participating and they are sharing information with the employees of what can be done and they are reducing their production to the extent that they can. We have businesses that have gone to natural gas burning fleet vehicles. The other part of the non-enforceable provision, the pollution prevention and education program, was the education. I think the chamber Environmental Committee has done a lot in that regard and I think, Dick, from the comments at the ACORN committee meetings, there is a lot of information that we have already compiled and are sharing with each other, be it web sites, be it personal success stories of what one business has done and found successful and sharing that with other businesses. Things are being done from the industrial side, I just wanted to point that out. The second thing that I want to point out, building on what Pat pointed out, that we can't do some things, we can do the recommendations, except possibly the (Inaudible) pressure gasoline. We can the things that were recommended by ACORN and if we are trying to get a jump on this and make a step in the right direction, I don't know why those things aren't already happening, or at least happening faster. It would have been nice to have those in place, even to be able to see what impact they would have had, rather than now we are looking at a year and a half and potentially not enough time to get it implemented. Those are just the comments that I wanted to make real quickly.

Joanne Alexandrovich: Hi, I'm Joanne Alexandrovich, Vanderburgh County Ozone Officer. I have two small comments. One, I would like to address Walt and that part of my new position is to work with the businesses to make sure that they operate in compliance and I am going to make all efforts to get all of the information out to those businesses as soon as I can and also to make sure that Walt gets my card before he leaves today. My other question addresses what Dixie said in trying to make aggressive steps rather than small, baby steps. I'm not sure I understand what she thinks is the most aggressive step we can take.

Commissioner Mourdock: Dixie, this question is posed to you. What would you define as an aggressive step?

Dixie Wagner: Well, I would just say in general it seems like, the ordinance, although it is a step, I don't see it as being enough.

Commissioner Mourdock: Okay. Let me just repeat it for the microphone. You are saying that we have an ordinance but you don't think it is enough. That it doesn't go far enough as being restrictive in some way.

Dixie Wagner: Right, and Jim addressed that issue in that people are seeing an extreme sense of unfairness that I have to pay \$50.00 to get my vehicle inspected and then I have to get it fixed if there is a problem and yet SIGECO is not forced to do anything.

Commissioner Mourdock: Okay. John.

John Blair: My name is John Blair, I reside at 116 Herndon Drive. Last Wednesday night, I believe it was, the ACORN group met again and we decided, we consented, in fact, that it was time to recommend the measures that we had recommended before. There is something not quite right about that. When in fact in 1996 when we met with all of you as ACORN and made some recommendations that Kent

mentioned a little bit ago, we were serious about those recommendations and they included two provisions...four to be taken at the time and two that would be done if we hadn't met our goals by this year. Because it took two years for this city to write an ordinance, and a little over a year for the County Commission to write an ordinance...1998 is here and we haven't met our goals on the reductions, so I guess ACORN's recommendations for those two things from the 1996 group still go on, but we did decide emphatically to try to push the envelope and recommend those again and I'm sorry to tell Mr. Hatfield that stage two recovery is one of the recommendations. I think that if nothing else is involved when it comes to the State of Indiana and Vanderburgh County, you will find that there is extreme flexibility involved in whatever it is you are going to have to do. I would certainly like to see all of those measures adopted and the ones that you are going to adopt later on tonight, I assume, or the ordinance that you are going to pass. More importantly, and this had been brought up on many occasions, we have really got to define, and I don't know who else...my first appearance about ozone before the Evansville City Council was in 1978, and if I figure right, that is 20 years. Our air quality then was just about the same as it is now with all of these improvements that Kent talked about. Now what does that mean? It is either coming from someplace else or we are producing more and it is a combination of those things. You have to understand that when you go out on the Lloyd Expressway, well you're right it is not an expressway, whenever you are stopped on the Lloyd Expressway waiting through several lights to make a turn, because that is the only option you have unless you drive to Warrick County and then turn around and come back, that is something that didn't exist 20 years ago, it didn't exist 10 years ago. We didn't have the infrastructure problems of 10, 20 years ago that we have now, so we are creating part of this problem ourselves, we can't just keep blaming it on other people. In the ConAgra hearing, and I will get a little bit more into ConAgra in just a minute, in the ConAgra hearing a couple of weeks ago, there was a guy from Evansville, Jeff Stratman, who is with National City Bank, stood up and, he is now National City's Economic Development person in Posey I guess. He used some kind of weird analogy about a log in your eye and mistaking it for a splinter, I can't remember what it was, but his point was that we in Vanderburgh weren't going to do anything so why should people in Posey County not get this industry, that was his point. Now I think that we all think that we are doing something, I mean, how many hours has the ACORN group met? It is at least 100 hours I have been in meetings, perhaps probably more. We are trying to do something but it is not getting done in a very quick fashion. We need to hasten the pace. If we wait another 20 years to do things, our air quality may very well not be very good at all. Although some of these national things that are going to happen will no doubt clean our air and that is what we have been depending upon so far. Automobiles have gotten significantly cleaner in the last 20 years and we are the beneficiary of that to some extent, that is why we haven't been above the standard all of the time, if cars had stayed like they were, we would have been breaking the standard, the one hour standard, the eight hour standard, any standard you want, a lot. But they have improved. The EDP and IDEM are in disagreement over how much ozone reduction should occur as a result of nox reduction from utilities, EPA wants to reduce it at 85% and IDEM wants to reduce it at only 65%. The utilities are going to weigh in on this issue, they have weighed in on this issue a number of times and, I tell you what, when you see the power of the utilities, it is not just electrical power, I guarantee you that. I suspect that maybe all of you have been the beneficiary of a contribution from SIGECO. No? Congratulations, I thought they just threw it all over the place. Bettye Lou spoke of our county's inability to do anything about something that is happening in an adjacent county or in a county that is away. From a purely legal standpoint, from the ability to pass an ordinance here that would affect something in Posey County, you

are right. However, when it comes to something like ConAgra, I really do have to chastise you, all three of you, for not having been at this hearing. You probably had a meeting that night but the hearing went until 9:00 p.m. Comments could have been written, I don't know if any of you have written any comments about it. But this is...David and I disagree on a lot of things but...the policy schizophrenia, that does make sense. To have us adopting an ordinance that is going to reduce 2 ½ per summer day, according to the best projections, just for a summer day, in this ordinance you are going to pass tonight, when our emissions are going up by this one facility just across the county line by more than three tons per summer day, you know, is kind of weird and making Mr. Hatfield back here pay for that, is just the first step. Next it is going to be Koch Label, it is going to be every industry that you look at out here that emits organic compounds because you have to remember, we are the ones that were in non-attainment because none of us spoke out when Posey County wasn't placed on that list with us or Warrick County wasn't placed on the list with us. We've got to ultimately define Vanderburgh County's interest in this and it very well may be that Vanderburgh County's interest is a regional interest and we want to approach it that way and we have specific interest in this and I have never been so disappointed as I have been to watch this County send this ConAgra permit application out. Well now today is the 29th, right, you can all write comments tomorrow and fax them to IDEM or mail them by tomorrow at 5:00 p.m. about ConAgra and this permit they are accepting comments until tomorrow. So, I would suggest that you do that and ask for an independent analysis of ConAgra's mathematics in the permit application because they use the model and we have learned a lot about modeling in the regional task force here in the last few weeks. I think that what we have learned mostly about modeling is that you can take data and kind of put data in here to almost get a preconceived notion out over here or you can use other data...you know I could put them all together and come up with one conclusion and you could put them all together and come up with another conclusion. It is kind of like being an attorney, you know. You can do whatever, whoever it is that is hiring you and paying you, you can come up with that data. What was it that Don Henley said in a song not long ago, "The Garden of Olive"? Well it was a great song anyway. Don Henley said, "Data is just to be manipulated, I will say whatever you want because I am being paid to say whatever you want and that is exactly what is taking place here". In the twenty years that I have been doing ozone work here, I have not been paid one cent by anybody to do what I have done. I have done it purely because I have studied the issue in depth and looked at it as thoroughly as anybody around, I guarantee you. Nobody, nobody in this community, Christine or anybody else, has any more knowledge about the Clean Air Act and these things, you know, I don't know about the specific permits and things like that but I have studied this issue thoroughly and I know this, we aren't getting better, we are kind of holding our own. But, Toyota is going to put out 490 tons of VC's, ConAgra is going to put out 937 tons of VC's and the figures that we have, the 44,000 tons of NOx that the Gibson power plant puts out is when it was operating at about 50% capacity. When deregulation comes in and all of these power plants are running at 100%, we are going to have a big NOx deal. Now, the thing came up the other night in the steering committee, that maybe that is good, maybe we want as much NOx in the air as we can because it scavenges ozone and keeps our ozone levels from being over the standard. You know these things are not much more than theory and not much more reliable. But, I really do encourage the three of you to sit down and have some serious conversation, discussion and maybe the other two of you should come to the ACORN meetings too. Richard has done a wonderful job in trying to keep this process going but we need to address this issue and it inner relates with so many things. It inner relates with what Barbara Cunningham was in here talking about and Rose Zigenfus and it's everything, it is the way we are

creating our world around here that is becoming the problem and you know if we don't start doing something about it we are all going to regret it. Lastly, like it has been pointed out a couple of times tonight, this is a health issue. These standards are only designed to protect human health. In 1978, when I, the first involvement that I had was as a result of watching a Chamber of Commerce group, then's Chamber of Commerce, not now, called a task force for reasonable standards get on t.v. to talk about how the .08 standard was not good but we had to get it raised. The attorney for the task force reasonable clean air standards, which was the Evansville Chamber and the Evansville EPA, kind of in cohort, said that the problem with these standards is that they are designed to protect the most sensitive element of the population, meaning those people who get sick. We'll just have to develop some sort of mask for those people, where there are a lot of people wearing masks now. I have seen a lot of them driving around.

(Tape change 7:10)

I did notice that Bernie Little had an asthma attack, ended up having to go to a St. Louis hospital. I don't know why that was, but you know, I wonder what he thinks about our air quality.

Commissioner Mourdock: Was that yesterday? I wasn't aware of that.

John Blair: It was in the story about the races.

Commissioner Mourdock: Any other comments about this situation? Chris?

Chris Schmidt: Chris Schmidt, my address is 1151 S. Stockwell. I'm not affiliated with anybody. I'm just here as a public citizen, lifelong resident, and I have three kids. And like everybody here has been talking about it, I am just interested in this issue as a health concern. It's complex, it's economic also as everybody has been saying, too. So what gets me is, I was reading things in the newspapers and I go to these meetings and I am trying to figure out what are all the facts and I don't know if anybody has really put everything all together on a regular chart of showing, look at that map behind Bettye Lou and say okay, now what are the industries and where are they and the power plants, the Alcoas, the Whirlpools, G.E.'s, everybody and go through and have the number exactly of what the nitrogen oxides, V.C.'s are, and rank them all and try to go after the biggest part of the animal because, to me, it's just kind of like what we would do at my work, is we try to get all the facts first rather than trying to get everybody's emotions into it. Bettye Lou mentioned the newspaper article about power plants and, to me, that's a big part of the animal that we're trying to get. When it says that the U.S. Public Interest Research Group says Indiana utilities are the nation's third highest producers of nitrogen oxide and sulphur dioxide. The Indiana top emitters are Cinergy's Gibson County plant, A. P. Spender, SIGECO's Warrick, and any power and lights in Pike County. Naturally, the four also rank in the top 100 of the 600 most polluting power plants cited. I mean, when I drive across the Lloyd and I see the brown streak going across the sky, it doesn't take much to figure out that you follow that brown steak, there is a major source. So what I would like to do is just try to pose the question, is it possible to get the equipment monitoring all the different areas, even cars, and try to get an estimate with the number of cars that we have. What are the biggest polluters, how do we get at trying to make sure that we're making it fair. If everybody is going to have to be eliminating stopping at restaurants in the drive-thru's, doing their lawnmower cutting

and everything else, be fair, and the ones that have the biggest emitters, they pay the most to reduce their emissions. If the cars traveling down the Lloyd and everywhere else are the big polluters, then yes, let's do the vapor recovery and the cleaner gas. And as it was also pointed out is that we, as a community, and the previous agenda about area planning, that's a big part of it, too. We don't drive down the expressways and put up stop lights. It just does not make sense, so anyway, I'd just like to acknowledge that I am glad that you are having this public hearing and I wish more people did get involved, but I think we would like to also educate people with the facts and know what are we supposed to really be addressing first. Thank you.

Commissioner Mourdock: Thanks, Chris. Janet, I think you've got some technical information to add to his question there, I suspect.

Janet McCabe: Well, I do, but I'd also like to address one other point at the risk of prolonging this because I know you have other business to do. We do develop inventories that help figure out which are the large contributors and that information (Inaudible) provided to you. It's not exact, but it's pretty hard. But certainly the businesses that report their emissions to the state would (Inaudible) that estimate the other (inaudible). I also wanted just briefly to talk about the issue of what we're precluded from doing and what we're not precluded from doing because I know that's a real issue and to put it pretty simply, the Clean Air Act reserves to the states most of the ability to deal with air quality problems in the areas within their state and especially when it comes to industries and point sources. What Congress reserved primarily to U.S. EPA, the measures that relate mostly to mobile sources because there's such a large either regional or national market. That would be difficult to deal with a patchwork of state or local requirements. So, for example, if we said that cars in Vanderburgh County had to meet X, Y and Z standard, when that EPA has set for the rest of the county is A, B & C standard, that is going to be pretty difficult for the market to deal with and similarly with gasoline which is more regional than national in given markets. So if you just want to break the Clean Air Act into two pieces, the stationary sources were left primarily to the states and the mobile sources were reserved mostly to EPA. There are a few exceptions, California can do whatever it wants, basically, and has led the way in developing a lot of technology because they've been working on this for so many years and they have ozone season all year round. The lower VP fuel, there is an exception, there is a little hole in the wall for that if certain requirements can be met. But I just wanted to sort of lay that out as kind of the explanation for why there is that situation.

Commissioner Mourdock: Any other comments before we move onto our other business this evening? Jim, you --

Jim Daniels: (Inaudible -- comments not made from microphone) providing the data about emissions to what individuals. I would like to actually the media to publish some of that kind of stuff and the article (Inaudible). I think that it's really important for the public to be aware of these issues and that's the way they're made aware of it. If that is published and on radio and in the newspapers and on T.V. about who is emitting what, what that means and the relationship of that to the quality of air, then that would go a long way of helping the education.

Commissioner Mourdock: Thank you. And for the record, that was Jim Daniels,

again. Christine?

Christine Terry: Christine Terry. And just to go on with what Jim was just talking about as far as the different businesses and town, we are also tracking not only each year what their emissions are, but their reductions year to year and we are currently keeping track of that information so that we know business by business, especially the larger ones, exactly what reductions have been made and of what pollutants.

President Jerrel: Do you report that to anybody?

Christine Terry: It's available to anyone that would like to have it and a lot of the media have inquired at different times what the numbers are and it's always available. It's in our monthly activity report that we provide at our public meeting. We have a board meeting once a month that's open to the general public.

President Jerrel: Since we're sort of out of the loop, why don't you send that report to us.

Christine Terry: I would be glad to and it goes to the state, too.

Commissioner Mourdock: Figuratively, I'll turn the gavel back to you, Bettye Lou. Any questions or comments either of you have or would like to ask? Oh, yes sir, I'm sorry. I didn't see your hand up. Thanks, Charlie.

O. J. Dick: My name is O. J. Dick. I live next to the big shopping development they're doing out here and you were talking about the burning here a while back. A couple of weeks ago we had a great big ground clog out there and our vehicles were absolutely covered up with soot. And it happened that the EPA people were up there so I drove up there and told them and the guy said, oh you said they're paying a lot of money for this burner. I said yeah, but that's not helping me. I said my vehicles are black as soot and I don't know why they don't salvage as much of those logs and stuff as they can and then burn the brush. But they're burning big logs out there. That's all I had to say.

John Blair: I'd sure second that.

Janet McCabe: It's not necessary to burn any of that. All of it is compost.

Commissioner Mourdock: I guess I would just --

O. J. Dick: -- to chip all that stuff and --

Commissioner Mourdock: I would add the one comment that one reason why I suggested a couple of weeks ago that we do this and I hope you guys will forgive me for this, but it was to sense a little bit of the frustration that I've had lately, and I know you'd pick up on some of it from the rest of the groups here. One comment I would like to talk about just sort of briefly, and several people brought it up, most notably Kent and John Blair, and that is the P2, or the Pollution Prevention Provision that we have in our ordinance. When the ordinance first started through the process a couple years ago, the question, well, let me back up. When it started through the process a couple years ago it was ACORN's hope that the county would somehow

fund a pollution prevention task force to the tune of perhaps, one number I recall quite vividly was \$550,000 a year. Obviously, those kind of funds aren't available, however, given that this is a process and not a one-time act, I think that some of the suggestions that were at the most recent meeting, the one from last Wednesday that John referenced regarding how we might do more with the pollution prevention effort, how we might try to find some funding to do some things with that. I think it's something that we definitely need to take a look at. The one comment that was made, and this was discussed briefly a couple of years ago, but would it be possible that money from the Solid Waste District could somehow be used into that arena? I know the state statute says that those funds are reserved for, I think the language is solid waste issues and, strictly speaking, we may be pushing the envelope to try to turn solid waste issues into an air issue, but I personally can't say it enough because as I said the other night at a meeting, thinking back over the last 20 to 25 years, I remember three specific instances when the federal government told businesses they were going to have to do something and the business, the industry sat back and said, oh, the federal government really doesn't mean it, they're really not going to make us do it. The first time was in the early 70's when the automobile industry was challenged to have lower emissions and lower gas mileage and they said oh no, they really don't mean it, the feds will back off at the last minute, and they didn't. And as a result, we almost lost the U.S. auto industry and that's when all the imports started coming in because they did such a better job at emissions and gas mileage. Industry, I know real well, the mining industry faced the same thing in the late 70's when they were told they were going to have to change the way they do things and the mining industry said oh no, it's not going to happen. That would put us out of business. And the feds didn't back off and everything changed, and a lot of those mining companies are out of business. The same thing as Jim Daniels mentioned happened in 1970 and again in 1990 with the Clean Air Act. Utilities were told they had to do things and utilities said oh, we can't afford to do them, it won't happen, it can't happen, and the feds didn't back off. I can't help but believe that we're at the same crossroad with some of these new regulations coming down the pike. We all want, certainly, healthy air, we all want economic development and I see the new standard as being something that this area, and again, this area is going to have to deal with and I hope tonight was instructive in that sense knowing what the frustration is and trying to bring the people from the various counties together to deal with this issue and to try to get more and more people involved. My hat is off again to all you who are here for the I don't know how many hundred hours, as John said, this has now amounted to. But it has been a bunch and I know there's a broad spectrum of opinions as to what we should do or what we shouldn't do, but I, again, say thanks to all of you who keep pushing the issue on this because it's an important one. So, with that, I will turn it back to Betty Lou and hope that we can continue to pursue the pollution prevention effort and maybe some funding along those lines.

President Jerrel: One comment, if you're interested in the funding, then you need to get busy and do a recommended amendment and get the legislative people that have been sponsors of that legislation to view, and I'm looking at Janet because right now you can't do it, but there's a possibility if the language were changed.

Commissioner Mourdock: And Janet, have you heard that issue come up in any of the other regions as far as trying to use that specific set of monies?

Janet McCabe: I haven't, but I probably (Inaudible -- comments not made from microphone).

President Jerrel: I think that's what we need to do.

Commissioner Mourdock: I had some communication a couple of years ago when this first came up with State Senator Vy Simpson and I thought something was going to come of that and subsequently it didn't, but try, try, try again.

President Jerrel: I think that's what we need to do.

**ORDINANCE AMENDING OZONE REDUCTION REMEDIAL  
MEASURES -  
FINAL READING**

President Jerrel: Okay, moving right along to the -- we're ready for the final reading on the ordinance amending ozone reduction remedial measures. That's the item immediately after the public hearing.

Joe Harrison, Jr: And this is a public hearing --

President Jerrel: Yes, it's also a public hearing but it's the final reading here.

Commissioner Mourdock: And for the purpose of approval I would move passage of the ordinance amending the ozone reduction remedial measures adopted by Vanderburgh County.

Commissioner Tuley: Second.

President Jerrel: And I will call for a voice vote. Are there any other comments concerning this issue? Hearing none, Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I'll vote yes.

**PUBLIC PURCHASING ORDINANCE -  
FINAL READING**

President Jerrel: The next item is the final reading on the public purchasing ordinance.

Commissioner Mourdock: And again, for purpose of passage, I'll call a motion for approval of the ordinance concerning public purchasing under Indiana Code 5-22-1-1.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

Joe Harrison, Jr: Again, you'll need a vote on this. And again, this is a public hearing in case anyone wants to speak --

President Jerrel: Is there anyone that wishes to speak to the purchasing ordinance? This is a new law required by the legislature and we're meeting those standards. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

**John Stoll - County Engineer**

President Jerrel: The next item on the agenda is County Engineer.

John Stoll: First I've got a change order on the Old Henderson Road culvert project. This results in a net decrease of \$2,752.84. I recommend that this change order be approved.

Commissioner Tuley: So moved.

Commissioner Mourdock: You beat me to it.

Commissioner Tuley: He said reduction didn't he?

Commissioner Mourdock: That's it. We're into reduction tonight.

President Jerrel: And I'll say so ordered.

John Stoll: The next item I've got is two right-of-way dedications along Strueh Hendricks Road. This is the expansion of that right-of-way to 40 feet. We don't have any projects ongoing out there right now but the Water & Sewer Department does have a project underway and they obtained this right-of-way and there is no place for the Commissioners to sign off on these deeds, but just to acknowledge acceptance of the deeds. I talked to Joe and he said the correct way to do it would be to just submit them for the record, so here you have two deeds.

Commissioner Mourdock: Motion that we accept the deeds for the record.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: They will still need to be recorded. Next on an update on the projects, the Burkhardt Road Phase I, the contractor had planned to try and do some paving out there by the Wal-Mart entrance and Virginia Street this week if the weather permits, but based on the forecast I don't know if they'll be able to get that in as of yet. They have been doing some -- the curb work that's out there on the east half of the new road and they have continued to do the dirt work on the south side of Lloyd Expressway, continue filling the ditch. On Phase II, basically, the only work that has been going on is the filling of the ditch. They have not been progressing real fast because of the weather, it's just now starting to dry out again where they can start making some reasonable progress. On Cross Pointe and 62 there has been some traffic signal work done, but that's about the only significant progress on that project. I spoke with Norfolk Southern and with INDOT and they said that the interconnection agreement will have to be modified again so INDOT is revising that agreement to forward it back to Norfolk Southern. Hopefully, we'll have that some time in the next few months. That won't hold up the projects. It just prevents the project from (Inaudible) basically, so that won't affect the installation of the crossing. That just affects the connection of the traffic signal to the flashing lights at the crossing. And on the Lynch Road paving project, the signal work has been completed, the stripping has been completed, there is some sign work that remains. There is one driveway that needs work on the southeast corner of Lynch and Oak Hill and we're still waiting for an inspection date from the state. But once the inspection is set, basically, it looks like there shouldn't be much of a punch list, so in talking with Bernardin Lochmueller's inspector out there, he thought that there shouldn't be any reason, if we get the inspection late this week or early next, that the project should be open by the end of next week.

Commissioner Mourdock: I'll move that the County Commission President send a mean, nasty derisive letter to INDOT to make sure we have an inspection date at the earliest possible moment.

President Jerrel: A mean nasty letter. I am going up there. I didn't put in a travel request. Can I do an oral one?

Commissioner Tuley: You're going go up there and talk to them?

President Jerrel: I am going up there on the 8th and the 9th and I am going to -- I've already talked to John, he helps me script my stuff.

Commissioner Mourdock: Well, get mean, get nasty.

Commissioner Tuley: I'll move that you be allowed to travel to Indianapolis for the purposes of meeting with INDOT officials to get our inspection.

President Jerrel: Mileage only.

Commissioner Tuley: Okay, mileage only.

Commissioner Mourdock: Second.

President Jerrel: Alright, I'll do it. I'm ready to do it.

John Stoll: The inspection meeting is through Vincennes rather than Indianapolis.

President Jerrel: Yeah, oh, I'll stop on my way. That's Steve Delk? Who is it?

John Stoll: No, the inspection is through Vincennes district and it will be their construction department like Marston Fowler and their area engineer like Curt Schue.

President Jerrel: Okay, I'll talk to you tomorrow about that.

John Stoll: Okay. That's all I have.

Commissioner Mourdock: Thank you for your information today, John, on the thing on Oak Hill. That took care of me. Anything new on Ward Road?

John Stoll: Just waiting to see what direction to go in next. I mean, the project is not ready to bid simply because the contract is not finalized but as soon as we get the go ahead then we can -- I guess there's two things. One, whether or not we need to notify all the abutting property owners which we haven't done as of yet, but if we need to notify all the people who live along the project, we still need to do that. And then, like I said, finish out the contract documents so it will be ready for bid.

President Jerrel: I'd like to see us come to some conclusion next Monday night, so let's just, with that in mind, let's --

Commissioner Tuley: Put it in the agenda?

President Jerrel: Put it on the agenda and we'll move toward bringing this to --

Commissioner Tuley: Did you talk to Mr. Tabor? I think he said Friday was --

President Jerrel: Mr. Tabor's conversation with John and I, we had a conference call, I spoke to Mr. Krause who helps take care of Mr. Bell's property when he's out of town today at length and I've known him for a long time, Mr. Tabor is repeating the conversation in a totally different way than -- I had three of us on the line just so that it couldn't be, but he did not hear the same things that John and I said.

Commissioner Tuley: Mr. Tabor did hear?

President Jerrel: Mr. Tabor did not, so anyway, and John and I kind of felt that anyway, so let's get it on the agenda and we'll get all the information that's available and let's get moving next Monday.

John Stoll: I won't be here next Monday.

President Jerrel: Well, that's alright, just so you get the information and get Tim or Valerie here.

John Stoll: By all the information, what --

President Jerrel: I'll make a list. I've got it on my desk.

John Stoll: One thing, if we are looking to put this out for bid soon, the only thing -- I don't know which, I guess maybe you or Bettye or Pat I told, the seeding issue and sodding, --

Commissioner Tuley: It was me.

John Stoll: That this probably isn't the greatest time of the year to try to get seed and sod established. We may want to wait a little bit, I'm not saying postpone it indefinitely, but maybe try and it, to where that will be going in say late August or early September or something along those lines rather than --

Commissioner Mourdock: But if we said next Monday we're going to get started, realistically, would we get it going until the middle of September anyway?

John Stoll: A month bidding process would make the award some time in early August.

President Jerrel: Well, we have to get the funding in place unless we can transfer money within our Roads & Streets. I'll have to do that. I've got that information, that's a part of my list.

John Stoll: Right, if we do start next week it may not be ready to go until -- it may not be ready to be seeded until September.

Commissioner Tuley: We don't want to seed right now anyway.

President Jerrel: Okay, thank you.

Commissioner Tuley: Thanks, John.

### County Garage

President Jerrel: County Garage. Didn't expect a long meeting?

Milton Hayden: (Inaudible)

Commissioner Tuley: It's called check the agenda on Friday.

Milton Hayden: You have the weekly report.

President Jerrel: Right. Are there any questions about the weekly report or --

Commissioner Tuley: I don't have any comments on the weekly report. I do have a question for Milton. Our conversation about Posey County West, and I'll bring you guys up to speed, I've been approached just as you were, I guess, a while back, when I went to that District Commissioner's meeting last week over at Mulzer's, Greg Martin was there and he was asking me about doing something on the south end of Posey County. And I said, you know, if my memory is correct there are some things that weren't getting done by you guys on that other end, and I said I personally am not too inclined to want to enter into any agreement. And he said, basically, he wasn't aware of anything but they seem to have a little bit of a communication problem over amongst the commissioners and the highway department, so he's

asked us to provide him with some details about what we feel like wasn't taken care of by them that should have been taken care of. So I've asked you guys...

President Jerrel: I received that today.

Commissioner Tuley: You got it?

President Jerrel: I just got it. It got faxed to me today.

Commissioner Tuley: Well, I meant that somebody has got it? That was my question.

President Jerrel: Yes.

Milton Hayden: On that Lindauer --

Commissioner Tuley: Lindauer was the only thing that he talked to me about, he says they are working with him on that part.

Milton Hayden: Yeah, and as far as the work that they did back in -- well, I think it was four years ago. Am I correct, Mr. Mourdock? It was four years ago when we did that.

Commissioner Tuley: Was it '92? I don't think you were here yet when we --

Commissioner Mourdock: I wouldn't have been here. I'm innocent of that one.

Commissioner Tuley: No, you weren't. It was done in '92 because you weren't here. It was Rick and I and Don.

Milton Hayden: It was back a while and the shoulders were prepared like they were supposed to have been and they didn't ditch it like they were supposed to.

Commissioner Tuley: Has that been corrected yet or is that still part of the problem?

Milton Hayden: No, that's still part of the problem. It's washing away, see.

Commissioner Tuley: And that's what they sent to you?

President Jerrel: No, they did not. You need to put that in writing to us also. No, the only thing I got was about the pipe and the line that needed to be repaired and if we did one of them, would they do the other part. That's what Stan sent me today.

Commissioner Tuley: Yeah, I need what you just said just so I can get with Greg and explain to him. And I think if he is made aware, I am hopeful that they will correct it because right now there is a little carrot hanging out there that's -- is it Strueh Hendricks down there that they want to do. Richard, do you remember what it was?

Commissioner Mourdock: I think it is Strueh Hendricks, yeah.

Commissioner Tuley: Down there that they'd like for us to enter into another one of those agreements, but I just cautioned him and he said let me know what it is exactly because I said I couldn't tell him exactly what the problem was.

Milton Hayden: Are you talking about the ditch coming off Strueh Hendricks over on County Line?

Commissioner Tuley: He's talking about County Line, he wants to enter into one of those agreements where we'll pave it and they'll maintain it.

Commissioner Mourdock: Right.

Milton Hayden: I don't think we'll accept.

Commissioner Tuley: And that's what I told him and I said, but I will get to you in writing what the previous problems were and that's --

Milton Hayden: The shoulders are washing out over there.

President Jerrel: Well, we need to have all of that in writing.

Commissioner Tuley: Just so I can talk fact, if you can tell me from this point to this point, or if it's the whole ten miles or four miles, or whatever it is.

Commissioner Mourdock: In my dealings with Greg Martin over there, the Commissioner, I think if he knows what the facts are and if, in fact, it's something that supposedly was going to be done didn't get done, I think he would work to correct that. And the fact that they have fallen down on us one time here, I don't know if it would necessarily or should necessarily preclude us from doing something else with us in an interlocal type agreement if, in fact, they take the steps now that they should have been doing all along.

Commissioner Tuley: Yeah, and I would agree with that. If it's pointed out to Greg, and I do think right now they have some changes over there and I don't know if they don't get along with each other or what's happened, but I think it's all in the process to evolve to change. I know there's going to be at least one change over there.

President Jerrel: And why don't you just add Stan's that he faxed to me, you have that, and just put it all on one sheet. I think that would be more effective.

Commissioner Tuley: That's a step in the right direction. At least they are agreeing to work with us on that ditching part of it. So, if you can do that, we would appreciate it.

Milton Hayden: Okay.

Commissioner Mourdock: I'll move acceptance of the weekly County Highway report.

Commissioner Tuley: Second.

President Jerrel: So ordered. Okay. Burdette Park, oh, no Superintendent tonight.

**Joe Harrison, Jr. - County Attorney**

Commissioner Tuley: How about County Attorney?

Joe Harrison, Jr: I have two items the first of which is regarding the RFP that I am

working on in connection with The Centre for a management contract for that facility. I've given you all a draft copy of the RFP that I am working on and I would ask that the Commissioners consider hiring as a consultant, Barney Leavengood of Indianapolis to assist, in a consulting capacity, the county in connection with the RFP for The Centre. I would ask that there be a cap on the fee to be paid Mr, Leavengood up to \$2,500 and he would charge us an hourly rate for his services to assist the county in the RFP process.

Commissioner Mourdock: Will you be monitoring those hours then?

Joe Harrison, Jr: Yes.

Commissioner Mourdock: I'll move approval.

Commissioner Tuley: I'll second.

President Jerrel: So ordered.

Joe Harrison, Jr: The other item related to the RFP would be, I would ask permission to send out an RFP permission for advertising. It may be that it may go out next week, but I would like for it to go out within the next week and would ask permission to advertise and distribute an RFP in connection with The Centre project.

President Jerrel: Is there a motion?

Commissioner Tuley: I'll so move.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Joe Harrison, Jr: Lastly, and I know you'll appreciate this, there are about 57 deeds in a packet. They are for execution regarding the auction surplus properties concerning the purchases at auction in May -- I think it was May 13th, and I would ask that you all execute those deeds at your convenience.

Commissioner Mourdock: Do they require all three signatures?

Joe Harrison, Jr: Yes.

Commissioner Tuley: They can't be stamped.

Joe Harrison, Jr: No.

Commissioner Mourdock: That was my next question.

Commissioner Tuley: Better than 257.

Joe Harrison, Jr: But I'm sure if you can't get them all done this evening you can do them first thing tomorrow morning.

President Jerrel: Well, I have to be somewhere in five minutes, so I am coming down in the morning and signing them.

Joe Harrison, Jr: That's at your convenience.

Commissioner Mourdock: I'll move approval of the deeds as recommended by the County Attorney.

Commissioner Tuley: Second.

President Jerrel: So ordered. Is that it?

Joe Harrison, Jr: That's it.

**Steve Craig - Burdette Park**

President Jerrel: Okay, Burdette Park.

Steve Craig: The Baby Pool is open.

Commissioner Tuley: That's good. I read that.

Steve Craig: I may still have my belly, but I think I am missing part of this. At the county picnic we had 150 that swam and approximately 51 people that played Putt-Putt, so I guess it was a good turnout. Joe, did you get the fax that we --

Joe Harrison, Jr: Yes, thank you.

Steve Craig: She said she had sent you an earlier one and you thought you might have lost it, but after some of the questions she asked me, I don't think she sent it to you.

Joe Harrison, Jr: Thank you.

Steve Craig: So I had her send another one and do you have any questions?

Commissioner Mourdock: Totally unrelated. I know last year about this time you had a couple of problems with some of your part-time summer help. Everything going well there this year as far as your folks?

Steve Craig: We lose them as fast as we can hire them back. Some of the kids get other jobs. They are paying a little bit better than we are, so if you don't like the job a lot, you know, they move on. Some kids just don't want to work, but we've got applications to cover it. There's just a lot of paperwork, as you see, go through there.

President Jerrel: Steve and I are meeting at 1:30 on Wednesday to finish the grant.

Commissioner Tuley: Oh, Indiana Funds, or whatever?

President Jerrel: Building Indiana Funds.

Commissioner Mourdock: How much are you going for?

President Jerrel: Everything.

Commissioner Mourdock: That's a good starting point.

President Jerrel: Well, that's what we need.

Steve Craig: When the Advisory Board met that was the same thought they had, you know, go for it all because first of all, we didn't get anything last year and they returned money, but it's also a very worthwhile project and they said go for it all, too, so I think that's everybody's sentiments.

Commissioner Tuley: Crowds doing okay even without the Baby Pool, or...

Steve Craig: It was slower than what it was, but I think this weekend was probably one of the largest weekends we've ever had combined, Friday, Saturday and Sunday.

Commissioner Tuley: Traditionally, holiday weekends seem to be a time that you, if you are going to have a problem out there, you have it out there, so are there any plans to maybe security-wise?

Steve Craig: Yeah, we have security lined up. I'm going to talk to --

Commissioner Tuley: Who is heading it now, Steve Woodall?

Steve Craig: Steve is working for us and he kind of oversees it, but Stewart VanMeter takes care of scheduling or Smooch, if you don't know him by Stewart. But they are supposed to have a couple extra people working what normally works on weekends this coming weekend.

Commissioner Tuley: I don't mean that as an alarm, it just seems like if we have any trouble which we rarely do, but it seems like if we do have any it's always around the holiday.

Steve Craig: Yeah, it's more prevalent on Memorial Day, July 4th and Labor Day.

Commissioner Mourdock: I'll move acceptance of the Burdette Park report.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you, Steve.

Steve Craig: See you all later.

Commissioner Mourdock: Thanks, Steve.

**Consent items**

President Jerrel: Consent items?

Commissioner Tuley: Move approval.

Commissioner Mourdock: Second.

President Jerrel: So ordered. You have your meeting list attached.

**Old business**

President Jerrel: Is there any old business?

Commissioner Mourdock: One quick bit. Several weeks ago when we talked about the Heckel Road Bridge and Heerdink Road situation, you may recall a couple of the neighbors raised the issue about drag racing and we commented during that meeting that we would be in touch with the Sheriff and see if somehow they could work some more patrols out there or whatever. For the record, I wanted you to know that I have spoken with Chief Ellsworth about that and he's trying to get some more patrols out there, so hopefully that will alleviate a little bit of that.

Commissioner Tuley: Good.

President Jerrel: Any other old business?

Commissioner Tuley: Not from me.

**New business**

President Jerrel: Any new business?

Commissioner Mourdock: One item, just formally, I move that we submit the Commissioners budget for 1999 to Council.

Commissioner Tuley: Second.

President Jerrel: Okay, so ordered.

Commissioner Mourdock: That was the only bit of new business I have. Motion for adjournment.

President Tuley: Second.

President Jerrel: So ordered.

Meeting adjourned at 7:45 p.m.

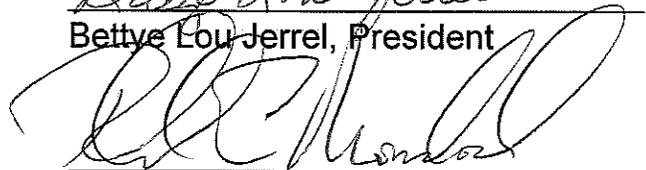
**Those in attendance:**

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Bill Fluty  
B.J. Farrell  
Lynn Ellis  
Christine Terry  
John Stoll  
Steve Craig  
Milton Hayden  
Donna Flowers  
Stephanie Flowers  
Kent Brasseale  
Junis Winters  
Joanne Alexandrovich  
Walter Hatfield  
Dixie Wagner  
Jim Daniels  
Chris Schmidt  
Charlie Thomas  
Bill Roberts  
Robert Gulick  
Janet McCabe  
David Coker  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**



Betty Lou Jerrel, President



Richard E. Mourdock, Vice President



Patrick Tuley, Member

Recorded by B.J. Farrell  
Transcribed by:

B.J. Farrell  
Teri Lukeman  
Kathy Burklow  
Kevin Kain

**Vanderburgh County  
Board of Commissioners  
July 6, 1998**

The Vanderburgh County Board of Commissioners met in session this 6th day of July at 5:37 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Betty Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. The first item on the agenda, I'd like to introduce to you the people at this speaker's table. At my far right is Tony Greubel, our Administrative Assistant who has just returned from Japan; next to him is our County Attorney, Joe Harrison, Jr.; and to my right is Commissioner Pat Tuley; on the left I have Charlene Timmons, the Recording Secretary; next to her is Suzanne Crouch, County Auditor; to my left Commissioner Richard Mourdock; and my name is Betty Lou Jerrel and I would like to ask you to join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first item on the agenda, action item, is the approval of the minutes. I would ask what is your pleasure?

Commissioner Mourdock: I'll move approval of the minutes of the County Commission meeting from June 29, 1998.

Commissioner Tuley: I will second.

President Jerrel: So ordered.

**Certification of Executive Session**

President Jerrel: The next item is the certification of the Executive Session. We did meet from 4:30 to 5:30 and we did discuss litigation that is pending and county personnel matters.

Commissioner Mourdock: I'll move approval of the summary minutes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Lynn Ellis - Permission to bid equipment**

President Jerrel: The next item on the agenda is Lynn Ellis. Lynn, is there anyone here from the County Garage? I think we're going to take those and ask you to leave them because we had a...is that...?

Commissioner Mourdock: Yeah, there is a question over the funding source, I think, as much as anything and is it the appropriate match of the equipment to the funding source.

Commissioner Tuley: Yeah.

Lynn Ellis: Of course I don't get requisitions until the bid is awarded and then I find out what source it's coming from.

President Jerrel: What you want to do is go ahead and seek prices?

Lynn Ellis: Yes, ma'am. The bids have been drafted and actually they were forwarded to Milton a week ago and I haven't heard back from him to know whether the drafts that I did were acceptable or not. You know, I can make contact with them tomorrow and see if he had any comments on them.

Commissioner Mourdock: Well, I would raise one question with that as well since all we've got, again, is just some summary information, but I see he is requesting the new roller plus a new trailer. If we're getting rid of a roller why are we getting rid of the trailer, too? It seems odd we're getting...if it is just the roller why do we need a new trailer?

Commissioner Tuley: Why the trailer as well?

Commissioner Mourdock: Yeah, so maybe we can clarify that.

Lynn Ellis: Okay, I just understood that he was going to supply information to the Commissioners after last week's meeting.

President Jerrel: Why don't you look at this. We just got it yesterday...or today and you'll know what I am talking about and then we can maybe stop just a minute after you read that, Lynn.

**Roger Lehman - Contract for demolition of 2910 S. Red Bank Road**

President Jerrel: Next item on the agenda is the Building Commissioner awarding a contract for demolition.

Roger Lehman: Good afternoon, Roger Lehman, Building Commissioner. I am here representing the county as far as wanting to tear down a house that is falling down and a garage that has fallen down. This is at 2910 South Red Bank Road. My able assistant, Mr. Hayes, was here a few weeks ago and there was some question on the procedure. I provided counsel with a copy of the procedure we followed which I think is in compliance with the county ordinances, so I am just here today to say we still would like you to award that bid for \$6,800 to McCullough Excavating for 2910 South Red Bank Road. This is the house where they are going to do the fund... Superfund project behind it and the house needs to be out of the way to do it. The house is in a state of collapse anyway. The question as to where the funding source is coming from and I don't know. The Commissioners' budget or the Health Department's money or somebody else is okay with me.

Commissioner Tuley: As long as it is not yours!

Roger Lehman: We just want it torn down and I don't have it.

President Jerrel: Okay, Tony.

Tony Greubel: Yeah, we do have \$10,000 in our demolition account.

President Jerrel: So it would cover it. This is the Futrell property.

Commissioner Mourdock: Ah, yeah.

Commissioner Tuley: Right.

President Jerrel: Just to give it a name so that it has meaning. Is there a motion regarding the approval of the \$6,800 for the demolition of the house and garage?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Roger Lehman: I just have one other item also on that agenda a couple of weeks ago was Huebner Road. We have had some progress out there, however we have not had progress on the repairs to the house and I would request that the Commissioners establish a date for a hearing on a condemnation order at 4425 Huebner Road and preferably a few weeks down the road.

President Jerrel: Okay, what would you suggest?

Joe Harrison, Jr.: Could you still following...I'm sorry, Roger, could you still proceed under the same ordinance provision that you followed with regard to the Futrell property?

Roger Lehman: We certainly could.

Joe Harrison, Jr.: I mean, don't you think that would be--

Roger Lehman: It would be more expeditious, that's for sure.

Joe Harrison, Jr.: Yeah.

Roger Lehman: I kind of sensed there might have been a hesitation from the Commissioners about not having public hearings on this, that's the reason I said that.

Joe Harrison, Jr.: Well, the ordinance that you acted under before permits a raze order through your office and then requires a public hearing should the landowner or structure owner require or seek one. To me that's the...assuming you have the...assuming that's your preference to seek a raze order.

Roger Lehman: Sure.

Joe Harrison, Jr.: Either that or I would prefer it go through Code Enforcement which they do apparently have the ability to consider such items, but it may take a lot longer.

Roger Lehman: Correct.

Joe Harrison, Jr.: But I think if you follow the procedures under the ordinance just like you did with Futrell, if they want a hearing on it then there will be a hearing.

Roger Lehman: If that's the Commission's preference I'll be glad to do that.

President Jerrel: Let's just take a motion on that so that it is on the record.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Roger Lehman: Thank you very much. That's all I have this afternoon.

President Jerrel: Thank you.

Commissioner Tuley: Thanks, Roger.

President Jerrel: Just one minute, Lynn, did you read those?

Lynn Ellis: Yes, ma'am. Maybe this should be deferred again and I'll talk with Milton tomorrow.

President Jerrel: Okay.

Lynn Ellis: I have some questions based on the response.

President Jerrel: What we received?

Lynn Ellis: Yes, ma'am.

President Jerrel: Okay. If you need copies of that...you want to take these?

Lynn Ellis: I'll make a copy and return the original.

President Jerrel: Okay, thank you.

Lynn Ellis: Thank you.

Commissioner Mourdock: Thanks, Lynn.

**Building Authority - Authorization to award bid for repair work at jail**

President Jerrel: The next item on the agenda is the Building Authority authorization to award jail repair to low bidder. I don't believe there is anyone here, but they did send the low bid information and they would like for us to approve that.

Commissioner Tuley: We appropriated the money, didn't we already?

President Jerrel: The money is, yes, the money is in place. It's for the low bidder. Is there a motion?

Commissioner Mourdock: So moved.

President Jerrel: Do you want to read the name and the place of the--

Commissioner Mourdock: I'll move the county jail showers and toilet renovation to Simms Painting Company at the total amount of \$12,252 as bid.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **DMD - Flood mitigation resolution**

President Jerrel: The next item on the agenda is the DMD flood mitigation resolution.

Commissioner Mourdock: Excuse me, we skipped one, the Form 144's.

President Jerrel: I'll go back to it.

Commissioner Mourdock: Okay.

President Jerrel: Let's go ahead. You were on your way, let's do that one and I'll go back to the 144's.

Joe Coleman: Good evening. I'm Joe Coleman. I am Program Services Coordinator with the Department of Metropolitan Development and recently I have been assigned the administrative duties to bring this program forward. We are ready at this time to submit our application to the State Emergency Management Agency for this. You may recall that previously we had done a flood mitigation program under the Indiana Housing Finance Authority. This program will allow us broader latitude and will not have the income restrictions that prevented us from removing some structures in the past. For that reason I am seeking your approval today of a resolution to approve the application and the administration of this award should we receive it.

President Jerrel: There are a number of things in there that will be very beneficial to the county if this comes to pass.

Joe Coleman: Yes, one of the things that is most beneficial to the general population is that each time that we do...that the Plan Commission handles for us an application for flood insurance for our entire county during which they have a point and ranking system where the rates are set, should we carry forward and remove a minimum of five structures, and I expect we'll remove more along with the actions that Mr. Lehman is taking and that you have taken in the past in terms of past flood resolutions, I would expect that our next application we'll receive a five percent reduction.

President Jerrel: And that will affect every county resident.

Joe Coleman: Every county resident.

President Jerrel: So it's really an important item. It's money.

Joe Coleman: For us the expense, the entire funds for this will be coming from the Section 404 Grant of 75 percent by the federal government and 25 percent of the funding would be supplied by the state. We're applying for a total project cost of \$800,000.

Commissioner Mourdock: I'll move approval of the Department of Metropolitan Development's flood mitigation resolution as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you very much.

Joe Coleman: Thank you.

### **Submission of Form 144's - Statement of salaries and wages**

President Jerrel: I'm sorry, I skipped the submission and in your signature file are all of the 144's. Did you wish to make a statement about any of those? Okay, is there a motion to approve the submission of Form 144's? Those are the statements of salaries and wages for 1999.

Commissioner Mourdock: I'll move submittal as approved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **MAGIC - Compete presentation**

President Jerrel: The next item on the agenda, we have some guests. I'm going to ask that you come forward and I'm not sure I know everybody's name. Is Tony...?

Unidentified: Tory.

President Jerrel: Tory present?

Unidentified: Right here.

President Jerrel: Tory, would you want to introduce your guests and tell us a little bit about your program?

Tory Castor: First off I would like to thank you all for allowing us the opportunity to talk briefly about this project. This is my Executive Director, Lee Lewellen; Chris Johnston with Crowe Chizek; and Sue Beesley with the law firm McHale, Cook & Welch. I think I'll probably lateral it over to let him talk briefly about the project and the Chris and Sue will talk about some more of the details. I've got some information I'll pass out for Lee.

Lee Lewellen: We appreciate the opportunity. We'll be brief and attempt to be informational. We're here to talk a little bit tonight about a study that has been initiated through our organization, MAGIC, but in partnership with a number of groups around the state, primarily Vanderburgh County, northwest Indiana, South Bend, Fort Wayne, looking at some layers of local government. MAGIC is an organization that was formed to look at the competitive position of the community surrounding Indianapolis and as we began looking at our ability to compete in terms of economic development we recognized that one of the factors that we often compete on is price. Our ability to be able to provide a location for businesses who want to come that is competitive with other areas in the country. As we have begun talking with some of our partners around the state,

one of the things that we discussed was that there has probably not been since 1851, at the time the second Indiana Constitution was drafted, a thorough review of local government financing. At the same time that we were having some discussion with local elected officials they expressed to us their concerns that they feel as though they are sort of on the bottom of the mandate chain that as the federal government spins off functions, as the state government spins off functions, they keep landing on the doorstep of local elected officials and they frankly find themselves between a rock and a hard place of constituents saying, gosh we want lower taxes but we want more services. How do we resolve that? So through those discussions we evolved the idea of this Compete study. Compete is yet another clever acronym. It stands for Coalition on Monitoring Public Efficiency and Tax Expenditures. It was way of just cramming into that acronym some words that seem to make sense, but ultimately what we're trying to look at is the long-term ability of local communities to be able to compete in terms of the overall tax burden we place upon them. We proposed the notion of this study and as we evolved the study decided that we really had two opportunities of ways in which we could do a review of local government. One was to take a confrontational approach that would perhaps start a discussion in the state that might last the next 50 years and perhaps come to nothing. The other was to take an approach in which we would try to incorporate through our advisory board, a number of elected officials, who could help advise us as we move through or review local government function looking for opportunities where there might be some savings and what of those findings, as we were turning them up, would be palatable. What kinds of things might elected officials actually embrace that they could do voluntarily, how could we complete this study and do it in a way in which there might be some adoption of the findings. That is the approach that we're attempting to take. The advisory board has employed Crowe Chizek and McHale, Cook & Welch as our two principal vendors in conducting this study and they will be looking at six principal counties and the elected officials within those and Vanderburgh is one of the counties they have selected to focus. I will now turn it over to Chris and Sue and let them tell you specifically about their next steps and then we'll be available for questions.

Chris Johnston: Good evening. My name is Chris Johnston and I'm with the CPA and consulting firm of Crowe Chizek & Company. I'll give you the 30 second commercial for Crowe Chizek. It's headquartered in South Bend. It has offices in Merrillville; and northwest Indiana; Indianapolis, Indiana; Elkhart; as well as offices in Louisville; Columbus, Ohio; Cleveland, Ohio; Grand Rapids, Michigan; and Oak Brook, Illinois. I work in an area that's called municipal consultants. It focuses specifically on public sector entities. Municipal consultants used to be a stand alone firm and has been providing financial advisory services for over 35 years to state and local entities in the state of Indiana. We have teamed up with McHale, Cook & Welch, Sue Beesley is here from McHale, Cook & Welch. To give you a little bit of my background, I have worked for Crowe Chizek in municipal consultants for the last six years. Prior to that I was Deputy State Treasurer for the State of Indiana. I worked in that capacity for about six years and prior to that I worked in the commercial banking industry. Other principals and the engagement partner on this project have extensive city and state government experience. One of the...the partner that is overseeing this engagement used to be Deputy State Examiner for the State Board of Accounts and so as I usually say when I get lazy and don't want to pull out the Indiana Code I usually walk around the corner and ask him my questions because as Deputy Examiner he has been through it all and has a lot of experience. You're probably asking how did Vanderburgh County get so lucky? I'll first tell you what we've been doing thus far. We've been reviewing the Indiana Code, and, again, as Lee mentioned we're cataloguing or doing an inventory of all the state...or local government functions. Using the Indiana Code, the Indiana

Administrative Code as well as State Board of Accounts manuals and anything else written, written documentation, that we can get our hands on to start this catalogue. In effect, this study could be done in a vacuum. We could sit in our offices and say, well, there is overlap here, there is overlap between this unit of government, that unit of government or within the county structure, within the city structure, but because we work out with the public sector entities we realize that just because it says this on paper isn't exactly how those functions are performed and that things in performing those functions are just a little more difficult on a day-to-day basis than what the Indiana Code can make it sound. We finished our cataloguing and really what we want to do is we refer to it as a reality check. We want to go out around the state of Indiana and we selected focus counties, six focus counties, where we want to go out and visit with the each level of government in those counties to look at or validate or not validate what the State Board of Account's manual says, what the Indiana Code says and try to find these efficiencies or areas of overlap and come back with a menu of items to say, you know, these are things that should be considered and then come back to the focus counties as well as the folks at Compete to look at options or action items to pursue and hopefully add an element, after touching base with you folks, an element of reality. Is this doable? Is it not doable or what problems...another county is Porter County in northwest Indiana. They may do things one way, you do them completely different down here, but is one way or the other better and it could be applied in the other county or maybe it just doesn't work in one county or the other. So Vanderburgh County is one of the six counties we've selected. What we did is we took the sample of the universe of 92 counties and tried to stratify them, cut them in all different pieces as we could. Whether there was interstate access, population, rural versus urban. We looked at exempt properties, the amount of exempt property in a given county. As you all are aware, a new item in local government is our riverboats and the impact of riverboats on a community and to be quite honest with you that was one of the factors of why Vanderburgh County entered or carried a little more weigh in that standpoint. So from the 92 counties we selected six. The other counties are Porter, in northwest Indiana; Whitley County, which is just west of Allen County in Fort Wayne; Hancock County, just east of Indianapolis and Marion County; Franklin County in southeastern Indiana; Monroe County, obviously their big attraction for us to look at is the amount of exempt property in Monroe County with Indiana University; and then Vanderburgh County. Vanderburgh County has a lot of interesting facets besides the riverboat. Because you're on the Ohio River you have a lot of different entities such as a Levee Authority. You also have a Museum Commission or Museum Authority. What other...? Oh, the other thing that we found pretty interesting with a population this high, you just have Evansville and Darmstadt as your incorporated cities and towns with the rest a significant township population. At this point in time what we would like to do...again, and we're not confrontational. I don't want this to be confrontational because my first job out of college I was an internal auditor for a bank and talk about confrontational. You could walk into a department and say I'm here to help you and you got all sorts of responses back from the various department heads. What we want to do is introduce ourselves to you, introduce the project, give you an idea of the scope of what we wanted to be looking at and the last thing that I would like to leave with you is a survey, not to be completed, but just for you to start thinking about some of the questions that we want to pursue and what we would like to do is come back and visit with you not only representatives of the County Commissioners, but the County Auditor, Treasurer, and all the officials because while we're doing 100 percent of the local government functions in Indiana Code we selected the sample of the six counties which also include 34 cities and towns, 68 townships, so we're covering a sample of 100...a little over 100 units of government. Again, there are thousands of units of government out in the state of Indiana, so we're trying to get our snapshot, our reality check, within these six counties so we're going to

be visiting the Township Assessors, Township Trustees and all levels of government here in Vanderburgh County. Do you have any questions?

President Jerrel: No, but a thought just occurred to me. I would suspect we're unique in one other way that probably you wouldn't know about. We have probably eight to ten joint departments with the city.

Chris Johnston: Right.

President Jerrel: That's rather high.

Chris Johnston: Yes.

President Jerrel: So that is a little bit different use of the home rule and the--

Chris Johnston: Exactly.

President Jerrel: Just a point.

Chris Johnston: You bet.

President Jerrel: Any comments at this point?

Chris Johnston: If I could, I'm just going to leave--

President Jerrel: Sure.

Chris Johnston: --this questionnaire for you. Again, we'll be bothering you and calling you back.

President Jerrel: Our Auditor probably would enjoy looking that over.

Chris Johnston: Yes.

Joe Harrison, Jr.: Chris, another uniqueness is our judicial system here in Vanderburgh County. We're only one of two counties in the state that the judges are not partisan. They don't run Republican or Democrat. I don't know if your focus at all looks at the judicial branch, but that's a uniqueness to our county.

President Jerrel: Thank you.

Commissioner Mourdock: Was Sue Beesley going to speak?

President Jerrel: Sue, were you going to say...?

Sue Beesley: No, most people don't like to hear from lawyers!

President Jerrel: That might be a good interpretation, but we didn't want to cut you off.

Sue Beesley: I guess I would like to ask--

President Jerrel: Do you want to come up and give your name, too?

Sue Beesley: I'm Sue Beesley with McHale, Cook & Welch. I'll give our commercial. Chris talked about where all their offices were. In addition to our Indianapolis office we have an office in Jasper, Indiana which I am very proud of. The only thing I would ask is if the Commissioners could help us by kind of spreading the word, particularly to the other elected officials because if they weren't here we don't want to surprise them when we come back to visit with them--

President Jerrel: Sure.

Sue Beesley: --about these surveys, so you could help us a lot along those lines to just kind of get the word out there. We're not trying to ambush anyone and the more people know about this I think the better off everyone will be.

President Jerrel: The thought just occurred to me, I think I met with you maybe two years ago or so, but the primary topic of the conversation at that round table discussion was transportation and how to begin a road in this county and continue it into that county and the problems that entails.

Lee Lewellen: We're continuing to work on that issue, though closer to home.

President Jerrel: Yeah, okay. Well, I would like to thank you all for coming very much and we'll see to it that a letter gets out to all of the other offices so that they are aware of this. We appreciate it.

Commissioner Mourdock: Thank you.

### **Vanderburgh County Planning Council - Grant application**

President Jerrel: Item G on the agenda is Vanderburgh County Planning Council. We need to come up and we're going to have the planning grant contract for signatures.

Tim Suenram: Good afternoon. I'm Tim Suenram, I'm the Chairman of the County Planning Council for Welfare to Work. I believe you have copies of the contract that the Council is asking you to sign. It's basically giving us funding to do several studies. I believe you also have copies of that. Maybe not several studies, we're not sure yet how many studies, but implicit to your signing this we will be releasing an RFP, I think you may have a draft of that as well, to request proposals for evaluating or putting together a study to further the work of the Council to help the transition from welfare to work.

President Jerrel: Is there a signature page?

Commissioner Tuley: There is a lot of pages there.

Tim Suenram: I think it's 20 pages long, if I am correct.

Commissioner Tuley: Yeah.

Joe Harrison, Jr.: I did have a chance to glance at it, I think, today. I think Richard put a copy of it in my box. I spoke with Mr. Hayden the other day who is going to work on some specs for a consultant that you all will be hiring. I'm not too sure what the amount would be, but the only thing that I would say is there are a number of provisions in the agreement that would have to be implemented in those specs that the consultant would have to comply with in order for us to save the funding.

Tim Suenram: Right.

Commissioner Mourdock: If I may just summarize it real quickly, several months back this Board approved the request of the Welfare to Work Planning Council to apply for a grant for \$50,000 from the state. The state has come back and yeah, we're going to give you the money, so this contract is basically saying that we're going to use that money in a way that meets the terms of the program. The second part that Tim mentioned a moment ago was for the RFP which was what...can't think of his first name...Dan Hayden had contact Joe about what they're looking to do is use some of that money, put an RFP together, to bid out to see how they can best measure the effectiveness of what the Welfare to Work effort has been here locally. Just while we're on the subject, I did pass on to each of you, I don't know if you've gotten it in your packets yet tonight, but Phil Lieberman sent about a three or four page report on kind of an update of where they've been with the program, what's been happening and I think it's a very good report just in the fact that so far of the 388 people who have been assisted through the program only five have come up with any form of complaints and they also identified some key areas where the program is working well and also tell us where we need to make some improvements. Given the chance I would urge you to review that in detail.

Commissioner Tuley: Yeah.

President Jerrel: Thank you. Tim, would you want to walk over here just a minute and let me show you something?

Tim Suenram: Sure.

President Jerrel: This is the only place that I see for our signature right here.

Tim Suenram: I believe that is right. We need one signature from you.

President Jerrel: And this page is for you to sign, is that correct?

Joe Harrison, Jr.: I'll tell you the only thing I see in this draft that I have is on page 20.

President Jerrel: Yeah, that's what I was seeing.

Joe Harrison, Jr.: It's grantee, President, Board of Commissioners and then state acceptance below that.

Tim Suenram: I suppose that is for me.

President Jerrel: Well, okay. Is there a motion?

Commissioner Mourdock: I move approval of the contract with the state for the grant.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. We'll pass this down to our Recording Secretary and we'll see to it that you get this original back. Is that okay?

Tim Suenram: Fine, thank you very much.

**Any group or individual wishing to address the Commission**

President Jerrel: Okay, the next item on the agenda is any group or individual wishing to address the Board. Okay, let's move to--

Commissioner Mourdock: Did you see the Ward Road people or we were going to do them under old business?

President Jerrel: Well, I don't know. I think we have the item under new business.  
Commissioner Mourdock: Oh, okay.

President Jerrel: Yeah, we have the item under new business.

**Tim Spurling - County Engineer**

President Jerrel: County Engineer.

Tim Spurling: Okay, the first thing I have for you this evening, we have a request from the YMCA to use the county roads for, I believe, a 5K run and a 15K run. Do you want to know the roads and everything?

President Jerrel: Do you have a date on there?

Tim Spurling: Pardon me?

President Jerrel: Did they give you a date?

Tim Spurling: A date. Um, yes. October 10th.

President Jerrel: They specify what roads they want to use?

Tim Spurling: Yeah, they've got a couple of maps here. Basically the races will start at Burdette Park. The 5K course will run down Nurrenbern and onto Red Bank and back. The 15K course starts at Burdette, runs down Graff Road, to Bayou Creek, to Seminary, to Duesner, to Happe, to Cypress Dale, to Pleasant and back up Graff back to Burdette.

President Jerrel: Is there a motion for approval?

Commissioner Mourdock: I'll move approval conditional upon them, and perhaps Tim has it in the packet, but I'll move approval conditional upon them providing adequate insurance coverage naming the county as co-insured.

Commissioner Tuley: Sec--

Tim Spurling: Let me interrupt you. They did provide a Certificate of Liability Insurance. I believe Joe has looked over that and everything looks okay to him.

President Jerrel: And we'll get a copy of that?

Joe Harrison, Jr.: Yeah, they've provided...I guess you probably have got it right there with you. I've got a faxed copy of it.

Tim Spurling: Yeah, I got a--

Joe Harrison, Jr.: You've got it right there.

Tim Spurling: This looks like a faxed copy that they sent.

Commissioner Mourdock: In that case, I'll remove the condition and move approval.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tim Spurling: The next thing on my agenda is an interlocal agreement for Lynch Road Phase 2. Since you've already brought up trying to build a road between two counties.

President Jerrel: That's a good example.

Tim Spurling: I would just like to ask that you guys sign off on that.

Commissioner Tuley: Has Joe seen it?

Joe Harrison, Jr.: Yeah, it's fine.

Commissioner Tuley: Okay.

Commissioner Mourdock: I'll move approval then of the Lynch Road Phase 2 interlocal agreement with Warrick County.

Commissioner Tuley: Second.

Tim Spurling: I also have a--

President Jerrel: So ordered.

Tim Spurling: Pardon me?

President Jerrel: I just said so ordered.

Tim Spurling: I'm sorry, I didn't hear you. I also have for Lynch Road Phase 2 an agreement with Bernardin Lochmueller for \$93,168. This is right-of-way acquisition...right-of-way services agreement.

President Jerrel: Okay, is there a motion regarding this?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. We'll get...are you going to...should we simply send a copy back to the Warrick County Commissioners of this after it has been signed?

Tim Spurling: I believe so.

President Jerrel: Since we're putting the money up front and they're going to pay us that's kind of the way this works. Okay, alright.

Tim Spurling: The third thing on my agenda is Winstead Place Section 2 street plan approval request. I have looked over those plans and everything seems to be in order. I would just like to ask that you approve the street plans.

President Jerrel: Let's take a look at them.

Tim Spurling: This is just the cover sheet.

President Jerrel: Oh, this isn't...yeah, here it is.

Tim Spurling: I have a full set of plans.

President Jerrel: No, we just needed to take a refresher as to where those were.

Commissioner Mourdock: Is there anything special about this one, Tim? I mean, there is no included waiver on sidewalks or any of that kind of stuff? It's just a normal street plan? And you're recommending it or the County Engineer is recommending it?

Tim Spurling: The County Engineer is recommending.

Commissioner Mourdock: I'll move approval of the Winstead Place Section 2 street plan.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tim Spurling: Okay, the last thing on the agenda is the Ward Road plans that Valerie has been working on. I don't really know a practical way of doing this other than bringing them to your desk and spread them out.

President Jerrel: No, that's the best way.

Tim Spurling: Okay, what we have here colored in gray is the street. This direction being north, this is Knob Hill Drive up here. The green shows new ditches or improvements on what is existing. Pink is driveways. When you get down here you have orange to indicate grading over new pipes and the blue is the pipe itself.

Commissioner Mourdock: So this...well, I can see it off the topography. There is some level of drainage there currently--

Tim Spurling: Right.

Commissioner Mourdock: --based on the topography, but that's not adequate to maintain the flow? You're still getting sheet wash over the top?

Tim Spurling: Right. I believe some of the areas the ditch fades out to nothing.

Commissioner Mourdock: Yeah, you can see it right here.

Tim Spurling: And starts washing back in onto these properties.

Commissioner Mourdock: Is this where the famous block wall is right in here?

Tim Spurling: Um, there are four sheets here. We'll work our way south here.

Commissioner Mourdock: That is overlap, right? That driveway?

Tim Spurling: Right. This is the wall.

Commissioner Mourdock: Okay, so the blue is all new pipe?

Tim Spurling: Correct.

Commissioner Mourdock: And that size is?

Commissioner Tuley: It's 15 inches.

Tim Spurling: Let me see down here, 15 inch, yeah, reinforced concrete pipe.

Commissioner Mourdock: Did Valerie do this or did you do this?

Tim Spurling: Valerie did this.

Commissioner Mourdock: Let me ask you, maybe you'll know, maybe you won't. For that 15 inch pipe is that then sized to a specific event?

Commissioner Tuley: Twenty.

Tim Spurling: Everything in here will work with a 50 year event.

Commissioner Mourdock: Fifty or 15?

Tim Spurling: Fifty. One hitch in our plan is through here where we do not have...we can't find any documentation of any right-of-way. There is a pipe that runs under Anthony Drive and in front of a couple of houses here that is undersized. That will hold, according to Valerie, about a five year event.

Commissioner Mourdock: Five year?

Tim Spurling: Right, so the problem there becomes we can fix everything else, but we've got a major problem here in that all that water is going to come down and it's going to hit Anthony Drive and there is not going to be essentially anywhere for it go, anything above a five year event.

Commissioner Mourdock: So keep talking. Right now we get a 15 year event, what happens right here?

Tim Spurling: Water will come down. It will be fine up to this point. This pipe will fill up and we'll end up with overflow onto the road, kind of down Anthony Drive, most likely across people's front yard on Anthony Drive.

Commissioner Mourdock: Which is certainly what happens now.

Tim Spurling: Right.

President Jerrel: What kind of investigation was done about the right-of-way? I mean, I can't understand why you wouldn't go under Anthony with a 15 inch pipe. Why wouldn't they?

Tim Spurling: Because we have nothing to say that we have any right-of-way here. We could in theory replace the pipe under Anthony Drive, but then we get to this pipe that's in this front yard, this ditch is completely filled in and a pipe in there that's too small. So what you end up with is a large pipe funneling down into a small pipe which you end up with...replacing the pipe under Anthony Drive won't increase the flow because it will all be backed up from the pipe in the front yard there.

President Jerrel: I mean, just a real logical thing comes to my mind. We have to explain this to these people and we have to get their permission. Why are you shaking your head no? You don't think they would give permission? Well, who knows if you don't ask.

Joe Harrison, Jr.: They'll have to grant us easement.

President Jerrel: But they've already got pipes.

Joe Harrison, Jr.: No, some of them don't.

Commissioner Mourdock: There used to be a ditch through here, but most of it has been filled in so that they can mow right up to the street.

Joe Harrison, Jr.: Uh-huh.

Commissioner Mourdock: The little bit of pipe that is there, and correct me if I am wrong on this, Tim, but I think there is a little bit of pipe under these driveways but that's about it.

Tim Spurling: I believe there is pipe...there is an outlet here and no way for any water to get into that pipe except up here. I believe there is pipe all the way along in front of this house and then you end up with a little ditch that's been filled in and a pipe under the driveway.

President Jerrel: When you're saying outlet here, what do you mean?

Tim Spurling: Just the end of a pipe.

President Jerrel: Oh, okay.

Commissioner Mourdock: Twelve inch.

Tim Spurling: When you go out there and look there is a pipe sticking out there that you can look up this direction into the pipe.

President Jerrel: The pipe under Anthony is how big in diameter? Do you know?

Tim Spurling: It's 12 inches.

President Jerrel: So you're going from 15 down to 12?

Tim Spurling: Right.

Commissioner Mourdock: Let's just continue for a second. So now we're down to here and then again we're putting in pipe here, and here, here, and here, and then we're crossing under Ward.

President Jerrel: St. George?

Tim Spurling: That's under Ward. This is St. George.

President Jerrel: Ward, yeah.

Commissioner Tuley: This is St. George Road.

President Jerrel: Okay, so we could...go ahead.

Commissioner Mourdock: I was just going to say all that's green through here is more ditching?

Tim Spurling: Correct.

Commissioner Mourdock: And that is our right-of-way?

Tim Spurling: Uh-huh.

Commissioner Mourdock: So we've got what appears three properties where right now we have no right-of-way, no easement and not adequate pipe to keep up with the rest of our plan?

Tim Spurling: That's correct.

President Jerrel: So what was Valerie's recommendation?

Commissioner Mourdock: You're looking at it.

President Jerrel: I know, but that's incomplete.

Commissioner Tuley: There is a big gap in the middle.

President Jerrel: Yeah.

Tim Spurling: About all we can do there is try to get...try to buy right-of-way or try to ask for donated right-of-way.

Commissioner Tuley: Where is that aggregated drive in relationship to this whole thing? I have a feeling I know where it is at.

Tim Spurling: These two are gravel.

President Jerrel: Well, I think we should proceed, accept these, but I think to make it worthwhile we need to move on this area to try to come to some solution because, you know, it's going to work well if it all can be done, but if you're sitting here with three without right-of-way and I have an idea, hope springs eternal, that these three people

might realize that if we're going to be doing this up here and down here it would be in their best interest.

Commissioner Mourdock: Do you have any idea, Tim, if you were looking at...aside from the cost of the easement itself, assuming we would have to buy easement through there, what it would cost us for pipe if they did agree to piping through there, what would 15 inch pipe be through there?

Tim Spurling: Just for this section?

Commissioner Mourdock: Are you still at 15 down here or are you greater than that?

Tim Spurling: Valerie is estimating 15 inch pipe at \$17.50 a foot.

Commissioner Mourdock: Okay.

Tim Spurling: So we have roughly...section eight, roughly 150 feet here that would definitely have to be replaced.

Commissioner Mourdock: So 450 feet. What did you say \$17...what?

Tim Spurling: It's \$17.50.

Commissioner Mourdock: So figure 500 feet, so you're looking at--

President Jerrel: About \$9,500. Well, I think that has to be included if at all possible.

Commissioner Tuley: Was it looked at? I mean, we're crossing here anyway, have we looked at the possibility of crossing on where we lose our right-of-way and coming down this side? Do we have this right-of-way on this side? We're going to cross down here at some point.

Commissioner Mourdock: There are a lot more residences, I think, on this side.

Tim Spurling: What you get into on that side is a lot more driveways that would all need bigger pipes and there are a lot ditch piping on that side also.

Commissioner Mourdock: Plus we don't have any easement on this side either, right? We would still have this same situation where we would have to come up with easement?

Tim Spurling: I'm not sure where our right-of-way sits on that side of the road.

Commissioner Mourdock: A question down at this end. It's showing a 15 inch here...oh, wait, that's 24, okay.

Commissioner Tuley: Is this on the north or south side?

Tim Spurling: That's a section of 18 here.

Commissioner Mourdock: It's on the east side of Ward, north side of Oak Hill.

President Jerrel: St. George.

Commissioner Mourdock: Yeah, St. George.

Commissioner Tuley: And then it goes down here and it gets into...it eventually crosses back.

Tim Spurling: Yeah, it will eventually go under St. George into some really large ditches that run--

Commissioner Tuley: Right, Whirlpool or whatever.

President Jerrel: What was the cost estimate that she gave?

Tim Spurling: For everything she is estimating \$73,000 for everything that is showing here.

Commissioner Tuley: Not including the gap?

Tim Spurling: Anything that we did here would be additional.

Commissioner Mourdock: That's with county labor putting in these pipes?

Tim Spurling: I believe that was contracting that out.

Commissioner Mourdock: So that wasn't formally bid at this point, but it was just an estimate.

Tim Spurling: Right, just an estimate.

President Jerrel: So it would be in the neighborhood of \$85,000.

Commissioner Mourdock: Plus right-of-way.

President Jerrel: Plus right-of-way. Somewhere in that neighborhood.

Commissioner Tuley: That's under the assumption of...well, I assume in those numbers you've got...did we just act like that didn't exist, that gap?

Tim Spurling: Right.

Commissioner Tuley: So we don't have labor in there either, \$10,000 just for pipe not the labor to put it in.

Tim Spurling: The \$17.50 was also--

President Jerrel: It includes it.

Commissioner Tuley: Was that installation, oh, okay. So we're looking at \$10,000 more than we thought we were plus right-of-way acquisition.

Tim Spurling: I know the people in that gap don't seem to have a flooding problem.

Commissioner Tuley: So they don't care to help.

Tim Spurling: So they're--

Commissioner Tuley: Less inclined to want to help.

Tim Spurling: Right.

President Jerrel: So, what...if we don't...if we can't get, you know, the cooperation of the people and that gap stays in there then the effectiveness of what we're doing is what?

Tim Spurling: Pretty much nil.

President Jerrel: Well, that's not acceptable.

Joe Harrison, Jr.: That's right, that's the whole problem.

Tim Spurling: The problem we're facing is what to do about the gap.

President Jerrel: Well, I think the...what do you all think? I mean, I have an opinion.

Commissioner Tuley: Well, I would still like to go forward and have the money set aside and see if we can't resolve this. If this doesn't work, then let's look at what happens if we try it under the road further north and then come down this side. What's that do to us?

Commissioner Mourdock: Let me...maybe it is asking the same questions, but worded a little bit differently, if we knew today that we weren't going to get those several properties that are gaps does it make any sense at all to do anything south of Ward Road...no, south of Anthony Drive or should you do the plan that you've laid out and just stop there?

President Jerrel: And run under the street?

Tim Spurling: I believe there were some small drainage problems through here, through this section. Nothing major that I don't think we would have to deal with that. Running into the other side of the road there are...I don't know about the right-of-way, but I do know there are a lot of piped ditches that all that would need to be...the pipe would need to be enlarged.

Commissioner Mourdock: On the west side?

Tim Spurling: That would mean digging all that up and replacing it.

Commissioner Mourdock: Personally, I don't think that's an option.

Tim Spurling: The County Highway Department did it.

Commissioner Mourdock: Yeah, two years ago.

Tim Spurling: A couple of years ago.

President Jerrel: Uh-huh. Okay, so let's say that we--

Commissioner Mourdock: Let me ask a question.

President Jerrel: Okay.

Commissioner Mourdock: Maybe this is an improper question given this is a public meeting, Joe, but if our right-of-way extends down the east side of the road to that point where it is impeded no longer goes south. If it stops at that impediment, despite what we do north of Anthony, are the people who are blocking us otherwise not subject to the drainage obstruction ordinance? Would we not be the plaintiff in that case?

Joe Harrison, Jr.: No, I don't...the right-of-way is not a fee that we have.

Commissioner Mourdock: Let me give you another example. My property is just uphill from your property. There is a drainage way that runs across it, you block your drainage way and water backs up on me. How is that situation different?

Joe Harrison, Jr.: There is obviously some period of time that this work has been done. I don't know when these people did it. It's probably been like that for a few years.

Tim Spurling: I don't have any idea.

Commissioner Mourdock: Twenty, I would guess, minimum.

Joe Harrison, Jr.: There is some limitation period on blocking an obstruction. It's a property law or whatever it is. We, the county, do not have a fee interest, we have right-of-way. The owners of the property are obviously the neighbors. They may have some issue or some claim if, in fact, something had been done recently, but I don't think these things have been done recently. If I had to guess these, you know, the blocking or whatever might be done out there has been there for ten or 15 or so years.

President Jerrel: Well, the fact that we...no one has asked these people if they will donate right-of-way have they?

Tim Spurling: No, I don't believe anyone has.

President Jerrel: Well, what would be wrong with sending them a letter and telling them that we're contemplating extending the improvements and give them sketch and that we're going here and begin here and we would like for them to participate.

Commissioner Mourdock: Participate usually implies the word--

President Jerrel: As to give us their right-of-way.

Commissioner Mourdock: Right.

President Jerrel: To donate their right-of-way so that we can do that side of the street.

Joe Harrison, Jr.: What we would have to know is how much? How much exactly. How much square footage or the length that would be required for each property owner. You know, you got to give them some dimensions.

Commissioner Tuley: This is going to be covered back up. It's going to be covered pipe, so it's not like--

Joe Harrison, Jr.: You're going to be digging up their yard.

Commissioner Mourdock: The problem is though if you cover up that...if you put that in

pipe probably everybody up above it and down below it will want pipe the whole way too, not just underneath their driveway.

Commissioner Tuley: The rest of that...oh, that's right, the rest of that wasn't going to be pipe was it other than driveways?

Commissioner Mourdock: The pipe was strictly the driveways.

Tim Spurling: Correct.

Commissioner Tuley: I'm sorry, that's right, so they would have an opening.

President Jerrel: I think we have to notify all the neighbors along there.

Commissioner Mourdock: Sure.

President Jerrel: The ones up at the beginning and all the way down to St. George.

Commissioner Tuley: Oh, no question.

Joe Harrison, Jr.: You're going to have--

President Jerrel: What our plans our.

Joe Harrison, Jr.: I think the first thing you have got to do is just see if those people are willing to participate in this endeavor. If they are, then at some point you've got to have a public hearing and notify everybody and their brother that lives out there and you've got to give the plans...the plans are going to have to be open and there is going to have to be some discussion before you all approve them. They'll be people down the road, I'm certain, who will have no knowledge of any of this once it starts and they won't be very happy, but they might be real happy. Some will be very happy and maybe some won't be. These individuals may have some comments, but certainly I think the first thing you want to do is just see if those people want to participate. Is it just three owners?

Tim Spurling: I believe so.

Commissioner Mourdock: What kind of slopes would you have on the ditches, Tim?

Tim Spurling: I'm not sure without looking. Are you talking about side slopes?

Commissioner Mourdock: Right.

Tim Spurling: The side slopes Valerie planned on a 3:1 side slope with a one foot bottom, flat bottom.

Commissioner Mourdock: Okay.

Tim Spurling: Obviously when you put that out there it ends up with a more rounded shape usually after a year or two.

Commissioner Mourdock: Right, so you're looking roughly by the time you get it all done you're going to have 12 foot, 11 or 12 foot width?

Tim Spurling: Yeah.

President Jerrel: Well, the first thing that we need to do is to decide if we're going to proceed, then I think that we need to come to grips with that. How much is the effectiveness if we can't get those pieces of property? I don't want to dump any more water on Anthony Road. Now if it would...you know, up to that point if it would help that's one thing, but I don't want to create more problems than we already have, but how would you suggest that we notify, not just those three properties, but everybody along there what we're looking at doing?

Joe Harrison, Jr.: I would try to send everyone a letter plus you've got to publish it in the paper, so you would have to at least give the boundaries from where to where that the improvement work is going to be done. You've got all the lot owners. I mean, you've at least got the addresses, I believe, for all these people.

Commissioner Mourdock: Really there is only the three that are really in question.

Joe Harrison, Jr.: No, I mean for everyone.

President Jerrel: We need for everybody to know.

Joe Harrison, Jr.: Yeah, everyone is going to have to know.

President Jerrel: Along Ward Road.

Joe Harrison, Jr.: But I would wait until you find about those three first, but everyone is going to have to be notified plus you can publish in the paper in case they don't get...don't want to read their mail.

President Jerrel: Well, I mean I think we're committed to doing something, but I would like to see it done right. What would be wrong with...I mean, would Valerie be able to do some sort of a description and a small sketch that would be suitable to go out? See I think you have to have some sort of a visual for the people that are along that east side of Ward Road. You know, the beginning point and all the areas that are touched upon. If she could do a description of the project as well as a little drawing and Joe could do the legal language we could send out a letter of notification of what our intent is, what we're trying to do and perhaps have what, Joe, a public hearing?

Joe Harrison, Jr.: That's what it has to be, but again I wouldn't even go to that step until you find out about the three.

Commissioner Tuley: Negotiate with those people.

Joe Harrison, Jr.: Yeah, because you're wasting your time.

Commissioner Mourdock: Excuse me, Joe, why does it have to be? I don't understand this. We have this easement along there.

Commissioner Tuley: Yeah, what is the public hearing for?

Commissioner Mourdock: We clean out ditches every day. Why do we need a public hearing?

Joe Harrison, Jr.: Again, my feeling is that you're going to be, you know, going into these people's properties, although it is our right-of-way--

Commissioner Mourdock: Right.

Joe Harrison, Jr.: --but it's on their property and everyone needs to be notified of what you want to do, and I think the best way to do it is to at least have a hearing when you approve this. You're going to advertise for bids, I am assuming, or else have the county do it, but my feeling is that in case there are some individuals who may not be happy with the proposal at least they will all know that they had an opportunity to show up early on and voice their interest or concerns regarding the project and I would rather have that done in a public setting up front.

Commissioner Mourdock: Okay.

Commissioner Tuley: As opposed to--

Joe Harrison, Jr.: As opposed to not doing it at all.

Commissioner Mourdock: As has been done in some other arenas, right?

Commissioner Tuley: Yes.

Commissioner Mourdock: Tim, do you know was the ditching work itself, was that also considered by a contractor or were they figuring county crews?

Tim Spurling: This cost estimate was all figured on contracting the entire job.

President Jerrel: All contract.

Tim Spurling: To one general contractor.

Commissioner Mourdock: Okay.

Commissioner Tuley: Let me ask, is it crazy just to go ahead and try to go to Council to set aside the money and while the money is set aside try to work out negotiations on those three pieces of property assuming that we get to the point we're talking about having a public hearing and everything at least then we've got the money set aside and ready to go as soon as we get what we need.

Commissioner Mourdock: And if--

Commissioner Tuley: If we can't, then we have to look at whatever Plan B is and I don't know what Plan B is at this point in time.

Commissioner Mourdock: Well, I think Plan B is if you don't get those properties you look at the upper part of this plan which probably is going to be somewhat better than the current conditions in that Anthony Drive is already maintaining a lot of that flow when a big event occurs, but it's the less optimal of the two options.

President Jerrel: Okay, so we could set aside \$85,000 and whether we spend it or not will be based on--

Commissioner Tuley: On that later date, but at least we've gone to Council and got the money set aside and then we continue to work, negotiate and get whatever it is that we need--

President Jerrel: But there needs to be some...we need something that clearly shows the people what we're considering doing and a contact with those three pieces of property so that they can either agree or--

Commissioner Tuley: I think Joe is right. We don't want to stir up all the rest of them out there until after we know where we stand with those three.

President Jerrel: But the three need to get a letter--

Commissioner Tuley: Oh, we've got to get those three, there is no question about that.

President Jerrel: --and a design so they see where it is going.

Commissioner Tuley: Unless you guys have got some ideas.

President Jerrel: Do any of you have a comment?

Bob Bell: I would like to ask the three properties--

Commissioner Mourdock: Identify yourself on the sound system there, Bob.

Bob Bell: Bob Bell, Anthony Drive. My question is the three exact pieces of property that you are speaking about that we feel like we don't have the right-of-way for?

President Jerrel: We don't have right-of-way on the first three properties south of Anthony Drive.

Bob Bell: South of Anthony Drive?

President Jerrel: On Ward Road.

Tim Spurling: On the east side.

Bob Bell: I have a...and I'm sure you folks know your business and what you're doing, but I have hard time understanding that with the way the right-of-way runs from all the from Knob Hill all the way to St. George Road. The first home with the aggregate driveway, that particular individual had a ditch in front of his house less than...I've been out there not quite four years...two and a half years ago because at the time he put that driveway in and filled that ditch in I went over and spoke to the gentleman. At that particular time he informed me that he had been downtown and got permission to put pipe in that ditch and put his driveway in as it is.

Commissioner Mourdock: Which is probably a way saying he came down and found out we couldn't control the property, so he is free to do anything he could.

Bob Bell: Yeah, that's what I am questioning.

President Jerrel: Well, you understand why we have--

Bob Bell: Oh, I understand thoroughly. I'm just trying to be somewhat helpful from a neighbor's standpoint that lives out there every day and watches what goes on because from his driveway the next two individuals to the next street corner are dealing with a nasty looking old ornery ditch anyway.

Commissioner Mourdock: South of him?

President Jerrel: Well, then he is sort of the key?

Bob Bell: Yes.

President Jerrel: He is the key?

Bob Bell: He is the only person on that side of that street to Mullins' estate, which is the next one before you get to St. George Road, that has anything in it. The other two are living with ditches.

Commissioner Mourdock: You think that one where the ditch is filled in, that was only done three, four or five years ago?

Bob Bell: It was done since I moved out there and I haven't been there four years yet.

President Jerrel: You did verify that we have no right-of-way?

Tim Spurling: I know Valerie and Bill and probably Tom all looked for right-of-way and we cannot find any. Over there in the records there may be some record of right-of-way that was granted, there may not. We can't find it to say, yes, we do.

President Jerrel: Okay, who is...I'm asking this question. Who is the best reviewer of information like that? Is it someone in Area Plan or someone in the Recorder's Office or someone in--

Commissioner Mourdock: Surveyor's Office.

President Jerrel: --the Surveyor's Office?

Joe Harrison, Jr.: Well, you can...I don't know what information...you've obviously gone back a few years on each property. You've looked at the plats. You've looked at the deeds. Whatever information you have, you might want to check with the Surveyor first, then after that you can provide it to me and I can take a look at it, our office can look at it. I don't know how far you've gone back. You've probably gone back 15 years or 20?

Tim Spurling: I'm not sure because I didn't personally do it.

Joe Harrison, Jr.: Okay.

Tim Spurling: So I don't know.

President Jerrel: Could we have that information--

Joe Harrison, Jr.: On those three properties.

President Jerrel: --on those three properties.

Tim Spurling: I can get what we have.

President Jerrel: Okay.

Bob Bell: Also, if I might say one other thing, the pipe that is laying underneath Anthony Drive now which would come onto that gentleman's property, that piece of pipe did not exist until the county blacktopped Anthony Drive a number of years ago. At that particular time some of the neighbors, this is before me, okay, and I wish the gentleman was here that was involved in it. He was supposed to be. Mr. Savage, who lives down by me, questioned the fact that water stood at that intersection even on the side of that hill. The county at the time, rather than running into problems with a new blacktop street, being Anthony Drive, dug that in there and put that piece of pipe in there. Up until that point there wasn't a piece of pipe there. The county did do that.

Commissioner Mourdock: Is that the five inch pipe?

Bob Bell: It's not--

President Jerrel: Twelve inch.

Bob Bell: --12 probably.

Commissioner Mourdock: But it doesn't show up on this drawing at all? Oh, I'm sorry, it is there.

President Jerrel: Yeah, it's there.

Commissioner Mourdock: It does show 12 inches.

Bob Bell: It just runs under Anthony Drive. If there are some question about that, but as you go on down from Anthony towards St. George Road, even when Mr. Mullins built the newest addition down there the power line poles that run in front of these questionable homes were set back some, we even measured it, 40 feet from the center of the road back onto their property. When you get down there to his end where the new homes went his fences and stuff even went by that property line. Those utility poles sit way back in those people's front yard.

Commissioner Mourdock: But the utility is totally different than us.

Bob Bell: Well, I'm just stating somewhere somebody was using something as an easement right-of-way, you know, as far as--

President Jerrel: I think we need to do a more thorough search, if you don't mind, Joe. Okay, so what is your pleasure?

Commissioner Mourdock: Well, I'll go back to Pat if you want to make that as a motion the idea that first of all we go to County Council to ask for the allocation of \$85,000 for Ward Road drainage improvement.

Commissioner Tuley: And I will put that in the form of a motion so we can go to Council with the understanding that we're going to try to work out this situation with right-of-way. If we secure it, fine, we go on. If we don't, we go with Plan B which may or may not need to allocation of the full \$85,000.

Commissioner Mourdock: Okay, well, with that motion then on the table I will second that motion.

President Jerrel: I will go to Council and say so ordered.

Commissioner Mourdock: Okay, then as far as a contingency plan, if you will, I think we do need a direction whether it's the County Attorney to begin the title search to verify that. I mean, I have heard this so many times I think it's accurate just because I have heard it so many times that, in fact, the county does not have any form of easement or right-of-way along that side, but let's do it absolutely 100 percent the best way we can do it.

Commissioner Tuley: Without question.

Commissioner Mourdock: I would ask that the County Attorney direct that effort, so I would move that.

Commissioner Tuley: I'll second your motion.

President Jerrel: So ordered. So you need to get from Valerie everything that has been done to date. What kind of searches have taken place so that Joe Harrison can have that copy.

Tim Spurling: Give that to Joe?

President Jerrel: Yes.

Tim Spurling: Okay. Do you want us to contact those property owners?

President Jerrel: Well, I think first we want to do this search and then, yes, the next step will be to contact.

Tim Spurling: Next step will be to contact?

President Jerrel: Right.

Commissioner Mourdock: Just one question, Joe, that Suzanne just whispered to me, it's a good question. Not long ago on Eickhoff Road we had a hearing to establish a right-of-way. How was that different?

Joe Harrison, Jr.: That was the road itself we didn't even have as right-of-way.

Commissioner Mourdock: That's right.

Joe Harrison, Jr.: Which everyone knew, obviously it was.

President Jerrel: It was our road.

Commissioner Mourdock: We were effectively using the road, so it was just a question--

Joe Harrison, Jr.: We did not go off the roadway, if you'll recall.

Commissioner Mourdock: Right.

President Jerrel: Okay, is there anything else?

Tim Spurling: I don't have anything.

Commissioner Mourdock: You might want to see if there are other folks.

President Jerrel: Do you all pretty well know what we're doing? Okay. We'll keep you informed.

Commissioner Tuley: Tim, in case we don't see you good luck in your new venture.

Commissioner Mourdock: Tim, how long will you...

Commissioner Tuley: The 21st.

President Jerrel: The 24th?

Tim Spurling: Yeah, 24th.

Commissioner Tuley: Oh, 24th, I'm sorry.

Tim Spurling: I'll be here a half day on the 24th.

Commissioner Tuley: He's got it down to the hour.

President Jerrel: I'm going to give those back to you and there you go.

Tim Spurling: You didn't want to keep these?

President Jerrel: Well, I think Valerie...I think she should keep them so that when we get ready to move on--

Tim Spurling: She has got reproducible copies.

President Jerrel: Okay.

Commissioner Tuley: Oh, she does?

Tim Spurling: If you wanted them.

Commissioner Tuley: Do you need those, Joe?

Joe Harrison, Jr.: Yeah, you can give them to me. That's fine.

President Jerrel: Yeah, let you take them. Okay, thank you very much.

Commissioner Tuley: Thanks, Tim.

Tim Spurling: Thanks a lot.

Joe Harrison, Jr.: Thanks, Tim.

**County Garage**

President Jerrel: There isn't anyone here from the County Garage. County Attorney.

Commissioner Tuley: Are we just going to accept the County Garage--

President Jerrel: Yes, is there a motion?

Commissioner Tuley: I'll so move.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

**Joe Harrison, Jr. - County Attorney**

Joe Harrison, Jr.: I have nothing to report.

President Jerrel: Oh, okay.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I have nothing to report either.

President Jerrel: Okay.

**Steve Craig - Burdette Park**

President Jerrel: Burdette Park.

Steve Craig: I have nothing to report other than that we had a smooth week and a busy weekend.

Commissioner Mourdock: Good.

Commissioner Tuley: Smooth, no problems. That's great.

President Jerrel: Well, we had a good meeting didn't we?

Steve Craig: Yeah.

President Jerrel: We're doing our grant business and we had a good session and we're going to meet again tomorrow.

Commissioner Mourdock: I know it's always hard to tell, Steve, given the variation with the weather, but how has attendance been overall this year compared to last year?

Steve Craig: I actually think it's up even though, you know, I know it was hurt because

of the baby pool and that, but last year was even worse than what we had this year.

Commissioner Mourdock: Last year was exceptionally cool early, right?

Steve Craig: Yeah, until the 4th, but after that it got hot like it did about two weeks ago. Probably in I'd say two or three weeks we'll have the six month report up, but I know we just started on it.

President Jerrel: You know I had us down for 12:30.

Steve Craig: Okay.

President Jerrel: Well, I've got a 1:00, but, you know, I'm ready to...we could do half an hour.

Steve Craig: Yeah, I've got most of my stuff.

President Jerrel: About 12:15?

Steve Craig: That would be fine.

President Jerrel: Alright, thank you.

Steve Craig: Have a good week.

President Jerrel: You too.

### **Consent items**

President Jerrel: Okay, under consent items are there any questions about any of those? Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Scheduled meetings**

President Jerrel: Scheduled meetings is attached.

### **Old business**

President Jerrel: Under old business I just have one thing to report. I have sent a letter to Bob Brenner requesting that they survey the Otis Futrell property so that when they let a contract for that removal that there will be accurate property lines. That's just an information item.

**New business**

President Jerrel: Under new business?

Commissioner Mourdock: Steve didn't mention this a moment ago, but with the pool renovation that we've got coming up for next year I would move to begin the process and have the money set aside that the Commission make a Council Call for the sum of \$160,000 for Burdette Pool, so that the work might be done in a timely manner.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Also, in that line of budgetary thinking I would move approval for a Council Call for \$6,000 for the Greenway beltland use study that was presented last week.

Commissioner Tuley: Second.

President Jerrel: So ordered. Is there any further business to come before the Board?

Commissioner Mourdock: One bit of business just to confirm. I know there was a letter that came through in late June from INDOT and I just wanted to confirm that we are acting or did act to keep the Eickhoff/Koressel on the state's development schedule. They had that cited for 2002 fiscal year and I just want to make sure that we did get back to those folks or did otherwise notify them and get this letter--

President Jerrel: It has gone.

Commissioner Mourdock: Okay, very good.

President Jerrel: I do have two appointments that I was going to bring up under new business. We have had a request from the Levee Authority that we reappoint Mr. Van Dusen and I have those letters. Marsh Van Dusen has been on that Board for a number of years--

Commissioner Tuley: Twenty something, I think.

President Jerrel: Yeah, and would like to be reappointed.

Commissioner Tuley: I would so move his appointment, reappointment.

Commissioner Mourdock: Second.

President Jerrel: So ordered. The other is an appointment to the Advisory Council. Mr. John Buckman recommended Deavron Farmer be appointed to the Advisory Council for the EMA and that's the Emergency Management. Is there a recommendation?

Commissioner Mourdock: I'll move as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered. So both of...I'm going to put these appointments in there

so that you've got those in your copy. Is there any other business to come before the Commission.

Joe Harrison, Jr.: The only thing that I'm aware of, I'm sorry, in speaking with John Stoll before he left he did indicate that he thought Lynch Road was going to open up later this week.

President Jerrel: Yes.

Joe Harrison, Jr.: Apparently the state is going to inspect the road--

Commissioner Tuley: Thursday.

Joe Harrison, Jr.: --I thought Thursday.

Commissioner Mourdock: Yeah, the 9th.

Joe Harrison, Jr.: So if, in fact, that happens it might be open shortly thereafter.

Commissioner Tuley: I'm not saying anything until I see cars driving on it.

President Jerrel: Me either, but they are pouring some asphalt on Burkhardt, quite a bit.

Commissioner Mourdock: Hopefully the fat lady will soon be singing on Lynch Road as that thing gets finished.

President Jerrel: Okay, if there is no further business is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered

The meeting was adjourned at 6:57 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
Roger Lehman  
Joe Coleman  
Tory Castor  
Lee Lewellen  
Chris Johnston  
Sue Beesley  
Tim Suenram  
Tim Spurling  
Bob Bell  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
July 13, 1998**

The Vanderburgh County Board of Commissioners met in session this 13th day of July at 5:45 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. I'd like to introduce to you on my far right, Tony Greubel, our Administrative Assistant; next to him is Joe Harrison, Jr., County Attorney; and to my right is Pat Tuley, County Commissioner; on the far left, Todd Kain--

Suzanne Crouch: No, Todd Hochstetler.

President Jerrel: I know it, I said the wrong thing...our Recording Secretary for the evening; Suzanne Crouch, County Auditor; to my left is Richard Mourdock, County Commissioner and my name is Bettye Lou Jerrel and I would like to now ask if you would join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Under our action items, the first is the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes of July 6, 1998.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Certification of Executive Session**

President Jerrel: We did not have an Executive Session this evening. This is the second Monday of the month and we had a Solid Waste Board meeting, so that will just be X'd out.

**Lynn Ellis - Amend APA044-98**

President Jerrel: Lynn Ellis had two items and she is not here today and I'm going to make her recommendations. I spoke to her at length. On amend bid number APA044-98, that if you'll look carefully at the numbers and if you'll look on page three you'll find the items that we have and the prices are going down. Tim is here from SCT if you have any questions, but this simply extends this and we get the benefit of the reductions. She recommended that we approve it.

Commissioner Mourdock: I'll move approval then of APA044-98 as recommended by City/County Purchasing.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Lynn Ellis - Bid various County Highway Department equipment**

President Jerrel: The second item is the request that had been delayed for bidding equipment and Councilman Wortman has been out and worked with them on the mower and that has been repaired, so his recommendation would be that we do the pickup truck, which would be an advertised bid and defer the other two.

Commissioner Mourdock: I'll move accordingly that we go ahead with the pickup truck, VC98-08.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**EMA - Emergency Operations Plan**

President Jerrel: The next item on the agenda is the approval of the Emergency Operations Plan and we have with us a representative from the department and we also have a copy of the very big plan.

Adam Groupe: We're hoping that the state in coming years changes the requirements for that and it gets much thinner. That plan does meet all the state requirements. It has been accepted by the state. It has actually been in force since 1991 as approved by the EMA Advisory Council. What we have discovered in the process of going through the Disaster Resistant Community process and in working with CRS to lower the flood insurance rating we determined that even though it has been approved and signed off by the Advisory Council to look for the CRS process they require it be signed off by the elected governing body.

President Jerrel: May I ask you, too--

Adam Groupe: Yes, ma'am.

President Jerrel: --to give your name and your rank and roll.

Adam Groupe: My name is Adam Groupe, I'm the Deputy Director of the City/County Emergency Management Agency.

President Jerrel: Okay, thank you. This is a very extensive plan, obviously, and the easiest way to view it is through the table of contents. You will provide us with a couple of other copies? We had asked.

Adam Groupe: Yes, we are in the process of doing a yearly revision. We had a very large tabletop exercise in January and the lessons learned from that exercise were turned into modifications in that manual and we're in the process now of distributing them to city and county departments and you, of course, are going to receive them.

President Jerrel: Again, I have asked this before, but I think it would be very beneficial if at some point during the year you would plan a drill for this building. We have never had one and I think we should.

Adam Groupe: That's definitely something we could do. We can work with the Building Authority and do that.

President Jerrel: Okay. Any questions about the plan?

Commissioner Mourdock: Regarding the last suggestion I think it's a very good idea and I would like a tip of when it is going to happen because I would like to be here with a camera. Said not too glibly, but seriously.

Adam Groupe: Now that plan in front of you, that's the big plan for the city and county.

Commissioner Mourdock: Right.

Adam Groupe: There is also a smaller scale plan for city hall and is that the plan you would like to see exercised here in this building?

President Jerrel: Yes, it is.

Commissioner Mourdock: Right.

President Jerrel: Yes, it is.

Commissioner Mourdock: I'm curious, how do you intend even with this plan, or maybe especially because this plan is as thick as it, how do you realistically communicate that through the whole city and county to make it work?

Adam Groupe: Okay, when there is an emergency that would require response as planned in that Emergency Operations Plan we would open up the EOC, which is the Emergency Operative Center, which is in our office at 113 East Diamond Avenue. That big meeting room turns into the command center, so to speak, for local government in dealing with that response and there are, of course, these books then. For each department head and each elected official there is a smaller version that has the chapter that deals with their specific responsibility, so really that is the big picture. When working in an EOC type of situation all you have to worry about is your smaller picture. It's much more manageable at that size. Sherman, myself, Roger Lehman, the Advisory Council, we're more familiar with the larger picture and we can coordinate people doing their own smaller responsibilities. A lot of that is there because it's required by state. The federal government has what is called the federal response plan which is significantly thinner than that book and hopefully that is the shape of things to come where rather than address each individual type of emergency what the federal plan does, and again what the state is looking at converting to, is addressing the functions of government and there are only 12 and it's a much smaller book and much more efficient.

President Jerrel: I'm trying to find, and I thought you might want to tell us just one item, and that is the shelters, so I went to Attachment K and I looked for designation of shelters and I see that specific shelters have been designated, see Appendix 2 to Annex K. I don't see Appendix 2.

Adam Groupe: May I?

President Jerrel: Sure, show me.

Adam Groupe: Like I said, we are in the process of rebuilding these and I am hoping--

President Jerrel: See, specific shelters.

Adam Groupe: A lot of this nuclear attack is required by law to receive our state and federal funding. Sheltering in the plan, the American Red Cross takes the primary responsibility for staffing the sheltering although it's our responsibility for locating the shelters. It talks about Red Cross responsibility.

President Jerrel: These are what I was looking for because I helped develop them. I just wanted to know if you had them in there.

Adam Groupe: Yes, they are in there. They don't have their own tag. They're lumped with the others.

President Jerrel: That's all I wanted to know. Is there a motion to accept and approve the emergency plan?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Adam Groupe: Thank you very much.

President Jerrel: Thank you.

### **Weights & Measures - Extension of Lease Agreement**

President Jerrel: The next item on the agenda is an extension of the lease agreement for Weights & Measures. There is a copy of the increase which was very nominal.

Commissioner Tuley: I'll move approval.

Commissioner Mourdock: Was that a motion?

Commissioner Tuley: Yeah, it was.

Commissioner Mourdock: I'll second.

President Jerrel: Alright.

Commissioner Mourdock: For the record the increase is \$6.23, up to \$441.00 a month.

Commissioner Tuley: Yeah.

President Jerrel: Do you want for the record to indicate who it is with?

Commissioner Tuley: It's Addendum 7 to the Lease Agreement between Vanderburgh County through the Department of Weights & Measures and the Radisson Hotel.

President Jerrel: Okay, I'll say so ordered.

**Prosecutor - Federal Annual Certification Report**

President Jerrel: The next item on the agenda is the grant, federal grant, that the Prosecutor's Office has. It's a Federal Annual Certification Report in order to continue and you'll notice that is in and lists the certification of property that has been seized and they have to do this in order to continue.

Commissioner Mourdock: I'll move acceptance of the Federal Annual Certification Report dated July 8, 1998 by the County Prosecutor.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Any group or individual wishing to address the Commission**

President Jerrel: The next item on the agenda is typically reserved for anyone that wishes to appear before the Commission. Are you all in the back row here to speak about a specific issue? Do you think...is it something you're going to raise, John? If not--

Commissioner Mourdock: He doesn't know.

President Jerrel: Okay, you don't know. Would one of you want to come up and explain to us?

Marge McIntosh: I don't know if we had a misunderstanding or not. We were here two weeks ago. This is about the trailer on the Huebner Lane.

President Jerrel: Okay.

Marge McIntosh: I think he was to come back and tell you about the plumbing or whatnot.

President Jerrel: If the plumbing had been fixed.

Commissioner Mourdock: You need her name for the record.

President Jerrel: Yes.

Marge McIntosh: If it has been I don't know what constitutes them still using the yard.

President Jerrel: Would you want to give your name?

Marge McIntosh: McIntosh.

President Jerrel: Your first name?

Marge McIntosh: Marge.

President Jerrel: Okay, and your address.

Marge McIntosh: These other folks are from Huebner Lane.

President Jerrel: Okay. We were just discussing that issue to find out...have you heard anything about it, John? Okay, have you heard anything about it?

Joe Harrison, Jr.: Not about that particular issue with the trailer, but the Commissioners got a copy of the letter from the Building Commission regarding the structure on that property.

Marge McIntosh: You're talking about the house?

Joe Harrison, Jr.: Yes.

Marge McIntosh: We got that and we're thankful for that, but now it's the trailer. It's not a house trailer.

Joe Harrison, Jr.: The only thing I can say is I will call Roger Lehman tomorrow and ask him about the trailer. He came last week to our meeting and spoke of the issue and I don't know what his intent was with the trailer, but I think he focused his conversation mainly on the house. He did put out the raze order and I think you all got a copy of it.

Marge McIntosh: I got a copy of it.

Joe Harrison, Jr.: I will speak with Roger and also if necessary I'll have him or I will contact the Area Plan Commission.

Marge McIntosh: I would be interested in knowing if there was a permit for this. You have not seen this. Would you like to see this?

President Jerrel: Yes

Marge McIntosh: This is just some pictures. This was taken quite a while ago. You can see where they built onto the back of it. This is trash that we look out...we look at this all the time. It's that way today, as a matter of fact.

Joe Harrison, Jr.: Can the Commissioners keep any of these pictures so I can forward them on to them? Okay.

Marge McIntosh: We live at the end so it's like we have to drive through the county dump to get to our property. My neighbors back here can vouch for that. They have adjoining properties. It's grown up. Here is the trailer with the air conditioner where the window was and they have stuffed a quilt in it. This is just a couple of pictures that I took of our properties.

President Jerrel: Well, it's a lovely area. Let us, if we may, have this--

Marge McIntosh: You're welcome to it.

President Jerrel: --and we'll have the...I'm going to ask Joe to give those to the Building Commission.

Marge McIntosh: I just...there is no plot plan on that trailer. It's shows nothing. It's three separate lots is what it is and there is nothing on this that shows that there is anything

there like it does on mine. It's just nothing.

Commissioner Mourdock: Just going back to my notes of the meeting when Ms. McIntosh--

Marge McIntosh: There is five people living in that trailer, one bedroom trailer. There are five people. Five young people who are very belligerent and destructive and I just picked this up from the Sheriff's Department.

Commissioner Tuley: The number of runs out there.

Marge McIntosh: This is the cost for the damage that they have done to our property.

President Jerrel: Uh-huh.

Marge McIntosh: And we have to sit there and take it because we don't see them do it. You've got to see them do it...well, you know we can't sit down there 24 hours a day. They're out of control and they need to be--

Commissioner Mourdock: Yeah, the only question this Board can deal with, obviously, it one whether or not the code that is out there is being enforced and how we can play into that. Going back to the meeting that we had June 22nd when Ms. Huebner was here before, what we said was we wanted to see some improvement in that structure by today's date or we needed to be ready to act to raze the structure.

Marge McIntosh: The house, you're talking about.

Commissioner Mourdock: Right.

Marge McIntosh: Right, they are going to raze that, thank goodness.

Commissioner Mourdock: The rest of my comment is there was a nearby trailer which may have been skimming by based on the code the Health Department may not have been real aggressive with this one in the past.

Marge McIntosh: You're exactly right.

Commissioner Mourdock: Yeah, and I don't know the Health Department has followed through with it.

Joe Harrison, Jr.: I'll talk to them.

President Jerrel: Okay, will you get--

Joe Harrison, Jr.: I'll speak with Mr. Lehman and give him these photos.

President Jerrel: And Sam Elder.

Joe Harrison, Jr.: And Area Plan and I'll get a copy of the minutes tonight.

Commissioner Mourdock: As we're saying, we have already voted on the other to get rid of the structure.

Marge McIntosh: Yes, right you have and we appreciate that.

President Jerrel: We'll make the commitment, we'll get in contact with the Building Commissioner and the Health Department and get them moving on the other part.

Marge McIntosh: Well, it needs to go, thanks.

Commissioner Mourdock: Yeah, if you would like to add something to the record we do need to have you come to the microphone.

Commissioner Tuley: Well, I could call Barbara, that's not a problem. It may be...if it's not on the plot plan it may be sitting there illegally.

Joe Harrison, Jr.: I know.

Carol Fleischer: Carol Fleischer and I live on Huebner Lane. My question is, and this is one thing that I haven't...we seem to be at a standstill as to where we can go to get the answers. When we bought our property the house existed, but across the street there was nothing. They brought the trailer in at a later date. It is not in an adjoining property with the home at all. We were told that the only way they could do that was they had a permit for one year because they were supposed to be building a replacement house which never happened and they also added on without a permit to that and it has gone down hill ever since with bad sewage and a lot of police calls and everything else. My question is, if it is illegal...when we had called many years ago we were told, well, don't worry about it. It's already there, just let it ride and I don't think that is a legitimate reason for breaking the law. I don't know where to go or who to call and if you would have any suggestions I would really appreciate knowing.

Commissioner Tuley: Joe and I were just talking. This may be a real issue for Area Plan Commission and I'll just give Barbara a call because I don't think those things just legally show up like that.

Joe Harrison, Jr.: Yeah, I mean typically if you're going to build a structure, like if they initially got a permit, they would have gotten a permit from the Building Commissioner, but again the Area Plan Commission dictates what can be placed on a piece of property and, you know, if it's a trailer I'm not so sure you can have a trailer on there unless you do something else after a year.

Carol Fleischer: We were told one year, yeah, one year. But after the year was over and nothing was done when we called we were told don't worry about it it's already there and that didn't satisfy and then they went ahead and put this makeshift addition on. The lady who lived there is no longer there though. She is now in a nursing home and it has been taken over by teenagers.

Joe Harrison, Jr.: The person that got the permit?

Carol Fleischer: The person who got the permit has not been living there.

Joe Harrison, Jr.: Okay.

Carol Fleischer: She is in a nursing home and probably will never leave there because of very ill health.

Joe Harrison, Jr.: Okay. Again, I'll speak with Mr. Lehman, the Health Department and

the Area Plan Commission and I'm going to forward them this information plus your comments this evening, it's on the record.

Carol Fleischer: I appreciate that, thank you.

Joe Harrison, Jr.: Okay.

President Jerrel: Okay, thank you very much.

**John Stoll - County Engineer**

President Jerrel: The next item on the agenda is the County Engineer.

John Stoll: The two permits that you have in your hand there are for phase three of the Burkhardt Road project. One is the Corps of Engineers permit and one is an IDEM Water Quality Certification permit. They both need to be signed off by the Commissioners and then I'll send them back to the consultants and they can proceed with the project, so it is recommended that the permits be signed.

President Jerrel: I'm just going to put these in the signature file, is that okay with you?

Commissioner Mourdock: I'll move approval of the permits.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next item I've got is a request to close Old State Road for the sanitary sewer project, the Barrett Law project, between Pine Creek Drive and Mount Pleasant Road. The contractor, B.M.B., is wanting to close the road for a period of three weeks and even though the letter doesn't state it they plan to close the road only between the hours of roughly 7:30 to 3:30, so basically during construction crews' working hours. It should be open in the evenings and they just need the road closure to allow them to dig, place dirt and things like that to give them enough room to be able to install the sewer.

Commissioner Mourdock: This is a county only project, right?

John Stoll: Pardon?

Commissioner Mourdock: This is a county only project? There is no State of Indiana involved in this one?

John Stoll: No.

Joe Harrison, Jr.: Barrett Law.

Commissioner Mourdock: Based on experience that we had at Lynch Road with the timetable on a construction project how about if we put in a damage requirement or something that if he goes more than three weeks, whatever the time is, where he has some real motivation to get this thing done on time.

John Stoll: That would probably be something Joe would have to address because the

contract didn't show...didn't have a provision like that when it was bid, so I guess we would in effect be changing the working conditions of the contract after it had already been awarded.

Commissioner Mourdock: Okay. You know the old one about hindsight being 20/20. Let's not have any more contracts that have construction in them that...I understand with Lynch it was the situation where the state controlled it because it's their money, but by gosh if it's our project let's learn from our own mistakes.

Joe Harrison, Jr.: That's a good idea and on these other Barrett Law projects we will do that, but the other thing that we will do on these other Barrett Law projects, we've discussed it numerous times, is that the estimate amount will be higher in those cases. This project came in right under budget and unfortunately we can't go over that amount. With a provision like that, you know, we put it in the contract there may be some escalation in the price, but in the future we will be doing that. We just have to.

John Stoll: Part of the reason that he needs to close the road in this case is because of changes necessitated by trying to keep the dollar amount a little lower. He is putting the sewer in to miss some ditch piping and driveway culverts and things like that which is pushing it close to the road which gives him less room to work, so part of the cost cutting measures have resulted in the need to close the road as well. It's something that needs to be in there--

Commissioner Mourdock: Are you telling me that the measure of closing the road was something that he introduced to the plan to save money? In other words, did he kind of present that as an alternative given the other situation you just described?

John Stoll: The original amount--

Commissioner Mourdock: Is he proposing to amend what we bid to do this is what I am asking?

Joe Harrison, Jr.: No.

Commissioner Mourdock: If he is then my counter to that is fine, let's set a limit in there.

Joe Harrison, Jr.: He's putting this in our right-of-way. I mean, all this is being placed within the county right-of-way. This is one of the rare instances in these Barrett Law projects where we didn't have to get easements from any of the people. All the rest of them that are coming up unfortunately that's been the snag in them, but this is the one.

President Jerrel: You would plan to notify, I mean, make an announcement to that effect?

Commissioner Tuley: Oh, sure.

Joe Harrison, Jr.: Yes.

President Jerrel: Well, it says beginning Tuesday, July 14th. That's tomorrow.

John Stoll: Well, they probably won't get anything done more than maybe mobilizing some equipment and get some signs and things like that out tomorrow.

Commissioner Mourdock: If it says the start date is July 14th, I really don't care if he doesn't get started until August 1st, but once he gets started three weeks, is three weeks, is three weeks. That's my point. You know, I just don't want to have the traffic congestion and everything else, but I realize on this one it may be after the fact, but let's make sure on those contracts that we have that kind of timing provision where we've got a per day payment or some real motivation to get the thing done.

President Jerrel: Okay, what's your pleasure?

Commissioner Tuley: Move approval of the request.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

John Stoll: Okay, on an update of the projects that are going on the first phase of Burkhardt the paving has been done for the first two lifts of asphalt on the new northbound lanes. Asphalt work will continue this week weather permitting. They have installed some of the curbs along the east edge of the pavement for the new northbound lanes and they have poured the medians. The dirt work is continuing on the south side of Lloyd and the ditch realignment south of Lloyd have been completed and all the riprap has been placed. Burkhardt phase two the only work that has been going on basically has been continuing filling the ditch. The Lynch Road project, as you know, was opened this morning and on Cross Pointe there has not been any real progress on that project over the past week and a half.

Commissioner Mourdock: Which opened this morning, I'm sorry?

John Stoll: Lynch.

Commissioner Tuley: Lynch did open?

Commissioner Mourdock: Lynch did open? I didn't know that.

John Stoll: Yes.

President Jerrel: What about the extended drive...you know, turn lanes on Burkhardt that the state is doing? Do you have any word on...you know, they're kind of...it just looks like they've stopped.

John Stoll: You're talking about phase three? The permits that we signed this evening are part of that. They're requesting design approval right now, the consultant is. I've not gotten any updates as far as where they stand on the right-of-way, but they can't make offers until they get design approval, so everything that they're doing at this point is preliminary until they get their final design approval from INDOT. I haven't talked to the consultant about that in the past couple weeks, but I can let you know.

President Jerrel: Well, I drove out there today to look and the work that is south of Lloyd on Burkhardt has really had a lot done in the last few days, but the Burkhardt turn lanes just seem to--

John Stoll: Oh, you're talking about out on Lloyd Expressway?

President Jerrel: Yes.

John Stoll: I thought you meant on Morgan, I'm sorry.

President Jerrel: No, I'm talking about the Lloyd.

John Stoll: They've just been jumping around basically. They poured the medians and the curbs up there on the new northbound lanes, so they really haven't done anything additional out in the Lloyd Expressway median mainly because they need to get the asphalt...the first lift of asphalt down on Burkhardt before they can put the curbs down and then they had to get the curbs down before they can keep putting additional asphalt down, so it was more critical for them to get the curbs down along the new east edge of the pavement on Burkhardt than it was to complete the median work out on the Lloyd Expressway.

President Jerrel: Okay.

John Stoll: So that is why they jumped away from that and started doing the concrete work there on Burkhardt primarily north of the Wal-Mart entrance.

President Jerrel: Any questions? Anything else, John?

John Stoll: No.

Commissioner Mourdock: John, did you get a call from John Bittner this week regarding a ditch issue up north?

John Stoll: I haven't heard from him, but in the past he had talked to Tim and the ditch that they were looking at was just outside the right-of-way and that was the ditch that they were asking us to do some work on and that was the problem, the ditch was out of the right-of-way.

Commissioner Mourdock: Okay, so that's recently been explained, the way it sounds, to him?

John Stoll: Stan Lutz met up there and Mike Wathen met up there with him, I believe it was two weeks ago. It was my understanding that someone would be putting a letter together to send to the Commissioners to discuss that because the way I understand that the ditch was originally worked on or originally cut by the county in some way, shape or form. I don't know if it was on a temporary right-of-way basis or what, but the way I understood it they were going to submit a letter to you to request some work and outline it a little better.

Commissioner Mourdock: Okay, that's kind of what I had heard, too. He wasn't sure what part of the ditch was on county property and what wasn't. When I said if it wasn't we would be able to work on it he said that whoever that landowner is is more than willing to give us either permanent or temporary easement up there to do that.

John Stoll: The one issue what we had told them that it would be best to bring it to the Commissioners' attention, the one issue that we wanted to resolve was where do you draw the line on what...where do you dedicate a temporary right-of-way to fix a problem that may be beneficial to the county or whether it is just solely beneficial to a property owner.

Commissioner Mourdock: Okay, well would you talk to them again to get an update or either that or Tim is still with you right?

John Stoll: Yeah, through the end of next week.

Commissioner Mourdock: Okay, maybe have Tim make a call and just report back as to what the status is or if they are putting such a letter together or whatever.

John Stoll: Okay.

President Jerrel: While John is here and before we move on I would like to read the letter that I sent Dennis Faulkenberg as it relates to the discussions I had with INDOT last week:

“Dear Dennis,

The Vanderburgh County Commissioners would like to express our appreciation for your willingness to assist in Vanderburgh’s planning process to build the Fulton Avenue Bridge as soon as possible. The decision to build now is based upon the County Engineer’s opinion that the bridge is functionally obsolete because of the four lane Fulton Avenue going into the two lane bridge and the other very costly needed renovations. Closure is the only other option. As I indicated to you during our recent discussion, we have approximately one million dollars set aside as the county’s twenty percent match. We understand that the state only has ten million dollars for bridge replacement statewide and the Fulton project would take almost half of this so we are looking for creative financing suggestions.

Would you be able to provide us with information about these three sources of funding?

1. Infrastructure bank.”

I’m not positive that is the name of it, but it’s a special fund that was established to do some work in the Clarksville/Jeffersonville area.

“2. High priority projects”

That’s a new part of TEA 21, TEA 21.

“3. Bridge fund.”

I asked him to think about a million from the infrastructure bank and about a million from the high priority projects and two million from the bridge fund and then with the county’s one or one a half million dollars and those numbers we could construct the new bridge.

“We are really in a bind because this bridge connects Fulton to Highway 66. There are three major businesses and Cedar Hall Elementary School that depend upon the bridge. Lewis Bakery, Zeidler Florists and L.B. Jones Furniture will be virtually locked in on Fulton Avenue if we have to close this bridge. The three companies have a total of 503 employees at

these locations. Frequently county and state government are called upon to offer incentives to new business. This is a case for protecting long time Evansville businesses.

INDOT's guidance and assistance would be greatly appreciated."

I think this is one we've got to make a very strong stand on and get the support of the Mayor, the City and County Council. It's in the city. We're responsible for bridges, but I wanted to bring that to your attention and hopefully--

Commissioner Mourdock: I know you've sent that letter already individually to him--

President Jerrel: Yes.

Commissioner Mourdock: --and since then you have had some correspondence where he wanted more of a show of support.

President Jerrel: Yes.

Commissioner Mourdock: I would move that you draft sort of, if you will, a similar letter with signatures for the three of us and all the County Council members, Mayor and City Council as well.

President Jerrel: I think that's a good idea.

Commissioner Mourdock: Because it needs to start right here, so that's a motion.

Commissioner Tuley: Second.

President Jerrel: So ordered. We'll get that moving and I would appreciate it if you talk up there that you...we all want to sing out of the same handbook.

Commissioner Mourdock: One other thought with that, the businesses you listed, I'm wondering if it would be worthwhile and I know DOT sees petitions all the time, but just emphasizing what you said perhaps you can send a copy of that and encourage them to also be in contact with their office.

President Jerrel: I've spoken to one business, small business, not those three. Tony tried to call today to get that started.

Commissioner Mourdock: Okay, good.

President Jerrel: So that we can get them involved also. They've been waiting a long time for this.

John Stoll: The longer that we keep waiting the more repairs that the Bridge Crew is going to have to go out there a make. It's not very easy for them to keep fixing that thing. It keeps falling apart so badly.

President Jerrel: Okay, any other questions--

Commissioner Tuley: Not for John.

**Burdette Park**

President Jerrel: Okay, I'm going to just make a couple of comments. If you want to accept Burdette. Steve called and asked, he had another project this evening and so he didn't really have anything on the agenda. We're meeting and completing the Build Indiana Fund Grant Friday. We've gotten a lot of input. We're about through with it.

Commissioner Mourdock: Is there any way, just thinking of that grant, again, much in the line of what we just discussed with the Fulton Bridge, would it be helpful to, again, put a bunch of signatures in front of those folks and if so how might we do that?

President Jerrel: Yeah, I think that it might be a good idea when the grant is completed to have letters of support and endorsement from all the bodies.

Joe Harrison, Jr.: At the time I'll do a resolution for signature by the Council, County Council, and the Commissioners.

Commissioner Mourdock: That's a good thought.

President Jerrel: That's good. You might want to get started on that because we want to get it in real soon.

**Rick Dickinson - County Garage**

President Jerrel: Rick, yeah. I hope those calls aren't...

Rick Dickinson: Well, that's out there on Baseline/County Line West there is supposed to be a big wash out and I sent three people out there and nobody can find it.

President Jerrel: It's not that big. Do you have any questions about the reports and the amount that we're showing in terms of completion?

Rick Dickinson: No, they all looked right this morning. There was a couple on there that didn't get in last week because Joe was on vacation, but that will be caught up this week. What all was Milton asking for? You approved a pick-up truck?

President Jerrel: The pick-up truck has been approved and the mower is having some--

Rick Dickinson: Did Curt say it was fixed or...?

President Jerrel: No, they're going to get it fixed.

Rick Dickinson: Yeah, well we've had it in there for three weeks. If he can fix it in five minutes, he done a lot--

President Jerrel: No, it isn't fixed in five minutes, but he has been down there and talked to them. It has to do with a part.

Rick Dickinson: Yeah.

President Jerrel: I'll let him explain it to you. I told him we would give him a chance at it.

Rick Dickinson: Last year when we went through this, this lawnmower has been doing this for a while, last year we went through this and they had it for two months and they wanted to charge us like \$9,000 to fix this thing and they were just replacing parts they wasn't fixing it.

Commissioner Mourdock: Who is they, Rick?

President Jerrel: Stephens.

Rick Dickinson: Stephens. When it come down to it all we had to pay really was \$800. You know, they were trying to get us for \$9,000.

President Jerrel: Well, Curt is down there talking to them because I think it's important. We've reduced the number of lots that we have to take care of, but we still have the areas around--

Rick Dickinson: Oh, we're so far behind it's...

President Jerrel: --that need to be done and we told him we would give him a shot. He was there today and he'll be back. He'll be back and he'll be down at Stephens.

Rick Dickinson: Well, they see someone like that down there they know that we're--

President Jerrel: Yeah, he is serious about it.

Commissioner Mourdock: One other issue on equipment, I know Lynn Ellis was doing some looking and thinking of putting us a solicitation out for a flush truck and there was a memo that came through or a call of some sort about going to have to possibly dig a trench...dig out a box culvert or something out of a road if we don't get the flush truck, da, da, da.

Rick Dickinson: Well, we're replacing a lot of pipes out there that we could be flushing with this truck.

Commissioner Mourdock: I don't doubt that. My comment is how much...how available is a flush truck to lease or to rent other than to own one? I mean,--

Rick Dickinson: Around here?

Commissioner Mourdock: Yeah, I know we looked around here before to buy one.

Rick Dickinson: I worked for the Water Works you just couldn't rent one. We just bought them.

Commissioner Mourdock: Well, there are a couple around and I guess what I am telling you and you might pass it on to Lynn or to Milton is just to see what the rental rates might be and the availability.

Rick Dickinson: Well, the availability is that you might call today and they'll tell you two months and you might get it in eight months in the middle of wintertime when you can't do nothing with them. I've been through it before with the Water Works.

Commissioner Mourdock: Okay.

Rick Dickinson: I mean, I'll check into it again and see what...that's been five or six years ago.

President Jerrel: Curt is also looking for a buyer for that paver.

Rick Dickinson: The pothole patcher or whatever it is?

President Jerrel: Uh-huh.

Rick Dickinson: That's been used...it ain't never been used since I've been out there. It does a really good job if your rock is dry. If you get any moisture in your rock--

President Jerrel: Well, he is taking that to heart because he feels like he supported that and it hasn't been used.

Rick Dickinson: Yeah, I talked with him today. He wasn't happy about that.

President Jerrel: He is going to sell that thing to some county if he can get anything out of it. Are there any other questions about...? Is there a motion to accept?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered. Thank you.

Rick Dickinson: You all have a good night.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: As you may recall, there was a first reading on the Adult Entertainment Ordinance for the county, oh, it's been over a month ago and the Area Plan Commission had a hearing and passed it at their meeting. Now it has to come back for second reading before the County Commissioners before it can take effect. I would ask that the Commissioners permit advertising of the proposed ordinance and a public hearing on second reading for August 10, 1998. I have talked to Charlene about this and she can help facilitate publishing if you're willing to do that, but that would be August 10, 1998 for final reading.

President Jerrel: That's fine.

Commissioner Tuley: I'll so move.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: That's all I have.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Tony.

Tony Greubel: Dennis Moran, the Administrative Director of the Hillcrest Youth Home faxed a letter this evening asking us to declare surplus a chest freezer, an upright freezer, an upright refrigerator and a commercial gas range. They were already at Hillcrest when they acquired the operations in 1987.

Commissioner Mourdock: I'll move we declare the listed items surplus.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: Also for your information if you haven't noticed yet, Mike Wathen faxed over his bi-weekly report and that should be at your stations. That's it.

Commissioner Mourdock: I'll move acceptance of the bi-weekly report.

Commissioner Tuley: Second.

President Jerrel: I don't...so ordered.

Commissioner Mourdock: You don't have one?

President Jerrel: I don't have it. Oh, up here, okay. Anything else?

Tony Greubel: Actually the second quarter meeting for the Airport Advisory Team will be on Monday next week and I'm going to have lunch with the Marketing Director on Wednesday to help get a report for our subcommittee on that. That's it.

**Consent items**

President Jerrel: Consent items.

Commissioner Tuley: I move acceptance.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

**Scheduled meetings**

President Jerrel: The scheduled meeting list is attached.

**Old business**

President Jerrel: Is there anything under old business?

Commissioner Mourdock: Two items of old business. First, I had sent the note through our circuit that the Evansville Rotary is meeting tomorrow. They're having a special thing on some infrastructure, particular road developments, and I had planned on being there but I found out today I will not be able to attend that and they had asked if any of us would be able to attend.

Commissioner Tuley: I put on there I would go too, but now I've got a conflict.

Commissioner Mourdock: Oh, is that right?

Commissioner Tuley: Yeah.

President Jerrel: Well, Tony, could you maybe...well, I don't know. Who did you talk to? Who is your contact?

Commissioner Mourdock: I was not responding to anyone specifically they had just sent us a letter around. I will try to make it, but if I'm there I won't be able to be there for the entire thing because I need to be back in my office.

President Jerrel: I have the Public Defender Commission and I have to be in Indianapolis tomorrow afternoon.

Commissioner Tuley: Couldn't Tony fill in for us?

President Jerrel: Yeah.

Commissioner Mourdock: The second item I had was in regards to our discussion of a couple of weeks ago regarding the auditorium and the schedule for construction over there and I would note that we have a letter prepared by Bettye Lou to the Building Authority and also to Veazey Parrott & Shoulders regarding our concerns for making sure that the facility is open before the events that Dollie Kight and the Visitors & Convention Bureau is scheduling, so I would move that we act to approve that letter to reemphasize our need for a timely opening of the new building.

President Jerrel: Would you want to read that into the record?

Commissioner Mourdock: Alright. Again, this is to Steve Utley and Mike Shoulders:

"Gentlemen, as you are aware the county has booked several events in The Centre's exhibit hall and The Centre's auditorium in 1999. Further, the Ex-POW's will be having a convention in The Centre during the first week of October, 1999. This group will be utilizing one of the exhibit halls and the remainder of The Centre facility including the auditorium for their event. It was our understanding that The Centre was to have been completely renovated and open for business on or before September 15, 1999. Now we have learned that The Centre may not be fully complete and open for business by such date. In order for the county to meet its obligation the county must have The Centre completely renovated and open for business to the public on or before September 15, 1999. Your cooperation is appreciated."

And then a signature line for the three Commissioners. Do we have a copy of this so these get sent? I made the motion, I don't know if there was formally a second for that.

Commissioner Tuley: There was.

President Jerrel: And I'll say so ordered.

Commissioner Mourdock: One other item with that when they call back I would mention again that when he was at the podium that night the speaker from Industrial Contractors, whose name has escaped me for the moment.

Commissioner Tuley: Dan...

Commissioner Mourdock: Hoefling or something like that.

Commissioner Tuley: Something like that.

Commissioner Mourdock: Seemed to indicate a little willingness even on the schedule, so I think we need to continue to move forward.

President Jerrel: Okay, any other business new or old?

Commissioner Tuley: Not from me.

President Jerrel: Hearing none, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:27 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Todd Hochstetler  
Tony Greubel  
Adam Groupe  
Marge McIntosh  
Carol Fleischer  
John Stoll  
Rick Dickinson  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
July 20, 1998**

The Vanderburgh County Board of Commissioners met in session this 20th day of July at 5:37 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commission meeting to order. If I may introduce to you that our Administrative Assistant will be here a little bit late, he is at an Airport Authority Meeting. Joe Harrison, Jr. is our County Attorney; Commissioner Pat Tuley is unable to be here this evening; my far left is Charlene Timmons, our Recording Secretary; next to her is Suzanne Crouch, County Auditor; and to my left is Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. Would you join me in the Pledge of Allegiance?

**Approval of minutes**

President Jerrel: The first action item is the approval of the minutes from the July 13th meeting.

Commissioner Mourdock: I'll move approval of the minutes from July 13th as submitted by the Auditor's Office.

President Jerrel: I'll second and say so ordered.

**Certification of Executive Session**

President Jerrel: The next item on the agenda is the certification of the Executive Session.

Commissioner Mourdock: I'll move approval of the summary minutes of the Vanderburgh County Executive Session from July 20th and in attendance were the County Attorney, Bettye Lou Jerrel, myself and the County Auditor, Suzanne Crouch. The discussion was related to personnel matters and classified records.

President Jerrel: I'll second and say so ordered.

**Bill Cottun - Manatron agreement**

President Jerrel: The next item on the agenda is the Manatron agreement and Bill Cottun is here.

Bill Cottun: I'm Bill Cottun with SCT. We're asking for payment on this \$19,850 to Manatron. This is for conversion of the current database in the RITS court's package and in several weekends extract the data in that database...Manatron can extract the data and deliver that to us so that we can forward that onto proper consulting so they can see if they can include that in their Courtview 2000 package.

President Jerrel: The funding is in place?

Bill Cottun: Yes, ma'am.

President Jerrel: May I ask you a question, Bill?

Bill Cottun: Yes, ma'am.

President Jerrel: This is...will it be adequate to sign that fax copy that we've received?

Bill Cottun: That would be okay, yes ma'am.

President Jerrel: Okay, alright.

Commissioner Mourdock: Just a question, I noticed in this the work will all be done by August 15th...I'm sorry, August 5th, is that right? It's kind of confusing at one point. It says:

"The letter of authorization terminates automatically without further notice at the close of business on the 15th."

Is this not the letter of authorization or is that the offer itself?

Bill Cottun: That's the offer to do it for that price.

Commissioner Mourdock: Okay.

Bill Cottun: As far as the actual work, it will not be done by August 15th. That was the extension of the offer.

Commissioner Mourdock: Okay. I'll move approval of the agreement as proposed in the letter of authorization from Manatron.

President Jerrel: I'll second and say so ordered. Thank you.

### **Resolution - Construction of Fulton Avenue Bridge**

President Jerrel: Next on the agenda is a resolution requesting state funds for construction of the Fulton Avenue Bridge.

Commissioner Mourdock: Do you have any comments with it?

President Jerrel: You want to read it into the record?

Commissioner Mourdock: Okay, we have that resolution as we discussed last week. We wanted to put the new Fulton Avenue Bridge on a priority basis, so we have the Director of EUTS going to Indianapolis later this week and we wanted to send some good documentation with her, so this resolution as proposed is:

"WHEREAS, the City of Evansville, Vanderburgh County and INDOT have been working together for over twenty years on a road project which is going to widen and relocate part of Fulton Avenue in Evansville and replace the Fulton Avenue Bridge over Pigeon Creek just south of State Road 66; and

WHEREAS, the city is in the process of widening and relocating Fulton;  
WHEREAS, Vanderburgh County is responsible for replacing Fulton;

WHEREAS, it is estimated that it will cost \$5 million to replace the bridge;

WHEREAS, Vanderburgh County has requested that INDOT provide 80% of the cost associated with the bridge;

WHEREAS, Vanderburgh County has set aside \$1 million in local funds to pay for the construction; and

WHEREAS, the Board of Commissioners of Vanderburgh and the County Council of Vanderburgh respectfully request that INDOT immediately assist Vanderburgh County in securing the remaining \$4 million in funding which is necessary to begin construction of the bridge;

BE IT RESOLVED, that the Commission of Vanderburgh County and the County Council respectfully request that INDOT immediately assist Vanderburgh County in securing the remaining \$4 million in funding which is necessary to begin construction of a new Fulton Avenue Bridge so that the Fulton Avenue Road project can finally be completed."

I would move the approval of that resolution today.

President Jerrel: I'll second and say so ordered.

**Any group or individual wishing to address the Commission**

President Jerrel: Under Item E, any group or individual wishing to speak to the Board at this time.

Suzanne Crouch: Madam President, I have an issue. I don't know if it is pertinent here or somewhere else, but I'm sure you all have been following and reading with interest all the articles regarding accessibility of public records and open door meetings. The Auditor's Office has been following that pretty closely simply because we're secretary to the Commissioners, Council, Board of Review and we maintain property tax records and also personnel records for county employees. In reading those articles and revisiting them today it became evident that public officials routinely are refusing to make records accessible to the public. They either do this by just refusing to give them the information or by charging exorbitant copying costs that makes it cost prohibitive to obtain records. So in order to become better educated and informed on what is and isn't a public record and how to make it more accessible or make those records more accessible to the public, the Auditor's Office has invited and made arrangements for the Governor's newly appointed Public Access Counselor to come to Evansville and conduct a seminar for government officials, the media and the public on Friday, July 31st at 1:00 p.m. I would like, if it would be permissible, to read a letter that I would like to send out to the taxing units. I might have to have someone hold it for me because I left my glasses at home today, but I'll try to struggle through.

Commissioner Mourdock: You can use mine.

Suzanne Crouch: This is to taxing units from the County Auditor:

"Governor O'Bannon's newly appointed Public Access Counselor, Anne Mullin O'Connor, will be coming to Evansville on Friday, July 31, 1998 at 1:00 p.m. to conduct a seminar in Room 301 to answer any questions we, as fiscal officers, may have regarding what is and what is not public record.

An example that I plan to submit as financial officer for Vanderburgh County is:

Budgets are prepared and revenues are projected by me in order to determine tax levies and set the property tax rate. I view a lot of that work as work in progress until that point in time when that work is verified and I am prepared to certify it to the appropriate body. My question is, is this a correct assumption on my part? If not, what guidelines do I need to follow?

I'm sure there are many others you will think of. Please submit those in writing and fax to my office or fax directly to Ms. O'Connor (and those numbers are included) several days before July 31 and this will enable her to address your specific questions at that seminar."

I would like ask for your support and, you know, hopefully we will have a lot of public officials there, not only the various taxing units, but officeholders and department heads in order for us to learn how we can better make those records available.

President Jerrel: I think that's a good idea. Do you want a motion?

Commissioner Mourdock: I will so move that the letter be authorized by this Board and sent as requested.

President Jerrel: I'll second and say so ordered.

Suzanne Crouch: Thank you.

President Jerrel: I have a question, may I? You know, speaking of that I went today to look at the screen that the Assessor, you know, the Web site?

Suzanne Crouch: Uh-huh.

President Jerrel: It was interesting, you know, to walk through it. I just wondered are there any plans that you have or that you could contribute to this same issue?

Suzanne Crouch: Well, we presented the codification--

President Jerrel: Right, the ordinances.

Suzanne Crouch: --back, you know, some time ago and had indicated at that time that we were in the process of developing a Web site and putting not only the codification, but the minutes on the Internet. In addition we need to make exemptions, mortgage and homestead exemption forms, available on the Internet. Charlene has spoken to me about making vacation of easement forms available on the Internet so that people can access those forms that enable them to do business with our office without having to make a

special trip down there, so, yes, we are working on that.

President Jerrel: When did we last do anything with public ordinances? We have a public ordinance.

Suzanne Crouch: In codification?

President Jerrel: Yeah, but when was that? That was back in the mid '80s.

Suzanne Crouch: With public records?

Joe Harrison, Jr.: What, on public records you are talking about?

President Jerrel: Yeah, public records ordinance. I mean, wasn't that back in the mid '80s?

Joe Harrison, Jr.: I think prior to the statute that is in effect now I think there was an ordinance passed. I think it is still on the books. It's from '85 or '84, I think.

Suzanne Crouch: Well, that maybe should be submitted also to Ms. O'Connor's office and have her review it.

President Jerrel: See if we need to be doing something with that ordinance and updating it. Where are we on...if we did have a Web site and you wanted to put all the ordinances we had...?

Suzanne Crouch: I'll let Charlene address that...on the Internet? Where are we in the process?

President Jerrel: Yeah.

Suzanne Crouch: All we need to do is set up a Web site and to get Internet access to make it available in our office because we don't have that available now. We've looked at our budget and believe we have the funds within our budget to provide that service.

President Jerrel: This was very interesting today. It made me think about, you know, the whole issue is much bigger because it...you can find out anything you want to know.

Suzanne Crouch: Well, and you know I guess I didn't appreciate as much when I was first elected that any time we can make it easy for people we should.

President Jerrel: Uh-huh.

Suzanne Crouch: I mean, no one makes a trip down here or no one wants to make a trip down here unless they have to, so as much business as we can make available to the public via the Internet or via phone calling, you know, we're looking at excepting exemptions via phone calls rather than make people come down in person. Anything we can do to make it easy for people to do business with us is what we should be doing.

President Jerrel: Uh-huh.

Commissioner Mourdock: In your comment though about the forms that would be available to them, would they simply be able to download that form or would they actually

be able to go direct through their computer and enter the data?

Suzanne Crouch: As the law is currently they would access the information. They would have to sign because we need original signatures, so at this point in time...but you know with all the electronic transferring of monies, the electronic way of doing business I would assume that the legislators will address that, the original signature issue in the future.

President Jerrel: But the downloading is not difficult to do.

Suzanne Crouch: No. That's why we also thought perhaps by allowing people to file exemptions and to file some paperwork via the phone might be a good way to supplement the Internet because a lot of people don't have Internet.

President Jerrel: Right.

Suzanne Crouch: A lot people that are doing exemptions don't have that ability to do that via the computer.

Commissioner Mourdock: Yeah, with all that being very good the one thing that I think we need to look at as an opportunity is how we might even go beyond having the Auditor having a Web site or the Assessor having a Web site or even the county having a Web site and how we might do all that on one "intranet" where people would then have access to from the Internet and it's kind of a one stop shop, if you will. It might simplify the process.

President Jerrel: Well, they had a lot of people in the meeting this morning that I didn't know, but I could tell by the way they were talking they were very well informed.

Commissioner Mourdock: Techies!

President Jerrel: Yes, they were. They were really into this. There were maybe 12 of them at different parts of the room all with ideas just flying back and forth and there was never anything mentioned that they didn't agree we can do it. So more power to you, we will support you. Okay, anything else? That's it?

Suzanne Crouch: Well, actually, yes. This could probably...we did not submit this in time to get it on the agenda. This is an authorization form authorizing our new employee, Madelyn Grayson, who was hired as the Insurance Clerk, to sign off on PERF paperwork. You did...and I have submitted the paperwork that you signed last year about this same time for the employee that just left, so if you would put that with your consent items.

President Jerrel: Sure.

Commissioner Mourdock: I'll move that we add the information regarding the...is that no longer the proper name?

Suzanne Crouch: No, it's Madelyn Grayson.

Commissioner Mourdock: Regarding Madelyn Grayson to the consent items.

President Jerrel: I'll second and say so ordered.

**John Stoll - County Engineer**

President Jerrel: Okay, moving right along, County Engineer.

John Stoll: I don't have anything new to report this week unless you've got any questions. I knew that would upset you!

President Jerrel: Oh, my goodness. Thank you very much for your report that you sent me. I've got a lot of questions, but I haven't had a chance to really absorb all of it, but thank you very much.

Commissioner Mourdock: One quick question. I'm not sure whether it falls to Milton or John, but I got a call about...as I understand it, I think in the 6000 area of Marx Road. Milton, you're nodding your head. Was it someone needs...was it a barricade or a guardrail or something?

Milton Hayden: Barricade.

Commissioner Mourdock: We'll save it until you get up there then. I guess you're off the hook easily tonight, John.

President Jerrel: Well, thank you.

Joe Harrison, Jr.: I had talked to John earlier about that Daylight sewer project and indicated that the county may want to look at some engineering design work for the other line, gravity line, I guess that can be considered out in that area and what the cost would be and possibly checking with Three I, who is working on the project now as design engineer, to give a proposal to the county for consideration by the Commissioners. He may need approval to do some preliminary work to see what that may entail.

Commissioner Mourdock: How would that gravity line be different than what we had talked about previously?

John Stoll: That wasn't part of their original agreement is the only thing. I guess it would be the additional fees associated with having them design that gravity line since it wasn't part of the original Daylight sewer design.

Commissioner Mourdock: Okay, I was thinking of the other part of the project, the Barrett Law side okay. I'll move then that the County Engineer consult with Three I on the additional engineering work required for the gravity flow line.

President Jerrel: I'll second and say so ordered. Okay, thank you.

John Stoll: Thanks.

**Milton Hayden - County Garage**

President Jerrel: County Garage. Well, I know it has been hot, Milton, but it looks like you guys are moving right along. Did you have an opportunity to look at the...paving is where?

Milton Hayden: Slow. The rain stopped us quite a bit on the paving.

Suzanne Crouch: You did a nice job on Browning. Browning Road looks nice.

Milton Hayden: We didn't do Browning. We got quite a few of them though. In fact, on my paving list I only have two more roads on the west side.

President Jerrel: And then you're ready to move--

Milton Hayden: Ready to move to the northeast.

Commissioner Mourdock: Is the ditching...are they working full bore right now? It seems like we're kind of hung up on one spot there on the graph with them?

Milton Hayden: No, we're working quite a bit, working ditching. See, on most of those we had on the ditching list we were behind on, remember? So we're caught up with all that and now we've got more ditching that's followed behind that.

President Jerrel: That's come in. That's what it is.

Commissioner Mourdock: So we added some to it, that's why?

Milton Hayden: We've added more to it.

Commissioner Mourdock: Okay, alright.

Milton Hayden: The barricade you were talking about on Marx Road is water.

Commissioner Mourdock: What is the situation with that? Is it a guardrail?

Milton Hayden: No, it's not our barricade. They hit a water line out there and they left the barricade. Duane Gilles and I are supposed to go out and look at that.

Commissioner Mourdock: Okay, the complaint that I got was...and I'm not sure what the details to this are, but somehow they're driving through a guy's property or through a guy's yard avoiding something and they are looking to get a barricade put up to prohibit that.

Milton Hayden: Yes, but that barricade should be down this week.

Commissioner Mourdock: Okay.

Milton Hayden: They have been doing that.

Commissioner Mourdock: Okay, so we are thinking of the same one?

Milton Hayden: We are taking care of that this week.

Commissioner Mourdock: Okay.

Milton Hayden: That's something that the Water Department and I both have worked with.

Commissioner Mourdock: Alright. The fellow's name that I got the call from was Hahn, is that the same one?

Milton Hayden: I've got the call, too.

President Jerrel: How did the water line get broken?

Milton Hayden: Well, they put a water line in and somehow or another it was leaking on that one thing, so they're going to go out check it tomorrow and I'm going out there with him.

President Jerrel: The Waterworks Department?

Milton Hayden: The Waterworks Department, so I am going to go out there with him and we're going to try to stop the problem.

President Jerrel: Okay, is there a motion to accept the--

Commissioner Mourdock: I'll move approval of the County Highway report.

President Jerrel: I'll second and say so ordered. Okay.

Commissioner Mourdock: One other question. I had said something to Lynn last week, or I guess actually I E-mailed Tony and he passed it on to Lynn regarding the possibility of a flush truck. Did you talk to her about that at all? I had her try to find some rental rates or lease rates just to see what is out there.

Milton Hayden: She asked me to go out and see if I can find a place that we can lease one from.

Commissioner Mourdock: Okay, I thought she would contact you to see if there were any names.

Milton Hayden: I really don't know a place here in Evansville we can lease one from.

Commissioner Mourdock: Okay, alright.

President Jerrel: Okay.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: The only thing I have is I would like to have permission to advertise the RFP proposal for the Request for Proposals for the management and operation of the Evansville Auditorium and Convention Center to be published this week, so that RFP will go out this week.

President Jerrel: It will be published twice?

Joe Harrison, Jr.: It will be published twice and it is my understanding it will be published, I think, the 23rd...the 22nd and 29th. We're asking that responses be submitted to the County Commissioners by August 24th, the meeting on August 24th, that's when bids would be...responses would be opened. Also a pre-proposal conference has been scheduled for Tuesday, August 11th at 1:30 p.m.

President Jerrel: Will you make sure Tony gets all those dates and everything?

Joe Harrison, Jr.: Sure.

President Jerrel: So that when people call in that we have a list of what's to be done when.

Joe Harrison, Jr.: It is...those will be set forth in the actual proposal. I'll get you guys a copy.

Commissioner Mourdock: Will we only be advertising for the RFP locally?

Joe Harrison, Jr.: Yes. The consultant will be providing me with a number of names.

Commissioner Mourdock: So will you mail something to them?

Joe Harrison, Jr.: Yes, I'll have Tony or I can mail them out, but it will come out of Commissioners' Office and we'll mail out to about five companies.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: And anyone else who requests we will mail out to them pursuant to the notice.

President Jerrel: That is qualified.

Commissioner Mourdock: Right. I'll move then that we advertise the RFP for the auditorium management as suggested by the County Attorney.

President Jerrel: I'll second and say so ordered.

Joe Harrison, Jr.: That's all I have.

President Jerrel: Okay.

**Superintendent of County Buildings**

President Jerrel: We don't have anything from the Superintendent of County Buildings.

**Gary Hohman - Burdette Park**

President Jerrel: Gary, do you have anything for Burdette?

Gary Hohman: No ma'am, other than the reports.

President Jerrel: Okay. Would you want to come to the mike just a minute I wanted to share something with you. We will be asking for the appropriation for the recommendation that Steve and you gave us two weeks ago about doing the liner on the other pool in the fall--

Gary Hohman: Yes, ma'am.

President Jerrel: --rather than in the spring, so, you know, one of you may need to go to Council with us so that you could explain why the contractor recommends doing that ahead of time.

Gary Hohman: Yes, ma'am.

President Jerrel: Okay, thank you.

Gary Hohman: Any other questions?

President Jerrel: No, that's all. Do you have any.

Commissioner Mourdock: On the subject of Burdette do we need to do this as a resolution?

President Jerrel: Yes, I think we probably do need to.

Commissioner Mourdock: Okay, I'll note that the Commission along with Steve Craig has acted to put together a request to the Build Indiana Fund for approximately \$2 million for a rustic wood structure generally known as the all purpose building for Burdette.

President Jerrel: No, it is not known as the all purpose building.

Commissioner Mourdock: What is it known as? That's how I heard it.

President Jerrel: It's the Discovery Lodge and it's a lot different.

Commissioner Mourdock: Okay.

President Jerrel: We spent two days just on the name.

Commissioner Mourdock: Okay. Well, after what we went through with the auditorium I won't even go down the name road, but the Millennia Center is still available.

President Jerrel: Okay.

Commissioner Mourdock: I'll move that we do submit this to the Build Indiana Fund as the application as requested.

President Jerrel: I'll second and say so ordered. We still have a little work on pictures. Gary is working on that.

Gary Hohman: Yes, they are being completed this afternoon, the reduction of our topographical map. We're having it reduced down to legal size so it can be added.

President Jerrel: And then we're giving them some general design plans, too.

Commissioner Mourdock: Okay.

<b>Consent items</b>
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President Jerrel: Okay. Anything under the consent items that anyone has any questions about? Is there a motion?

Commissioner Mourdock: I'll move approval of the consent items as submitted.

President Jerrel: I'll second and say so ordered.

### Scheduled meetings

President Jerrel: Your schedule of meetings is listed.

### Old business

President Jerrel: Is there anything under old business?

Commissioner Mourdock: Just for fun I'll mention that once again the three quality air quality...the three county Air Quality Steering Committee will be meeting again this Wednesday at USI after the meeting they will have tonight at the Posey County Commission meeting on ConAgra. It will be an interesting event I'm sure.

President Jerrel: I agree. Okay, any other comments? Anybody want to say anything to the Commission? Oh, you do, okay.

Commissioner Mourdock: Milton.

Milton Hayden: I mean, I know we've had...about getting a replacement out there at the garage.

President Jerrel: Yes, we have the applications and we'll get a decision made this next week.

Milton Hayden: I sure need somebody out there bad.

President Jerrel: Okay. Any other comments? Motion to adjourn?

Commissioner Mourdock: So moved.

President Jerrel: Second and so ordered.

The meeting was adjourned at 6:03 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Bill Cottun  
John Stoll  
Milton Hayden  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

**Vanderburgh County  
Board of Commissioners Meeting  
July 27, 1998**

The Vanderburgh County Board of Commissioners met in session this 27th day of July at 5:38 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Betty Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. The first order of business tonight, I will forego the introductions since Mr. Craig is the only member present besides the members of the media and they all know who we are. At this time I would like for you to join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of the minutes.

Commissioner Mourdock: I'll move approval of the minutes of the July 20, 1998 meeting of the Vanderburgh County Commission.

President Jerrel: Second and so ordered.

**Certification of Executive Session**

President Jerrel: The next item is the certification of the Executive Session and we did discuss the purchase or lease of real property. Is there a motion?

Commissioner Mourdock: I'll move acceptance of the summary minutes of the meeting of July 27th.

Commissioner Tuley: Second.

President Jerrel: So ordered. The time was from 4:30 to 5:31.

**County Assessor - Agreement with Anne M. Baker**

President Jerrel: The next item on the agenda is the Vanderburgh County Assessor's agreement for service and that is in your packet and that is to approve an agreement between the Vanderburgh County Commissioners, the Vanderburgh County Assessor and Anne M. Baker, an individual. The following terms have been agreed to by the parties:

"Anne Baker will perform services in maintaining the County Assessor website. The service will include training replacement staff, coding documents, telephone discussions, and other duties as reasonably determined by the County Assessor. The County Assessor will supervise the completion of these duties by Baker. The charge by Baker for these services will be \$20.00 per hour plus any out-of-pocket expenses such as postage or miscellaneous items not to exceed \$2,000. The term of the contract will be on an as-needed basis until terminated by either party upon 30 days written notice to all other parties. Payment will follow the normal

payroll schedule for Vanderburgh County.”

Commissioner Mourdock: I'll move acceptance of the agreement between Vanderburgh County and Anne Baker as requested by the County Assessor.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Any group or individual wishing to address the Commission**

President Jerrel: The next item on the agenda is any group wishing to address.

**John Stoll - County Engineer**

President Jerrel: Seeing none, we'll move to the County Engineer.

John Stoll: First I would like to request to go before Council for the following appropriations: \$1 million for the Fulton Avenue Bridge, \$400,000 for the Heckel Road Bridge and \$175,000 in the Contractual Account. That \$175,000 would be to go to repairs to a culvert on Seminary Road, replacement of a culvert on Denzer Road and replacement of another bridge on Old Henderson Road with a culvert.

Commissioner Tuley: Question, the \$400,000 on Heckel is that...are we going to go ahead and get the money and then make a decision?

Commissioner Mourdock: The last, and I'm going from memory here, too, Pat, the last we spoke of it was we had an engineer's estimate coming in that it was going to be about \$400,000 to go forward with...not a replacement, but a--

Commissioner Tuley: Rehab.

John Stoll: Rehab.

Commissioner Mourdock: --rehab of the bridge. Is that--

John Stoll: Right, and on the basis of the discussions that I've had with each of you I have contacted the consultant and they haven't submitted a design agreement as of yet, but that's what I am waiting on is their draft copy of a design agreement for the rehab.

President Jerrel: This is unappropriated money that we're putting into line items so if we get an opportunity to move we'll have the money in the appropriate line item.

Commissioner Mourdock: Okay.

President Jerrel: Is that...

Commissioner Tuley: Well, the only question is there are two people out there who were asking about our discussion on Heckel Road Bridge.

President Jerrel: Where are they?

Commissioner Tuley: I told them as far...well.

Commissioner Mourdock: They were just standing outside there.

Commissioner Tuley: They were just standing outside the door.

President Jerrel: You want to go get them?

Commissioner Tuley: I'll see if they're there.

Unidentified: They're sitting on the bench.

President Jerrel: Why don't they come in?

Commissioner Tuley: Well, I didn't know there was anything on there.

President Jerrel: Well, I didn't know it.

John Stoll: I didn't really plan on discussion or anything. I didn't think twice about it actually.

President Jerrel: Just to tell you what has transpired, the County Engineer has asked permission to go before County Council and ask for money to be appropriated into a line item called Heckel Bridge, Heckel Road Bridge, for \$400,000. We were just discussing that.

Unidentified: Okay.

Commissioner Mourdock: What would happen from that point is that there would be some design work done to see exactly what kind of package we would need to put out to bid and then it would be presumably brought back to us, we would agree on an advertisement to put the work out for bid and if the bid came back within the budgeted amount then the reconstruction would be done.

Unidentified: That's to rebuild or that's to...?

John Stoll: That's to rehab the existing structure.

Unidentified: Rehab the existing?

President Jerrel: Uh-huh.

Unidentified: (Inaudible comments made from audience.)

President Jerrel: The Engineer came...I'll say it again. The County Engineer came before us and asked for permission to go before Council to request a line item appropriation of \$400,000 for Heckel Road Bridge to begin the design process.

Joe Harrison, Jr.: And then from there the next step would be for a design to take place, it would come back before the Commissioners for a recommendation to put out bids for replacement, I'm assuming, for the bridge.

President Jerrel: No a rehab.

Joe Harrison, Jr.: I'm sorry, for reconstruction and rehab and then from there if the bids came in in sufficient standing with the money we have then a contract would be--

President Jerrel: Let.

Joe Harrison, Jr.: --possibly awarded.

Mike Elliott: Tonight Shirley James and some of her group is coming to talk to you and they're outside and will be here in a second or two in regards to the bridge.

President Jerrel: Do you want...I know, do you want to just wait and when she gets here...let's go on with the meeting so that we can...alright, we'll just entertain a motion for the--

Commissioner Mourdock: Well have several Council Calls that the County Engineer was recommending, so for the moment why don't we...I'll move that we defer any discussion on the Heckel Road Bridge for 20 minutes.

President Jerrel: Do you want to just move approval of the other two items?

Commissioner Mourdock: Right, I was doing it as two separate things. If we'll do that we'll separate that from the package. If there is a second to that.

Commissioner Tuley: I'm sorry, second.

President Jerrel: Okay.

Commissioner Mourdock: And then I'll move approval of the other Council Calls as requested by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered. That will be \$1 million for the Fulton Street Bridge and \$175,000 for three or four different improvements.

John Stoll: Next I've got a change order on the Lynch Road project. This is an increase of \$4,618.69. The reason for the change order is that the concrete cores on the pavement were not included in the original contract and there is also some 21 inch pipe that was on the plans to be used on the project, but in checking the actual culvert that was replaced it was an 18 inch, so this is just surplus pipe that had already been ordered. This pipe will be the property of the County Highway Department and that's the two items resulting in the increase.

Commissioner Mourdock: I'll move approval of the change order as recommended by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a Notice to Bidders and mylar for Seminary Road Bridge. This is on Seminary Road south of Bayou Creek. In this project we will be replacing a 16 foot culvert with a 39 foot bridge. This bridge will handle all the flow in this creek much better

than what is out there currently. It is recommended that the mylar and Notice to Bidders be signed.

President Jerrel: Is this one of those that...this isn't one that followed that Number 7?

John Stoll: Number 7?

President Jerrel: On Old Henderson, remember? We had a couple--

John Stoll: No, this is another culvert that ideally needs to be replaced with a bridge instead of a culvert just because it will open up the area underneath the road substantially more and it was more cost effective to go with a bridge than it was to construct reinforced concrete walls and set the beams on that, so that's why we ended up going with the bridge.

Commissioner Mourdock: I'll move approval for the Notice to Bidders for VC98-07-01 for the Seminary Road culvert replacement.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Update on the projects that are ongoing right now. Burkhardt Road, phase one, the asphalt has been placed through the binder on the main line Burkhardt pavement north of the Lloyd Crossing Shopping Center driveway and on Virginia Street. We got Virginia Street opened up last Friday and we closed down the driveway to the Lloyd Crossing Shopping Center. The culvert has been removed on Lloyd Crossing and the filling of the ditch has been started. Things are going well so far on that. They think they can still make it within the three weeks that they estimated as long as the weather holds out. Phase two, the filling of the ditch is continuing. That's about the only progress they've made as of late and on Cross Pointe Boulevard we are still waiting on the revised interconnect agreements from Norfolk Southern or INDOT.

President Jerrel: Question? I'm glad that you...you do an excellent job as our spokesman on the closing of the roads and all other issues.

Commissioner Tuley: Yes.

President Jerrel: I want to tell you I appreciate it. Is there anything else?

Commissioner Mourdock: I think we can go back to Heckel.

Commissioner Tuley: Back to Heckel.

President Jerrel: Yeah, who was going to speak about Heckel Road?

Mike Elliott: My name is Mike Elliott and I wanted just to ask Mr. Stoll in regards to...I was wanting to find out what was going to be done on it, but the main concern that I have right now is there is the large hole that you saw, you know, is still in the bridge. There is an enormous amount of kids playing on the bridge, bicycle riding and I mean not just four or five I mean in a week's time probably hundreds of bicycles and kids going across the bridge. Is there some way we can get that hole temporarily patched because they are through there late nights? They're coming across it in the dark. This hole is about

yea big. Somebody is going to go through it. I was going to go down and patch it myself just to do that, but then I figured I would be liable for it and something needs to be done on that. Shirley James is here with the Greenway and Anne Gryczon with the National Foundation and they want to speak to you.

President Jerrel: Whoever wants to come first.

Anne Gryczon: Yes, good afternoon. My name is Anne Gryczon. I represent Historic Landmarks Foundation of Indiana and the National Trust for Historic Preservation in Evansville and southwestern Indiana. We just want to speak a little bit more about our concerns for the Heckel Road Bridge. I know that Mr. Elliott had come before you before and had mentioned the safety issues and the taxpayer issues. I want to speak very briefly on the environmental issues and the historical issues pertaining to the Heckel Road Bridge. First, just briefly, because Ms. James and her designers will speak a little bit more to the environmental issues, but that's one of Historic Preservation's concerns as well that by renovating the bridge in a way that will enable larger traffic to go through to changing the bridge there could be environmental concerns due to that and also if it were to be replaced by a larger bridge that might also in turn entail possibly rerouting the creek and we're very concerned about that. As to the bridge's historic qualities I wanted to speak very briefly on that as well. The bridge is 105 years old. It has been surveyed by the state and listed as outstanding. An outstanding rating in the state interim report means that it is automatically eligible for the National Register. It has not been listed, the application has not come forth, but it could automatically be included on the National Register which would entail the bridge being able to obtain various either tax credits dependant upon who takes the bridge over, who owns the bridge or possibly grants either through the state or federal levels as well. We're very concerned that if the bridge were renovated rather than restored how much of the bridge's historic integrity would be lost. Jim Cooper who has been hired by the state both by the Department of Transportation and by the State Preservation Office will be here in a few weeks to look at the bridge again. He has been hired to resurvey all the bridges in the state again by both the DOT and by the State Preservation Office, so we're just hoping to have a little more time to look at the bridge to see what its historical merits are, if it would be restored by you how we could do that in a suitable fashion so as not to destroy its historic integrity, so we're asking for a little more time to consider that if we could. Thank you very much.

President Jerrel: Do any of you have any questions?

Shirley James: I'm Shirley James and I'm with the Pigeon Creek Greenway. First I want to say thanks to you because I wish to announce that we did receive a national award for our dedication day based on the participation of government into the Greenway so I wanted to thank you. It gets \$500 into the Greenway kitty which is always helpful, \$1,500 worth of sporting equipment and I get a free four day all expense paid trip to Salt Lake City to get this. They voted on it today so it's settled.

Commissioner Mourdock: Second place was five days.

Shirley James: I wanted to tell you this because really you have participated and we're very proud of that. It will put us into three national magazines which also will help. The reason I'm here today is because it has been proposed...we have been looking at that area for Greenway access and some easements might be made available in which case we would be very happy to see the bridge stay as a pedestrian bridge or whatever. However, we would like to say that we would like to keep the historic preservation aspect

of the bridge intact because we think it serves...I think they tell us that it's one of the oldest if not the oldest bridge in Indiana. Also, we would like to say that if we could assist the county in working to put it into a TIF plan and help get financing or whatever for it that would be fine, but we would prefer to see it maintain its historic preservation status if possible.

President Jerrel: Any comments?

Commissioner Mourdock: My comment would be that in going forward this evening and trying to get the engineering work started to take a look at it we can pass on to the engineering folks the interest on the historical side to see if, in fact, there is anything they can do there that both A, meets some historical standard and B, meets all the other standards that we have to meet for the modern engineering that goes with the requirements for county roads. Let's send them off in that direction and see what he comes back with.

John Stoll: Based on what the consultant submitted the estimates on it was mainly just a replacement of the deck and floor beams and then blasting and painting of the bridge to try and prolong its life for an estimated 20 years. There was no significant structure alteration that I'm aware of that they were proposing. It was just going to be repairs to any of the connections on the truss and things like that, so I don't know what makes historic--

President Jerrel: Would you be able to put in writing what you've just said and send a copy to the representative of the preservation state group so that she has an idea of what we're doing.

John Stoll: Okay.

President Jerrel: That we are not going to be changing the appearance, we were going to simply be--

John Stoll: To make it suitable for six to eight ton load limits is about all it would come down to.

Commissioner Tuley: John, can we do something to address Mr. Elliott's concern for that hole as well?

John Stoll: I just asked Milton if he had any steel plates he could place over the holes because I think that would be a lot more appropriate than patching the holes because that would just be throwing money away since we're going to end up tearing the deck out anyway. Milton said that could happen.

Commissioner Mourdock: Okay, very good.

President Jerrel: Did you hear that?

Mike Elliott: Yes.

Commissioner Mourdock: Okay, with those issues resolved then with the understanding Milton will deal with the steel plates immediately and with the idea that we'll go about the engineering that way I'll move that we approve the County Engineer for the \$400,000 Council Call on the Heckel Road Bridge project.

Commissioner Tuley: Second.

President Jerrel: So ordered. We'll get you a copy...you want to get her address so you can send what we're doing and when?

**Milton Hayden - County Garage**

President Jerrel: Okay, County Garage. You've got your materials. We're making some progress. Moving right along. Is there anyone that has a question of Milton regarding...?

Commissioner Mourdock: I don't have a specific question, but I noted the same thing that now for paving we've past the half way point in the year and we're just barely half way through the year.

Commissioner Tuley: So we're doing okay. Were you going to do anything about those signs there at Red Bank at that S?

Milton Hayden: We have them ordered.

Commissioner Tuley: Have them ordered?

Milton Hayden: Yes.

Commissioner Tuley: Okay.

Milton Hayden: They'll be put up as soon as they come in.

Commissioner Mourdock: I'll move acceptance of the County Garage report as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered. We are moving along in the interviewing process.

Milton Hayden: Thank you.

President Jerrel: Okay, thanks, Milton.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: I've got two items. The first I have a number of Barrett Law releases for execution by the Commissioners concerning the Westwood Hills Subdivision project. This relates to those individuals who have fully paid their assessment and the lien relating to that work needs to be released. Obviously, there are probably about half as many that are still paying under the payment plan. There are 42 who have paid in full, I guess, as of now and I think we started at 98 or 94 or something like that.

Commissioner Mourdock: That's good.

Commissioner Tuley: Yeah, it is. It's real good.

Joe Harrison, Jr.: We're in good shape, but I would ask that you all execute. There is a spot for all three of you to sign. Again, there are 42 of them.

Commissioner Mourdock: I'll move approval of the release of liens--

Joe Harrison, Jr.: For the Barrett Law Westwood Hills project.

Commissioner Mourdock: --for the Westwood Hills Barrett Law project as recommended by the County Attorney.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The only other item I have is another request. Someone misplaced a deed in connection with the surplus property sale and asked that we do it over again. It was not recorded yet, so it's from Vanderburgh County to Jamie Frey and I would ask that you execute this deed.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: That's all I have, thank you.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I talked with Mark Jewell today from the Convention & Visitors Bureau and if you'll remember last month we sent a letter to Great Lakes Athletic Trainers Association telling them we would reserve the convention center for 2002 for them. Well, that year was mistaken. It's actually 2003, so I just made a clarification on the letter that we sent them. I wanted to bring that up since we brought that up in an official meeting I want to...I guess maybe we need to make a motion to say it's 2003 instead of 2002.

President Jerrel: Okay, and what is the name of the group?

Tony Greubel: The Great Lakes Athletic Trainers Association.

Commissioner Mourdock: I so move to clarify the record.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: And that's it.

**Steve Craig - Burdette Park**

President Jerrel: Burdette Park.

Steve Craig: The only thing I have is we've been working on the grant and I'm pleased with the progress that I think we've made on putting it together and that. We've got a lot of positive support from our patrons over what is going on and some very interesting ideas about how it should be put together and what it should be used for. You know, they are all basically what we've got, you know, the same ideas that we have. Some guy wanted to argue with me if we should use cedar logs or pine logs and I said, you know, we're not that far along yet, but he was wanting to discuss it. Other than that everything is going pretty smooth except what you can expect out of having 150 kids working for you. Other than that I'm pleased with what is going on. The weather has not been cooperating.

President Jerrel: We're going to do a letter to our legislators, you know, giving them a copy so they know exactly what we're doing and Larry Lutz is the representative in that area, so we're going to get those finished and I wasn't quite finished today so I am going to fax them to Steve to take a look at.

Commissioner Mourdock: Steve, I heard you say you're getting the support of the patrons of the park for the building. Are they signing a petition or something to attach to the grant?

Steve Craig: No, they just are coming down and talking to us and told us they were glad we...especially with the Day Camp going and as many kids. You know, some of them that are in the last session or so are the ones that didn't get to go earlier and have been waiting, you know, the whole summer to get into the Day Camp and now the last session some of the kids that have went to the first three or four sessions don't go the last one so these kids are finally getting to go and that's a real positive thing for them because we've turned away, you know, bunches of kids this summer. We've got kids that have been waiting since the first session and have never got in. They're all happy.

Commissioner Mourdock: Make sure that's included in the grant request.

President Jerrel: Yeah, it is.

Steve Craig: Yeah.

President Jerrel: We gave that part of the--

Commissioner Mourdock: I'll move acceptance of the Burdette Park report as submitted.

Commissioner Tuley: I'll second.

President Jerrel: So ordered.

Commissioner Tuley: Steve, I want to pass on a compliment to you guys, the management, and then for you to pass it on down to your pool people. We were out there for that family reunion here weekend before last and I had my daughter up there who is five and we're going down the water slides for the first time and all that kind of stuff, so I would take her up to the top and talk to the guard at the top and then I would work my way back down to the bottom and try to be down there when she came down

to the bottom and they were super to work with. They were real conscientious of what they're doing and I just want you to pass that on to those people out there. I was real, real happy with what I saw.

President Jerrel: Did she like it?

Commissioner Tuley: She loved it.

Steve Craig: She is addicted?

Commissioner Tuley: Yeah.

Steve Craig: Well, they'll be glad to hear that.

Commissioner Tuley: It's a good thing we live close now.

Steve Craig: I will pass that on to them, thank you. You all have a nice evening.

Commissioner Mourdock: Good night, Steve.

President Jerrel: Okay, thank you.

### **Consent items**

President Jerrel: Consent items.

Commissioner Mourdock: I'll move approval of the consent items as filed which included employment changes, travel requests and the report for the County Clerk.

Commissioner Tuley: Second.

President Jerrel: So ordered. There are a couple of little travels in there where mileage and things aren't just right, but I'll call and change them.

### **Scheduled meetings**

President Jerrel: The scheduled meetings, a list is attached.

### **Old business**

President Jerrel: Is there any old business?

Commissioner Mourdock: As I think everyone is aware, the Sheriff has released the county the Jail Committee Reports. Tony, have you sent copies of those to all the committee members?

Tony Greubel: I distributed those this afternoon.

Commissioner Mourdock: Okay, very good. So what we had...where we had left the committee was that we would try to reconvene a week to ten days after those reports went out, so perhaps a week from this Wednesday. Would that be the first Wednesday of August?

Commissioner Tuley: About the 5th, yeah.

Commissioner Mourdock: Yeah, maybe the following Wednesday, the 12th, would be the time to try to schedule to get that group back together again. Give them a little bit more lead time. I know I've got a Welfare to Work meeting on the 5th.

President Jerrel: That would be kind of bad for Council. I mean, maybe it would be alright, but that's right, the first day usually they do a lot of work after they hear the first. I mean, you could schedule it. Go ahead. I mean, Russ would just have to make arrangements.

Commissioner Mourdock: Well, I want to do everything I can to get people there. I think one of the key discussions is how we function from that report. I know they were making suggestions about new members and such. Let me check my schedule, but I'll report next week what the final date is. I don't know that we need to act to set the date as a whole.

Commissioner Tuley: Do you meet in 301? Where do you meet at?

Commissioner Mourdock: Oh, we meet in--

Commissioner Tuley: This room back here?

Commissioner Mourdock: Yeah.

Commissioner Tuley: I was going to say if it was Area Plan night.

Commissioner Mourdock: Ah. Well, maybe a Tuesday instead of a Wednesday. I think we've been meeting on Wednesday and that seems to be working for everyone. I may still try the second Wednesday, I'll just have to look at the schedule. I'll keep you advised on that one.

### **New business**

President Jerrel: Is there any new business?

Commissioner Mourdock: I've got one item. We received a letter from the County Auditor dated July 20th and Suzanne asked a great question here. Let me just read the paragraph because I want to make sure that as a Board she gets the answer she needs and the letter says:

“Governor O'Bannon's newly appointed Public Access Counselor Anne Mullin O'Connor will be coming to Evansville Friday, July 31st, to answer questions that we as fiscal officers may have regarding what is and what is not public record. An example that I plan to submit as financial officer for the county is:

Budgets are prepared and revenues are projected by me in order to determine tax levies and set the property tax rate. I view that work as work in progress until that point in time when that work is verified and I'm prepared to certify it to the appropriate body. Is this a correct assumption? If not, what guidelines can we follow?”

I think while that question is specifically going to be direct to Ms. Mullin, is that right?  
Suzanne Crouch: Yes, it has already been faxed.

Commissioner Mourdock: Okay, it's already been faxed to her, okay. It may be a moot point then, but I just wanted to make sure this Board was onboard with that line of questions. It seemed fully appropriate to me, but I just wanted to put it in the record.

President Jerrel: Before...let's don't leave the jail article first. When you read the references to research for comparison of our data with other counties, I think it would be important, and Tony could start on this tomorrow, to contact the Supreme Court and ask where the judicial reports are prepared, who gets those and how we get a copy of that. The judicial reports compare every county as to number of employees, finances, you know, just anything you can think of. It's a statistical analysis and then there has got to be a jail comparison because there is a sheet in the back that I imagine you could call Eric and ask where that originated. There were three or four things that the report recommended the staff person do, but I thought, you know, if we at least got a leg up on where that information originates and how we can get, you know, more current information that we ought to get started on.

Joe Harrison, Jr.: I'm just curious. Do you have a copy of the State Department of Correction report that came out about a month ago?

President Jerrel: No.

President Jerrel: Was that provided? Okay. I don't think it's in there because it just came out in the last week or two. I'll speak with the Sheriff's Department and get a copy of that. The Indiana Department of Corrections, you know, I think may compare...obviously, they look at other counties throughout the state and their report, you know, goes to the Sheriff and the Commissioner, I think, and then the Circuit Court Judge of whatever county.

President Jerrel: Well, that was a very strong recommendation that we start looking at everything in our system and then take a look at some other systems just to have a base to compare from, so if we got that ready you could maybe use it for your meeting. Is there any new business? I'll entertain a motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:12 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Mike Elliott  
Shirley James  
Anne Gryczon  
John Stoll  
Milton Hayden  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
August 3, 1998**

The Vanderburgh County Board of Commissioners met in session this 3rd day of August at 5:37 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I would like to call the Vanderburgh County Commissioners' meeting to order and welcome all of you. The first order of business, I would like to introduce you to the people that you see up front. On the far right is Tony Greubel, our Administrative Assistant; next to him is Joe Harrison, Jr., the County Attorney; Pat Tuley, Commissioner, is to my right; far left, Charlene Timmons is our Recording Secretary; next to her is Suzanne Crouch, the County Auditor; Richard Mourdock, County Commissioner is to my left; and my name is Bettye Lou Jerrel and I'm a County Commissioner also. I would like to invite you to join me in the Pledge of Allegiance now.

**Approval of minutes**

President Jerrel: The first action item on our agenda is the approval of the minutes of the previous meeting. Is there a motion?

Commissioner Mourdock: I'll move approval of the minutes of July 27th.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Certification of Executive Session**

President Jerrel: The next item is the certification of the Executive Session and we did meet from 4:40 until 5:30 and we discussed litigation and lease of real estate.

Commissioner Mourdock: I'll move approval of the summary minutes of today's Executive Session.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Tony Greubel - Set hearing date on poor relief appeal**

President Jerrel: The next item on the agenda is Mr. Greubel. Do you want to...?

Tony Greubel: I'm just submitting an appeal request for poor relief action that was submitted in the Commission Office on July 29th of last week and we have to set a hearing date for that.

President Jerrel: Okay, is there a motion by the Commissioners regarding this?

Commissioner Mourdock: In my three years and seven months and eight months and three days on here we've only had a couple of these come up, but my recommendation on this, I think the best way to handle it is to appoint a specific hearing officer to hear this matter and as in the past I would move that we appoint Joe Harrison, Jr. to handle that matter and report back to the Commission.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. At this time the hearing will be set July...I mean, August 6th at 8:30 in this office. Are there any other questions?

Commissioner Mourdock: Yeah, I don't know that we need to do it formally, but would it be appropriate then the following week to have the report back from the County Attorney?

Joe Harrison, Jr.: That's fine.

President Jerrel: Okay, if I didn't say so ordered I will now.

Commissioner Mourdock: You did.

**Public hearing**  
**Road transportation policies for future development**

President Jerrel: The next item on the agenda is our public hearing and I would like to begin by saying that this is an ongoing process. We initiated this with the development at Burkhardt on developing policy that developers could be made aware of and Barbara Cunningham, Rose Zigenfus and John Stoll will be making the presentation.

Barbara Cunningham: I've been chosen to be the first one. The conceptual transportation plans for the corridors before you this evening were initiated at the request of the County Commissioners who suggested that the Area Plan Commission, the County Engineer and Evansville Urban Transportation Study develop a draft plan for the US 41 North corridor from I-64 to Mount Pleasant Road, the west Lloyd Expressway corridor from Red Bank Road to the county line and the Morgan Avenue corridor east of I-164 to the county line. These are areas of projected fast growth and it is wise to bring both the existing and the proposed plans for the area before the public to give all an opportunity to preview plans for these areas that have been to previous public meetings. My purpose this evening is twofold. To present the land use planning that has been to public meetings and represented on the land use maps...Blaine, do we have that...and adopted in the Comprehensive Plan and to briefly describe the plans for these areas that have been done to date. Rose and John will speak to the transportation planning effort and the technical aspect of the proposed corridor plans. Area Plan Commission was charged with mapping these areas and presenting this display before you and although they look minimal it's at least 30 hours of staff time other than ours just on those few maps before you. We have on file the Comprehensive Plan and series of growth management reports and I just gave those to the Commissioners. The Comprehensive Plan which is periodically updated was adopted in 1979, 1985, 1987, 1991 and the current plan was adopted in 1996 by both the Area Plan Commission, the City Council and the County Commissioners. The plan has been presented to the public about every two to three years. The primary transportation planning document, the EUTS Transportation Plan was adopted in 1998, recommends specific road improvements for

these corridors. It is interesting to note that we have been making the same recommendations over the years in the Comprehensive Plan. We've consistently stated the information in all Staff Fields and in the Growth Management Plans presented by Area Plan Commission over the years. It's important that the Commissioners have asked us to come tonight to remind us all that the 1987 Highway 41 Growth Management Report and the Comprehensive Plan of 1996 recommended pretty much the same thing that we are proposing here tonight with a few additions. In 1989 the Plan Commission also developed the State Road 62/Red Bank Road and the I-164 Corridor Growth Management Reports. As was suggested in these documents we continue to ask for utilization of frontage roads to channel traffic to establish roads reducing the possibility of the state allowing more and more traffic signals. We also continue to ask for limiting curb cuts and median cuts and limiting direct access onto either Highway 41 or onto the Lloyd. We recommend that certain existing internal roads be upgraded such as Inglefield, Baseline, Volkman and Stacer. We prefer access from streets and from a system of frontage roads and we have all discussed with the state the possibility of removing some of the median cuts along the major highway, particularly Highway 41. We hope that this would stop the possibility of meeting the warrants of additional traffic signals. These draft maps have been reviewed by representatives of INDOT, the Indiana Department of Transportation, and they did not voice any opposition. As always, we recommend that before rezoning occurs roads and infrastructure to serve development either be constructed or committed to at that time. You have before you...and I'll Rose and John or Blaine if you'll help me with them...the first three panels of the US 41 North corridor. These depict recommended land use from the Future Land Use 2015 Map in the Comprehensive Plan. That's right behind you, Blaine. The Comprehensive Plan map is behind you. The orange outlines that we show on these maps on the 41 corridor show the land designated for industrial use from the 2015 plan and the brown lines that you see on the corridor show the areas that are proposed for commercial use. The land use lines from the Comprehensive Plan as always are approximate and are not meant to be site specific. The red lines are the new roads. Can you just point? The red lines are the new roads we're proposing in these areas. In the past new roads have been installed by the developers as the development occurs. The green lines are existing roads that we feel need to be upgraded. As you can tell by the large orange area on these maps the Comprehensive Plan proposed a substantial amount of industrial development. The US 41 North corridor has been proposed in the Comprehensive Plan since at least 1987 as an industrial corridor from Inglefield to I-64. Over the years the area recommended for industry has been expanded somewhat, but the concept remains the same. On the Future Land Use 2015 Map in the Comprehensive Plan the west Lloyd Expressway corridor including the University Shopping Center has also been in the plan as a commercial area for many years. The plan suggests the area west of Boehne Camp Road toward the university should remain a residential area. The plan envisions Boehne Camp as the dividing line, but we realize with commercial development there will need to be improvements to both Boehne Camp and to others in this area. It was suggested, I believe by Mr. Mourdock, that we look at the Morgan Avenue corridor east of I-164 in Vanderburgh County. The state is planning a four laning of State Road 62 in that area and we need to be prepared for the changes this improvement could bring. We want to make sure the traffic will move efficiently and the land use is planned well. The County Commissioners and INDOT were provided with copies of our draft conceptual plan for these corridors last month for their review. We understand that minor modifications to the plans presented are likely to occur in the future to meet the needs of the individual developers, but the major concepts should remain as shown. Obtaining public input in the planning process is critical for the plans to accurately reflect the community's desire. Good planning can balance the need of property owners with the desires of the community and this meeting has given us an opportunity to let

everyone review again the current plans for the area that have been to previous public meetings and to take under consideration new suggestions. Through diligent planning and implementing concepts such as frontage roads and limited access we can help create a good well planned transportation network and land use pattern that works for the community. That's what you want and we are pleased that you're interested in these issues. I've now finished the land use issues and I'll turn it over to John and Rose, John Stoll, the County Engineer and Rose Zigenfus, the Executive Director of Evansville Urban Transportation, to address the technical transportation issues or questions that you might have.

Rose Zigenfus: I'm Rose Zigenfus. The EUTS 2020 Plan that you are familiar with identifies improvements along State Road 62, specifically INDOT will be six laning 62 from Barker to the Eickhoff/Koressel Road project when that is complete. Additionally, Red Bank Road from Broadway to Upper Mount Vernon is to be improved and Hogue Road from Tekoppel from Eickhoff/Koressel is also in the plan. Along the Highway 41 corridor we programmed the highway to be six lanes from Diamond Avenue Interchange to Mount Pleasant Road. For Baseline Road to be improved from I-164 to the Eickhoff/Koressel Road. Of course the six laning or the four laning of 62 from the interstate all the way out to Boonville is also in the plan. Improvements along Highway 41 and 62 such as extended turn lanes are the responsibility of the developer. Any traffic signals, additional traffic signals, that will be needed should also be the responsibility of the developer. We're also talking about the removal up along Highway 41 at a minimum of five median crossovers, looking again for street access. I'll answer any questions with regards to the plan or what INDOT might have as a plan. Thank you.

Unidentified: I need to get out. That's great traffic planning.

Commissioner Tuley: It's intended to keep you here.

Commissioner Mourdock: As long as you're not from the Fire Marshall's Office.

John Stoll: One issue that I would like to add that Rose briefly touched on was the signals. This plan won't eliminate the need for additional signals out there and we can minimize the number of signals, but it won't eliminate the needs for signals where we do have these roads, new access roads or existing roads, tying into 41 or 62 or whatever main highway is. So in conjunction with that we'll need additional turn lanes added if warranted when these developments come in or lengthening of existing turn lanes so we don't block through lanes on major highways with left turns in particular. Like Barbara had said, the alignments shown on these roads are conceptual and they may vary somewhat when they are actually constructed. We may end with roads more along the lines of Royal Avenue out on the east side where it does have some curves in it, but the end result is it does connect between Lloyd Expressway and Oak Grove Road which was the overall intent to interconnect between numerous different developments and that's the key is the interconnection so that way we don't have to use the main highways for local access similar to the situation we've got right now until Virginia Street is connected between Burkhardt and Cross Pointe. The traffic between those two developments has to get on the Lloyd Expressway, but ultimately whenever Virginia Street is connected we will have a continuous route that will hopefully take some of the turns off the Cross Pointe and Lloyd intersection and the Burkhardt and Lloyd intersection, so the connection out here in this area will be beneficial to Highway 41 or to 62 on the west side or 62 on the east side. The final point I would like to touch on is the frontage road issue. We would like to get a minimum of 200 foot separation on these frontage roads from the main line

roads simply because it has been proven in the past out along Lloyd Expressway that those frontage roads that make a quick turn just outside the state's right-of-way fence do not provide adequate separation and once the property is developed then it makes it difficult to provide good traffic control at those locations where the roads make a quick turn just inside the fence. You're familiar with the areas I'm talking about like out in front of Builders Square, the front of Lloyd Crossing and things like that where it was...it presents a lot of traffic problems in trying to figure out how to realign those roads and make it work for the developments, so we're looking for a minimum of 200 foot separation so that way it would be the depth of one lot, roughly, so that way it would provide for an outlot for a restaurant or what have you for whatever development goes in out there. Other than that, until it gets to the point where some of these are being implemented we can't address all the design guidelines right now since it's a conceptual plan, but once plans start coming in we can start working with developers to implement some of this.

President Jerrel: May I ask a question? Would it suit your purposes if maybe we divided these into the three general areas and maybe we could discuss 41 first and get any input that anyone has in the audience, recommendations or things that they would like to incorporate or ideas that maybe we need to be aware of that we are not and then we could move to the other two?

John Stoll: Sure. Do you want to do the 41 first?

Barbara Cunningham: At 41 starting at I-64?

President Jerrel: Right.

Barbara Cunningham: The only other thing I might want to tell you is as you know these big areas, these are new subdivisions that have come in since 1990. Both of them...like this section has been recorded, but this has received primary approval, so as you can tell there is an awful lot of residential effort going on. This is 41, do you want to start at I-64?

President Jerrel: Uh-huh, right.

Barbara Cunningham: This is the area we project as commercial with the possibility of industrial. However, that does not...these are just suggestions. That does not preclude residential from going in or commercial from changing or anything like that. It just shows that this is what the Comp Plan in essence says this could be an industrial corridor. This is the Busler area. This is the area with the hotels and McDonalds and a few of those things in here. You can see we already have some of the area...across the way is a large area from here to here that has just been rezoned for a commercial venture and we're asking that a continuation of the frontage road be there. We don't want to have another light here. We're saying that over and over again.

John Stoll: What we're looking at is trying--

Barbara Cunningham: We don't want to have the third light.

John Stoll: We were trying to get locations where we could extend existing roads so that way we would get four leg intersections as opposed to having a bunch of offset intersections.

Barbara Cunningham: So here is a series of frontage roads.

President Jerrel: I had a request, Barbara. Could you kind of tell the roads, the crossroads, that are going through there?

Barbara Cunningham: I'll let Rose tell them.

President Jerrel: Okay, Rose will tell them.

Barbara Cunningham: Names for the frontage roads or what?

President Jerrel: No, the roads that go across.

Barbara Cunningham: The main roads that go across.

Unidentified: Could you move the map over?

Barbara Cunningham: Well, then the Commissioners can't see. How can we work it?

President Jerrel: You can move because we've got a copy up here we can look at. We can look at this one.

Barbara Cunningham: Okay.

Commissioner Mourdock: How would it be if they even brought it up here behind us?

Barbara Cunningham: If we put it behind them could you see it then? Okay, can you see?

President Jerrel: Uh-huh, yeah.

Commissioner Mourdock: Yeah.

Barbara Cunningham: We're ready.

Rose Zigenfus: Okay, in this area here, this is Highway 41 as it goes south. This is Volkman Road. This is Old State Road. This is Baseline Road. On this side we have Stacer...no wait. Stacer Road right in this area here and Old Princeton Road. We're looking for crossovers to be removed in this area and this area and for this crossover here to be channelized. That means providing left turns.

Unidentified: What does that turn into?

Rose Zigenfus: Pardon me?

Unidentified: What does it turn into now?

Rose Zigenfus: This is Stacer Road right here.

Unidentified: Right.

Rose Zigenfus: There is no road here on this side, okay.

Commissioner Mourdock: Again, on that just to help clarify it the green lines that you see...or I can't quite see.

Rose Zigenfus: Existing.

Commissioner Mourdock: The green lines are extensions or upgrades of existing roads, the red lines would be new roads that would eventually be put in.

Unidentified: Rose, there is a commercial cut on the other side of Stacer right now.

Rose Zigenfus: Yes.

Unidentified: Are you saying that will be closed or it will be right in/right out?

Rose Zigenfus: No, there would be left turns provided there, it looks like. Yeah, the crossover medians are to be channelized.

Joe Harrison, Jr.: Fred, could you maybe go up to the microphone, identify who you are and what your question is?

Fred Barber: I'm Fred Barber and I'm a parcel broker that has spent about the last ten or 12 years helping 41 and 64 work with the different farmers on different projects up there. The first thing I notice in this plan is the commercial is really probably going to go all the way up to I-64 and 41 on both sides and probably the last thing would be the Buslers just because of the mess that's there. That looks like a good plan. Some of things I notice is there are a couple of sales, or potential sales, some big box industrial buildings that would definitely be right in the line of where some of the streets would be coming in. I don't think you're going to be seeing anything commercial much past Schroeder Road where the State Police barracks is and I think everything is pretty well going to be industrial from that point on down. You're going to see a few spotted commercial users, but the majority of it is going to be industrial and I think it's going to be some pretty good sized users from what we're hearing and what we're negotiating on right now with different people. So that can have an impact. It looks like the closing of the medians that you're speaking will probably be very much in line to cut down traffic problems. So that's all I've got to say.

President Jerrel: Is there anyone else that would like to ask a question or has something come to your mind since this has started on 41? Would you want to come up or let Rose hand you the mike.

Commissioner Mourdock: For the record, sir, we need your name and address.

Doug Rickard: Doug Rickard, 900 East Baseline Road. I'm a resident on Baseline in this area here. Let's see, right in here. These proposed blocks...there are a lot of residences here that are in this area right here. With this proposed as industrial aren't we going to end up factories or industry all the way around our homes?

Barbara Cunningham: Only if it is zoned.

Commissioner Mourdock: Yeah.

Doug Rickard: Well, how do we stop them from zoning it?

Commissioner Mourdock: Well, when a zoning request would come--

Doug Rickard: We weren't even notified of this. The only way we knew about this was the June 30th ad in the paper.

Commissioner Mourdock: Right, which was the point and we're glad you're here. If a request came in for rezoning it has to be specific to a parcel or several parcels of land and then there is a public notification process. All the adjacent landowners are notified by certified letters, etc. All we're looking at tonight is in a guess five years, ten years, 15 years down the road what kind of traffic plan should be there to facilitate what would seem to be some logical development that happens. Is it likely that there would be an industrial site around the series of homes you just pointed to? That's a possibility, but at this point, at least to my knowledge and I don't think to anyone else, there isn't anyone that has come forward with any kind of zoning request that would specifically be looking to do that. So right now it is more focused on the traffic plan than it is a specific zoning.

Doug Rickard: On the map I saw in the paper also it showed that it didn't stop at Baseline. It went on down--

Commissioner Mourdock: That's the maps beside you and to the right.

Doug Rickard: Okay, it's here. Okay, well, all this farmland on this side of Baseline floods and the ditches and things in that area do not handle water as it is. If there is any industry put in there at all without improvement of the water problem every home in that area is going to be flooded out.

Commissioner Mourdock: The subject of the drainage is a good issue and, in fact, I guess since he just stepped out of the room I'll compliment him. Commissioner Tuley last week at the Drainage Board said that something that we need to look at here as we look at this plan is also an overall part of the drainage plan. Under the recent drainage laws that came out of Indianapolis there is a provision where you can have a designated drainage area...there is a better term for it, an impacted drainage area and we're looking at several spots up and down along this corridor for exactly those situations where there may be some impacted drainage to see how that can be also incorporated into the total plan.

Doug Rickard: Is there a property value impact study done then?

Commissioner Mourdock: On the drainage side of it?

Doug Rickard: (Inaudible) what would all this development do to my property value?

Commissioner Mourdock: At this point there isn't and the answer to that question would depend on how it is zoned in the future. I mean, could it go up? Probably would if most of this development took place. Could it go down? The lesser possibility.

Doug Rickard: Yeah, but a factory across the street from me wouldn't my property value go down?

Commissioner Mourdock: Possibly. I mean, it might not. It just depends on the circumstance on that time and what the building is, what the industry is and such. I mean, we can't answer that question. Pat, while you were out of the room I just mentioned your comment of last week about designating part of this as an impacted

drainage area and I think that's a great part of what we need to look at.

President Jerrel: What that would do is to simply up the ante on the requirements for anyone that comes into that area. In other words, instead of a ten year rain or 25 year it would up it to 50 or more and would make the requirements more stringent to protect any flooding.

Commissioner Mourdock: To help deal with existing problems.

Doug Rickard: That's all I've got. Thanks.

Commissioner Mourdock: Uh-huh, thank you.

President Jerrel: Is there...yes.

Bill Tye: Bill Tye, 5806 Brentwood Court on the east side, however, I represent the West Side Improvement Association as I work on the west side. Just a brief comment, a couple of brief comments, on the 41 North area here. I do strongly suggest having lived close to the Burkhardt/Lloyd Expressway on the water drainage problems I think it's very evident as land gets paved water becomes even more of a problem and as we...you know, whatever development goes in be it industrial or houses that any of these developments have to be...have to take into consideration the drainage and what are we going to do with the water because as we pave the ground we all know the water has to go somewhere else then. So I do strongly suggest and I know we would support on any area of the county as far as the West Side Improvement that water has to be addressed very carefully especially in the drainage thing. The one comment I have is that in the way of being Chairman of the Transportation Committee one of the things that we have been watching closely all over the county is the ability to move traffic efficiently around the county. One concern I have is that we see very few roads still in this plan actually with any continuity east to west. Most of these roads stop without going anywhere and I would suggest that as we develop this area there are east/west roads that the plan should at least be there to continue these roads all the way across. Let's not go to building big businesses or setting a housing development in the way so that all of a sudden in 20 years we can't build a road through there. We have that all over the southern part of the county now that you get a plan to move traffic and we say, boy, it would be great if we could put a road through here but the problem is we have 27 houses worth several hundred thousand dollars a piece in the way or a great big business or whatever. I think this is the one criticism or critique if you will of this plan right now is that I don't know that it goes far enough in anticipating needs in the next few years of some continuity of these roads. Too many of them go a short ways and stop. I think we need to at least have it planned that they're going to go on through so that we don't get roadblocks built to prevent the roads from going on through.

Commissioner Mourdock: That's an interesting comment and let me ask a question of Barbara and Rose. I know the central theme that drove our investigation or drove the development of this plan is the idea that you're going to have some larger developers looking to build on the 41 corridor. Was there any thought given to encouraging those types of same developments to go further east or west by upgrading one of those existing roads as a major east/west corridor? Don't be embarrassed by the answer one way or the other, it's a very good question.

Rose Zigenfus: It's a good question and, no, we haven't. The Transportation Plan that we just completed, the 2020 Plan, has looked at extending and improving Baseline Road

as an east/west corridor, but we also are doing our northern Vanderburgh County study right now which we hope will give us a little more data and direction on where this east/west needs to be located, so that should be forthcoming.

Commissioner Mourdock: Yeah, so again just by way explanation it was the 41 corridor that you saw as the magnet for the future development in this area and we wanted this plan to help augment that.

Rose Zigenfus: That's correct.

Barbara Cunningham: We're also working on an I-164 corridor plan and we'll be bringing all this together at some time, but what we were specifically asked to look at were these three (inaudible).

Commissioner Mourdock: Okay.

President Jerrel: Is there anyone else that has a comment? Yes.

Jim Morley: My name is Jim Morley and I'm on the Chamber's Transportation Committee. One of the problems that we have and Rose eluded to this, she used the word developer and most traffic signals have four corners. You know, there is the northeast corner and the northwest corner and one of the very difficult problems for you to grapple with is how can you allocate the cost between developers or how can you create a situation where you can properly recoup the money necessary for the signals and deal with those four corners? It's not something that a person is able to draw on a map. In other words, yes, that developer and in the case of industrial sometimes you people are involved in county incentives even for certain industrial growth. So I think that, you know, we have a problem here we need to tackle and that is how can we bring about some kind of a plan that would allow us to allocate proportionate shares of the cost of some of the upgrades that are being shown here when you reach an intersection. You know, it's not necessarily fair that the guy at the northeast corner to pay for all of the signal, you know, but that's a problem that we need to grapple with and arrive at some kind of reasonable solution and very difficult problem. I don't know...I don't have an answer for you here today. I wish I did. I wish I could say that, you know, I think there is a plan out there, but I think it's something that we need to struggle with and come up with some way that we can allocate proportionate costs.

Commissioner Mourdock: That too is an excellent, excellent question. Joe, it kind of begs the question to me is there any way that locally we can by ordinance or some other way put a mechanism in place to begin to solve that? In other words, in any one of those 40 acre tracts that let's say is adjacent to Baseline or one of the other major east/west corridors, that developer who is immediately adjacent will spend a bunch of money to do the widening work probably for a turn lane off of 41, conceivably off Baseline. The guy who is just south of him or north of him who would be tying into the frontage road that he is going to build is going to show up after all those costs are already eaten. I mean, it's hard for us to tell...it's impossible right now for us to tell two developers to work together to allocate those costs. Is there any way that we can do something?

Rose Zigenfus: We do that already. A good situation is the Cross Pointe Boulevard signal on Lloyd and we had four different property owners involved in sharing the cost and it was based on the allocation of the acreage that they had to develop.

Commissioner Mourdock: But wasn't that a situation where all the development was occurring pretty well simultaneously? I mean, if that's the case I can see where everybody has got a dog in the fight and they want to do that.

Jim Morley: Sometimes it works.

Commissioner Mourdock: Yeah.

Rose Zigenfus: The other situation is where the county or the city supports the cost and then is reimbursed by the adjacent property owners when they come in. The city has done that at Eastland Shoppes.

Commissioner Mourdock: Have we ever done that as a county? I don't recall ever hearing that.

Commissioner Tuley: I don't.

Rose Zigenfus: No, it's the city.

President Jerrel: You mean...let's just assume, the county would pay for it and there is a development on the northwest corner and we determine an amount based on acreage for each of the four corners and only one is onboard but they pay their share and the others pay when they come on board?

Rose Zigenfus: Yeah, we've done that.

Commissioner Tuley: Do you guys remember...John, you haven't been around any longer than I have, but have we had that happen in the county?

Barbara Cunningham: No.

Commissioner Tuley: I didn't think so.

Commissioner Mourdock: Yeah, I've never heard that said. That's good to know.

Barbara Cunningham: You always have impact fees that you could do that are allowed by state law, but my understanding of those is those are so complicated they can only go in really, really, really high growth areas where they make sense for the county and that we really get a whole lot more the way we're doing it than we would if we adopted the impact fees. You know, that is something that is available in Indiana, but from my understanding talking with other communities it's really difficult to do.

Jim Morley: One other possibility that I wondered about and I don't understand the legality of the issue and that would be if there were a recoupment arrangement where one developer essentially could front it and then on an allocated acreage his cost would be...you know, he would essentially be fronting the project, but somehow he would be allowed to recoup that in some manner. You know, a fee that would come back to him.

Barbara Cunningham: The Sewer Department did that.

Jim Morley: Well, the Sewer Department has tried to set that up in recoupment for the Daylight sewer and I don't know whether some of these other infrastructures could fall

into the same type of category or whether that's not possible with private developers. It's a very hard problem to grapple with, but if we don't grapple with that problem we keep running into the problem of the developer who cries, wait a minute, that's not my total responsibility.

Commissioner Tuley: Right.

Commissioner Mourdock: I got it. Could it, Barbara?

Barbara Cunningham: Most developers (inaudible ) we're not asking for that much and they're doing so much with what we're asking.

Commissioner Mourdock: Yeah, I don't know that it's you that is necessarily asking for so much. The nightmare scenario I would have as a developer if I saw part of my property that didn't have immediate access would be that the guy who does has access would effectively put up a toll booth by charging so much money to get across his property. What I'm wondering, could you as a zoning and development...as a Use Commitment get a commitment there for a reasonable allocation of fees?

Barbara Cunningham: They would have to offer it. We can't ask.

Jim Morley: Right.

Commissioner Mourdock: I understand, but if they offer such a thing--

Barbara Cunningham: You need legal advice.

Joe Harrison, Jr.: The thing is you can't...you've got to be careful about how you handle some of these things and I think a lot of it is they've tried to get the developers, when there is a common area, to work together. They all, obviously, can benefit from whatever is going in. I mean, they're all out to make money and it's all going to benefit them and that's why I think you've had some cooperation in a number of areas. I can envision areas where you may not have some cooperation in the future and I would be willing to look and see what some other bigger counties in the state have done. You know, what you've proposed with, you know, the county buying a light or something to that effect, I'm sure those types of things can be done in certain areas if they warrant. If you think there is going to be the high traffic and you don't want a, you know, nightmare situation developing if it's not done, but I'll be glad to do some checking around.

Jim Morley: Some way to equitably allocate cost would be...one comment I have, John, as he mentioned to you about the thought that these frontage roads ought to be back 200 feet away that's a good rule of thumb figure. It won't always work. We have to remember as we look at 41 North corridor we're looking at industrial property so we're not looking for a commercial store that needs a 200 foot deep lot and so as you tried to deal with Azteca and the road that came south out of Azteca you realized that you couldn't go 200 foot west and then turn right south through the middle of Azteca with an access to the industrial property south of there, so you shortened it up less than 200, swung it around pretty tight, come out next to the road and come back down. Those things are going to happen, you know, and we have to recognize that we do need that distance back. That frontage is not truly a frontage road. It's somewhere back there, but sometimes we don't have any choice but to swing around like we did on Azteca. I guess what I am supporting here is saying, you know, what John is talking about these are guidelines that have to be flexible. They have to be flexible as you deal with the

differences between commercial and industrial property.

Barbara Cunningham: Can I just clarify? You're not looking at industrial rezoning property, you're looking at most instances this is AG and some commercial. I don't want anybody to think that just because this orange line is here it's industrial because it is not.

Commissioner Mourdock: Pat started to say something.

President Jerrel: Pat, did you have...?

Commissioner Tuley: No, I'll wait.

Ken Robinson: Ken Robinson with Vision 2000. I want to commend the Commissioners for taking a look at this issue. This is probably one of the central issues to attraction of industry in the way that industry looks at an area. They look at the transportation planning that takes place in a jurisdiction as one of the criteria as to whether they want a site or locate there. These are very difficult questions and issues that you're dealing with and I really commend you for taking a proactive stand on this. As the industrial attractor, an agency that goes out and finds industry and business to come to this area, one of the first questions they have is we would like to see your transportation plan. We would like to see the sites in relationship to the existing highway transportation network and what is planned. What we're doing here today is the beginning of creating a rational plan that then we can use as a marketing tool to attract additional good jobs and good investment to Vanderburgh County and that is critical to our long-term success. I would like to say that rather than react to development I see this as a proactive stance to take a planning approach. I know that the lines on the map will be flexible and that's what I wanted to stress if flexibility in the development of these access roads or frontage roads. You have to remember, we have been putting the primary and secondary traffic in this county on the same road and it's time now we've grown to the point where we have to look at a rational plan for secondary access. We're growing and we really deserve to have a plan that looks at separating those two uses. The corridors that you have selected are a good start and we do a lot of our marketing using the 41 corridor. We anticipate the two other corridors becoming very popular very quickly. I think the plan that you're looking at today can go a long way in helping us land some of these deals. I don't have the answers to some of these very difficult questions that Mr. Morley brought up and others, but I think you're on the right track. From an economic development promotion standpoint I hope that you come up with a plan that we can use very quickly. Thank you.

President Jerrel: Is there anyone else to discuss 41?

Barbara Cunningham: We were at Baseline.

Rose Zigenfus: Mount Pleasant is located right in this area.

President Jerrel: Do you want to get the mike?

Rose Zigenfus: Again, here is Highway 41. Here is Hillsdale Road. Highway 41 down to Mount Pleasant and on down to Petersburg Road. US 57 is here. Questions about that area? Yes.

B.J. Flittner: Thank you, I'm B.J. Flittner. I live at 8711 Whispering Tree. We have property right in this corridor here and I understand the reason for the frontage road.

We also have Little Pigeon Creek here. Is this Little Pigeon Creek that is on here? The frontage road is back here. Now, I want to move my warehouse from downtown out to the highway location in the very near future. We already own the ground, it's been in the family for years. Will we be allowed highway access until there is frontage access or what is the plan, you know, for the near future?

Rose Zigenfus: Can you access that road behind it?

B.J. Flittner: Right now it's agricultural. We have two cuts that are agricultural cuts from the Highway Department.

Barbara Cunningham: How many median cuts (inaudible).

B.J. Flittner: There are two median cuts. You know, my concern is, you know, the immediate use of our ground if we're denied any access to the ground because we cannot access it from Mount Pleasant Road or from the north...excuse me, from the east because of Little Pigeon Creek.

Barbara Cunningham: You have to have access at some point.

B.J. Flittner: Well, we own property that goes on to the east, but right here we're looking at basically 900 feet of frontage 400 feet deep.

Barbara Cunningham: Is it right turn in right turn out? (Inaudible).

John Stoll: (Inaudible).

Barbara Cunningham: And then have right turn in and right turn out.

B.J. Flittner: Yeah, but they had to do the improvement over the creek for access in too. What is the minimum width for the frontage road requirement? Twenty-nine? Now, another question I am curious, some of this is in a floodway within the floodplain where the frontage road is. What do you run into with rules of doing construction even of roadways within the floodways.

Barbara Cunningham: We work with the Department of Natural Resources on that and they take as they (inaudible) that's why we say these roads aren't exactly where they might end up. It depends on a lot of issues and when we got this together we did not take all the floodway issues into creating this map. Those are all valid questions and we would be glad, you know, on an individual basis to have you submit something and we would have to look at it.

B.J. Flittner: Okay, good. Thank you.

President Jerrel: Is there anyone else that would like to speak on this are?

Commissioner Mourdock: Joe has a comment.

President Jerrel: Yes.

Joe Harrison, Jr.: It is true that on many of these issues relating to 41 as far as access the state is going to be the deciding or...I don't know about the only decision maker as far as access and that sort thing, but they control, don't they, Rose?

Rose Zigenfus: Yes, they do.

Joe Harrison, Jr.: I mean, it's not the city or the county, it's the state.

Fred Barber: And the traffic lights, too, right?

Joe Harrison, Jr.: Pardon me?

Fred Barber: And the traffic lights, too?

Joe Harrison, Jr.: Yes, yes.

Commissioner Mourdock: Absolutely.

Rose Zigenfus: No other questions there?

President Jerrel: No.

Rose Zigenfus: Okay, this is the section from...this is section two, we missed a section. This is from Baseline on down to Hillsdale. You've got...here is Old State Road and it comes in towards the Busler Service Station. Then Boonville-New Harmony Road and on down to Hillsdale. Questions on that? There are two crossovers right here that we're looking to be removed and there are no others identified here that would be removed.

Gene Hahn: I'm Gene Hahn, I live on Browning Road. This area right here, you've got the railroad tracks and the highway. It seems like that is a very natural extension of that area. Nobody is going to build houses in that immediate area.

Rose Zigenfus: Oh, I see. Your saying take this all the way down?

Gene Hahn: Right, with that railroad track right behind you and the highway in front of you.

Commissioner Mourdock: Does that affect the road plan that is proposed, Rose? I can't quite see it from here.

Rose Zigenfus: No, it doesn't really.

(Several inaudible conversations.)

Rose Zigenfus: You've got the park, the McCutchanville Park on this side. Is ITT there?

Barbara Cunningham: Yeah, the church is there.

Rose Zigenfus: Any other questions?

Commissioner Mourdock: Any other comments?

B.J. Flittner: Rose, how many cuts were there being eliminated between Hillsdale and Mount Pleasant?

Commissioner Mourdock: Just for the record then, since I doubt that our sound system picked that up, Mr. Flittner asked how many cuts there would be between which?

Hillsdale and...?

B.J. Flittner: Mount Pleasant.

Rose Zigenfus: We're not showing any removal in this area. At least there are none shown on here.

Barbara Cunningham: That is possibly because they were not shown on the map. Is that right? That doesn't mean that it's not happening. That might mean because the map did not reflect them. A lot of times there is a cut to get to a farm property or for access to cut the thing and not all these are showing up, so this isn't a final and that's what we want to make sure. This is a plan, not a final anything. Conceptual.

Commissioner Mourdock: Any other comments on the 41 section?

Barbara Cunningham: Do you want to do the west side?

President Jerrel: Yeah, let's do the next one in the ad. I just was using that as my guideline. It would be State Road 62 on the west side.

Barbara Cunningham: Okay, the west side.

Commissioner Mourdock: Thank you all for coming. If you want to get back with any other comments or suggestions in writing we'll be glad to take them.

Rose Zigenfus: Okay, you want to do the west side now? West side, from Tekoppel in this area on out. There is Red Bank Road, Boehne Camp Road and Schutte Road. We were charged with looking at and really the only area that we think we can do anything with is the area that Mr. Hahn is developing with a frontage road in this area right here between Boehne Camp and Red Bank.

Commissioner Mourdock: The present...before you put that up, Rose, the present zoning for that west of Boehne Camp is?

Barbara Cunningham: Agricultural.

Commissioner Mourdock: Okay, from there west. Yeah, that stretch right there, that's all still AG?

Barbara Cunningham: AG and residential, yeah.

Gene Hahn: Just some thought proceeds. I've looked at this obviously for some time out here. As you know from Boehne Camp to the university is about 1.4 miles. You come back up you hit the road where all the apartments are. I can't remember the road, Schutte maybe. That's primarily apartments so you're down to almost a mile here along a major thoroughfare. Obviously, the homes you get down here get pretty close, but I'm not sure right in this area if that shouldn't be looked at for maybe apartment use or other commercial stuff. This whole area here I could sell it all today. I got three people that was really mad at me because I sold this big piece and they didn't get to buy it. So don't shoot me Rose and Barb, but I'm, quite honestly, again, it's a big open area. There is a church there, there are a few things, I don't know. I just throw out to look at it and think about it, okay? I'm not coming in for a rezoning or anything! It is a large area for a growing area and where else are you going to go with commercial?

Barbara Cunningham: It would be like a vertical Burkhardt along there. I can't see another Burkhardt Road. There is a lot of area yet to be developed over on the west side. There is a whole commercial subdivision. You know, it hasn't gone very far. We've gone in here. You know, there is still a lot of area yet to be developed and we want you to do well in your areas.

Gene Hahn: Right.

Commissioner Mourdock: What do you mean, Barb, when you say a vertical Burkhardt?

Barbara Cunningham: Well, I don't know if that's the right word. Horizontal, I meant horizontal.

Gene Hahn: Okay.

Barbara Cunningham: You know, I would hate to have a series of cuts and access in all this all the way along.

Gene Hahn: I agree.

Barbara Cunningham: I don't want to start that. That and the lights. We already have to have one at Boehne Camp and we're going to have one at Red Bank.

Rose Zigenfus: Have one.

Barbara Cunningham: We have one at Red Bank. We're going to have another one at Boehne Camp.

Gene Hahn: A road here.

Barbara Cunningham: That's a possibility. It could be a nice residential road right there.

Gene Hahn: Or a nice commercial one. Hey, that's a good point. Can we go one step further on that?

Commissioner Mourdock: Aren't there a number of smaller lots?

Gene Hahn: Well, as we look at doing these things, quite honestly, one of the problems that we have...as you know I did the Equestrian Hills out on 65 and we had to do all large lots because you had no sewer out there. Something that really needs to be done is a sewer line ran completely out to the Posey County line here and out Diamond Avenue and a couple of sprits off the east side. Then developers could pick them up. One of the things that we get complaints about is we love to build on the west side, but you've got to have these big lots and I don't want to mow all the grass. You know, so we keep getting these people out on the east side where the utilities are and keep causing more congestion.

Barbara Cunningham: We would much rather have sewers than septic.

Gene Hahn: Exactly, and so would everybody else as we work with them.

President Jerrel: I'm going to make a comment about those issues because I think this Commission has a lot of interest in that and, you know, the bottom line is the dollar. How

much money are we going to have in the T-21 formula? How much money will we have available in this next two year fiscal cycle here in the county? If times stay pretty good we've been able to spend a lot of our money to pay cash for Burkhardt. Frankly, I'm pushing for us to do things now because I would like to see them come to fruition and be used when people could enjoy them rather than always talk about something that is going to happen in 2015 or 2020. That's the reason we took limited money and built the Daylight sewer, but that is something...we took a ride Friday night all over the west side. Just on every road up in there you could find and all around. You know, I would ask questions because I don't really know where are the sewers and Richard Mourdock was doing the driving so he was trying to keep from running off the road, but we don't have any sewers out there. There is one hill right after another. I particularly wanted to see where Eickhoff went and where it didn't go and then what happened when you had to jog over to Koessel. I think we need to...personally, and I'm one of three, but I think we need to come to grips with some projects that we can do like we're finishing Burkhardt, what we can do in the next two years with our money. Plan, plan for the future, but use our money for something that we'll see in the next couple of years. I think that's the challenge that our professionals need to meet for us.

Barbara Cunningham: We three are not the sewer people.

President Jerrel: I know. Bill, you want to get the mike?

Bill Tye: I would like to address some of these issues. Number one, let's not spend money in the next two years that in ten years we're going to go why in the world did we do that? Again, one of the things over the history of the West Side Improvement and probably the driving force behind it for a number of years was this area right in here from Rosenberger to Red Bank Road. West Side Improvement tried very diligently to get access roads alongside the Lloyd from the very start. We recommended improvements of the crossings at these intersections here at Rosenberger and Red Bank. When you look at the accident reports for the last few years, those are two of the highest accident rate periods in intersections in the city. It is critical that as this area is developing, and I think we're being very shortsighted if we don't anticipate development to move towards USI in the next 20 years. It may come a lot faster than we think if this gentleman indicates that he has buyers for land now if certain things fall in.

Commissioner Mourdock: But if I may interrupt you, Bill, on that and this is a key question that I have in my mind and I truly am searching for an answer. My question earlier about that section from Boehne Camp west and what the zoning was and you heard Barbara say that is currently all AG which is to say effectively residential in there on both sides. Yes, there will be development. Will it be commercial moving from east to west or will it be more multi-unit residential such as the housing that is now at USI going from west to east?

Bill Tye: It's probably going to be a combination of all.

Commissioner Mourdock: Is a combination of all, is that an acceptable answer? I'm not challenging you.

Bill Tye: It's going to be a problem that needs to be managed. For example, right now one....I drive...we do have this access road here right in this section here. It comes over to where the new hotel is and then it dead-ends. It would be wise, I think, that we try to extend this road through here before it gets completely developed and have plans. Just like with this road here what needs to be done is this road needed to be....you know, one

of the problems that developed was that there was no crossroad, access road, through the south side of the Lloyd through here.

Unidentified: I'm sorry, excuse me. You're referring to this road that is already there and I'm not following who you are talking about.

President Jerrel: Why don't you come up...come on over and give your name and then you two can point so you both know what you're talking about.

William Lockard: I'm sorry. My name is Bill Lockard. I'm the property owner at 601 Jobes Lane and I'm immediately adjacent to Mr. Hahn's development and I get up every morning about 5:30. It's the startup of (inaudible) and then the tractors don't start until 6:00 and you're within 30 feet of my property so we do wake up in the morning. What road are you talking about? Are they identified on here? It doesn't look like they are.

Bill Tye: This one here exists now and we were saying...now it's working. On the south side in front of Schnucks and this area over here we failed to require these roads to come through here and now you have to jog around which makes it inconvenient for traffic which means that many times they go out and go on the Lloyd and get out in the traffic to move around. As we plan these things, as this development comes through here, we need this type of access road on both sides of it paralleling the Lloyd to keep the secondary traffic off of the primary roads here. Now one of the problems is going to be you're always going to have the conflict between the development, whether it be apartments or houses or some sort of industrial development, and right now it's not really too much industrial, but as it develops we need to ensure that when we're developing this that we're developing this infrastructure of secondary roads to relieve the traffic on the Lloyd here in this area through here. One of the great disappointments was that despite the urging of the West Side Improvement Association and the many people of the west side here this area didn't get developed on the south side, you know, this is working pretty well up here. You know, if we could have just gotten these intersections. Now you go back and you try to develop them after the fact and the cost only has escalated more. So I think we would be very supportive of a plan to keep these secondary roads along this area through here and then we're going to have to work on some other access roads, I guess primary secondary roads, out of the west side coming back down here and identifying which one of these roads, and there is more than one, needs to be widened, straightened, improved because the simple fact that Mr. Mourdock can't drive along that road and look off because he is probably going to run in the ditch otherwise. As any of us that have driven this side over here knows there are no good roads as soon as you get away from the Lloyd here to handle any volume of traffic whatsoever, so we have to get an organized plan. We need to identify some of these primary roads and work towards developing them and make sure as this area develops, however it develops, that we have the secondary roads right from the start. The way you do that is you insist as they start developing that part of the cost is going to be...at least part of the cost of that secondary road system and make it some continuity here. We don't want to come to here, drop down to here and come over. It doesn't work to have a jog in the thing. You need have a consistent pattern here. I've preached long enough.

President Jerrel: Is there anybody else that would like to come in on...yes, sir.

Commissioner Mourdock: Just for clarification while he is coming to the microphone, I haven't had an accident since I was 19 years old, so everyone is referring to whether I would drive off in a ditch or whatever.

President Jerrel: I did kind of.

William Lockard: Again, my name is Lockard. The first name is William or Bill. I'm a property owner at 601 Jobes Lane in Evansville. What I'm asking for and this may appear...this is relatively new to me. I have not had a chance to determine what the correct procedures are, but I will be shortly. I just received the Vanderburgh County ordinances, etc. last night, but I am working on it. It's a little bit new to me. I, William Lockard, property owner at 601 Jobes Lane and other property owners on Jobes Lane do hereby make the following request for consideration by the County Commissioners within their area of authority, to review and make immediate repairs of Jobes Lane and place on your future agenda as to widening this road. The request for consideration by Hahn Development Company and the Eagle Plaza Subdivision to review and determine what cost might be incurred for all concerned parties located on Jobes Lane to merge and hook up proposed water and sewer lines with Eagle Plaza rather than new lines from the end of the existing lines on Jobes Lane. Mr. Hahn being in here, that to a certain extent the property owners are willing to meet with him and I'm going to say share costs of what might be involved. In other words, we want water and sewer on that property...or on our properties. As it stands I'll be making similar letters to every department that I can find that might have an overlapping authority in this and consider to pursue the matter.

President Jerrel: I had your two questions on my list highlighted.

William Lockard: Did you?

President Jerrel: Yes, I did.

William Lockard: Now you may have this copy if you like.

President Jerrel: Sure, we would like to enter it into the record. Okay, thank you.

Commissioner Mourdock: At this point, Mr. Lockard, have you spoken with Mr. Hahn about that?

William Lockard: No, I have not.

Commissioner Mourdock: So he is hearing this for the first time, too.

William Lockard: So that's really all I have is that I have called the developer. I asked him for copies of their proposed sewer and water lines and they weren't available. In fact, I called them late last week. I have the name, date and time of who I talked to at home and they said those won't be available for another 30, 60, maybe even 90 days. We felt that we should be putting it on the record as of now so at least it won't come as a complete surprise. I'm sure it wouldn't come as a surprise, but at least it is halfway official now to bring it up from there.

President Jerrel: Thank you.

Barbara Cunningham: Ask Mr. Hahn...Mr. Hahn's subdivision is on the Area Plan Commission agenda for this Wednesday at 6:00.

William Lockard: The 5th? I think that's the one that I got. We received certified letters on it.

Commissioner Mourdock: While Milton Hayden with the County Garage is here, I just think I know the answer, but I want to clarify. Is, in fact, Jobes Lane, the entire distance of Jobes Lane, is that accepted by the county, do you know, Milton?

Milton Hayden: Yes.

Joe Harrison, Jr.: Yeah, I've got the list here. Middle Mount Vernon to the dead-end of Jobes Lane is accepted by the county, but whatever form its in now--

Commissioner Mourdock: Right.

Joe Harrison, Jr.: --is how it is. I can't tell you if it's gravel or what the road is.

William Lockard: I do have pictures of the holes in the road, etc., and I have not called the County Garage or anything else to make repairs.

Barbara Cunningham: I would suggest that you meet and talk to Mr. Hahn before Wednesday because your hooking up to the sewer is not part of the subdivision process.

William Lockard: All I am saying is the cost is going to be less for the county/city government and Mr. Hahn and if the property owners could share that why not avail ourselves to that option?

Barbara Cunningham: You need to talk to Mr. Hahn.

President Jerrel: Okay, anybody else on that particular area? Yes, sir. You're another Jobes Lane?

Dave Schroeder: Yes. My name is Dave Schroeder and I live at 617 Jobes Lane. I've been out there about six years now. Ever since year one when I moved in I've had septic problems. I have asked the county for help. They have refused to do anything because they say it was done before there were any codes. They can't get involved in it now. Well, we all are on wells out there. I'm worried about my ground water. I've got sewage seeping through my yard again. I'm trying to make to repairs year after year. There is always something somewhere bleeding out of the ground. We would just like to know who is going to take what action to get something? Either have sewer ran up there where people can tie onto it or get the septic department in here and make them do something about it.

Commissioner Mourdock: The Utility Board dealing with the sewer all of that is a city function and you really need to deal with them. I mean, the County Commission specifically has absolutely no jurisdiction over the sewers, where they go or anything about them. The only times we've been involved with sewers are when we've dealt with what is called a Barrett Law issue where all the local residents within a given area will go together to help fund and the county works with them.

Dave Schroeder: I've heard that. That's what I was wanting to get. Either have something done along them lines, go ahead and have it done.

Joe Harrison, Jr.: I think the first thing you may want to do is contact the city and ask them how much they think it will cost to do want you want out there. I mean, ask them.

Dave Schroeder: There has already been plans drawn up. We've got blueprints showing which way the water and sewer is going to run. They just say it's not feasible for them to do it because they look at us a non money making--

Joe Harrison, Jr.: What I'm saying is it may be \$500,000, it might be \$100,000. You need to find out what it is going to cost. If you all are willing to go forward contact the Commissioners and we'll help you out.

Commissioner Mourdock: We have a packet of information regarding how the Barrett Law process works that we've used with several groups, so if you get a group of 15 or 20 residents out there who all share in the problem and are willing to come forward and say we would like to investigate seeing if that is a solution, the way the process starts is to get all their names on one piece of paper and we can get you a copy of how that process works.

Dave Schroeder: Well, I've heard they've tried to do this two or three times before. Either one person or another didn't want to do it or didn't have the money to do it. They would not do it unless everybody was willing to do it at one time. They can't run a sewer up there and then people tap on as they have the money?

Joe Harrison, Jr.: Well, the thing is the law is pretty specific, but you're not going to be able to run a line across someone's property unless they grant you an easement and there is no condemnation procedure with the Barrett Law, but maybe you can go around some people's property if you have to, but if it would benefit them they're going to have to be assessed, so they're not going to like it but assuming it passes there is a statute that says, you know, if 40% or so object then it can be killed, but if fewer than that object and it goes forward it might be that they have to pay. They won't have to hook into it necessarily, but they're going to have to pay their fair share and they won't like it and that's just the law. I think you need to see what the cost would be because once everybody finds out it may cost them \$50,000 each or so they may not want to do it.

Dave Schroeder: Speaking of the easements, can you tell me what a prescriptive easement is? Have you ever heard of it?

Joe Harrison, Jr.: A prescriptive easement?

Dave Schroeder: Yeah.

Joe Harrison, Jr.: That's essentially an easement that would take place over someone's property that is established over a period a time, 20 years, ten years. So if someone has an easement, a prescriptive easement, over someone's property it is an easement that is kind of over a period of time it has been established, but that's something that usually has to be determined in a court of law.

Dave Schroeder: Wouldn't that have to be in my deed?

Joe Harrison, Jr.: Pardon me?

Dave Schroeder: Wouldn't that have to be in my deed, then in my homeowners...?

Joe Harrison, Jr.: Well, I doubt it, but it might be.

Dave Schroeder: Well, it ain't but I've got five people that are tied into my septic system

and I've been having problems and I'm trying to get people cut off. They say I can't do it because there was a prescriptive easement.

Joe Harrison, Jr.: Again, that is probably something that would have to be determined by a court. I mean, someone would have to make that argument about a prescriptive easement and then a judge would have to determine whether or not that actually took place.

Dave Schroeder: I guess that's all then.

Joe Harrison, Jr.: Okay.

Commissioner Mourdock: Thank you.

President Jerrel: You ready to move to the next area which would be...

Commissioner Mourdock: Morgan.

President Jerrel: Yeah, 62 and Burkhardt Road and the Lynch/Morgan.

Rose Zigenfus: Interstate 164, Lynch Road to Oak Hill. I'm sorry, Lynch Road to Burkhardt Road and then on into Warrick County. Telephone Road. Old Boonville Highway and, of course, Morgan Avenue.

Barbara Cunningham: (Inaudible comments made away from mike.)

President Jerrel: Okay, now what does the orange mean?

Rose Zigenfus: That's your zoning lines.

President Jerrel: Okay. Show me where...now point to Lynch so we can see. Lynch where it stops?

Rose Zigenfus: Right now?

President Jerrel: Yeah.

Rose Zigenfus: Burkhardt Road.

President Jerrel: Okay, right there. Where do you anticipate the interchange being if it's built?

Rose Zigenfus: Right there. This is it. It's identical to the Morgan Avenue interchange.

President Jerrel: Is there anyone here that would like to speak to the Lynch Road/Burkhardt area?

Bill Tye: Is that land...I know they're developing right there across and in the area east of Lynch Road at the intersection of Burkhardt.

Rose Zigenfus: Right.

Bill Tye: Has the land been reserved or something for that intersection?

President Jerrel: You're talking about the Morgan...?

Commissioner Tuley: No, Lynch and Burkhardt.

Bill Tye: The new Lynch Road, the intersection at 164?

President Jerrel: Yes, it has.

Bill Tye: That's been--

John Stoll: The west half of that--

Commissioner Mourdock: Partly, yeah.

John Stoll: --is going to be dedicated through the Woodward development. We don't have the east half of the interchange purchased as of yet. That's something we're just now getting in the process of doing.

Bill Tye: It's Stockers Lawn and Garden--

Commissioner Tuley: Combs.

John Stoll: They've all been set back far enough to stay out of the right-of-way.

Commissioner Mourdock: For the area east of 164 and south of 62, that big large area, I'm just curious. I don't see a frontage road per se in there. Obviously the railroad track runs along there. Should there not be a frontage road of some type or why did we not put any road plans?

Rose Zigenfus: We have Oak Grove Road is located right there.

Commissioner Mourdock: Right.

Rose Zigenfus: Getting across a railroad is going to be difficult.

President Jerrel: It's taken almost a miracle to get across at Cross Pointe.

Commissioner Tuley: That's right.

John Stoll: Two years.

Commissioner Mourdock: Are you suggesting the only way out of that whole area would be back to Oak Grove?

Rose Zigenfus: And Epworth that runs along here. There ought to be a network built in here and we're working with Warrick County to get that done.

Commissioner Mourdock: But you don't expect there would be any crossings of that railroad onto 62 out of that area?

Rose Zigenfus: No, not at all.

Commissioner Mourdock: I mean, I'm just kind of shocked by that. Obviously, Woodward has the one coming out of there. Just because it's difficult--

John Stoll: It would take the local government to initiate it. If the private developer did it the railroad would shoot it down real fast.

Commissioner Mourdock: But isn't that how we did it at Woodward?

John Stoll: Right.

Commissioner Mourdock: Let me ask not if it can be done or shouldn't it be done, let me ask would it be a best plan, a better plan, to have access to 62 from the south?

John Stoll: If we could find a location where it would put a four leg intersection out there like we've done with Cross Pointe it would be okay. I don't know we could get anything coming off this leg of the interchange because Woodward dug that borrow pit there as part of his drainage plan.

Commissioner Mourdock: Right.

John Stoll: So the next logical point would be back here--

Commissioner Mourdock: Exactly.

John Stoll: --where we propose a new frontage road to come in, so that would be a possibility if you could get authorization across the tracks.

Rose Zigenfus: On the north side.

Commissioner Mourdock: Oh, the frontage road is on the north side?

Rose Zigenfus: It's tied in right in this location, so what John is saying is if there is another need to cross this railroad this would be the logical location.

Commissioner Mourdock: It would just seem to me it would add value to the whole plan to try to plan that.

Commissioner Tuley: That is still in our county?

Commissioner Mourdock: Just barely.

Commissioner Tuley: Must be right on the edge.

Rose Zigenfus: Here is the line right here.

Bill Tye: If I could interject. You've got the proposed crossing to the west side of 164 there where the light exists now. The logical thing would be to do the same thing on the east side there and then enter...develop a road and infrastructure there. Granted the borrow pit is there, but anything you can take dirt out of you can put back in.

Commissioner Tuley: Except that is for water. That's for drainage.

Bill Tye: Yeah, you may have a drainage consideration, I realize that, but what I'm...you

know it would save...you could hook in there and bring the road to the east. That would be a fairly logical position.

Barbara Cunningham: This area is zoned already industrial and has been since before 1970. This whole area. In fact, at one time remember, Ken, we had this whole area that we were saving for industrial, a 200 acre industrial. We had this all saved and then commercial came in and cut it up some.

Ken Robinson: We also support this east side plan as well and anything that could be worked out for a southern access road would be, I think, ideal. But what I wanted to really point out is there is an excellent opportunity here with two counties butting up against one another and development just, you know, having no regard for county lines this is a perfect opportunity for the two counties to really get together and talk about some coordination. I know that Rose deals with that in her planning, but again I think that this is an ideal situation where we're just going to see tremendous growth coming both ways and I think it's an ideal situation for both counties to cooperate.

President Jerrel: We do have a contract right now for that very effort that we're working with Warrick County. See, I would like that interchange built and get it on over into Warrick.

Ken Robinson: I was just telling Jim that's the first time that I've really seen it on the map and it's quite exciting especially when we are taking clients out there and talking about the future of the interchange and that's going to be a, you know, very important node to move traffic throughout the east side and the more we can do to plan and cooperate the better our quality of life is going to be for many, many years.

President Jerrel: Does anybody else want to speak to the Burkhardt area? Okay, is there anything you want to say about Morgan? Well, I mean in the sense that...when are we going to get our intersection built there?

Rose Zigenfus: As soon as we're ready for it. You're talking about Morgan?

President Jerrel: I'm ready.

Rose Zigenfus: I am, too. As soon as we come forward with Burkhardt Road north to that area.

Commissioner Mourdock: Which intersection did you mean?

John Stoll: You mean the Morgan and Burkhardt intersection?

President Jerrel: Yes.

John Stoll: Right now it's to the stage where we should be able to start buying right-of-way soon. It does not have design approval as of yet. The next stage, as far as the federal aid process goes, would be to get design approval and then we can start working on buying the right-of-way. Given the fact that it's a federal aid job and it has to go through the INDOT bid letting process there is a four month lead time, so as soon as it is done and ready to be bid it will go to INDOT and it will be four months from then when it could be let out, so probably we're looking at next spring is when it would be put out for bids.

President Jerrel: Could you...you or Rose one, you explain to us...I've had some people

here have asked me the question about the traffic heading west on the Lloyd and turning right, north on Burkhardt. What is that...you know, the curb? I've had a lot of people call and want to know is that curb going to stay in there?

John Stoll: Which one now?

President Jerrel: Okay, when you're heading west on the Lloyd and you turn north on Burkhardt. The new part that's being...

Bill Tye: They built a median (inaudible). They built the south side also now.

John Stoll: You're talking about the median on Burkhardt?

President Jerrel: Yeah, tell us about it. What's happening?

John Stoll: The median on Burkhardt is what was approved through the last hearings where Burkhardt Road will have raised concrete medians from Lloyd Expressway all the way up through Morgan Ave. So the concrete that you see out there on Burkhardt is that median.

President Jerrel: Okay, the question was that one is there, but there will be two lanes turning left--

John Stoll: The double left on Lloyd to northbound Burkhardt?

President Jerrel: --from the Lloyd to the north when they're heading east and one lane or two lanes turning right?

John Stoll: There would be one lane.

President Jerrel: Going right?

John Stoll: Correct.

President Jerrel: Two lanes going...okay.

Bill Tye: There isn't enough room for three lanes to go up.

John Stoll: Well, it won't be simultaneous.

Bill Tye: Huh?

John Stoll: The left turns will run at a different time than the right turn. It's not...you're talking about westbound right turns and the eastbound left turns?

Bill Tye: Yeah, it is...it doesn't look like it's much over a lane wide now where they've got it and then it widens out up there.

John Stoll: Right, just north of Lloyd it widens out into four lanes wide to provide a left turn into K-Mart and a right turn into Wal-Mart. There are two northbound through lanes.

Bill Tye: I hope when they get it done it's (inaudible). I guess the concern I have with

Burkhardt Avenue intersection there in that area right there, as soon as we get what we're doing today people are going to go why in the sam hill didn't they go ahead and run it all the way up to Morgan to start with instead of doing it piecemeal and the same thing--

President Jerrel: Money.

Bill Tye: --for coming south on Burkhardt you run down there about half way and you bring it back out into a two lane. You go down a little ways and then the road widens out. Why don't we run it...go ahead and widen Burkhardt all the to Lincoln Avenue?

President Jerrel: It's city.

Commissioner Mourdock: But from--

Bill Tye: Don't do it piecemeal.

President Jerrel: It's the city's call.

Commissioner Mourdock: But all together now we can answer that question with one word on three. One, two, three:

President Jerrel:	Money
Commissioner Mourdock:	Money
Commissioner Tuley:	Money

Bill Tye: But it's going to cost more money later.

Commissioner Mourdock: If you don't have the money that doesn't matter. I mean, that's the situation that we've been in and that is where Bettye Lou's point of a few minutes ago about how funding that is now coming available might be better utilized and that's part of our reason for doing this. I mean, I understand your frustration. I'm not trying to be glib about it because believe me if we could snap our fingers and get this stuff done in two weeks we would do it, but once you get on this side of the desk it is an eye opening experience to find out that government doesn't function like business. Short-term borrowing is something that is largely unheard of and you've just got to deal with the resources you have and that can be frustrating.

President Jerrel: But we're moving and we're going to get some projects finished in the next two years and pay for them.

Commissioner Mourdock: It struck me a moment ago as John was speaking is it seems like things never move forward. As I said before, I've been here for three years and seven months and I remember one of the first things that we talked about when I was first joining the Board with Pat and Rick Borries was the plan at that time for Burkhardt called for that big ditch, you know that used to be on the east side of Burkhardt, to be the center line between the northbound lanes and the southbound lanes. We were still having that discussion less than three years ago. Fortunately we don't have a new Burkhardt Ditch that would require a bridge every time we had a new development.

President Jerrel: John Stoll made a comment to me two days ago that...I'm always pushing him because I don't like for it to go as slow as it does and he said we're going to have this going in two and a half years and this certain area finished. He said that's

a lot faster than you might imagine.

John Stoll: Compared to federal aid that's the speed of light.

President Jerrel: Paying cash goes quicker.

Bill Tye: You know, the problem is that we've been...it looks like right now we're going to be working this between Morgan and the Lloyd for the next five years.

Commissioner Mourdock: It's going much quicker than that.

John Stoll: The completion date for the phase up through Maxwell is December 1st. The phase to Virginia Street has been delayed repeatedly because of--

President Jerrel: John, can you hold just a minute, we're going to change the tape.

**Tape change 7:07 p.m.**

John Stoll: The piece between Virginia and Maxwell the completion date is December of '98. The piece from Lloyd to Virginia should have been last year, but because of driveway problems it didn't get done. Contractually the contractor is not obligated to be done until the fall of '99 but he has every intent to be out of there by the end of this year, so all in all if things go as planned and it stops raining every fourth day then we'll get it done through Maxwell by the end of this year.

President Jerrel: Okay, any other questions?

(Inaudible comments made from audience.)

John Stoll: Yeah, up at Morgan and Burkhardt basically that will be the third phase of the Burkhardt Road project widening Burkhardt to four lanes and provide double lefts on Burkhardt at Morgan. It will provide an eastbound right turn lane and a westbound right turn lane from Morgan to Burkhardt, so it will basically be matching the rest of the Burkhardt Road project.

Commissioner Mourdock: You expect to bid that...?

John Stoll: Next spring.

Joe Harrison, Jr.: Also at Cross Pointe and Morgan.

John Stoll: Right.

Joe Harrison, Jr.: Do you want to tell them about that and how that will be able to...people will be able to go in whenever the work is being done at Morgan Avenue that will be utilized.

John Stoll: Right, that will be the detour route for some of that work. Basically, that will add a fourth leg to the interchange ramp and Morgan Avenue intersection, so basically that will be a four leg intersection. The problem that has been associated with that project is the delays associated with dealing with the railroad like was discussed earlier. We're expecting the railroad to come in and do crossing work sometime in September or October and then once that's done then hopefully we'll get that opened up sometime

yet this year as well.

Bill Tye: You think Cross Pointe to Morgan will be open (inaudible).

Joe Harrison, Jr.: That is what he said.

John Stoll: If we can get the railroad work taken care of.

President Jerrel: Okay, have I missed something. Is there anybody else that would like to make a comment about this? Do you have any questions you want to ask? Yes.

Don Neidig: I'm Don Neidig, retired. Senior golfer! Traveling quite a bit the last few years and bumper to bumper traffic from Meinhurst and other areas, I was curious if there was anybody on your panel that is a representative of the Watching Mass Transit. I've noticed that since I've kind of been watching different newspapers that Seattle; Portland, Oregon; Charlotte, North Carolina; and then I noticed in the Courier the other morning, high speed rail systems in the midwest from the Anderson Newspaper is being investigated from Indy to Chicago. Four couples of us went up to Bloomington over the 4th of July. We didn't need to drive cars for three days. All we had to do was get on the train or high speed mass transit. What you're doing here is fine, I won't see it, but, folks, mass transit is where it is at. Who wants to drive six lane traffic bumper to bumper? I went from Statesville, North Carolina six hours...eight hours to Nashville, Tennessee bumper to bumper through Asheville, through Knoxville to Nashville, Tennessee and I couldn't even let the guy on the on-ramp. Coming on the expressway it was backed up from behind, in the front and he honks his horn, it was that bad for eight hours. Now is that what we want? Is that quality of life? I don't think so. So all I am telling you is that other cities are investigating mass transit, rapid transit, and I think that...I'll cut it short, but I think we need somebody to keep abreast of what other cities are doing in the way of mass transit because they are. I read a lot of newspaper and they are investigating. I don't know what can be done, but I guess I am getting old-fashioned because it's no fun bumper to bumper. What you're doing here ten to 15 years from now is going to end up, you know, obsolete. Thank you.

President Jerrel: Thank you, Mr. Neidig. Is there anyone else that has any suggestions? That's a different one, but it's a very valid argument because I wish we had mass transit or some sort of train that traveled quickly from Evansville to Indianapolis. I would a lot rather take that than I would to make that drive. Anybody else have any comments? Commissioner Mourdock?

Commissioner Mourdock: Just in quick summary I appreciate the work that EUTS and APC and John Stoll have done on this. I think that trying as Ken Robinson said to do something in advance to facilitate further development is probably one of the best things we can do to have real logical development. The last thing that we want to do is hear more and more about situations like Burkhardt Road. I mean, everyone gets tired of fighting the traffic out there, they don't get any more tired of doing it than we get tired of hearing of the problem, so I commend everybody that is involved with the plan and I think we need to go forward to act on it either in total or in a particular piece like the 41 section, like the west side. Rose started to say something.

Rose Zigenfus: One of the things for the developers that are left in the room, (inaudible) has already touched on this, but Mr. Hahn has been very cooperative in what he is doing and they are to be commended.

Commissioner Mourdock: I am glad you interjected that because that is true and despite my concerns that I expressed when Jim Morley got done more developers than not are quite cooperative, but I know there are those who are always the first ones out of the block who do worry about having to pay all the front end costs and not getting that reimbursed and I think Jim Morley's comments are something we do need to consider, how we might encourage those folks to work together.

Barbara Cunningham: My question is where do we go from here? I mean, you had the public hearing. Do you want us to make this in smaller maps or are you going to recommend approval?

Commissioner Mourdock: Going back to what I said a moment ago, perhaps in segments or as all those plans are put together in one package I would like to see us by resolution do what we did in May of 1997 with Burkhardt Road where as a body we act to accept these plans with the idea that as developments come to this Board later on that we judge those against the plan that we're now saying by that vote we feel has merit.

Barbara Cunningham: With the understanding that there can be changes made.

Commissioner Mourdock: Sure.

Commissioner Tuley: Flexibility.

Barbara Cunningham: What we're saying this just is the outline of where industrial and commercial, etc., is going. We do not preclude that residential cannot go in there.

Commissioner Mourdock: Right.

President Jerrel: Commissioner Tuley?

Commissioner Tuley: Well, I think it's important in what we're trying to do here particularly given what has happened to us on Burkhardt and what have you. I think for whatever reason there wasn't the foresight to see or anticipate the development that occurred out there until it was already up and going and you see us trying to back up now and try to come up with a plan in a couple of years to move traffic through there as smoothly as we could. It's important that we recognize these areas as being the real potential for growth and put together the plan that we're working on tonight in terms of traffic flow within the developments, getting the infrastructure in place prior to development and then encourage development in those areas after we have that plan onboard and then it would be important to this body and all other bodies and all future people sitting in these chairs to see that plan is carried forward and attempt not to end up with what we've got out on the east side. Comments, like you said, your comments and Jim Morley and different comments like that are things that we try to be open minded, try to remember everything that we've got to anticipate and things like that do come up and we've had that with the last person that goes in, well, you're the one that caused all the traffic problems so therefore you're going to have to correct them and we can't approach it from that standpoint. Same way with drainage. You know, just because you're the last one in you've created these problems and those are things that we need to be way out in front on and look way to the future.

Commissioner Mourdock: If I can add one thing onto that, too. You know, as some of those folks in the interest on the north side were exiting I made the comment that if they wanted to give us some written response they're certainly welcome to do that. So maybe

since we've had that hearing I would suggest that perhaps a month from this meeting, a month from tonight, we vote to formally accept these plans so that we have time to take into consideration anything they give us in the meantime.

Commissioner Tuley: Yeah, if that is a motion I'll be glad to second. We're just keeping in mind that the word flexibility and what have you has to come into play.

President Jerrel: I'll second and say so ordered. One little comment that has happened in discussion and Ken Robinson and I have had this conversation, Evansville is in a very unusual position. We may become much more industrial or we may not. We may become a service center and residential may be one of the highest priorities. We provide the locations for other people to develop and we need the commercial and service and we won't be heavily industrial. That's a very good likelihood, so that is another issue that we have to address. If you notice, all the very large plants have gone to areas that are not in Vanderburgh County and there may be good reason for that and there may be reasons that we can't change even if we wanted to, so we have to always be ready to take advantage of those things that we can do to make our quality of life better here in Vanderburgh County and it may be as a service area and residential. Anybody else? If not, we're going to move on with our agenda.

Commissioner Tuley: One final comment. I would like to thank Barbara and Rose and John and all your staff members for pulling this together for us.

President Jerrel: Yes. We've asked a lot of you in the last several months and we appreciate it.

Commissioner Mourdock: We are committed to a plan. We will vote in a month, but we are committed to having a real plan. The kind of thing Betty Lou just mentioned about the development, you know, I agree and we spoke of that during that drive the other night. You know, are we going to be an industrial or manufacturing county or are we going to be just a residential county? We truly don't know the answer, but I'll guarantee you one thing, unless we do some planning to really enhance the chance for commercial development we won't get it.

President Jerrel: No.

Commissioner Mourdock: So I see this as being very positive.

**Any group or individual wishing to address the Commission**

President Jerrel: Okay, thank you all very much and we're going to move on now. I think we've had anyone that wished to address this Board has addressed them.

**John Stoll - County Engineer**

President Jerrel: So let's move to our County Engineer. To our department heads let me just say I know you sat through this meeting and I know that takes time, but you all are very important people to us so I appreciate your listening to it and staying for it. Well, you're very intimately involved with it. Okay, Mr. Stoll.

John Stoll: First I've got a Notice to Bidders for contract number VC98-08-01, repair and repaving of Glenview Drive. This will be for doing some patching and some resurfacing

on Glenview Drive. This road was not included in previous contracts because we were trying to evaluate whether to redo it in concrete or do an asphalt overlay and asphalt patching on there and the asphalt patching seems to be a more economical way to go, so on that basis I recommend the Notice to Bidders be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got three street acceptance forms. The first is for 264 feet of Waterford Boulevard. This is in Waterford Park Subdivision...I'm sorry, Waterford Place Subdivision. I've got 520 feet of Circle Front Drive. This is in Crossroads Subdivision. This is an extension of an existing portion of Circle Front Drive in Crossroads. This is out adjacent to I-164 in the development being done by Joe Ream. The final one is Lynch Road. We've got to submit documentation showing that it's a county road to the state, so I need that one signed as well. It's recommended all three be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a letter from Three I Engineering regarding the gravity sewer extension for the Daylight sewer. They are proposing that they could do the gravity sewer from the Schlensker Ditch pump station to Boonville-New Harmony Road for a fee of \$8,400.

Commissioner Mourdock: From Schlensker to where, the station?

Commissioner Tuley: No, I know it's not the cost of the sewer.

Commissioner Mourdock: Having reviewed this in light of the other work they've been doing for us, John, price-wise and all, are you recommending acceptance?

John Stoll: This is in line with what they submitted previously on their estimate for surveying the Bohannon Estates area and the 17 remonstrators, their cost was...I forget what the overall fee was on that, but I checked it and this was in line with those estimates they previously provided, so from that perspective, yes, it would be recommended that they pursue this design.

Commissioner Mourdock: I'll move acceptance of the engineering services letter for the Daylight sewer from 57 to...or from Schlensker Road to the pump station.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Just--

Commissioner Mourdock: Yeah.

John Stoll: --for clarification it's from Schlensker pump station to Boonville-New Harmony and 57 intersection. I submitted a copy of the previous agreement between the county and Three I to Joe Harrison for his review, so I'll have any changes Joe wants to see made and then I'll bring back a revised agreement to be signed off on at a future meeting. Next is a travel request for me to go to Vincennes on Thursday. This would be to attend a meeting at INDOT with some of the INDOT officials and EUTS officials in regards to State Road 62.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is a sidewalk waiver request for the Hahn development out on the west side. This is for Eagle Plaza Subdivision. A copy of the letter was submitted to me last Friday and Mr. Hahn is requesting the sidewalk waiver because there are no sidewalks on adjacent developments and he also refers to the fact that even though his development will have an apartment complex adjacent to it there are no sidewalks on other west side developments that have apartment complexes adjacent to them. On other areas in the county we have also waived sidewalks in commercial areas, so on that basis the sidewalk...approval of the sidewalk waiver would be consistent with what we've done in the past.

Commissioner Mourdock: So, again, it is your recommendation or the engineering--

John Stoll: Yes, they won't connect to anything.

Commissioner Mourdock: Okay, I'll move the sidewalk waiver be granted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I have unless you've got any questions.

President Jerrel: I don't know that this is something...this is just a note, a couple of things that people have called and one was that Jobes Lane so we know about that now.

John Stoll: Okay, I haven't been out there, but we can take a look at that and see what kind of resurfacing might be needed or patching.

President Jerrel: Okay. Any other questions? Okay, thank you.

**Milton Hayden - County Garage**

President Jerrel: County Garage.

Milton Hayden: I have no report.

Commissioner Tuley: Don't have anything? I was just asking if he had anything because

he was looking at us like he doesn't.

President Jerrel: Is there a motion to approve the report that we've received?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. How are we doing on...

Milton Hayden: On my paving?

President Jerrel: Yeah.

Milton Hayden: Paving we're doing excellent.

President Jerrel: Yeah, you are.

Milton Hayden: This weather we have to deal with, but other than that we're doing okay.

President Jerrel: Well, and it looks like your ditching is about--

Commissioner Tuley: Ditching is fine, too.

Milton Hayden: Our ditching has improved greatly.

President Jerrel: Yeah, you're better than three quarters of the way finished. We do appreciate your being here this evening to hear this because it helps because if we're going to have questions from people such as Jobes Lane it will be good for us to be aware how that stands.

Milton Hayden: I had already looked at Jobes Lane.

President Jerrel: Have you been out there?

Milton Hayden: Yes, I told him that I was going to patch that as soon as I could get a patch crew out there.

President Jerrel: Yeah, okay. Anybody else? Thank you.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: Steve. Superintendent of County Buildings next. Let me get--

Joe Harrison, Jr.: He left.

Commissioner Tuley: How about the County Attorney.

President Jerrel: County Attorney. I keep leaving him out.

Commissioner Tuley: He costs more to talk.

Joe Harrison, Jr.: Yeah. John, do you recall when the hearing on the Daylight, that petition, is set for? It's sometime in August. I think if that is officially set up in Indianapolis either you or I may have to--

Commissioner Mourdock: I think it was the 14th, wasn't it?

Joe Harrison, Jr.: --attend that hearing. I'm just looking in my file. I don't have that.

John Stoll: I never received any official notification on when it is.

Joe Harrison, Jr.: There is a notice out.

John Stoll: Okay.

Joe Harrison, Jr.: I'll speak with Tony. He might have a copy of it as well maybe in the back, but we need to double-check with that and maybe you can check with Mike Robling as well, but I think you or I should go up to that if it is necessary.

John Stoll: Okay.

Joe Harrison, Jr.: The only other thing I had was Willard Library and I'll let you speak to that if you want.

President Jerrel: I was just going to do that under old business.

Joe Harrison, Jr.: That's all I have.

**Steve Craig - Burdette Park**

President Jerrel: Burdette Park.

Commissioner Mourdock: Tony is back.

President Jerrel: Oh, Tony is back.

Commissioner Mourdock: That's alright, Steve, come on up. Tony missed his chance, he's got to go to the back of the line.

President Jerrel: We'll take you and then go back to that.

Steve Craig: I think you got the 1997-98 summary breakdown as of through June 30th. I wondered if you had any questions about it.

President Jerrel: Are there any questions about Burdette's report.

Commissioner Mourdock: I'm pleased to see the revenues up \$30,000 especially since the pool was down for that earlier period.

Commissioner Tuley: Is that attributed to any kind of price increase?

Steve Craig: On the buildings we did the raise the prices, but the rentals are up immensely.

Commissioner Tuley: Oh, they are?

President Jerrel: Uh-huh.

Steve Craig: A couple of the things, like the golf, you know, we just took it over this year and not that we didn't know what we were doing, but it was in pretty bad shape and we've been working on it.

Commissioner Tuley: Right.

Steve Craig: And it over doubled, so it shows a little cleaning up and a little work brings people back to it.

Commissioner Mourdock: How are we, not just in dollars, but in a body count as far people coming...that didn't sound right. In an attendance count, are we ahead of last year, do you know?

Steve Craig: As far as the park use, I think the park use is way up, but the swimming pool every time it rains or it's raining in the morning and that, you know, it's bad for us. It has been a bad summer for swimming, but as far as the park, you know, we're doing excellent and that reflects through the buildings, the building rentals and the chalets and the campground are full, you know, most of the time this summer.

Commissioner Mourdock: I know I have driven through a couple of times. Everything seems to be well utilized and well maintained and you're doing a good job and we appreciate it.

President Jerrel: Just a reminder, I appeared before Council last Wednesday and the vote on the funding for the liner will be finalized this Wednesday and if it is approved we need to move that process now because it will need to be bid if we're going to do it this fall and I think we should.

Steve Craig: Okay, well I have been working with Lynn and she had wanted me to get some prevailing wages off of it, but she is on vacation this week.

President Jerrel: Okay--

Steve Craig: Because I called her this morning about it.

President Jerrel: Well, next Monday...will she be back next week?

Steve Craig: That's what I think they said that she was going to be gone a week.

President Jerrel: Okay, well we need to get it moving because I told the Council that was one of the things we wanted to be able to do is finish that this fall.

Steve Craig: Yeah, but I had been in contact with her and she knew that we were moving forward on it and I think she was waiting for it to go before Council.

President Jerrel: We do have letters tonight that we're sending, they're somewhere here, to all of our legislators with our Build Indiana information, copy of our grant and a letter requesting that they accept our proposal and support us, so we're moving along on that, too.

Steve Craig: Good.

President Jerrel: Anything else? Okay, thank you, Steve.

Steve Craig: Thank you.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Tony.

Tony Greubel: At 2:00 p.m. today was the deadline for bid specifications to be put in for planning services bid application and only one came in today from the Private Industry Council, but I gave that to Tim Suenram and that should have been officially opened at 4:00 today, then they'll have a meeting on Wednesday, I believe at 5:15 p.m., to award it if it meets specifications and that's all.

President Jerrel: Thank you.

**Consent items**

President Jerrel: In the consent items there was one late travel request...or, no, employment change from Superior Court, so is there a motion concerning these?

Commissioner Tuley: Move approval with the addition of the employment change from Superior Court.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

**Scheduled meetings**

President Jerrel: The meeting list is attached.

**Old business**

President Jerrel: Under old business, any old business?

Commissioner Mourdock: One quick comment about meetings. I looked, Tony, did you get word that the infrastructure group is going to go to every other month during the summer? Okay, well, we don't have the meeting scheduled and there is no need to because we won't pick it up again until September. They're so busy now doing stuff it's hard for them to meet. It's better planning anyway in the winter. I have no old business.

President Jerrel: Okay, I have a letter and I can't put my hands on it, but do you have a copy of it? The letter from Steve Utey regarding the progress in the jail? Would you want to just make that a matter of the record and read it into the record?

Commissioner Mourdock: Yeah. Okay, we have a letter from the Building Authority to the President of the Commission dated August 1st on conditions of the jail. Basically it's

saying, Phase I - General repair: day to day maintenance, roaches and insects, plumbing report is being taken care of. Phase II - Heating and ventilation: work being done by Peyronnin, some cleaning and duct cleaning. Then Phase III is painting. A purchase order was written to Simms Painting to paint around toilets and showers. That work was scheduled to start today. There is some cell block painting that they're hoping to begin putting together the specifications for today, so I'll submit this entire letter just to the County Auditor's Office to go in the record.

### **New business**

President Jerrel: Okay, how about new business? I'd like to just bring up one item. I am meeting with the various prospective property for rental for our court records. What we're trying to do is come up with a place where we can put everything that is currently at Garvin Park which is going to...that lease will expire this year and everything that is in the basement and then all of the court records will then...only the things that they work out of, their court large books, record books, will be downstairs with easy access. I would like to be able to proceed with that and we do have...our current contract is with Willard and it just depends on what is out there. I've met with the judges and I have letters from Mr. Newman, the Supreme Court official who rules on things that you must keep, so what we're trying to do is tie this all together for the first time. Instead of it being a piecemeal one rental when we run out of space and have to do it within 24 hours or else we're trying to plan something that will last for several years and we've brought the judges into it as well as the clerk and also the Supreme Court for their approval and I would like to be able to contact these other opportunities that are out there and see what we can work out and I've given all of the potential to the judges and the Clerk and they are looking at them now. We will be...and we're on a year to year contract with Willard, so we may or may not continue that, but I do need a motion for you to approve that action.

Commissioner Mourdock: The action being to continue the discussions?

President Jerrel: No, to pursue...you know, we did this. Remember when we talked about potential--

Commissioner Mourdock: Sure.

President Jerrel: --of three or four different places that we could rent which would mean though that we will have to alert Willard that we're doing this. Their contract expires this year.

Commissioner Mourdock: So you want the motion to enter into the new contract for the storage?

President Jerrel: Yes, once we make up our minds.

Commissioner Tuley: Wait a minute, I'm confused.

Commissioner Mourdock: I am too.

President Jerrel: We have to--

Commissioner Tuley: The motion is to continue looking at the options and put Willard on notice, that's what we're doing?

President Jerrel: Yes, that's right.

Commissioner Mourdock: Okay.

President Jerrel: That's exactly right.

Commissioner Mourdock: I thought it was something more.

President Jerrel: No, we don't have anything, but I want them to know that we're doing this.

Commissioner Mourdock: With that clarification I move that we put Willard on notice that we are studying other options for document storage.

Commissioner Tuley: Okay, second.

President Jerrel: So ordered. That is all I have.

Commissioner Tuley: Motion to adjourn.

Commissioner Mourdock: Second.

President Jerrel: Okay, now don't get away.

Joe Harrison, Jr.: So order. So order it.

President Jerrel: I said so ordered.

The meeting was adjourned at 7:36 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Barbara Cunningham  
Rose Zigenfus  
John Stoll  
Fred Barber  
Doug Rickard  
Bill Tye  
Jim Morley  
Ken Robinson  
B.J. Flittner  
Gene Hahn  
William Lockard  
Dave Schroeder  
Don Neidig  
Milton Hayden  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
August 10, 1998**

The Vanderburgh County Board of Commissioners met in session this 10th day of August at 5:37 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. At this time I would like to introduce to you Tony Greubel, our Administrative Assistant, on the far right; next to him is Joe Harrison, Jr., our County Attorney; the far left, Charlene Timmons, our Recording Secretary; Suzanne Crouch, County Auditor; Richard Mourdock, County Commissioner; and my name is Bettye Lou Jerrel and I'm a County Commissioner. I would like for you to join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the August 3, 1998 minutes.

President Jerrel: I will second and say so ordered.

**Open bids - VC98-08, Truck for Highway Department**

President Jerrel: Item B is opening the bids for the new Highway truck.

Tony Greubel: Lynn Ellis came in before the meeting and gave the bids to me and I was going to give them to Joe.

Commissioner Mourdock: I'll move we give them to the County Attorney to open so he can report back later.

President Jerrel: I'll second and say so ordered.

**Dennis Buickel - Cleaning services contract**

President Jerrel: The next item is the County Coroner.

Dennis Buickel: Let me put my specs on here.

President Jerrel: Okay.

Dennis Buickel: It's heck to get old, isn't it? Glasses.

President Jerrel: This contract that you have before you is one that the Coroner has renegotiated because there had been some items left out and it is also with the County. Is there anything else you want to tell us, Dennis?

Dennis Buickel: I'm sorry?

President Jerrel: Is there anything else you want to tell us about this?

Dennis Buickel: No, the...well, yeah, I really do. Officially on the record I need to thank you personally and I mean that sincerely. We had seven or eight bids and you saw the most ludicrous of the bids, but Ms. Jerrel and I sat down and went over this particular contract. We both think it's...we thought at the time it was a good contract. I still do think it's a good contract, but personally and professionally I thank you for your help.

President Jerrel: You're welcome. That was...anytime I can cross out some of that money I'm pleased to do it. Do you happen to remember the number of what the yearly amount would be? Did you write it down?

Dennis Buickel: Well, I figured it up about four or five different times and it comes up between \$8,800 and \$9,300, so \$8,800 and \$9,300.

President Jerrel: Okay, well I'll fool around with it and see what...

Dennis Buickel: If we go with the spring and the fall cleaning as we originally requested it was \$8,800.

President Jerrel: Okay, isn't that what we decided to do?

Dennis Buickel: Yes.

President Jerrel: Okay, that's all I needed to know. Is there a motion?

Commissioner Mourdock: Yeah, I'll move approval of the contract between Dyna-Kleen Services and Vanderburgh County as submitted.

President Jerrel: I'll second and say so ordered.

Dennis Buickel: Thank you.

President Jerrel: Thank you.

**Final reading: Amending zoning ordinance concerning designation as special uses of certain adult businesses**

President Jerrel: The next item on the agenda is the final ordinance, final reading, for amending the zoning on the adult businesses. Is there anyone here that wishes to speak to that?

Michael Lockard: I'm almost going to sound like Mr. Buickel because I'm going to take personal time to thank all the Commissioners and the County Attorney and all the people who have worked on this.

President Jerrel: Give us your name.

Michael Lockard: It's Michael Lockard and I represent the group P.U.R.E. which is Pornography Unwanted by Residents in Evansville. Our group has been in effect for almost two years now and we have watched a lot of changes come about from not only the City of Evansville, but Vanderburgh County. We wanted to take the time from all the

members that we have and all the other neighborhood associations that we deal very closely with who have wanted me to come forward tonight during the final reading and tell you how much we appreciate what you've done. It takes a lot of courage, a lot of fortitude to go forth with an ordinance like this and in face of some of the opposition that some cities have seen, so we want to thank you very much for taking the opportunity to stand up for what we feel is the best protection for our community. We thank you very much and we hope that it does pass and go forward and we can be done with it then. Thank you.

President Jerrel: Thank you.

Commissioner Mourdock: I just had a comment, Mike. In this community it doesn't take courage to be against this...well, I'll say it the other way. It takes less courage to be for this than it does to be against this because I think this clearly is the will of this community, so this is a pretty easy vote for us.

Michael Lockard: I agree very much. I know, you know, I watch this kind of stuff from information gathering that I do from all over the United States and there are some communities where this would have been a knock down drag out fight and I think very much you're correct is that it does show what this community feels is a high family value for our area and I think it speaks very strongly for Evansville and Vanderburgh County as we head into the next century that, you know, we want it to be positive for families as well as for businesses and for other things.

President Jerrel: Well said.

Commissioner Mourdock: On final approval I'll move the approval of the ordinance amending the zoning code of Vanderburgh County concerning the designation of special uses for certain adult businesses.

President Jerrel: I'll second and say so ordered. Do we need to--

Commissioner Mourdock: Need a roll call.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: Commissioner Jerrel, yes. Motion passed. Thank you all very much.

### **SIGECOM - Cable TV franchise request**

President Jerrel: The next item on the agenda is SIGECOM. I knew you were back there.

Bill Roberts: Good evening, Commissioners.

President Jerrel: Hi.

Bill Roberts: My name for the record is Bill Roberts. I have spoken with you and we have submitted an application for a cable television franchise. If it would be the will of the Commission we would like to make a very short presentation tonight concerning our application. I would like to introduce two gentlemen who have joined me this evening.

One you may not have met, the first is Rich Wadman. Rich Wadman is the President...recently named President and General Manager of SIGECOM and joining us also tonight is our recently engaged Project Manager, Tom Schmoeger. Tom is over here and if I may we'll use your easel to make a very short presentation and then I will allow some time for Richard to make a couple of remarks and then for questions. SIGECOM, as you may recall, is a newly formed entity that is essentially a joint venture between Utilicom Networks of Franklin, Massachusetts and SIGCORP through a wholly owned subsidiary SIGECO Advanced Communications. We brought this chart to illustrate in a little more graphic way how that relationship is. It's not as confusing as it may have seemed before. This is a 49 percent owned venture by SIGCORP through its subsidiary and 51 percent owned and managed by Utilicom Networks. We have proposed that the county consider granting us a cable television franchise for a term of 15 years to build, operate and maintain a cable television system under the rules of the county ordinance and also under the FCC regulations. Although our application deals with cable television, I may remind you that our intent is to build a fiber optic based network on which we intend to deploy also in addition to cable television type service, data services, telephone local services and other Internet type services, so it would be a comprehensive communications network. Tommy, if you want to show the next panel. In our application we identified some 100 channels that are proposed to be carried on our service. This chart, if we can get it to hold still for just a minute, identifies the same channels that are in the proposal, but it put them in a little bit larger framework. Essentially we have right at 100 channels in the initial or basic service, some premium or pay TV services, and some pay for view channels which are becoming very popular. Our intent would be to seek your approval of a franchise and to begin construction within the next 60 to 90 days of the network. It will be built in several directions from a central location. We think we have identified that location finally and subject to some final engineering tests we will be able to announce the location of our central office, but essentially it will be close to the downtown area and, Tom, if you can pull the next channel or the next panel. This is a...well, turn it right side up. This is a very rough approximation of the phases of construction. This question has come up and I know a couple of you have asked individually about the construction. The initial phase will be close to our central office which is going to be close to the downtown area. It needs to be close to that area in order to make the interconnection with the long distance carriers and with Ameritech. Then we will build out in somewhat of a concentric circle, but drifting toward the east and then the final phase, or third phase, will actually include all of the greater Evansville area, the surrounding Vanderburgh County area and we will probably extend then over into Warrick County and serve the town of Newburgh. This is not an exact science, but we wanted to give you some rough idea of how that construction would develop over about an 18 month period. So if I may introduce Rich Wadman, the President of SIGECOM, to make a couple of comments and then we'll be glad to answer any questions you may have. Richard.

Richard Wadman: Thank you, Bill. I just wanted to say it's great to be here. I actually moved into the Evansville office that we have about four weeks ago, so I've had a good chance to get acclimated to the area and bring my family here to settle down and certainly it's a great place to be involved. As far as my experience running cable TV companies, I've done it for a little over 20 years. The last 15 years were with three companies, Colony Cablevision and TCI, so I've been fairly successful and I feel confident that we can provide a topnotch system here. It certainly is our goal to service our customers well and not to be what...to be a low cost provider, but to be a quality service that is very competitive in its rates and offers the best service available. Our partners down here, obviously, SIGECO certainly want us to have a topnotch system and that's exactly what we propose to build. So that's all I have to say and I guess we're free

to answer any questions that you might have on the application.

Commissioner Mourdock: Yeah, Bill made the comment that's your plan for 18 months. What happens after 18 months? Is that as far as you're going or is that just the first 18 months?

Richard Wadman: That's what we've submitted for so far, as far as the 18 months, and that's approximately 1,000 miles to build and certainly we will make determinations to go farther after that, but really when you're putting a plan out and deciding where you are going to go initially that is about as much as you can really grasp. Certainly there is a lot of development going on in all these areas here, so it will be our intention to expand the plan whether it is for cable TV or whether it was residential units or if it was businesses on the telephone.

President Jerrel: I have a couple of questions about that. First of all, I couldn't count them, but approximately how many stations did you have up there that were...what would be your basic cable offering?

Richard Wadman: The basic cable would be approximately 15 of those.

President Jerrel: Fifteen stations would be basic.

Richard Wadman: Approximately. That is what we filed, but I'm not sure of the exact number and then the balance would be an expanded package. The idea is to offer two levels of service for non premium services, so the services are charged, essentially commercial free services such as Home Box Office, Cinemax and those are totally separate.

President Jerrel: Something else?

Richard Wadman: For commercial supported networks which was most of those original 100 we offer two levels of service. A basic and expanded...we certainly haven't committed to the name, but that's essentially where we are going and we estimated the cost in the franchise to be, I think, \$26.50 for the combined, \$25.50 maybe. I think it was \$9.50 and \$16.00 or \$16.50, I'm not sure what we put in there. That's our estimation based on the programming cost and what we would have to charge to have a return.

President Jerrel: As your...in the contract the request that you're making of us, a 15 year franchise agreement, is the five percent that you'll pay the county based upon basic enrollment or all the basic and expanded?

Richard Wadman: Basic, and expanded, and installation. That was a good question because I think there is some confusion on the how the license--

President Jerrel: Yes.

Richard Wadman: Certainly when we say five percent--

President Jerrel: It's of the gross?

Richard Wadman: It's the gross of everything, the cable, the basic, the expanded and the installation which is sort of the definition there. Certainly it's a big difference

because quite frankly the majority of the revenues come from the higher levels because if you charge, you know, \$9.50 and then the second level is \$26 or \$27 you can see that's a--

President Jerrel: A big difference.

Richard Wadman: It's like 50 percent more. What was your question?

Joe Harrison, Jr.: It was my understanding that it would be five percent of everything including the tax, so it would be five percent...I think it would be five percent of everything you would bill out to the customer essentially would be the franchise fee. I think that's typically the way it would work.

Richard Wadman: For the video programming.

Joe Harrison, Jr.: Right.

Richard Wadman: We haven't filed...we might offer some user services too, but that's not in the application, but that's a decision that we haven't...we just didn't put it in because we weren't sure if we were going to do it, but if we offered services like that they would also be included.

Joe Harrison, Jr.: Can I ask another question? As far as your approval with the state it is my understanding that you have to have the approval by the state before we could...before the county could enter into an agreement with you all.

Richard Wadman: No, this is for the cable TV. There is no state process, it's all right here. In other words, in order to offer the telephone service that is going through the state and we're waiting for the approval and I think that's part of that process, but as far as the video, which we're presenting here today, that is actually what you determine right here and stuff like that and so that for us to be able to offer cable television with a cable television license the state can't grant that. You're the issuing authority and you would issue it and you would be licenses or if any issues every came up just like you are with the existing franchise holder here that if you had a complaint or whatever or a question on franchise fees.

President Jerrel: Okay, I have...do you have anything?

Commissioner Mourdock: Yeah, when I read the initial news release and you had the initial presentation on this I heard the word interactive TV, I think, is that true?

Richard Wadman: Yes, this is a full service network and sometimes when we come to a hearing and just talk about the video portion that's really a small portion of what we're committing in the financial...to build it's about \$60 million dollars because it is local telephone service. It is high speed local telephone service. Traditionally now even if you have an Internet provider the last couple of miles from where your home might be to wherever the switch is it's only going over regular twisted bare cables. This will be going through the fiber output, so that it will be interactive both ways on a two way plan. That's the only way it would work. Just like telephones, it wouldn't be any good to have a one way telephone service. I would have a lot of trouble selling it probably.

President Jerrel: That's where...help me out a little bit on that because I think that's, obviously, every interesting and would really provide...you would bill then. Let's say I

want to take your service.

Richard Wadman: Right.

President Jerrel: And I currently have Ameritech. Am I going to keep Ameritech or I'm going to keep you, you're going to start providing this?

Richard Wadman: Well, if you have...okay.

President Jerrel: Tell me.

Richard Wadman: The answer would be is we hope you go with us and so that you have the option on the one fiber optic network that's coming to your home you can take one of our services or all of our services. One of the things that makes it so attractive to us is by building this super modern network we're able to offer the telephone, the cable, and the high speed Internet service all on one line and if you were a customer right now you might have cable through one provider, you might have Internet through another provider, you might have local telephone service through a third provider, and you might have long distance service through a fourth provider and from a residential standpoint if a customer wants to take all of those services from us, you know, we would be very, very competitive as a matter of fact because it would be one wire, one expense for us and the savings would be tremendous obviously.

Commissioner Mourdock: It's because of that that I have the question in my mind that Joe raised a minute ago that you said the state would get involved if it was telephone, but not video.

Richard Wadman: We were talking about the licensing procedure and stuff and we filed for the licensing that you have to have to offer telephone service and we had to work out agreements with Ameritech because obviously their calls would come on our network and vice versa. As far as locally, as far as video, video is still done at the local level, so I think that when all of these different laws were written they weren't thinking of one network they were all different technologies and most of these go way before people were thinking of high speed data networks and stuff and certainly it is not even the norm in the country. This is not the type of network that you could go to any other towns and just find. It's one of the first if not the first in the midwest area and stuff like that as far as--

Commissioner Mourdock: That's exactly why I want to make sure we do this right. I heard the question raised about did something have to happen at the state level before and I understand if it is video it doesn't, but then when we have the interactive capability, the telephone capability, the Internet capability and all those things I guess it's something as we look at it we obviously need to keep under consideration because it is a very unique system.

Richard Wadman: Well, I just want...I guess the only thing I want to say is that the system as we build it, in order to provide the video service that's why we want a video franchise and stuff like that.

Commissioner Mourdock: Sure I understand.

Bill Roberts: The Telecommunications Act of '92 and the subsequent Act of '96 left in place the regulatory scheme where local authorities, such as this Commission, regulate

cable television. The state, Public Utilities or in some states the Public Service Commission regulate the telephone. We're following that pattern until the federal statutes change.

Commissioner Mourdock: Let me ask this question, just hypothetically, if we granted the franchise that you need to do the video, but the state for whatever reason hypothetically didn't grant you anything to do with telephone what does that do to you? I mean, does that just make you a video company? Would the project still go forward?

Bill Roberts: It would be disappointing.

Commissioner Mourdock: It's a hypothetical question.

Bill Roberts: It would be very surprising because the outspoken intent of the Telecommunications Act of '96 was the FCC--

Commissioner Mourdock: To have more competition.

Bill Roberts: --encourages and almost demands that the states authorize and license companies such as ours to provide competition. The likelihood is so remote that I have to tell you we haven't really even considered it.

Commissioner Mourdock: Okay.

President Jerrel: I have one more question. I understand the Ameritech situation in the state of Indiana, but what about the long distance service? Let's say that you could offer the telephone service and you could offer the video service and someone wanted to maintain their long distance carrier, you could provide--

Bill Roberts: The good thing about our service, as we mentioned earlier, is that you have a choice. You can take all or several or none or one of our services, so if you want to maintain your present long distance carrier but take our local service you have the option to do that. You can take them in combination.

Commissioner Mourdock: With the door-to-door connection you're making, as I understand it, even though you're not serving as an ISP you're providing basically T-1 type capability out of somebody's house, is that right?

Bill Roberts: We have that capability.

Commissioner Mourdock: Wow, that's neat.

Bill Roberts: We do have ISP.

Commissioner Mourdock: Oh, you are going to do that as well?

Bill Roberts: We have it now.

Commissioner Mourdock: Oh, sure I knew that.

Bill Roberts: We acquired ComSource soon to be renamed SIGECOM.

President Jerrel: Yeah. Did you have a question?

Joe Harrison, Jr.: Now it is my understanding that I guess you're going to be going to the city if not tonight soon for a similar request. Your request before the Commission is strictly for the area outside the city of Evansville not including the Town of Darmstadt because I am assuming you're going to have to go to their Town Board and speak with them as well, but it would be that area outside the city within the county, but outside Darmstadt. In order for the Commissioners to actually approve your request they would have to approve an ordinance that obviously has not been drafted at all at this point, but certainly if they grant some sort of or direct me to work with you all to work on an ordinance I would presume that would be the appropriate action at this point and then they could consider formal approval within the next couple of weeks or months or whatever. Is that what you intend to ask the city as well?

Bill Roberts: Essentially that is our request to this Commission is that they consider hopefully at this meeting or at some subsequent meeting our application and request an appropriate ordinance be prepared. We have filed our application with the City of Evansville. We are following exactly the same path and we expect to be before them with an ordinance at their meeting either next Monday or the following Monday. Our request tonight would be that you consider if it is appropriate asking counsel to prepare the ordinance.

Commissioner Mourdock: Just one background question, and this is probably simpler than I kind of think, but is the reason that the county has to grant a franchise is that anything other than by statute or is it just a practical reality given all the easements that we have out there that we otherwise need to provide or would need to provide?

Joe Harrison, Jr.: Well, I think, yeah, the easement part of it is essentially it. More often than not they're putting these things in the county right-of-way or in the city. This goes back to the...I don't know the federal law, but essentially it was with the Telecommunications Act way back when where they initially gave that or at some point gave that authority to the locals to be able to set a franchise fee. Essentially, you're paying rent, I guess. I mean, I don't know if there is a better term to use, but essentially you're paying rent for the use of the right-of-way.

Bill Roberts: I would not propose to give a legal answer, but the historical background of that is that it comes from old English law where the concept of a creation of a burden on an easement. We will theoretically be adding something to that easement, so the concept of a franchise fee and regulation at the local level is to ensure that your easements are protected and that you have some control over public right-of-way.

Commissioner Mourdock: Sounds like pretty good legal answer, Bill. I have a hunch you've heard that one before.

President Jerrel: We have these artificial boundaries that separate city and county, you know, that's the reason that the two units are concerned. That is a tough one that everybody has to deal with, some extra hoops.

Commissioner Mourdock: I'll move then that we direct the County Attorney to begin working with Mr. Wadman and SIGECOM to negotiate a franchise agreement.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: Time wise, Joe, can you give us an estimate when you think that might be coming back?

Joe Harrison, Jr.: I would think that we could do it within the next several weeks. I certainly want to see what they are doing with the city as well. I'm sure they'll be speaking with the Town Board of Darmstadt, but I, obviously, want to see what the city is going to do as well and we'll go from there and I'll get hold of both of them here in the next couple of days.

President Jerrel: Okay, thank you very much.

**Suzanne Crouch - Insurance enrollment period**

President Jerrel: The next item on the agenda, we have County Auditor, approval of dates for open enrollment periods.

Suzanne Crouch: I think it's pretty self explanatory. We're just wanting the Commissioners to approve open enrollment from November 2nd through--

Commissioner Mourdock: November 30th.

Suzanne Crouch: November 30th, right, thank you. That has been cleared with the county insurance agent and if you would just go ahead and okay that we'll notify the county employees.

Commissioner Mourdock: I'll move then that we notify county employees of the open enrollment period from November 2nd through November 30, 1998 as requested by the Auditor.

President Jerrel: I'll second and say so ordered.

Suzanne Crouch: Can we change the tape, please. We're running short tapes because of budget.

President Jerrel: Okay.

**Tape Change**

**Welfare to Work - Request to move funding**

President Jerrel: We have someone that was left off the agenda that I'm going to ask...Tim Suenram, would you like to come forward and give your report and your request?

Tim Suenram: Yes, thank you. I'm Tim Suenram the Chair of the County Planning Council for Welfare to Work. At our meeting last Wednesday the council met and would like to recommend to the County Commission that \$110,000 be moved from the job training segment of the IBET program to help fund the, or to increase the funding for the Safety Net.

President Jerrel: Okay. Did you by any chance write down those account numbers? It isn't important if you didn't.

Tim Suenram: No, I sure don't have those.

Tony Greubel: I have the original purchase orders anyway.

President Jerrel: Okay, alright.

Richard Mourdock: And just real briefly, by way of history you'll recall on both the presentations we've received since the program started there's been more requests for a gate, or for Safety Net than the job training issue. They've continued to try to promote job training, but it doesn't seem to be filling the need and yet the other is being pretty well received.

Tim Suenram: Yeah, if I could add just a few figures that may be helpful, \$43,000 has been obligated in job training. Of that, \$24,000 has been spent. But transferring \$110,000 would still leave \$136,000 in job training, so that seems to be adequate for the needs that have been presented.

President Jerrel: Is there a motion?

Richard Mourdock: So moved.

President Jerrel: And I'll second and say so ordered. Thank you.

Richard Mourdock: Oh, Tim, before you get away this came in today from State Family...Children Family and Social Services came to me, but actually should be going to the council.

Tim Suenram: (Inaudible.)

Richard Mourdock: Yes, yes I do.

President Jerrel: Thank you.

**Any group or individual wishing to address the Commission**

President Jerrel: At this time is there any individual that wishes to address the Board?

John Blair: Hi, I'm John Blair. I'm from Valley Watch and I'm also a resident of Evansville. I came here to specifically to talk about the situation that you've probably been reading in the paper about the proposed ConAgra facility that's just southwest of Evansville and ask for your support in doing something to protect the citizens and businesses of Vanderburgh County. As you are very aware, you've passed an ordinance here recently that reduces, minimally, but reduces the emissions of the chemicals that cause ozone within Vanderburgh County. You're also looking at other things and you're doing this as part of what's called a maintenance plan which is part of what the USEPA required when we were redesignated to attainment for ozone. Now Valley Watch has brought a suit about that particular attainment designation and we feel that we are likely to prevail in that lawsuit if it ever gets a hearing in the U.S. District Court and Circuit Court in Chicago. In any case, I think it's clear, and Richard I'm sure you remember back in January, I made a statement in the ACORN meeting that I thought it was pretty important that ACORN define Vanderburgh County's interest fairly well. Because what was going to happen was that we were going to have counties around us proposing things that would be deleterious to the health and welfare and to our ability to stay within the standards, which are health based standards, for ozone. Well, exactly

what I was concerned with at that time is now coming close to fruition. We have a facility which is going to emit 937 tons a year of a chemical that's an ozone precursor. It sits next to a facility that also puts out a lot of ozone precursors in the form of nitrogen oxides. Those two things together, whenever they mix in the presence of sunlight on warm summer days, form ozone. Richard has been on TV a number of times and we've had a lot of activity, a lot of hours have been spent trying to deal with how we are going to reduce ozone levels in Evansville and Vanderburgh County, but our Evansville EPA person, the head of the Evansville EPA, said in March that this plant coming in is going to undo everything that we are trying to do. Well I'm really baffled and bewildered as to why nobody that's in public office or anything in Vanderburgh County wants to look out for their constituents. Because we've got a problem here and it's time, it's not going to after they grant the permits to take action, now's the time. We've been pretty rational about our approach to this thing. We went to the Evansville EPA and asked that they adopt a resolution asking, or an ordinance paying for an independent study of the air quality impact on Evansville. That was kind of laughed at by the Evansville EPA. I'm not sure why except that all the people that are on the board of Evansville EPA may have something to gain from this facility. We went to the City Council and it didn't go very far there, asking for the same thing, an independent analysis. We went to the County Council and asked for an independent analysis of the air quality impact of this facility on Vanderburgh County. At that first meeting of the County Council I was able to make the proposal and they tabled it to take it under advisement. I was on vacation the following week and that meeting was close to atrocious the way it was conducted. At that meeting a representative from ConAgra stood up and painted a very rosy picture of it and nobody else was allowed to talk although they had their hands up and were trying to get the attention of the Chair the whole time. Now I realize that the Chair of that committee is part of your party. I don't see the Democratic member of the Commission here, but he refused to allow somebody that wanted to address the points that the representative from ConAgra was making. It was tabled with no further action ever taken. Now all we asked for was an independent analysis and why we ask for an independent analysis of this was because we know that there is going to be an air quality impact on Vanderburgh County of this particular facility which is located directly upwind of Vanderburgh County residents, most importantly, Vanderburgh County monitors, of secondary importance. This plant is going to, as Christine Terry said, it's going to undo all the efforts that we've made. You know you guys have passed two ozone ordinances. They are essentially the same, but nevertheless you've passed two ordinances to try to make a dent in this problem. This plant, I figure, you know anybody can do it with a calculator, will put out essentially the same amount of pollution as the ordinance that you passed will reduce it. Now if the wind is blowing the proper direction, mixing with the nitrogen oxide that is coming out of the AB Brown power plant, that presents a recipe for ill health in Evansville. I would like either an explanation or something, an action, from the County Commission to do something about this. You know maybe the first thing would be to write a letter asking the Commissioner of IDEM to delay the permit on the air quality permit until the county is able to conduct an independent analysis of the air quality impact. Now why do we need an independent analysis? It's because the way things are done in IDEM is that ConAgra, or the applicant, it doesn't matter who the applicant is, the applicant will prepare some data. Then they submit it to IDEM for a request for an application and a permit. IDEM will then run those figures that are submitted to them in the same way that the applicant did just to make sure that there wasn't any transposition, I guess, because it comes out essentially the same no matter what. An independent person recognizing the interest of Vanderburgh County, specifically, might look at the thing completely different. Now I don't know how to do models, I've never done one in my life. But apparently IDEM is completely relying on modeling to theorize that this will not have an impact. If you go back and read the permit

which I have done in depth, the proposed permit, you'll find that the theory is compounded by additional theory time and time again which yields...when you start manipulating the data to that point it yields a result that is desired going in. If you don't manipulate the data you might get an entirely different result, and that's what's happened in this particular instance. For instance on a particulate matter, which is another issue that we are going to face here soon and I'm sure that if you looked out at the air quality, not today, today is a rather magnificent day for August in Indiana, especially in Evansville, but if you looked out on a typical July or August day and you see the thickness of the air, that's caused by the particle matter. That particle matter has been estimated by the Natural Resources Defense Council as causing more deaths in the metropolitan Evansville area than do auto accidents. Now that's not something to laugh at. We put a lot of effort into enforcing traffic laws and conducting defensive driving schools and things like that to try to keep our roads safe, but we're not putting any effort into trying to control those particulates. The reason I brought up the particulate matter is because in the permit application, in the proposed permit rather, they say that if you just take the raw data that's out there and what this plant will presumably put into the air as a matter of particulates that it will not be allowed to be permitted under the prevention of significant deterioration rule. Why won't they allow it? Because it goes over the level of maximum that they will allow. So what did IDEM do? Because it wouldn't pass muster, they decided to use what's called refined modeling. Well that's when you get into the situation of putting garbage data in and you get garbage data out. If you put good data in you might get good data out. If you put a little good data in and mix it with some garbage data you don't know what you're going to get. Well in this particular instance they put in garbage data and I can guarantee you that it's garbage data because they used...now I guess that you're both aware of where the plant is going to be, this plant is right next to the AB Brown power plant, right next to it. Now they used the data from the Evansville monitor on West Illinois Street to determine what they say is the background level of particulate matter at the site. Now does it make any sense to either of you whatsoever that the level of particulate matter on West Illinois Street in Evansville is going to be anywhere nearly as high as the level of particulate matter at the AB Brown power plant? You know, the moving of the coal alone, the crushing of the coal, you know the coal is crushed down until it is pulverized to a fine powder, all those things create fine particle mass that gets into the air. Now had they taken background monitoring levels, which are usually required by IDEM on a project of this magnitude, they would have probably found a certain level of particulate matter already existed. Maybe a level of particulate matter that would have precluded this plant ever being chosen as a site, having that site chosen anyway because it would have been so high. In any case it's significantly higher than it is on West Illinois Street, maybe by two or three orders of magnitude higher. I'm just talking about particulate matter which we're also going to have to deal with the new air standards. If we're put into a position where we cannot meet either the particulate air standard or the ozone air standard in the next 20 years we're going to suffer economically like you can't believe. One of the things you brought up in an ACORN meeting was that you didn't like the idea that in the permit as an offset that they might be able to buy out a business. Say there's a business that's putting out 200 tons of ozone causing chemicals, of VOC a year. Say they hire 75 employees with those 200 tons. That would put them just about on...actually, that would be a few more jobs for the 200 tons that they're going to put out for the same amount of pollution. Say they plan to buy that plant out under the conditions of the proposed permit. Well that's 75 people that will be out of work only to be replaced by 75 people out here. So the net job gain isn't very good. We're talking about serious business here, and I do not understand for the life of me why the public officials of Vanderburgh County are sitting on their hands acting as if it doesn't matter because it does matter. You might be aware that we've been picking up this momentum a little bit here lately.

We've had the greatest fund raising that we've had in the whole existence of Valley Watch in the last two weeks. You know, people understand this. If you were to take a poll you would find, I am confident, that the majority of residents of Vanderburgh County are very skeptical that this plant should ever go online. They're also skeptical of the way IDEM deals with the thing. Now the Evansville Courier in its infinite wisdom wants to write editorials bad mouthing us as individuals and us as a group and how although we have the right to protest and that sort of thing that we should be ashamed for it. It's very similar to the editorial they wrote about Dick Lythgoe when he gathered signatures to fight the Victory Theater thing and won and then was only slapped around a little bit by the Courier. Then the thing was built using another form of financing that didn't require any kind of public participation. At some point public officials in Vanderburgh County are going to have to address this issue. Now whether it's now and this is the last industry that we're able to have around here and if that's the case....you know, what's the smell problem going to be coming from this plant? You know we know about that with Azteca. We don't know what this is like. This is the biggest soybean processing plant in the world, isn't it? Isn't that what they say? It might be a real calamity from a smell standpoint. It is certainly going to be a calamity from the location of the site, but that's irrelevant to us here. It's going to be a real calamity from a particulate matter standpoint, which is three million pounds of particulate matter a year by the way from this plant. And it's going to be a further dent in the armor that we are trying to create. You know how Allan Bartnik has worried about his ability to reduce emissions to the level that ACORN called for. He's really concerned because there aren't the pollution prevention techniques in his industry working with the kinds of labels that they make to be able to reduce it down. He's very concerned. That's why he is working with the Chamber's committee to try to do as much as they can because he knows that he's not going to be able to reduce that. Well, his emissions are almost identical to those emissions. So maybe what we'll do is force a couple out of the community, or Craddock Furniture, or Karges Furniture. Maybe we'll just force them out in our zeal to clean the air too late instead of addressing this problem in a timely fashion which is now, which was really in January when I said we should define our interest. But I kept waiting, just like I kept waiting in 1979 when three gigantic synfuel plants were planned across the river. I went to the County Commissioners and I went to the Evansville Chamber of Commerce and said you know this is not going to be good for Vanderburgh County. We are going to have health problems, we're not going to be able to have industry because we're going to be in these nonattainment areas. Nobody would ever pick up the ball. I'm not sure why. I guess the way I've thought about it over the years is that if you're part of a corporation it's kind of a secret pact that you go into with other corporations not to ever oppose them unless they really screw you bad financially, take some of your money or something illegally. But you know now is the time for you to act. I realize that it is a tough thing to be a leader in a situation when you have the Indiana Department of Environmental Management telling you that everything is going to be perfectly okay. But you know in your heart, both of you know in your heart, that's not true. Both of you have been around this issue long enough to know that is not true. IDEM is the...they're going to be operated under every standard. Let me submit that every company in the state of Indiana operates under the standard. But Indiana is also the worst state in the union when it comes to the releases of carcinogens into the air. Now I realize that ConAgra is very careful to say that ours is not cancer causing, but hexane is a hazardous pollutant. It is. How it is hazardous is not in that it causes cancer, but it causes ill health for human beings. That's how it got put on the list to begin with. It is a hazardous chemical, regardless of what they want they want to say. If it didn't cause ozone it would still be a hazardous chemical that you should probably be concerned about. But the ozone issue makes it even more important that you take a stand. Frankly, I think that with what's happening around here with the amount of, and level of, intelligence and level

of concern that's going to be out there, I think that this is an issue that can really make or break whether this community is a fit place to live and who's going to be leaving it. Because at some point you have to draw the line. Now I realize that this isn't a BASF. The editorial yesterday morning that the Courier wrote said well if this had been ten years ago people like me would have been trampled on because of people's zeal to bring new jobs in. But you know the Courier really has a short memory because it was exactly ten years ago that we were dealing with BASF here. What happened to BASF? The people rose out and spoke. Luckily they've rose out and spoke at a little earlier date than we're at now.

Richard Mourdock: Let me ask you a question, John. What's the difference? And I don't know the answer.

John Blair: Between BASF and this?

Richard Mourdock: No, between the way people react to it?

John Blair: Well, if you remember when that poll was taken it showed that four to one against BASF when the Evansville Courier poll was taken. I was the only person to have ever publicly spoken against it. They took a poll and it was four to one. Why that is I can only speculate. I think that people are so beaten up here whenever they have editorials written about them, whenever they do speak out, you know really negative editorials and things, that people are kind of beaten up and are afraid to talk. But the same attitude is out there.

Richard Mourdock: I don't think it is the same attitude. And again, I don't know what the answer is in this particular case, but I remember ten years ago a lot of people that I spoke with on a day to day basis talked about that issue. And it is still true, the only people that ever speak to me about ozone, no one has ever stopped me on the street, other than people who are routinely with ACORN, to say stop ConAgra. Now you can say if there's a poll taken this will show that, I'm just telling you what--

John Blair: Well, they stop me all the time. I tell you what, I walked around the Germania Maennerchor for three nights the other night and it was just phenomenal the response that people were giving me.

Richard Mourdock: Well, I'm just telling you what my response is. I'm getting one totally different than ten years ago, and I don't know why that is.

John Blair: Ten years ago, ten years ago, at what point were you getting that in your conversations? Because until they said that it was going to be a hazardous waste incinerator people were for it even thought they didn't know what it was going to be. It was probably because they really didn't know. But I'll tell you this, everybody out there understands the concept of saturation and they know we're there. Everybody knows. Joe has a son with asthma. Everybody knows someone with a child with asthma. We've had several conversations lately where people are saying you know when I was going to school I don't remember anybody having to carry an inhaler or anything like that. You know, people didn't have the asthma then, now they do. I'm about to loose my voice for some reason. I haven't ever lost my voice.

President Jerrel: That's kind of like Ritalin. Nobody ever took Ritalin before and now kids in every grade, every school, every part of this state take Ritalin.

John Blair: Ritalin is a medicine, asthma is a disease.

President Jerrel: Well, but Ritalin treats a condition.

John Blair: Well, Ritalin treats something.

President Jerrel: I have a question, John, just to put it on the record. What is your goal regarding ConAgra? Just simply, what do you want to have happen?

John Blair: I think ConAgra should be...you know, they say they need the three R's - rail, roads, and river. I think that there's plenty of places on the Ohio River that you could build a site like this. I think there's places certainly that would not be upwind of the major metropolitan area of the region, especially a major metropolitan area that is engulfed in this controversy over ozone. If it were built on the northwest side of Evansville in Lynnville, in Boonville, east of Alcoa, on the Ohio River, you know those places might be acceptable because the volume of the ozone problem isn't what it is here. You know our backgrounds coming into this community are greater than what we're producing, but we're the ones that are having to do it. So I'm not against this plant coming into this area. In fact, I welcomed it in 1996 before I understood that hexane was going to be the chemical that they would use to extract the oil from the soybeans. But it's not being built there, it's being built directly upwind of my daughter's lungs.

President Jerrel: You do not want the plant built in Posey County?

John Blair: I think that Posey County, if IDEM were to deal with the issue honestly and forthrightly that Posey County would be off-limits, period.

President Jerrel: Okay, that's the question. The other question I had was, and I've been trying to get myself better informed about hexane. There is some question, and you and I have talked about this, too, about the issue of hexane that there are experts who don't agree with your interpretation and I am identifying you as an expert, but I'm saying that other degree chemists and people in the field don't all agree with your interpretation of hexane.

John Blair: It's considered an ozone precursor by the USEPA, is it not?

Commissioner Mourdock: Before you answer, we need to change the tape. We're running short tapes today.

President Jerrel: Oh, okay.

### **Tape Change**

John Blair: Hexane is considered a ozone precursor of all organic compound by the US EPA. And the US EPA regulates the release of all organic compounds in order to control the development and manufacturing of ozone in the atmosphere. Now there's apparently some people that say well it's low reactivity and all this. That very well may be, but that's not recognized as a part of the Clean Air Act as being significant.

Richard Mourdock: But what is significant about that from those who make the argument is that a ton of VOC's do not, not all tons of VOC's are the same. To say that we reduce 937 tons of VOC's in Vanderburgh County and they are going to emit 937 tons of hexane, it is not necessarily a one to one relationship.

John Blair: Well, that very well may be. Do you think that the air quality is adequate here or do you think that we should improve?

Richard Mourdock: I'm making a statement, John. I wasn't---

John Blair: You know, I mean, that's the question though. If you think that the air quality in Evansville today, breaking the standard is okay then it's okay and there's not much of a point if people like the public officials think that it's okay for all these kids to have asthma to the point that we have asthma camps now. If you think that that is okay. That we need jobs so badly here, and well Posey County has less than 3% unemployment, but if that's okay then, you know, there's not much of a point.

Bettye Lou Jerrel: Well, but your questions are very valid, but I'm just trying to deal with facts and if hexane does not produce in that ratio of using 900 tons, doesn't produce 900 tons of VOC's.

John Blair: Hexane is a VOC.

Bettye Lou Jerrel: I know, but I mean ozone. It's not going to produce 900 tons of ozone.

John Blair: I don't know what the ratio would be.

Bettye Lou Jerrel: I'm saying, when we talk about these things and these arguments are given out in the public, it makes it sound as if that is the argument that you give.

John Blair: No, that's the argument that they are giving. This reactivity argument was never used before.

Bettye Lou Jerrel: Okay.

John Blair: In fact, you know, with my conversations--

Richard Mourdock: But that doesn't mean it isn't valid, John. Let me say something, if I may. Because you've taken 20 minutes, give me three or four just to put my point out here.

John Blair: Alright.

Richard Mourdock: There is no one in this room who shares the frustrations that you have more than I do. And the frustration that I have does very much come back to IDEM as well. You heard them say, as they present their models as far as how the VOC emissions were going to create ozone. We were asking specifically the question about how IDEM, or how the ConAgra plant would change the model. What would be different, and I was absolutely astounded when IDEM made the statement that well a unit of 937 tons is too small to show up in the model. Is that not correct?

John Blair: Yes, that's pretty much fact.

Richard Mourdock: That's what they said. Now, obviously from a public policy point of view that seems, to use my favorite word, less than consistent in telling us all the critical things that we need to do. As you pointed out a few minutes ago, and quoted me quite correctly, I was and am very concerned that part of IDEM's remediation, if you will, in

allowing this, is to give them the right to basically buy businesses and put them out of business. I mean, if they don't meet the standards they have certain dollar amounts \$550,000?

John Blair: All the offset figures can be driven through with a pickup truck, because they are so big.

Richard Mourdock: Right. But it does give them, not just the right, almost the obligation to come in and buy other sources and the obvious way they would probably deal with those other sources would be to shut those businesses down. Now, as a civic leader, do I want to see jobs created? Absolutely. Do I want to see that be the outcome? I don't think so. Especially, when again, we're crossing county lines. Which takes me to my next point. I know you don't disagree with this one, John, just respect my perspective here, if not my opinion. I see in the last couple of years of the twentieth century, as this area is growing, an incredible need for counties, county governments, to better communicate and coordinate what they're trying to do. We have to have a sense of regionalism, not just in air quality, but I think in everything we're trying to do. As far as developing roads in the last couple weeks, Milton and I have had discussions about how we work with Posey County. Right now I have an ongoing discussion with Warrick County on an interchange because they've got another business trying to locate over there. Lynch Road is another idea. The doors we're trying to open to have some sense of regionalism, the bridges we're trying to build to get across the river to work with people in Henderson is an ongoing battle. But it's one we're willing, and we must keep, be willing to fight. Then we're put in a perspective of going into one of the other counties and saying, you know, it's okay for us but you guys can't have that. And I hope you, again I know you don't agree with that, but I hope you at least appreciate the situation that puts us in. It is very difficult for us to try to mandate what happens across county lines. It's impossible for us to do that in light of all the other issues we also have to deal with. The last thing I would say, the idea of the separate analysis for Vanderburgh County, I think is absolutely critical. As you raised it tonight, I am more than willing to say that on behalf of this county I would write a letter, present it for this Commission or I would do it personally if this Commission didn't approve it, I guess, but to send a letter to IDEM and say get on the stick and get us an independent analysis of Vanderburgh County. If we can't see in a model 937 tons from some source, tell us what the heck we can do to maintain the standards that the law says that are coming, not only for ozone, but for the PM standards. I mean, we have to get there, I agree with you on that. You asked the question, what level of air quality do we want, and the answer is the best we can possibly get. Does it mean that it's going to be absolutely perfect and pristine, no. And I think you understand that's never going to happen either because air moves across rivers and county lines. But I am willing to do that. I think that's a reasonable request and quite honestly, I think you've heard me say this before, that's one of the real tasks I see before our Ozone Officer. That's why we have a Ph.D. from Columbia University in that position, so that she can deal with that data on a meaningful basis to get us where no other county is in this state. To better understand what our own sources are, what our own possibilities are and what our own limitations are. I certainly see IDEM playing a part with that. They've got something to build on anyway. So I'm willing to do that at this point. End of my speech.

John Blair: Well, then how do we proceed with that?

Richard Mourdock: I said I will write a letter, I will bring it to this Board next week to go to McCabe or actually the head, I can't think of his name, Hamilton. Thank you.

Betty Lou Jerrel: But that begs a question. If IDEM is going to initiate this study that you're going to request---

Richard Mourdock: For Vanderburgh County.

Betty Lou Jerrel: For Vanderburgh County. And it's to see if there's an offset from what's anticipated to what is going to be produced, who is, I mean, when you say do a study, are you going to be satisfied with that?

John Blair: Well, the main concern that I have...there's two concerns that I with what Richard just proposed, and it's two minor concerns, except for time and one of them is that if you write the letter this week and then bring it back to the Commissioners meeting and they grant the permit this week.

Richard Mourdock: Alright, I'll write the letter tomorrow.

John Blair: Then that will really be kind of making a moot issue. Secondly, is that maybe instead asking IDEM to create that study, maybe we should. Maybe we should hire a consultant to do this independent analysis for the citizens of Vanderburgh County, period, so that the constituency is Vanderburgh County instead of IDEM because frankly, I don't trust IDEM. IDEM is the one that got us in the position that we're in now.

Richard Mourdock: My comment was not meant to infer to IDEM should do the study. That's why I mentioned our Ozone Officer. I said, I think they have the building blocks from which a study can be started. I think that they can certainly contribute to it, but I'm willing to keep an open mind as far as how it can best be done. To do it as quickly as we can. To know what our alternatives are.

John Blair: It probably wouldn't have delayed the plan any. The press reported a week and a half ago that the core permit is three months off, so I don't see that there would be any problem in having something turned around, a decent analysis that would really know something within six weeks.

Richard Mourdock: I'm not going to respond to that, because I don't know the answer.

John Blair: I don't for sure either.

Richard Mourdock: Okay.

John Blair: I know that they were looking at the port until January and then they suddenly had this permit in, this proposed permit in March, so it must not take too long.

Betty Lou Jerrel: I have to ask a question. I'm not clear what you're...I mean, I can support you in this, but I support you in this, but you've got to talk money to me.

Commissioner Mourdock: Well...pardon? Right now I'm not sure what data, and I'll say it again, I'm not sure what data are available today that IDEM has that we can begin to look at. That's the first step. I mean, I don't see any real money--

President Jerrel: Are you thinking of having Joanne do this initial investigation?

Commissioner Mourdock: Yeah, I think she can review all the data they've got and that

is a good starting point. I mean, until you know what the data are you really don't know where it's going to lead. Hypothetically, if there are enough data collected from enough points from the past...pick a number...20 years, it may simply be reviewing the data that are there. If, in fact, there isn't that type of data available then the only thing they can do or she can do is count and say, well, you know, these are the holes in what we've done, how can we find a better way to understand Vanderburgh County air quality?

President Jerrel: That's fine. I didn't know because that makes sense. I'll approve that from my point of view here and say so ordered.

Commissioner Mourdock: Okay, so I will draft that letter.

John Blair: That's a very good starting point, thank you.

**John Stoll - County Engineer**

President Jerrel: Okay, moving right along, County Engineer.

John Stoll: First I've got a final acceptance form for the Lynch Road project. It just needs the Commissioners' signatures and we can forward it to the state.

President Jerrel: Say that again.

Commissioner Mourdock: It's so good we've got to hear it a second time.

President Jerrel: I wasn't paying attention.

John Stoll: It's a final acceptance form that needs the Commissioners' signature for the Lynch Road project.

President Jerrel: Ooh! Okay. Is there a motion?

Commissioner Mourdock: Gladly moved.

President Jerrel: Second and so ordered.

John Stoll: Next I've got a street acceptance form for Alder Ridge in the Villas Subdivision. This street was originally accepted some time ago back in October of '97. The original plat called it Adler Ridge rather than Alder Ridge and this is just a correction form that needs signatures.

Commissioner Mourdock: I'll move approval of the correction form.

President Jerrel: Second and so ordered.

John Stoll: The final item I am just going to request authorization to work with Tony to get the Assistant County Engineer's position advertised. That's a draft of the job...legal ad, not legal ad, but the ad for the job and if you see any changes that you would like made let me know, but I would like to go ahead and proceed with advertising that.

Commissioner Mourdock: So moved.

President Jerrel: Second, so ordered.

John Stoll: On the projects that we've got going on, Burkhardt was ready to be paved as of last Thursday, but the rain put an end to that in front of Wal-Mart and the south side of the Lloyd Expressway. All the dirt was up to grade, but now that the rain came in we're hoping that maybe it can be paved this week, but don't have any specific date set on that as of yet. Also on the south side of the Lloyd they have installed some of the curb work. On Burkhardt phase two the filling of the ditch has been continuing, but the same problem, the rain slowed them down again. They have been installing some of the inlet boxes and pipes across Burkhardt Road. On Cross Pointe some signal poles and some other traffic signal items have been installed, but that's been about it on that.

President Jerrel: Have you talked to them lately?

John Stoll: I looked at the permits with the railroad and based on the dates of the letters that I last had from Norfolk Southern the railroad installation should come about sometime starting in the middle of September so if they stay on schedule we're hoping that can start moving ahead again at that time.

President Jerrel: Have you spoken at all to our consultant on the Lynch Road/Warrick County arrangement? Do you know what is going on there?

John Stoll: They have proceeded with contacting some appraisers on several of the parcels associated with the interchange and on one of the parcels over in Warrick County and then once they get those appraisals back then we can proceed with getting some money appropriated to buy the interchange parcels.

President Jerrel: If possible, and I didn't get to say this to you, if possible we need to be sure we have a very clear accurate report ready when Dennis Faulkenburg comes later this month, the 28th I believe.

John Stoll: I don't think we'll have the appraisals back on those properties by then.

President Jerrel: Well, as much as you can give us because, you now, he doesn't...I mean, when we get him here we need to be prepared to give him as much good information as we can and that should include any issues that we want to deal with. You know, Morgan Avenue and you know you might do a little history on what kind of upkeep that is taking. You know, if we discuss any of that with him and also the phase from Morgan to Lynch on Burkhardt. We need to keep those issues right out there with him.

John Stoll: Okay.

President Jerrel: Your other material you gave me was excellent. You know, the dollar explanation. Maybe we can talk Wednesday.

John Stoll: I was going to say, I'll meet with you and we'll come up with whatever we need that would help Dennis out.

President Jerrel: Okay, is there anything else?

John Stoll: That's all I've got.

Commissioner Mourdock: Anything new on Daylight sewer? I got your E-mail...when did I get that? Friday, I guess.

John Stoll: Friday. I've been in contact with Joe regarding that hearing that will be held next week and some of the business owners up there have contacted me regarding the scheduling of the sewer and I have explained that it has been held up by the remonstrators and what actions the county is trying to take to--

Commissioner Mourdock: Let me ask, has it technically been held up by the remonstrators? I mean, they have filed to be heard at that hearing, but I don't think they've actually held anything up to this date have they?

Joe Harrison, Jr.: Yeah, I don't know for sure. I think it certainly could hold it up, but I don't think as of this point it has. Technically, this isn't a hearing. It's a preconference prior to any hearing and then maybe set a trial date, but I intend on filing a motion to dismiss and I've been talking to John about getting some affidavits and that sort of thing that I'm going to take with me up there, so we'll be doing that.

President Jerrel: Is the issue of Barrett disappeared with these people or are they willing to--

Joe Harrison, Jr.: I think that what we file should hopefully make the issue go away, if not with those people it will make it go away hopefully with the state, so I feel comfortable about what we'll be filing with them and a lot of it has to do with some of the suggestions and changes that you've suggested to that project and I think you're going to be getting a contract from Three I or at least a proposal to make some changes.

John Stoll: I contacted Three I and they said they would have a design agreement prepared by the end of this week, so I'll bring that to the meeting next week for that design of the additional 1,500 feet of gravity sewer that would extend south from the lift station down to Boonville-New Harmony.

President Jerrel: Okay, any other questions. Thank you.

### **Milton Hayden - County Garage**

President Jerrel: Milton. Okay, we have our report. Are there any questions regarding the garage work action. You're still getting bogged down with rain I understand. I did have an opportunity to spend a couple of hours with Milton and everybody at the Garage about the budget, so we're ready to go on that and John is going to help me out on the other part of it Wednesday.

Commissioner Mourdock: I'll move acceptance of the Garage report as filed.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: Two other bits of Garage business. Joe, have you reviewed the bids? Go ahead and read those bids in the record.

Joe Harrison, Jr.: Oh, okay.

Commissioner Mourdock: For the Garage.

Milton Hayden: On the truck.

Joe Harrison, Jr.: For the half ton dump truck, it's VC98-08. There were two bids that came in. I'm sorry, it's on a pickup truck. There were two bids that came in. There was

one that came in that they didn't respond. Charlene, if you can give me that little envelope at least I can mention who that was.

Charlene Timmons: Evansville Truck Center.

Joe Harrison, Jr.: Pardon me?

Charlene Timmons: Evansville Truck Center.

Joe Harrison, Jr.: Evansville Truck Center submitted a letter saying they were not able to bid. The two bids that came in:

Company	Amount bid
Tipton Ford Lincoln Mercury Tipton, Indiana	\$17,600.30
D-Patrick, Inc. Evansville, Indiana	\$16,799.25

So I would ask that you take these under advisement and review them for their responsiveness.

Commissioner Mourdock: So moved.

President Jerrel: Second and so ordered.

Commissioner Mourdock: One other bit of business, the Town Board of Darmstadt has contacted us to see if, as in the past, we could have the County Garage do some work along St. Joe Road for ditching. They basically would do that as if we were a contractor on a fixed price basis. I don't know, Joe, is there any reason why we cannot use county crews in that manner if the Town Board of Darmstadt agrees to a set price?

Joe Harrison, Jr.: No, as long as they pay us for something.

President Jerrel: We've taken care of that.

Joe Harrison, Jr.: Yeah, whatever that is. It would be similar to their police protection.

Commissioner Mourdock: In that case I move that we have the Highway Superintendent talk to the people at the Darmstadt Town Board about cleaning St. Joe for a figure of \$1,500, the ditch along St. Joe Road.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: If they don't like that they'll bid it, I guess, privately and that's okay, too.

Milton Hayden: I think they'll accept it.

President Jerrel: Okay, thank you.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: I only have...well, I guess I have two items. One is I've got a settlement agreement regarding the last piece of property that we filed condemnation action on out there at Burkhardt Road and Lloyd Expressway. It was the Williamsburg property that we needed. We needed essentially a perpetual drainage easement and I believe it's several drainage easements, temporary drainage easements, I believe a total of four temporary drainage easements. The purchase price for the easements under the settlement would be \$55,000. I have those agreements here with me. It would be between Vanderburgh County and WMFMT Real Estate Limited Partnership, a Delaware Limited Partnership. That is Williamsburg on the Lake. We've been working out the terms for several months with the County Engineer and the state and also Area Plan. It's kind of been a joint agreement, but the agreement itself is only between the county and WMFMT Real Estate Limited Partnership and after the approval, if this is approved by this Board, then John would seek a request for \$55,000.

Commissioner Mourdock: Are these final easements, are they deeds?

Joe Harrison, Jr.: What it would be is, there is going to be a deed that will be...that's been forwarded to counsel for Williamsburg and upon execution of this agreement they will then be required to go ahead and sign the deed that they are giving to us for these tracts. They have already signed the agreement, but obviously we need to sign them as well and we can pay them thereafter.

President Jerrel: Question, where are you going to seek this money?

John Stoll: It's already there. It's in a bond account.

President Jerrel: Okay, I want that for the record.

Commissioner Mourdock: I'll move agreement...or move approval of the agreement between WMFMT Limited Partnership from Delaware with Vanderburgh County.

President Jerrel: I'll second and so order.

Joe Harrison, Jr.: It's technically WMFMT Real Estate Limited Partnership.

Commissioner Mourdock: I knew I would get it wrong.

Joe Harrison, Jr.: Thank you. The other thing I had, this was another condemnation case that has been around for probably five or six years or maybe longer. It was with Marathon Oil and it regarded the Lynch Road and Oak Hill Road intersection and we finally came to some resolution on that matter as well. The county paid in, I think, \$57,000 back in 1992 and we've worked out an arrangement where they got some better access and now they're going to be refunding back to the county, I think, either \$25,000 or \$32,000, \$27,500, but anyway we're going to be getting back a hefty sum money. We're still working out the details, but that is rare that we would ever get any money back, so I just wanted to report that to you all.

President Jerrel: Very good.

**Steve Craig - Burdette Park**

President Jerrel: Okay, Steve. I didn't forget you, Tony.

Steve Craig: The Day Camp and Discovery Camp have completed for the summer. It was a great success and I would like to praise Joyce and her staff for a job well done. They didn't lose any kids so that's a plus! I'm to appear before the Common Wage Committee on August 17th at 10:00 a.m. so that the Indiana Department of Labor Wages and Hour Division can determine the common construction wage for the fibreglassing of the olympic pool. I would like to thank Bettye also tonight and anyone else who has been involved for the time and effort it took to acquire the money for these improvements that we've done at the aquatic center this year. The last thing...well, not last, but I would like to set up a time to go over our budget before appearing with the County Council and we talked to Shirley James about the West Side Improvement--

President Jerrel: I asked her to pick up a budget. Tomorrow is fine.

Steve Craig: Well, she is leaving tomorrow morning for Salt Lake City until August 14th.

President Jerrel: Well, you and I can sit down, if you have some time. Do you have any time tomorrow or Wednesday?

Steve Craig: Tomorrow will be fine.

President Jerrel: I'll call you early in the morning.

Steve Craig: Okay.

President Jerrel: You know, it may be somebody else.

Steve Craig: She is spread thin.

President Jerrel: Yeah, maybe we could get someone else because I would rather go over it with them so they are aware of everything instead of waiting until she gets back and you're on when, Wednesday or Thursday?

Steve Craig: Of this week?

President Jerrel: Uh-huh.

Steve Craig: I don't know. I haven't been notified.

President Jerrel: Well, it's like--

Suzanne Crouch: I'll call you tomorrow.

President Jerrel: I think it's Wednesday.

Steve Craig: Okay, because I hadn't been notified, but I knew it was coming up.

President Jerrel: Maybe...I'll call you in the morning and then we need to sit down. I mean, I have been working with it, but we need to sit down and talk about it and see where we are on all these different line items.

Steve Craig: Okay.

President Jerrel: Okay, I'll just call you early.

Steve Craig: Joe, you and I had talked. I want to request them, because I'm not sure that we did after I thought about it, to pursue some money from one of our campers that had skipped. They are refuting the claim, so I was asking if you would give me permission--

President Jerrel: We got a letter from them.

Steve Craig: Did you?

President Jerrel: Yeah, and you can give it to Joe.

Joe Harrison, Jr.: I got the same letter. He was just wanting to...if you want me to file suit, that is what he is asking.

President Jerrel: Yeah, I think you have to proceed if it is valid.

Steve Craig: It's valid.

President Jerrel: Yeah, I'll...is that a motion.

Commissioner Mourdock: So moved.

President Jerrel: I'll second and say so ordered, do it.

Steve Craig: That's all I have.

President Jerrel: Okay, think about something that I can use to make a colored cover for our grant. I've got the signatures all in place. Everything is ready and I'm going to go get Mike Russ to help me do a color cover. Do one bound copy. I was thinking about doing a white heavy stock and putting the brochure in the center, you know, as one idea, but between now and tomorrow morning see if you can think of something else.

Steve Craig: Okay, I'll think about it.

President Jerrel: Alright, thank you.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Tony.

Tony Greubel: Well, I'm proud to announce that the County Commission Office now has its own official E-mail address. It's cntycomm@evansville.net, so County Commission at Evansville dot net. Previously I've just been using my own personal E-mail account, but this way we can publicize it more and have the media contact or have...well, either the media can contact me through E-mail now, the County Commissioners or the general public with questions.

Commissioner Mourdock: I have asked the Chamber of Commerce also to list that on their business directory that they have at their web site, so we'll see what we get off of

it.

President Jerrel: What is the appropriate question to ask? How many hits did you get today? That's on a web site.

Tony Greubel: I did talk to...I went over to the Mayor's Office one day last week and talked to his Executive Assistant. We were looking at the City of Evansville's web site to just maybe get ideas for the future if we want a County Commission web site.

### Consent items

President Jerrel: Okay, consent items.

Commissioner Mourdock: I'll move approval of the consent items including employment changes, travel requests, the Auditor's accounts payable vouchers, the Auditor's monthly financial, cash and expenditure reports and the surplus property.

President Jerrel: I'll second and say so ordered.

### Old business

President Jerrel: Under old business anything?

Commissioner Mourdock: Two quick items. The Jail Committee will be meeting again this Wednesday night and I don't know that we've officially acted so we need to officially act to have Sue Ellspermann and again make sure we have funding in place for that.

President Jerrel: We did.

Tony Greubel: Yeah, we have funding.

Commissioner Mourdock: We have funding? Okay, very good.

President Jerrel: Yeah, it's in place.

Commissioner Mourdock: One other issue, at our prior meeting, Joe, at the Solid Waste meeting, we had a discussion about the Futrell dump site and please talk with Marco DeLucio about redoing a bid that was put out to clean up that site. You'll need to work with him on that. That's the only bit of old business I have.

### New business

President Jerrel: Okay, new business?

Commissioner Mourdock: Pass.

President Jerrel: I don't have anything either. Is the monthly financial, cash, expenditure report, do I have that in my folder or is it in this?

Charlene Timmons: The financial report should be attached to your agenda request and I supply Tony with a copy of the cash and expense report.

Tony Greubel: Yeah, the large one is on your desk in your office.

President Jerrel: Oh, okay, because I want--

Charlene Timmons: It's a big greenbar report.

President Jerrel: --to look at it. Alright, is there a motion to adjourn?

Commissioner Mourdock: Oh, one other bit of old business. I just wanted to let you know we did get the final letter in from, again, Marco DeLucio on the Azteca, that they did get the project completed out there. I had Tony draft a letter saying that we appreciated them working with us. Hopefully this will solve the problem. Seemingly I've got...well, not seemingly. I've gotten several real positive comments from the neighbors, so I think we did a good thing there. I move that we sign that letter, too.

President Jerrel: I'll second and so order.

Commissioner Mourdock: Motion for adjournment.

President Jerrel: So ordered.

The meeting was adjourned at 7:01 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Dennis Buickel  
Michael Lockard  
Bill Roberts  
Richard Wadman  
Tim Suenram  
John Blair  
John Stoll  
Milton Hayden  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

**Vanderburgh County  
Board of Commissioners  
August 17, 1998**

The Vanderburgh County Board of Commissioners met in session this 17th day of August at 5:47 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners to order and I'd like to apologize for running late. The first order of business, I'd like to introduce before you, on my far right, Tony Greubel, our Administrative Assistant; next to him, Joe Harrison, Jr., our County Attorney; Commissioner Pat Tuley to my right; on my far left, Charlene Timmons, the Recording Secretary; Suzanne Crouch, County Auditor; and Commissioner Richard Mourdock; my name is Bettye Lou Jerrel. I'd like to ask you to join me in the Pledge of Allegiance.

President Jerrel: Is there a motion to approve the minutes of the previous meeting?

Commissioner Mourdock: I'll move approval of the minutes of the August 10, 1998 County Commissioners' meeting.

President Jerrel: I'll second and say so ordered.

**Certification of Executive Session**

President Jerrel: The next item on the agenda is the certification of the Executive Session. We met from 5:30 until, I mean, 4:30 to 5:40 and discussed contracts and personnel.

Joe Harrison, Jr.: No, litigation.

President Jerrel: And litigation. Is there a motion to approve?

Commissioner Mourdock: I'll move approval of the summary minutes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Open bids - VC9807-01, Seminary Road culvert replacement**

President Jerrel: The first item on the action agenda is the opening of bids, County Engineer.

John Stoll: I just need a motion for Joe to go ahead and open the bids. I'd like to get those awarded tonight, too, so once Joe looks at them I would like to make recommendations.

Commissioner Mourdock: I'll move approval of the opening of bids for VC9807-01, for Seminary Road.

Commissioner Tuley: Second.

President Jerrel: So ordered. The next item is the County Treasurer.

Jayne Berry-Bland: Jayne Berry-Bland, Vanderburgh County Treasurer. Just asking to open the bids for our cash management, which is a two year contract. I'd also like to present verification that I did send this bid out to four of the local banks.

President Jerrel: Okay.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Do you need to also see these?

Joe Harrison, Jr.: No, Charlene will just need to keep that with the record.

**Lynn Ellis - City/County Purchasing**

President Jerrel: Okay, moving on to Lynn Ellis, Purchasing Department.

Lynn Ellis: I'd like to request that we delay the award of the film bid this evening until next week. I'm communicating with the County Attorney on that, so we'll delay that a week.

President Jerrel: Okay.

Lynn Ellis: The next one was the award of bid number VC9808, for a pickup truck for County Highway. I'd like to request that be awarded to D-Patrick Ford in the amount of \$16,799.25.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Lynn Ellis: The next three are to approve bidding. The first is for towing services, APA026-99, advertising was 8/6 and 13. We have a pre-bid tomorrow at 1:00, open bids September 10, 1998 at 3:30 and that will be opened at the Safety Board. The Sheriff's Department has reviewed the bid and agrees with it.

Commissioner Mourdock: So moved for the bid for towing services.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Lynn Ellis: The next one is the sandblasting and fibreglassing of the olympic pool at Burdette Park, bid number VC9810. The bids are to be advertised August 20th and 27th. A pre-bid conference at Burdette Park would be scheduled for August 26th at 10:00 am. Bids to be opened September 14th.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Lynn Ellis: And the last is bidding for the flush truck rental services, bid number APA042-98. Bids to be advertised August 20th and 27th. Pre-bid conference, September 1st at 9:00 am at the garage and the bids to be opened September 14th at 5:30.

Commissioner Mourdock: Question with this, does the bid spec, is it still for 100 hours of service, Lynn?

Lynn Ellis: It is, right now. I haven't mailed it out. County Highway said that they anticipate that they could use 500 hours, but at this point it just says a 100.

President Jerrel: Did they send you the list?

Lynn Ellis: Yes, ma'am, I got that Thursday or Friday.

Commissioner Mourdock: But the two things don't necessarily conflict in that the 100 hours was meant to be a minimum number.

Lynn Ellis: Right.

Commissioner Mourdock: We would guarantee that number of hours and then at a per hour rate if they did use it more than 100 hours we would just do it at that rate or rent it at that rate.

Lynn Ellis: Well, actually, the bid at this time is written so that I haven't guaranteed anything. It's just an estimated number of hours.

Commissioner Mourdock: Okay.

Lynn Ellis: And that we don't promise that we'll use that many. We may use more or less.

Commissioner Mourdock: Okay. Okay.

Lynn Ellis: I didn't want to commit to anything.

Commissioner Mourdock: Okay, and the point on this, obviously, was we've had several requests from the garage to buy a flush truck and we really want to see what the need is and what the rate might be. Because they're a very expensive item.

Lynn Ellis: Now I don't...I know of one company I know for a fact does this, they perform this service and they're obviously on the bid list, but I have 50 companies to mail it to.

Commissioner Mourdock: Fifty?

Lynn Ellis: Yes.

Commissioner Mourdock: Really.

Lynn Ellis: Hopefully we'll get somebody reasonable.

President Jerrel: Right.

Commissioner Mourdock: Okay, well I'll move the advertising...or authorizing the letting of bids for the flush truck rental services, APA042-98.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Lynn Ellis: Thank you.

**Any group or individual that wishes to address the Commission**

President Jerrel: At this time, any group that wishes to address the Board, and we have two groups here. Okay.

Ray Bailey: My name is Ray Bailey. I live at 11220 Highway 57, Evansville. I'm here on behalf of the 17 neighbors that live between Kansas Road and Boonville-New Harmony Road on Highway 57, regarding the proposed Daylight sewer project. I want to inform the Commissioners that we did receive the County Engineer's letter, John Stoll's letter, dated June 25. We did have a meeting and we did respond to that letter. We mailed a copy of that. I hand delivered it to the Commissioners on...dated July 10. John Stoll received a carbon copy of that and I guess there is an appeal hearing tomorrow in Indianapolis. As I promised earlier in the spring, I wanted to check back with you and see if there are any changes or any updates on the project before we go to Indianapolis.

President Jerrel: Did you have a response, Joe? John, did you have a response?

Joe Harrison, Jr.: John, you may want to go into one of your items on your report, if you want, at this point.

John Stoll: Yeah, I was going to say I brought the agreement with Three I Engineering for the design of the 1,500 feet of the gravity sewer from the Schlensker Road lift station back to the Boonville-New Harmony Road intersection. That agreement was for \$8,400.00 and I've got that for signatures this evening. I don't know if you want to sign now or just wait until my report or what you would like to do.

President Jerrel: Well, it doesn't make any difference.

John Stoll: Okay.

President Jerrel: Now how is that bearing upon this issue?

Joe Harrison, Jr.: If you all want to act on that recommendation I might be able to respond.

President Jerrel: Okay. So before us, you would like to...you want to go ahead...can you get to it?

John Stoll: I've got four copies of the agreement and they need Bettye Lou's, Suzanne's and Joe's signatures.

President Jerrel: And that is for \$8,407.00?

John Stoll: It's for \$8,400.00.

President Jerrel: \$8,400.00.

John Stoll: The funding would be from either the Riverboat Infrastructure Fund or if the money is available we'll pay for it out of the Daylight Sewer line item.

President Jerrel: I asked John if he could ask Mike Robling to give us a verification of expenditures to date and, you know, the balances on that.

Commissioner Mourdock: Just to clarify something for Mr. Bailey here, and someone correct me if I'm wrong in stating this, but one of the questions that came up on the suggestion of the Barrett Law application was that because that 1,500 and some lineal feet across the one property north of Boonville-New Harmony Road was there, that could not be included.

Ray Bailey: It's over ten acres, that's right.

Commissioner Mourdock: Right, yeah. It's the acreage, not the lineal feet, but because of that ten acres the county is willing to try to act in this fashion to keep the project going that would allow if, in fact, the Barrett Law happens to allow something to tie to it.

Joe Harrison, Jr.: Yes, if you all want to act upon it, I mean, what this would enable is others out in that area, it'd be easier for the petitioners, in Mr. Bailey's situation, or others to connect to the sewer. It would make it a lot easier and cheaper for them to connect should the Commissioners execute this agreement. Other than that, I'll address some of the other issues in a minute.

Commissioner Mourdock: Okay.

John Stoll: The sewer would be sized to accommodate not only the 17 remonstrators against the current petition, but it would accommodate areas like the Bohannon Estates area and other areas further west down Boonville-New Harmony Road down along Fisher and the development for the 34 acre parcel that this sewer will go across, so it will cover a large drainage area.

Commissioner Mourdock: And with all that just as a formality, I'll move approval with the agreement with Three I Engineering for the engineering work for the 1,500 feet of gravity sewer to the Schlensker Ditch lift station.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The county will have to thereafter seek permit approval from IDEM for this sewer extension, I guess, or sewer line. As far as tomorrow is concerned, tomorrow is simply a pre-trial conference. It's not a hearing, but it's a pre-trial conference up in Indianapolis.

Commissioner Mourdock: I presume that with this Three I will also be doing the report or the request of IDEM as part of their fees?

John Stoll: Correct, that covers the design issues. It does not cover the right-of-way issues, but we can address those with a supplemental agreement later.

Commissioner Mourdock: Right. Okay. Having kicked all that around, Mr. Bailey, did that answer your question? You asked us what the status was and what we have been doing, that's at least part of a summary. I don't know if it gets you where you're looking to go.

Ray Bailey: So you have appropriated \$8,400.00 to Three I Engineering for the 1,500 feet of gravity sewer. Now, where is this 1,500 feet?

Commissioner Mourdock: That's from north of Boonville-New Harmony Road to flow north to the Schlensker Ditch pump station.

Ray Bailey: Well, in John's letter to us, for the 17 homeowners only, it was \$12,500.00 approximate fee, which is outrageous if we were to finance that completely and according to his figures for the...if you include approximately 50 households out there, including Bohannon Estates, the price would drop to \$7,600.00. We still think that's a little high. We don't want a free ride, we want to pay our way, but we want it equitable.

Commissioner Mourdock: You understand that we're not charging you that?

Ray Bailey: Yeah, I understand, but you're wanting us to finance this through the Barrett Law.

Commissioner Mourdock: And in that we have no choice. We're not the utility.

Ray Bailey: I understand that.

Commissioner Mourdock: The tap-in fees and all that, this Board will never see. In fact, the county will never see. That goes to the Utility Board.

Ray Bailey: I understand that, but you are using \$975,000.00 of local tax money for this project and our needs...plus \$150,000.00 in state grants. Our needs were never considered in this original proposal. We just want to benefit also from this. We don't want a free ride, we want to pay our share, but we want it to be equitable.

Commissioner Mourdock: This probably won't make you feel any better, but of the two projects that we have done with Barrett Law in the last 24 months, roughly, on a price per household basis they have been very close to this. Again, it's not that we're trying to throw a big bill in front of people, we're just trying to help them to find a way to get sewers into their areas out in the county.

Ray Bailey: Okay. Thank you very much.

President Jerrel: Okay.

John Blair: I just came back to talk about the letter that was written and I was worried about the timeliness of it. I guess that we understand why now. Richard, did you have a chance to send a letter to IDEM?

Commissioner Mourdock: Yes.

John Blair: Did you?

Commissioner Mourdock: Yes, that's what I did.

John Blair: Could we get a copy of that by chance?

Commissioner Mourdock: Sure.

John Blair: Also---

President Jerrel: You want to give your name, John?

John Blair: Oh, I'm sorry, my name is John Blair and I'm with Valley Watch, also a resident of Evansville. As you'll notice, this was the 13th, today is, it doesn't matter. We're hoping that Vanderburgh County will continue down the path that we started last week in looking at this independently because it is our considered opinion that some things are seriously wrong with this permit and we've...I got a copy of the permit today and a cursory look at it, they didn't adequately answer my concerns and the comments that I made, I know. I also wanted to share with you something else that relates, to some extent, about the level of saturation of pollution that we have here in Vanderburgh County in particular, but the state of Indiana as a whole. One hundred percent of Indiana streams and lakes have fish consumption advisories for mercury. Most streams and lakes over 75% are considered unswimmable in Indiana. That's from Catching the Limit, 1998 from the Environmental Working Group. In 1996 the Natural Resources Defense Council put out a study called Breathtaking, which indicated that more people in the Evansville metropolitan statistical area die from particulate pollution rather than from auto accidents each year. The rest of this is...most of the rest of this from the Toxic Release Inventory. Indiana is second in the nation, first when compared to states of similar size, in release of cancer causing chemicals into our air. Indiana is third in the country, second for states of similar size, for the release of developmental toxicants. Those are toxicants which affect the physical and mental developmental of children. Indiana is second in the US and first for states of similar size for the release of immunotoxicants. And those are the toxicants that adversely affect the human immune system that go into the air. Indiana ranks second in the US and first for states of similar size in the percentage of wetlands lost. And that's from the Agricultural Resources Environmental Indicators, which is part of the USDA Economic Research Service in July '97. And then you heard me say this before, Indiana is first in the nation for air pollution, second in the nation for water pollution and first in the nation for toxic release, the release of toxic chemicals in the environment and that's from the Green Index of '91 and '92. Last week I stood here and I looked out the window and I said this isn't the kind of day that deserves to be talking about this, but today is. We're in the middle of our fifth ozone alert day in a row and I also wanted to refresh your memory, Richard, to some extent because you made the comment on a number of occasions that the only people who seem concerned about this are the people that you meet within ACORN and stuff, but you know, if you recall there was a letter written to, I think the County Commissioners as well as the Evansville City Council and to the Mayor, by almost 30 downtown ministers of the Downtown Ministerial Association last year asking for positive action on ozone because they were very concerned about what was happening to the health of their parishioners. So I just wanted to refresh your memory on that.

Commissioner Mourdock: I don't recall seeing that, John, but that's not to say I didn't see it.

John Blair: Okay. Well, that...I talked to Ken Williams about it the other day and I think you'll be receiving a copy again here soon, as well as maybe an updated version of it because, you know, after we appeared last week and after...well, obviously, there is a lot of news about the ConAgra facility in particular, and ozone out of necessity because we're under an ozone alert. I have had a phenomenal week of people calling me wanting to get involved in a variety of ways. It's too bad it didn't happen three months ago. Then we might have been able to deal with this in a little different way, but what's happening is it's beyond what happened with BASF whenever they finally announced that they had a toxic incinerator, except for the fact that Evansville Chamber of Commerce hasn't nixed it in their endorsement yet. In fact, I think that I saw comments from Ken Robinson, who I think you fund a good portion of his salary for Vision 2000, that was in full support of the ConAgra facility. That's one of the comments I saw today and other people in Warrick County and economic development areas of Warrick County that were also really pleased. Of course, we know that the representative for a bunch of Warrick County, Brian Hasler, who represents a good portion of Warrick County is part of what we're calling the Dirty Air Coalition in state government right now because they're speaking so loudly against these NO<sub>x</sub> standards. If you'll remember the NO<sub>x</sub> SIPCOL was put out, I think it was last November by the EPA and it's calling for an 85% reduction in nitrogen oxide emissions from utilities. Well, the State of Indiana filed some comments on that, they only want to go to 65%, which is almost exactly what the utility figures are. If you'll recall in an ACORN meeting, I kind of glibly asked Janet McCabe which one of the utilities drafted those particular comments and she said that they were their own and not the utility's. If you read what the utilities are saying and what the state is saying, it's so close together it's amazing. It's almost as if the only people who count in the Indiana Departmental of Environmental Management are the utility companies. So I want to reiterate the call for an independent analysis of what this plant will do and I also want to tell you that Professor Dunn and a gentleman named Bob Rust who is a chemist out at GE have said that they would be willing to lend their assistance to making sure a study gets done in a proper way and so forth.

Commissioner Mourdock: And I would add to that Howard---Howard or Harold?

President Jerrel: Howard.

John Blair: Howard.

Commissioner Mourdock: Howard left a message on my voice mail the day after our meeting and he did say the same thing. So I have not just...I'm expecting your next question here, I've not heard back yet in response to the letter, but the letter was sent last Thursday.

John Blair: Well, I talked to Mr. Hamilton, I believe it was on Wednesday, and informed him that such a letter was going to be coming and I think it's really kind of interesting that they were in such a rush to release the permit the next day.

Charlene Timmons: I need to change the tape.

Commissioner Mourdock: Sure.

President Jerrel: Could you wait just a minute while we change the tape?

Commissioner Mourdock: Hold on, we're changing tape.

**Tape change**

Sam LaBudde: Hi, my name is Sam LaBudde. I'm a biologist and newly returned resident of Evansville, Indiana. I have been working with John Blair of Valley Watch for the last month or so on this ConAgra issue. I was reading the letter that you sent to IDEM here and I was wondering, you asked for copies of their records and their software for the models and everything, but you don't specifically say that you're going to conduct an independent analysis of the air permit application that ConAgra has filed. Is that part of your intent since you have such a qualified person in the County Ozone Officer now?

President Mourdock: My intent right now to begin with is to see what we can do with Vanderburgh County air to know what sources we have, to know what realistically we can expect by way of reductions, what reasonably we can expect by way of further reductions, what we have as far as ambient, what data they have, what software they have and I think that's the real key, Sam, to see what modeling they have. Basically, to look at this county with as much technical detail as we can. Once we get to that point then I think we get to better understand what impact other counties will have with this, but until we get to that point I'm not sure that we can.

Sam LaBudde: I have the greatest respect for your dedication and commitment to trying to address point sources and reductions within Vanderburgh County, but from my perspective it seems that all your good work is for naught if plants like the ConAgra facility are allowed to be constructed right up the road where everything that is ejected from that plant is going to come right into Vanderburgh County. Now, I'm not a rocket scientist as far as air climatology goes, but the very fact that Evansville has asthma camps for children, which is something that certainly didn't exist 25 or 30 years ago when I was growing up, is empirical evidence of a problem that is probably not going to show up in your modeling no matter how much software and technical support and data that you receive from IDEM. I happen to share the opinion with John Blair that IDEM really doesn't give a rat's ass about the health and quality of life for people down here in southern Indiana and certainly what I see is IDEM basically in bed with industry. I don't think it's an accident of fate that Indiana has the highest emissions of known cancer causing chemicals per square mile of any place in the United States. It ought to be called the Indiana Department of Environment Mismanagement and I don't know if your Ozone Officer has had a chance to look at the air permit application that ConAgra submitted to IDEM that was put together by GAI Consultants, but it is junk science. It's reverse hypothesis science at its worst. The facts have been sifted as they are to fit the conclusion that this site is not going to have any affect on air quality here in Evansville. No effect, 1,500 tons of VOC's, particulates, sulfur dioxide, NO<sub>x</sub> emissions, zero effect. None, zip, nada. Now I think you would have to be naive to believe that especially as the VOC emissions that ConAgra is going to release will represent 30% of the total VOC emissions for Posey County and Vanderburgh County once the site goes on-line. VOC's, as you know, being ozone precursors are catalyst. I've looked at the air quality permit application, or I guess it's now the air quality permit, as it has been awarded, and had some other people who are more technically competent than I am and, again, I would like to iterate it's junk science. It's not worth the paper it is printed on. If you...I would urge you to waste no time and put all effort into having an independent analysis of that air permit conducted because I think you can continue to do--

Commissioner Mourdock: May I ask you ask question?

Sam LaBudde: Okay.

Commissioner Mourdock: Just a matter of terminology, when you say independent analysis do you mean something outside what we're looking to do with our own Ozone Officer?

Sam LaBudde: I don't know specifically what you're intending to do with your Ozone Officer. What I am asking you to do is to get somebody to independently access first of all what you were talking about, Vanderburgh's existing air quality and then do some real science on inputting the data from what ConAgra is going to do. I mean, IDEM from the git-go started cutting out point sources for pollution before they even started their computations. They didn't use any pollution that was coming across the border from Illinois from other sources that was viewed as...what was the term that they used? Irrelevant or it wasn't substantive enough to be included in their calculation. I mean, from IDEM's prospective any NO<sub>x</sub> emissions or sulfur dioxide or particulates coming across from Illinois don't exist so they didn't include them in their analysis even though collectively they may have represented a major point source of pollution. They took air quality...they took their baseline data on sulfur dioxide emissions not from here in Vanderburgh County where it comes out of the AB Brown stack and lays down, they took it off of Darnell School Road out at the SIGECO plant. Apparently SIGECO has got an air monitor out there so they used SO<sub>2</sub> data out at the plant site because at that point the SO<sub>2</sub> is up in the air and it hasn't laid down. They should have come and got SO<sub>2</sub> data here in Evansville, but oddly enough they took their particulate matter here in Evansville even though we all know the particulate readings would have been much, much higher out there at the Darnell School Road site. I mean, right at the very beginning IDEM waived the requirement for a year's worth of preconstruction monitoring data on the site. They were aiding and abetting ConAgra from the very beginning. They've done everything they can and these...I mean, we've got a list...I've got a dozen gross, egregious errors that were done on the scientific procedure here on this air modeling thing and I think a competent meteorological specialist is going to see that this whole permit per se is fraught with very bad science. The bottom line, this is all...I'm sorry I'm going on so long, but this is all to get to the point that the health and quality of local residents here being traded off to accommodate an industry. I think the net sum of this is going to be very bad and I think all...you know, you can work very hard at reducing emissions locally with gas stations and body shops and doing all these different things like Janet McCabe and the steering committee people want to do at IDEM, but if you allow these gross sources of pollution out there to come in then it's like Sisyphus trying to roll the rock uphill. You know, the state is just going to like sit up there and laugh at you and keep kicking boulders down at you. I would urge you to...I think you're going to have look after your own interests as far as the health of the local residents here because IDEM certainly isn't doing it. I mean, with their legacy they ought to be called the Indiana Department of Environmental Mismanagement or economic malfeasance or something like that. I mean, it's not an accident that we're perhaps the most polluted state in the union and this is one of the most toxic places to live. I never imagined when I left here 30 years ago or 25 years ago that I would come back and find asthma camps for children. I grew up...I went to school here up until I was 18 years old and graduated from high school on the west side. I didn't know one person who had asthma the entire time and I thought, well, maybe you just had your head in the clouds, Sam, so I asked a bunch of other people out on the west side who grew up out there and of the five people I asked only one of them knew anybody who had asthma. I now know a whole circle of people. I've only been back here for eight weeks and I know a whole circle of people who have asthma, young kids. I mean, what comes after the asthma camps? Do we have cancer camps for kids in five years down the road? Do they just start dropping in the street like flies? At that point...I mean, at this point with the asthma camps, I mean, what are 200 jobs worth? I mean, are 2,000 jobs worth that? I don't

think so and I think the residents and I think the elected officials of Vanderburgh County have some rights and have a voice here that needs to be inputted into this issue. So I'm going to shut up and sit down.

Commissioner Mourdock: May I ask you to do something?

Sam LaBudde: Yes, please.

Commissioner Mourdock: You mentioned your long list of things--

Sam LaBudde: I would be happy to share it with you.

Commissioner Mourdock: I was going to ask you if you would share it with Joanne Alexandrovich so as she begins to look through her report she can use those data.

Sam LaBudde: Absolutely.

Commissioner Mourdock: Also, I go back to the point of beginning here, in doing a study of what we have within this county as far as sources and ambient quality to me that is the starting point regardless of which side of the argument you want to look at.

Sam LaBudde: There is your ambient quality, sir.

Commissioner Mourdock: No, that's not ambient--

Sam LaBudde: Well,--

Commissioner Mourdock: Let me finish.

Sam LaBudde: Okay.

Commissioner Mourdock: That is what you would argue, and I think correctly, is that a lot of that is coming from outside this county.

Sam LaBudde: All of it.

Commissioner Mourdock: Okay.

Sam LaBudde: All of it is.

Commissioner Mourdock: Exactly, so if we can start at the sum and say our sum is zero but we have some number positive greater than zero then there has to be some other effect, doesn't there?

Sam LaBudde: No, for ozone it is all coming from out of the county. For Sulfur Dioxide at least.

Commissioner Mourdock: My point is that we need to demonstrate that it is all coming outside. You know, I'm not sure that IDEM at this point is ready to agree to that. I just want to know what we've got locally. Once we know that science locally then we have something to build on. So I don't know that our goal is any different, but at least I want to deal with and I think Joanne is very much going to deal with the point of view that we can best get our hands on most quickly and part of that as well is the methodology that is going into their modeling. If it is some kind of Kriging or whatever it is that they're

doing with their model it's a place that we can start and begin to figure it out.

Sam LaBudde: I accept your good intentions as stated and I would urge all (inaudible) thank you.

John Blair: I would like to add just one more thing, if I could. I got on the web site a while ago and looked and you know it's really strange the one Evansville monitor that is listed on there I think the high was an 84 in the last four days or so, but the monitors in Warrick County and in Posey County are well above the 85 standard. You know, we have to remember that we were punished. Punished by nonattainment because of the political power that rests some place in Posey County because Posey County was not made part of that nonattainment and this was one of the only regions in the country...this was perhaps the smallest land area in the country that has ever been made nonattainment for ozone.

Commissioner Mourdock: I believe that is true.

John Blair: And because of that, you know, we are being punished and will continue to be punished while, you know, we see...we see the economic development people from Posey County stand up and complain that we're trying to make them do something that they don't want to do. You know, that's...well, as far as I'm concerned, you know, it's time for this county to take the gloves off a little bit. We need to do...it's not going to necessarily be done in a permitting fashion or in a legal fashion or anything like that. The way it is going to have to take place is for the Governor and for the Legislature to hear that we are getting a raw deal out of this and that we're angry about it, you know, because if they don't hear that it will be business as usual and we'll continue to take everybody's trash and continue to take everybody's air pollution. You know, it's wrong. It is just simply wrong.

Commissioner Mourdock: Okay, thanks. Joanne, if I may, let me give you this. John sent me a summary report and I meant to give it to you at lunch today, but I forgot it.

President Jerrel: Pass it down to the end here for Tony to give it to her.

President Jerrel: Okay, is there anyone else that wishes to appear before the Board?

**John Stoll - County Engineer**

President Jerrel: If not, let's move to the County Engineer.

John Stoll: The first item I've got is a request for street plan approval for Arrowood Subdivision. This is a subdivision on the south side of Bergdolt Road. The streets will be curb and gutter streets. I've reviewed the plans and they're acceptable and would recommend that they be approved.

Commissioner Mourdock: I'll move approval of the street plans for the Arrowood Subdivision.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next, I recommend that the streets in North Pointe Subdivision be accepted

for maintenance by the county. This consists of 1,150 linear feet of North Pointe Drive and 900 linear feet of Nora Drive.

Commissioner Tuley: Move approval.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

John Stoll: Next, I've got a driveway permit application that needs signatures and this is for the Burkhardt Road approaches to Morgan Avenue. This is phase three of the Burkhardt project and since we're working within state right-of-way I need to get the permit form filed with the state and I'm just going to request that you authorize me to sign off on that on behalf of the county.

Commissioner Mourdock: Gung ho with Burkhardt Road, so moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next, I would like to request to go before County Council to transfer \$2,500 from the Stringtown Road Bridge account to the Engineering Equipment account. This would be to cover the cost of a new computer for the timekeeping system.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is a request to award the Seminary Road culvert replacement contract to Phoenix Construction. They were low bidder on the project in the amount of \$81,760.50.

President Jerrel: Would you mind repeating that for me?

John Stoll: It's \$81,760.50.

Commissioner Mourdock: This is the one we just opened bids for?

John Stoll: Correct.

Commissioner Mourdock: You're ready to make the--

John Stoll: Yes.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: Let me go ahead and read both of those. Did you read both of them in the record?

John Stoll: No, I did not.

Joe Harrison, Jr.: Let me read both of them in, if you don't mind if I sneak in here. This is for project VC98-07-01, Seminary Road culvert replacement.

Company	Amount bid
CCC of Evansville, Inc.	\$92,131.61
Phoenix Construction Co. Evansville	\$81,760.50

I would ask that the Board take those under advisement for a few minutes.

Commissioner Tuley: Is that long enough? I move approval of the awarding of the contract for the total of \$81,760.50 to Phoenix Construction as recommended by the Engineer.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

John Stoll: That's all I have unless you have any questions.

Commissioner Tuley: Pink slip on Tim went through last week. Are we going to advertise?

President Jerrel: We already did that last week.

John Stoll: It was advertised...it was advertised yesterday actually.

Commissioner Tuley: Okay, good.

Commissioner Mourdock: Ward Road.

John Stoll: I spoke with the--

Commissioner Tuley: Ward Road, is that what you said?

John Stoll: --resident that has no right-of-way today, Mr. Sumner.

Commissioner Mourdock: I'm sorry, John, I didn't hear the first part.

John Stoll: I spoke with the man, one of the two people out there that the county has no right-of-way across his property there at the southeast corner of Ward and Anthony. Basically, we only need to do work on one of the two properties which is the northernmost and which is owned by Mr. Sumner and based on the conversation that I had with him today he said he wasn't interested in dedicating a temporary right-of-way to the county at this time. He said he was going to talk to his neighbors and see what they had to say, but he said he didn't think he was going to change his mind on the issue.

President Jerrel: Did you tell the neighbors what Mr. Sumner said?

John Stoll: We haven't sent anything to the neighbors as of yet because until we had this right-of-way issue resolved we--

Commissioner Tuley: I'll get a call tomorrow.

John Stoll: --didn't know how to proceed.

Commissioner Tuley: I'm getting a call tomorrow.

President Jerrel: They ought to talk to him.

Commissioner Tuley: Yeah, that's what I'm going to tell them.

President Jerrel: We can't do it, they need to.

John Stoll: He was aware of the situation down there by Bell's house and Tabor's house because he was saying that they had created some of their own problems by piping the ditches out there and I told him I agreed, but the county was trying to correct the problems that the county could take care of and that was the intent of our project. He went on to say that three years ago he contacted my office in regard to getting approval for the right sized pipe and he said because he did he didn't really feel like he should be having it switched out to another sized pipe right now and I told him that basically at that time the county had no plans to upgrade anything along Ward Road, so the 12 inch pipe that he had is adequate until the county pursues this project, so he hadn't done anything wrong. It's just that we were going to undertake a project to try to get some of that water that runs along the wall and run it straight south down to St. George. He said he didn't think that project would really help out that much and he said that he would talk to his neighbors and I told him that I would appreciate it if he would get back with me after he talks to his neighbors to let us know one way or another which direction he wants to go.

Commissioner Tuley: What was his name, Sumner?

John Stoll: Sumner.

Commissioner Tuley: That's the aggregate drive?

John Stoll: Yes.

Commissioner Mourdock: Joe, don't answer this question for the record at this point, but I'd like for you to consider to let us know what other alternatives we might have in relationship to the temporary right-of-way.

Joe Harrison, Jr.: Okay.

President Jerrel: Any other questions?

Commissioner Tuley: Not from me.

Commissioner Mourdock: If I think of any can you give me a better answer than that one, John? Ah, that's a frustrating one.

John Stoll: Do I need to--

Commissioner Tuley: I got a call from Mr. Bell on Wednesday after the rain on Tuesday.

President Jerrel: I'll bet.

Commissioner Mourdock: I was waiting to get a call, I'm surprised I didn't.

John Stoll: You couldn't put a pipe big enough to handle that.

Commissioner Tuley: I'm sorry?

John Stoll: We couldn't have a ditch or pipe big enough to handle that.

Commissioner Mourdock: Right.

Commissioner Tuley: He did not get wet.

Commissioner Mourdock: Oh, good.

John Stoll: Really?

Commissioner Tuley: That's what he told me.

Commissioner Mourdock: Invariably that problem occurs when have just the soil absolutely saturated either in the fall or in the spring.

Commissioner Tuley: Spring, right.

Commissioner Mourdock: Once the ground is not saturated it's not that problem. No other--

John Stoll: At this point we hadn't planned on sending everything out to all the other property owners where we have right-of-way because of this issue. We didn't know how it would end up being resolved, but if you want us to we can go ahead and send it out to everybody.

Commissioner Tuley: They're finishing up their report. I would kind of rather hear from Joe once it's all done.

President Jerrel: I would like to get the opportunity for the Anthony Road people to talk to the--

Commissioner Tuley: To meet with him?

President Jerrel: Yeah, right.

John Stoll: So hold off on sending out any kind of notices?

Suzanne Crouch: Bettye Lou, your mike isn't on.

Commissioner Mourdock: Okay, thanks, John.

President Jerrel: Okay, thank you.

**County Garage**

President Jerrel: Milton is not here from the Garage this evening. He called just a few minutes before the meeting and said he would be unable to attend. County Attorney.

Commissioner Tuley: Do you want to enter their report into the record though?

President Jerrel: Yes, is there a motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered. I might add we're down to only four more miles of ditching to complete the desired total for this year and 8.16 miles.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: Yes.

Joe Harrison, Jr.: The first item I have is the bid summaries that came in on the cash management system for the Treasurer's Office.

Company	Amount bid
National City Bank	\$15,237.78 with conditions
Citizens National Bank	\$12,000.00 with conditions
Old National Bank	\$10,990.00 with conditions

I would ask that this Board take them under advisement and consult with the Treasurer's Office on this matter.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The other matter I had involves The Centre, the RFP that went out regarding the management and operation of the facility. I would ask that the Commissioners consider extending the timetable of events for responding to the proposal and the date for a possible oral presentation and the possible award date for the bid and then the date when the contract would need to be signed between the parties.

Proposal due date	Extend to September 14, 1998 5:30 p.m.
Oral presentations	September 28, 1998 5:30 p.m.
Proposal award date	October 12, 1998 5:30 p.m.
Contract signing	On or about November 16, 1998
Beginning date of contract	January 18, 1999

I would ask that you consider these requests and also allow advertisement, publishing in the newspaper to notify the public of these changes and the timetable.

Commissioner Mourdock: I know there was a pre-bid meeting last Tuesday, I believe. Were all of the vendors present? Let me rephrase that. All of the people who were there are they aware that these dates are likely to go into effect?

Joe Harrison, Jr.: No, they will be notified in writing if you all act this evening on this recommendation. Those who were there will be notified in writing. Those who were there were notified in writing that dates may be changed. The timetable of events may change.

Commissioner Mourdock: Was it a mandatory prebid?

Joe Harrison, Jr.: No, it was a non-mandatory pre-proposal meeting, so by also advertising or publishing in the paper, those that were not there that intend to bid will be notified as well. It's certainly possible that others could bid, but there were seven or eight groups--

President Jerrel: Eight, there were eight.

Joe Harrison, Jr.: --there.

Commissioner Mourdock: What this is costing us in effect is two weeks in basically getting them started?

Joe Harrison, Jr.: Yeah, essentially. I would also ask...we're going to be sending out some more information to the potential bidders. They wanted some more information on the design of the facility and that sort of thing so we're going to be sending them some plans and that sort of thing that they want to take a look at.

Commissioner Mourdock: Okay. I'll move the revision of the dates as requested by the County Attorney.

Joe Harrison, Jr.: Yeah, and as far as the plans are concerned we will need to expend some funds in connection with that that we can take out of Food and Beverage and submit those blueprints to the--

Commissioner Mourdock: Vendors?

Joe Harrison, Jr.: --various vendors, if that's permissible.

President Jerrel: Okay, well, let's move on this and then we can move on that.

Commissioner Tuley: I'll second the original motion.

President Jerrel: I'll say so ordered on the five dates.

Commissioner Tuley: Extending the dates.

President Jerrel: And then--

Commissioner Mourdock: Yeah, I would also move then the use of...do you have a dollar figure in mind?

Joe Harrison, Jr.: It looks like it may cost \$1,500 or so to mail out additional information

to those who are interested in bidding on the project.

Commissioner Mourdock: I'll move approval of an additional \$1,500 expenditure request to the County Council for the funding for the blueprints.

Joe Harrison, Jr.: And also with our consultant if the Board would consider the same an additional \$1,000 onto his cap. The contract was up to \$2,500 and I would ask that you consider an additional \$1,000 for his services if necessary.

Commissioner Tuley: I'll second the motion that's on the floor.

Commissioner Mourdock: Okay, we're kind of doing this staggered.

Commissioner Tuley: Yeah.

President Jerrel: I'll so order.

Commissioner Tuley: That was blueprints.

Commissioner Mourdock: Now going back to the consultant I would move an additional \$1,000 expenditure request to the Council for the consultant who will help review the plans from the vendors for management of the new center.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: I think that's it. Thank you.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Okay, Superintendent of County Buildings.

Tony Greubel: Don Adler of Three I Engineering contacted me last week and he was needing the Commissioners to send a letter stating that they had no object to him applying for a N.P.D.E.S. permit for the St. Joe Parish Waste Water Treatment System. The Health Department also had to send a letter. Dwayne Caldwell gave me a copy of the letter that he sent and he did the investigation and he agreed that the Health Department had no objections so I wrote a similar letter for the Commission if you would like to sign that tonight.

Commissioner Mourdock: I reviewed the letter.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: That's it.

President Jerrel: Is this the original?

Commissioner Tuley: That was in my file.

**Tape change**

**Steve Craig - Burdette Park**

Steve Craig: Steve Craig, Burdette Park. The only thing I have outside of our weekly report was that I met with the members of the Common Construction Wage Committee and we have the wages set for the bid, VC98-10, the fibreglassing of the olympic pool and we got it set.

President Jerrel: So that is getting ready to go?

Steve Craig: Yeah.

President Jerrel: Okay, that's good. Are there any questions anyone would like to ask Steve? Steve did go to the budget hearings and we did ours on Wednesday of last week and we'll meet again--

Steve Craig: Is it Thursday?

President Jerrel: It's Wednesday. We were 9:00 to 12:00, this time we're 12:00 to 3:00. Motion to accepted Burdette's report.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you.

**Soil & Water Conservation District**

President Jerrel: There is a report from Soil & Water. Is there a motion to accept that?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

**Consent items**

President Jerrel: Under consent items you have some employment changes, travel requests, Treasurer's monthly report, and the Coroner has submitted an increased morgue user fee.

Commissioner Mourdock: Was there one addition to the consent request as filed?

President Jerrel: No, it was in there.

Commissioner Mourdock: Okay.

President Jerrel: It momentarily left.

Commissioner Mourdock: Okay, I'll move approval of the consent items as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Scheduled meetings**

President Jerrel: You have the scheduled meetings attached.

### **Old business**

President Jerrel: Under old business, is there any old business to come before the Board?

Commissioner Mourdock: One scheduled meeting, going backwards for a second. I understand we're not having a meeting September 8th?

President Jerrel: Right.

Commissioner Mourdock: Or that week.

Commissioner Tuley: We did that early on.

President Jerrel: Yeah, we did.

Commissioner Mourdock: Right, just what does that do to us Solid Waste wise? Would that not normally be the time Solid Waste would meet?

President Jerrel: Well, no.

Commissioner Tuley: Yeah.

President Jerrel: Yeah, it would be. I don't know what it does.

Commissioner Mourdock: Okay.

President Jerrel: But I'll find out.

Commissioner Mourdock: I doubt that anyone on the Solid Waste Committee--

Joe Harrison, Jr.: I don't think it would. I don't think it would because your first Monday of the month would have been the 7th.

President Jerrel: That's right, it doesn't. We thought of that.

Commissioner Tuley: Oh.

Joe Harrison, Jr.: So it doesn't.

President Jerrel: No, we meet--

Joe Harrison, Jr.: You meet the second Monday of the month, right?

President Jerrel: Right, it's the 14th.

Commissioner Tuley: We're not meeting on the 8th which is a Tuesday.

Commissioner Mourdock: Ah, ah, ah, okay.

President Jerrel: See, so our meeting would be the 14th, the Solid Waste.

Commissioner Mourdock: Okay, gotcha. I have no old business.

**New business**

President Jerrel: Is there any new business?

Commissioner Tuley: I'm going to submit a request to travel for the AIC Conference which Tony has already sent the paperwork down to the Auditor's Office in terms of getting a check up for registration.

Commissioner Mourdock: I'll move the AIC request for Commissioner Tuley.

President Jerrel: I'll second and say so ordered.

Tony Greubel: There is one thing I forgot to mention in my report. The Center Assessor wanted to surplus an old copy machine they had and the Election Office saw it downstairs and they would like it transferred to them. It's a Mita DC1785 copy machine.

President Jerrel: Okay, is there a motion that we transfer that copier from Center Township to Voter's Registration?

Tony Greubel: Election Office.

President Jerrel: Or the Election Office.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered. Any other business to come before the Board?

Commissioner Tuley: I move adjournment.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:43 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
John Stoll  
Steve Craig  
Ray Bailey  
John Blair  
Sam LaBudde  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
August 24, 1998**

The Vanderburgh County Board of Commissioners met in session this 24th day of August at 5:35 in the Commissioners' Hearing Room of the Civic Center Complex with President Betty Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commission Meeting to order, please. At this time I would like to present the members that are before you this evening. To my right is Joe Harrison, Jr., our County Attorney; next to him is Commissioner Pat Tuley; my far left is Charlene Timmons, Recording Secretary; next to her is the Auditor, Suzanne Crouch; Commissioner Richard Mourdock; and my name is Betty Lou Jerrel. I would like for you to join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of the previous meeting, August 17th.

Commissioner Mourdock: I'll move approval of the August 17, 1998 minutes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Certification of Executive Session**

President Jerrel: The next item is the certification of the Executive Session.

Commissioner Mourdock: I'll move approval of the summary minutes from tonight's Executive Session which began at 4:40 and ended at 5:30 and dealt with collective bargaining negotiations, purchase or lease of real property and county personnel matters.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Open bids - VC9808-01, Glenview Drive repair and repaving**

President Jerrel: County Engineer, did you get the bids? There were two on the desk in there.

Joe Harrison, Jr.: Is John here?

Commissioner Mourdock: He was here just a second ago.

Charlene Timmons: Yeah, I just brought those to you.

Commissioner Mourdock: You want to come back to him?

Joe Harrison, Jr.: Somebody just make a motion.

President Jerrel: Okay, is there a motion regarding the opening of the bids?

Commissioner Mourdock: Yeah, I'll move the motion of opening bids for VC9808-01 for Glenview Drive.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Reject bids - APA011-98, Film and developing**

President Jerrel: Item D, Lynn Ellis is not here, but she would appreciate it if we would reject the bids for film and developing.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

**Jayne Berry-Bland - Award cash management contract**

President Jerrel: Item E, County Treasurer, select financial institution.

Jayne Berry-Bland: Jayne Berry-Bland, County Treasurer. I was late in getting a letter to the Commissioners today, but I would like to say that we received three bids. We received a bid from Citizens, National City and Old National and if I take the direct method Old National was quite a bit less this year. After thoroughly reviewing the bids I would like to recommend that Old National receive the award for cash management services and in addition to the them being the lowest bidder we have worked with them in the past and we feel that their expert skills and their attitude and their awareness of what we need to work with them will provide the accurate, timely and efficient services that we so desire for our taxpayers.

President Jerrel: Is there a motion?

Commissioner Tuley: I'll so move on the Treasurer's recommendation.

Commissioner Mourdock: I will second.

President Jerrel: So ordered.

Jayne Berry-Bland: Thank you.

President Jerrel: Thank you.

**LEPC - Administrative Assistant agreement**

President Jerrel: The Local Emergency Planning Committee, I would like to ask that you

delay that until next week so we can discuss it. This is a contract on an individual on a clerical person and I gave it to Council because it was going to just arbitrarily raise the salary about \$6 and then plus another three percent per hour. The job description didn't change any from last year. We couldn't reach Tim Mahone, so at any rate if we could just...it won't affect anything, but we'll get it next week.

Commissioner Mourdock: I'll move then we delay for one week the Administrative Assistant agreement submitted by the County Local Emergency Planning Council.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Appointment - Marjorie Soyugenc  
Southwestern Indiana Mental Health Center**

President Jerrel: The next item on the agenda is the reappointment recommendation of Marjorie Soyugenc as our appointee to the Corporation of Southwestern Indiana Mental Health.

Commissioner Mourdock: Marjorie is one those people I don't know how she does all that she does everyday, but I would move the appointment as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Welfare to Work Local Planning Council  
Reappointment of members**

President Jerrel: The next is the W2W Local Planning Council to reappoint the current members.

Commissioner Mourdock: I would suggest one modification to that. Number two shows Gary Heck and because Gary Heck is actually working as the Gatekeeper on behalf of Lieberman & Associates I don't think he should be appointed as a member per se of the committee. With the exception of that one appointment, though, I would move the appointments to the Welfare to Work Planning Council as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Any group or individual wishing to address the Commission**

President Jerrel: The next item on the agenda is any individual that wishes to speak to this body.

**John Stoll - County Engineer**

President Jerrel: Seeing none, moving to the department heads, County Engineer.

John Stoll: As part of the bridge inspection Beam, Longest & Neff contacted me regarding the Franklin Street Bridge and because it has the truss underneath the bridge it requires a more detailed inspection than what was anticipated. They have to do some more work on inspection of the hanger-type connections on that truss, so they need a supplemental agreement to cover that additional work. The increase for phase one of the inspection which covers the current inspection is \$2,900 and the phase two increase which would be the 2000 bridge inspection that increase is for \$3,050. It is recommended that this be approved.

Commissioner Mourdock: For Fulton Avenue?

John Stoll: For the Franklin Street Bridge.

Commissioner Mourdock: For Franklin Street, okay.

President Jerrel: Does anyone have any questions?

Commissioner Mourdock: You're recommending it, correct, John?

John Stoll: Yes.

Commissioner Mourdock: I'll move approval then as recommended by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The second item I've got is the final change order on the Oak Hill Road Bridge. This is for an increase of \$19,861.49. The change order is for a series of underruns and overruns, but the primary reason for the increase is due to curb patching and removal and replacement that was not identified in the plans properly. This is the work that we approved an appropriation for several months ago and this just final out the contract.

Commissioner Mourdock: Who is the contractor?

John Stoll: The contractor was Gohmann.

President Jerrel: Questions?

Commissioner Mourdock: I'll move approval of the change order as recommended by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is a Notice to Bidders for contract number VC9808-02, Denzer Road culvert replacement. This project would take a twin culvert structure that is out there right now and replace it with just a single opening structure. We'll put in a

concrete box culvert.

President Jerrel: Any questions on the Denzer Road culvert?

Commissioner Mourdock: I move that we put out the Notice to Bidders for that project.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: On the project update, on Burkhardt Road phase one we've had quite a bit of progress over the past week because of the decent weather. They've got a lot of the asphalt down south of Lloyd and also the reconstruction is about complete in front of the Wal-Mart entrance. If things goes as planned, we're hoping to switch traffic over on the new lanes later this week. I'll get more information on that tomorrow, but hopefully things go as planned and we'll get that taken care of. On Burkhardt phase two they have continued to fill the ditch and there again with the dry weather they have made some good progress on that over the past week. On the Cross Pointe and Morgan project we met with the railroad today and they planned to install the railroad crossing Thursday and we also received a copy of the signal interconnect agreement from the state finally.

President Jerrel: Good, good.

John Stoll: So they're all making some progress.

President Jerrel: Good, thank you.

John Stoll: That's all I have.

Commissioner Mourdock: One quick question. On this thing I showed you a moment ago, John, on the Nisbet Station Road on the ditch project. Would you just restate what the facts on that one are. We were talking about it. We know they sent this in to be an easement or a temporary easement. Obviously, it doesn't quite fit the bill for that. The ditches that they want worked on is not a legal drain, correct?

John Stoll: Right, it drains to a legal drain. That's one of the things that needs to be clarified is who will do what work and where.

President Jerrel: Did you get that fax we sent to you today?

John Stoll: Yeah. I didn't get a chance to call anybody to try and get that clarified, but part of the ditch is on private property and part of it is within right-of-way and they were wanting us to do some work on the--

Commissioner Mourdock: It's within our road right-of-way?

John Stoll: Well, the main portion where the work is needed is not. It's right next to...right outside of our right-of-way and they were asking if we could do some cleaning and realignment of that ditch. They were going to do some work, if I remember right, on the upstream end and the downstream end of the pipes...I mean, upstream and downstream of the ditch and then this segment in the middle was what they were asking for the county's assistance on.

Commissioner Mourdock: Would the realignment cause it then to be on our right-of-way? Is that what they're looking for, for us to move the ditch line?

John Stoll: I can't remember if it was totally on the right-of-way or not. I don't believe so. But it would...it's been probably two months since I've been out there, so that's why I don't remember all the details.

President Jerrel: Could you maybe send something over here, fax something over here in writing and I'll see to it that it gets out.

John Stoll: Yeah, I was going to try to get in touch with John Bittner and then clarify that so then that way you could make an evaluation of what they're asking for.

President Jerrel: We thought he was here.

Commissioner Tuley: I thought he was here.

John Stoll: I was talking to Bill Jeffers and he got a copy of that, too, and he said that they would need to approve where this outlets into a legal drain if there would be any modification on that and he said he thought Bittner was going to be here tonight as well. Bill said...I don't want to put words into his mouth, but I don't think he was really prepared to really act on that as of yet either.

President Jerrel: Okay, well, maybe you could get something to us this week. Okay, thank you.

**County Garage**

President Jerrel: County Garage, you have the report. Is there a motion to accept it?

Commissioner Mourdock: I'll move acceptance of the county work report from the Highway Garage for the dates August 14th through August 20th.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: The only thing I have are the two bids that were submitted for the repair and repaving of Glenview Drive, that's VC9808-01.

COMPANY	AMOUNT BID
J.H. Rudolph & Company Evansville, Indiana	\$42,324.00
E & B Paving, Inc. Evansville, Indiana	\$41,024.50

I would ask that you take these under advisement and review them for their responsiveness.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: I just wanted to give you an update on the Williamsburg matter. The documents are still be routed for execution by the Williamsburg representatives and hopefully I'll be getting those sometime this week so we can finally conclude that matter and get a check to them. John, I didn't ask you, have you received the vendor forms from them? Okay, well, I guess when they want their money they'll get the forms to us, so I'll keep you advised. That's all I have.

### **Superintendent of County Buildings**

President Jerrel: Our representative is in Boston tonight, so we do not have anything on Item D.

### **Steve Craig - Burdette Park**

President Jerrel: Item E, Steve, Burdette Park.

Steve Craig: The only thing that I have is that Wednesday, August 26th, we have a pre-bid meeting at 10:00 at Burdette for the bids on the fiberglass. Other than that I don't have anything. Do you have any questions?

President Jerrel: You're going to submit your other requests that Council had suggested?

Steve Craig: Yes, in September.

President Jerrel: Yeah, in September.

Steve Craig: They had taken it out of our budget with the understanding that we should come back in September and ask for the money to go ahead do the repairs on the surge and the chemical building at Burdette and do them this fall and to repair the tennis court instead of letting them go through another winter and deteriorate more than it already is and fixing it in the spring, we're going to go ahead and proceed with that this fall.

Commissioner Tuley: So they had you take it out of your budget for next year and they're going to appropriate money out of General Fund money?

President Jerrel: Uh-huh, this year.

Commissioner Mourdock: Do you need permission for a Council Call then, Steve?

President Jerrel: Well, they gave him those instructions. I mean, you can give it to him, but--

Commissioner Mourdock: Okay.

Steve Craig: Yeah, they're the ones that told me to do that at the budget hearings.  
Commissioner Mourdock: I'll pass on to you I heard several complimentary things about the way you did the budget at the budget hearings.

Steve Craig: Thank you.

Commissioner Mourdock: I'll pass that on. You did a good job.

President Jerrel: All your years came through, didn't they?

Steve Craig: I think so.

President Jerrel: Okay, well thank you.

Steve Craig: Thank you.

### **Soil & Water Conservation District**

President Jerrel: Soil & Water, you do have the report. Is there a motion to accept the bi-weekly report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Update report from Ozone Officer**

Commissioner Mourdock: Just one informational item as well. It's not officially a department head, I meant to say this last week, Joanne Alexandrovich and I had lunch last Monday and she gave me these reports that she is going to do for us weekly even though she is not...this is kind of a beginning from where she started, but she had told me she would be doing those weekly for us in some summary form just to keep us advised. Obviously, it's not clearly our department, but she wanted to let us know.

President Jerrel: Okay, well let's officially put them in the minutes. Is there a motion to approve?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Consent items**

President Jerrel: Under the consent items, any particular item or a motion affecting all of them?

Commissioner Tuley: I'll move approval of the consent items as submitted.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

**Scheduled meetings**

President Jerrel: Scheduled meetings is attached.

**Old business**

President Jerrel: Is there any old business to come before the Board?

Commissioner Tuley: No.

Commissioner Mourdock: Pass.

**New business**

President Jerrel: How about new business?

Commissioner Mourdock: We don't meet next...no, we do meet next week?

Commissioner Tuley: We do meet next week.

President Jerrel: I'll entertain a motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 5:53 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
John Stoll  
Jayne Berry-Bland  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
August 31, 1998**

The Vanderburgh County Board of Commissioners met in session this 31st day of August, 1998 in the Commissioners' Hearing Room of the Civic Center Complex at 5:31 p.m. with President Betty Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. The first item on the agenda, I would like to introduce to you Joe Harrison, Jr., the gentleman on my right, far right, who is the County Attorney; next to him is Commissioner Pat Tuley; my far left is Charlene Timmons, the Recording Secretary; next to her is Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Betty Lou Jerrel. Would you join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first action item on the agenda is the minutes of the previous meeting. Is there a motion?

Commissioner Mourdock: I'll move approval of the minutes of August 24, 1998.

Commissioner Tuley: I'll second.

President Jerrel: So ordered.

**Certification of Executive Session**

President Jerrel: The next item on the agenda is the certification of the Executive Session. We did begin, it was at 4:40, I believe, and it ended at 5:25 and we discussed personnel matters, contracts and litigation.

Commissioner Mourdock: And real estate.

President Jerrel: And real estate.

Commissioner Mourdock: I will move approval of the summary minutes of the meeting of August 31 for the Executive Session.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**DMD - Daylight sewer project**

President Jerrel: The next item on the agenda is the Daylight sewer and Mike Robling is here.

Mike Robling: A couple of items that need your attention tonight. One of these is a resolution approving the financial plan for the recoupment of costs. The Utility Board has already approved this as I understand it. This would become an amendment to the

interlocal agreement that the county has with the utility.

President Jerrel: Are there any questions relating to the Daylight sewer?

Commissioner Tuley: Mike, are you taking these parts one part at a time, is that what you're doing?

Mike Robling: Yeah, a separate resolution on this.

Commissioner Tuley: Right now you're asking for the approval of the resolution approving the financial plan for the recoupment, is that what you said? I'll move approval at this time.

Commissioner Mourdock: I'll second.

President Jerrel: So ordered.

Mike Robling: Next is a resolution to approve a change order to the contract with Peters Contracting for construction of the Daylight sewer. This concerns raising the Schlensker Pump Station two feet. The change order is in the amount of \$8,640.

Commissioner Mourdock: I'll move approval of the change order as requested and for purposes of clarification ask for a roll call vote on this.

Commissioner Tuley: I'll second for a roll call.

President Jerrel: Alright, Commissioner Tuley.

Commissioner Tuley: To use Commissioner Mourdock's term to be consistent, I voted against the initial contract therefore I will vote no against the increase.

President Jerrel: Okay, Commissioner Mourdock?

Commissioner Mourdock: I always appreciate consistency, but I will vote yes and also be consistent.

President Jerrel: I also vote yes. The resolution is passed. Is there any further business?

Mike Robling: That's all.

Joe Harrison, Jr.: Mike, were you working on that draft of the letter?

Mike Robling: I made that change and Bettye has it.

President Jerrel: It's in the file.

Joe Harrison, Jr.: Okay, thank you.

**Bill Cottun - Crawford Consulting change order**

President Jerrel: I'm going to ask the Court System to be next, please.

Bill Cottun: Yes, I'm Bill Cottun, Site Director for SCT. We have come before you with a potential change order. I know that sounds a little different. We're going to be discussing with Pete Zackeroff, from Crawford Consulting, tomorrow some potential changes to this contract specifically the possibility of us using a third party vendor to provide the desktop PC's and printers because we could get those at a substantially reduced cost at this time as opposed to the pricing that we got when we negotiated this contract, actually started the middle of last year and finalized things the first of this year. Mr. Zackeroff has expressed a desire to help us if he can on this and what we're basically going to be asking them to do is to allow us to reduce the contract by approximately half a million dollars and have a third party vendor which we are currently under contract with to provide us with computers which will save us approximately \$70,000 which we would then apply to some hardware and software needs that have been identified as this project as been developing. So we could garner some substantial savings if we can successfully negotiate this with Mr. Zackeroff and this is just to give us the authority or approval to do that.

President Mourdock: If I may paraphrase it, and tell me if this is correct, you're simply asking us for permission to begin negotiations to see if you can get us out of something that we've otherwise contracted for?

Bill Cottun: Yes, sir.

President Jerrel: I did meet with Lynn Ellis today and I don't know if she has anything to add to that or not.

Joe Harrison, Jr.: I've got a--

Lynn Ellis: It's a little bit more than just to begin negotiations, though, because he does have a change order that we're asking that you approve.

Joe Harrison, Jr.: I've got it here. Yeah, I've got a resolution that would authorize the Commissioners to approve a change order that would reflect the reduction in hardware contract price down to \$504,316, that would be the reduction and the total hardware price would then be reduced, I think, to \$219,545.79.

Bill Cottun: Right, and of course all of this is contingent upon Crawford's approval of doing this.

Commissioner Tuley: Right.

President Jerrel: Right.

Bill Cottun: We come before you because time is of the essence on delivery of these PC's.

Commissioner Mourdock: I'll move approval of Mr. Cottun's request.

Commissioner Tuley: Second.

President Jerrel: And resolution.

Joe Harrison, Jr.: I've got the resolution that you'll have to approve and then that would authorize the President then to sign the change order reflecting those items.

Commissioner Mourdock: And I'll move approval of the resolution.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Bill Cottun: Thank you very much.

President Jerrel: Thank you.

### **Ordinance to amend city ordinance concerning animal shelter**

President Jerrel: We skipped you all on the agenda. Would you object, we just have two brief items and then we'll be ready to take that part. In your packets you have the animal shelter ordinance that was approved by the City and we have an interlocal agreement with them and they have submitted the new language and asked that we approve what they have already approved and that would be the moving of the animal shelter to the Board of Public Works.

Commissioner Tuley: I would move for approval of ordinance number G97-24 as amended, an ordinance amending Chapter 9.09 regarding the animal shelter.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

### **LEPC - Administrative Assistant agreement**

President Jerrel: The next item is the LEPC Administrative Assistant agreement. This was on our agenda last week and we called them and talked to them because we weren't clear, they just sent it over and they wanted more money and we weren't just sure exactly what it was so we made contact with them and now it is ready for action. They explained it.

Commissioner Mourdock: Okay, I'll move approval of the Local Emergency Planning Committee's request for an Administrative Assistant agreement.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Consideration of Transportation Plan**

President Jerrel: Now go back to Item C, consideration of transportation plan.

Barbara Cunningham: Where is John Stoll?

Commissioner Tuley: John is around. He was here.

President Jerrel: Do you want to see if he is in there? There are two of them, do they both get signed?

Joe Harrison, Jr.: Yeah, you have to sign that and then all three of you guys sign this.

President Jerrel: Okay, alright.

Barbara Cunningham: We were before you a month ago with the proposed transportation plan, the recommendations for US north corridor, State Road 62 east and west corridor and we're back before you tonight. The comments we've received have been...the only comments we have received have been minimal and positive in the fact that they're pleased that the Commissioners are coming up with a plan. We have given you a copy of the resolution. If you'll note in the resolution we included Burkhardt Road, since we didn't have a resolution at the time of Burkhardt Road, and we included the Burkhardt Road corridor plan which you all have been following for about a year or so. The only other thing that...what we've changed, too, is we also talk about that we're including INDOT, Indiana Department of Transportation, in the resolution because a lot of what we're looking at now is dependent on them for instance in median cuts and the lights and etc., and all that. We want to work closely with INDOT and you should have a copy of the resolution before you. Unfortunately, I don't, I picked up the wrong thing so I don't have the amended where we included INDOT, but we do have that before you. Do you have any questions? Rose is here and John was here just a minute ago.

Commissioner Mourdock: This one does include INDOT.

Barbara Cunningham: This is the one that has INDOT and the last paragraph also has INDOT on it. Why we did a resolution was we thought it might be helpful. When we did Burkhardt Road we only did the map, but we didn't really talk as much about limiting access and trying to get frontage roads and if you'll note we have a whole paragraph from the Comprehensive Plan, the transportation section, where we address that. We thought that it would be helpful to have, for everybody concerned, to have both the language and the resolution and the maps.

President Jerrel: Did anyone share with you that last week at the Drainage Board we did talk about that area in terms of making it an impacted area and for more stringent drainage requirements?

Barbara Cunningham: Exactly what do you want us to do with that then? Are you going to adopt a resolution as such and then as we have these come before us for zonings and for site review--

Commissioner Mourdock: My guess on that, and it's just a guess, and I don't know that John Stoll has come in, but I would think the way that would impact the traffic plan whenever we have an impacted drainage area is probably for drainage structures underneath those roads, they will need to be oversized, but in that sense it may be more related to what we do with--

Barbara Cunningham: The state.

Commissioner Mourdock: --County Engineering. Well, even for the county roads though and...well, county and the state, but I don't know that it would cause us to look for a different location for any of the roads or do anything differently.

Barbara Cunningham: When that is ready we would surely like to have that.

President Jerrel: I think we got a little more specific on that it should meet a certain storm

level, that it doesn't--

Commissioner Tuley: It's 100/10, I think they call it.

President Jerrel: Right, that it doesn't meet now, so--

Barbara Cunningham: I think that would be really helpful to the developers, too. I know at Hillsdale they were so anxious to help and work with us and kept finding the things from the state that, you know, they were required to do, so I think that will help the developers if they know up front exactly what needs to be done.

Commissioner Mourdock: I've had three developers contact me from the 41 North area and I think several of them may have spoken with you already as well. They also seem to be pleased with the idea that even if we were going to do it as an impacted area do it before they get started rather than later.

Barbara Cunningham: That's right. That really helps. The transportation people are behind me here on this transportation plan. Do you have anything you want to say?

Rose Zigenfus: We haven't received any comments at all pro or con.

President Jerrel: Blaine, I appreciate your work on this. Is there anyone in the audience that wishes to speak to this?

Commissioner Mourdock: Well, I will move approval of the submitted resolution accepting the corridor transportation plan maps for Burkhardt Road, US 41 North, State Route 62 East and State Route 62 West as presented on August 31, 1998.

Commissioner Tuley: I will second.

President Jerrel: And I'll say so ordered.

Commissioner Mourdock: I'll enter a copy of this whole thing into the record rather than taking everyone's time and reading all of it.

Barbara Cunningham: Thank you very much.

Commissioner Mourdock: We're here for planning and I think this is a good day for us.

Barbara Cunningham: A good step, thank you.

Commissioner Mourdock: You guys hold us to the plan, though, that's all I ask.

Barbara Cunningham: We'll try.

Commissioner Tuley: Try!

President Jerrel: Thank you.

**Any group or individual wishing to address the Commission**

President Jerrel: Alright, at this time on our agenda any group that wishes to appear, an individual that wishes to address the Board, is there anyone like that? Okay, we do have

someone.

Carol McClintock: Good evening, Commissioners, I am Carol McClintock. I am here this evening representing Gene Hahn and David Remmert who are the developers of the Red Bank Development or Eagle Plaza out on the west side. I just wanted to give you a brief update of where we are with this project. We went to Area Plan Commission in August and the project was delayed at that point and a couple of very important issues were raised by the Area Plan Commission, so that's why I wanted to come back and share with you those concerns and talk to you about how we feel that we've addressed those. The plan...following that meeting the two issues that were raised were the questions of sidewalks and it was our understanding that the Commissioners had waived the sidewalk requirement in the subdivision and the other issue was regarding the greenway. We take full responsibility for our engineer not responding to the greenway comments and the Greenway Committee. It somehow got lost in the shuffle. Since then we have taken the opportunity to meet with Shirley James and the professional engineers from Kinsella & Storrow. We had a very good meeting. We are wanting to cooperate with the Greenway Passage Committee and help get a greenway along Lloyd Expressway as is their proposal in the overall Greenway Master Plan. You will see that worked in along the state right-of-way along the Lloyd Expressway. There is in most places along Lloyd Expressway 100 feet of state right-of-way. It does narrow down at Boehne Camp Road and what we have done at this point is we have provided a set of drawings, plans, to both the greenway passage engineers and also to the engineers with the State of Indiana. We have in writing indicated to them that this is something that we feel is important that we would like them to consider in the future Lloyd Expressway plans and that we are willing to place our fence in an appropriate place so that it would connect to the project as opposed to the greenway being on the outside and then you will see the connectors that we are proposing be put in once the greenway passage is in place. We're not going to put the connectors in with no pathway, but once the pathway would be connected we would put in the 268 linear feet of connectors to the passage that you see on the map that we've provided to you.

Commissioner Mourdock: Carolyn, are you calling the connectors what comes off in the individual lots to tie into those sites?

Carol McClintock: Right, to tie into the lots. There was an overall concern about, you know, pedestrian transportation within the project. The other major concern was the ability of individuals, and particularly children and young people that live in the apartments to get to the movie theaters. That would be an attraction for young people and adults and that we should provide a safe way for them to get from the apartments to the theaters and vice versa. So the other pavement that we have committed to and will install at this point is the connector that you see from the apartments to the theater.

President Jerrel: Okay.

Carol McClintock: So you won't have a fence, and, you know, curbs and all that will be all part of the overall project.

President Jerrel: Okay, are there any questions?

Commissioner Tuley: I just want to make sure I understood what you said, Carol, in terms of the greenway bike passage that will be located on the development property not in the state?

Carol McClintock: No, what we're proposing is that it would be actually located in the state right-of-way.

Commissioner Tuley: It would be in the state right-of-way?

Carol McClintock: Right.

Commissioner Tuley: How much trouble are we going to have getting permission for that?

Carol McClintock: Well, we...I mean, clearly the Indiana Department of Transportation doesn't know what is going to happen along Lloyd Expressway in any long-term kind of fashion and that is sort of the same kind of Catch-22 you have with the greenway. Right now the greenway would connect to the parking lot of Schnucks, etc., which none of that has been acquired, none of that has been done.

Commissioner Tuley: Okay.

Carol McClintock: On the other end to land that is owned totally by individuals and there is a lake that goes through there and there are clearly some development concerns. So we're talking something that is--

Commissioner Tuley: Many questions down the road.

Carol McClintock: --years into the future.

Commissioner Tuley: But you're here committed to make the connection from the parking lots to this pathway in the event it does come about?

Carol McClintock: Right, and place the fence in a way that it could be incorporated into the project and also to put this...you know, we have sent this information to the state and will continue to work to push the state to consider this in any future plans that they have for expansion of the roadway. So we reappear before Area Plan Commission on Wednesday evening at 6:00. It is my understanding from the developers that the County Commissioners had waived the sidewalk requirements of this project. There was a question that was raised and unfortunately Pat was not at the meeting and we would just like that position reiterated so that when we present this--

Commissioner Tuley: And I will be there Wednesday night.

Carol McClintock: Okay.

Barbara Cunningham: May I--

President Jerrel: Yes.

Barbara Cunningham: I would like to see the plan if it's going to be at the meeting on Wednesday. I think what happened--

Commissioner Mourdock: Excuse me, Barbara, before you do that.

Barbara Cunningham: Uh-huh.

Commissioner Mourdock: What is Hahn calling this now, Eagle Plaza?

Carol McClintock: It's Eagle Plaza.

Barbara Cunningham: Yeah.

Commissioner Mourdock: Eagle Plaza, okay.

Barbara Cunningham: I think what I would like to see the connection...it's going to be Plan Commission on Wednesday night and Carol was correct, the two questions that they raised were sidewalks and they raised the issue of the--

President Jerrel: They did waive the sidewalks.

Barbara Cunningham: Well, one of the things that they thought since you did not have the advantage of hearing what the Technical Committee had recommended or what Plan Commission has recommended, they kind of jumped the gun. Usually they don't come for a waiver for a subdivision until after it is a subdivision, so I think some of the members did question if there were going to be sidewalks. They were concerned with walking, as all the committees that have reviewed the plans have requested that there be some sort of sidewalk. As I understand what you're planning now is a...from the apartments, etc., are you planning any sidewalks in the area?

Carol McClintock: No. I'll be happy to talk about our decision on sidewalks. I'm sure you've already reviewed that once.

Barbara Cunningham: I thought I would tell you that this is, what the Plan Commission was looking at. As far as the greenway, we have no regulations that do address the greenway although everybody is interested in making sure that the greenway passage passes, but I think what we were expecting was to see, you know, what their plans were for the whole project.

Commissioner Mourdock: I would say everyone is in favor of seeing the greenway proceed except INDOT which won't like this idea probably very much. I guess in your presentation tonight, Carol, you're not asking us for anything, this is just an informational session?

President Jerrel: Well, and I think you asked the question, Barbara, about our engineer who went through all of the subdivisions that had been built--

Barbara Cunningham: Uh-huh.

President Jerrel: --like on Vogel Road and they were not asked to put in sidewalks. Do you want to speak to that, John?

Barbara Cunningham: Virginia was. I'm just telling you what the Technical Committee and what the Sub Review Committee recommended.

John Stoll: Whenever I made the recommendation I didn't have a copy of the Staff Field Report from APC so what Barbara is saying is correct. Staff Field did say that the Sub Review Committee recommended sidewalks which I didn't recall that there was any recommendation one way or another, but like you said I had not...we hadn't put any sidewalks in any other commercial areas in other areas of the county whether it is Vogel

Road, whether it is Crossroads Subdivision, or for that matter even some areas in the city out there off of Rosenberger where it was developed with the video store at the southeast corner or Rosenberger and Lloyd there aren't sidewalks there. It was on that basis that I had recommended the waiver.

Commissioner Tuley: I was just going to ask either Gene or Carol, these dots on here marked as pedestrian travel ways what exactly, I mean, what are those?

Carol McClintock: Those are...we asked Bernardin Lochmueller to go back and look at, and this is a pedestrian transportation plan, and develop that for us. We don't not want to put sidewalks in just not to put sidewalks in, it's just that to go to that expense in a commercial subdivision the reality is that people will not use them. The point that the Area Plan Commissioners raised was a good one regarding the movies and moving from the apartments into that project and we asked Bernardin Lochmueller to show us, you know, how are people, if they walk, going to move.

Commissioner Tuley: Okay.

Carol McClintock: I think the reality is they're going to drive.

Commissioner Tuley: I would tend to agree with you.

Carol McClintock: That is a 30 foot road through there, which I think John is going to address later in the meeting, which is a wide road and would provide plenty of room for movement either by pedestrians or bicycles or that kind of traffic. Gene is here. I've already spent all your money, so you're a little late!

President Jerrel: Did you have any comments?

Gene Hahn: No, (inaudible).

President Jerrel: Rose, you act like you want to say something. I can tell.

Rose Zigenfus: From a transportation perspective we really look for interconnection of lots for traffic flow as well as for pedestrian activity. Sure, if you don't provide sidewalks for people to walk on they're not going to walk. We especially now have taken the opportunity to interconnect apartment sites, from commercial to the apartments because we feel like the ability for a neighborhood to access a commercial area is important. A lot of people are into walking. A lot of kids are into bicycle riding. I think that trying to keep clean air in mind and our ozone problems that we need to focus a little harder on the pedestrian activity that is going to be happening in these major shopping areas if not throughout the entire thing.

President Jerrel: Do these look right to you, these interconnecting walkways?

Rose Zigenfus: Yes. This is the first time I've seen this. Yes, from the apartments through I am glad to see that, but where Bernardin Lochmueller has a pedestrian travel way going across the road to Lot 13 and Lot 12 doesn't really show then how it's going to get up to where the trail is and I guess it is just assumed that they'll go up the--

Commissioner Mourdock: Walk across the parking lot.

Rose Zigenfus: --parking lot, but there are no other interconnections from the trail into

those parking lots and then back to wherever.

President Jerrel: I think you would want to discourage them from doing anything except those interconnectors. Isn't that the idea of an interconnector? You don't want them all over the place. You want to keep them focused.

Rose Zigenfus: Right, you want them focused, but they're not showing what happens after they get into that parking lot where they're headed. Are they back out on the road? There are no sidewalks, remember, to walk on. So are they walking in the street at that point?

Commissioner Mourdock: I have less concern or less questions I guess in how it all ties into the greenway just because I am pretty skeptical that INDOT will let that happen up there, but all the apartments at the south end of this plan you have basically just the one sidewalk tying over to the commercial area and really that is just going to serve the three apartment units, I think, on the north end isn't it?

Rose Zigenfus: That's what it looks like.

President Jerrel: There are no sidewalks on those other roads leading up to that. Isn't that what...I don't live out there, Pat, did you tell me there were no sidewalks on Boehne Camp Road down here?

Commissioner Tuley: Not that I know of.

Rose Zigenfus: No, there are no sidewalks.

President Jerrel: Or on the other...Red Bank Road?

Commissioner Tuley: No.

Rose Zigenfus: There are no sidewalks.

President Jerrel: That's the reason why we didn't ask for any. There were none there.

Rose Zigenfus: Just a concern.

President Jerrel: Okay, is there anybody else that would like to speak?

Gene Hahn: I would like to make one comment if I could, please. Money is always a concern on these deals, so I guess I've got to bring that up in this consideration. There will be probably about 250 people living in that whole thing and I don't think you can expect more than ten percent of them that will actually ever walk up there. That's kind of normal. That's 20 people or 25 people to spend \$175,000 for sidewalks when most of those are going to cut across the parking lots anyway, so I think it's a whole lot of money to be spent for very little use or practically no use. That was one of our concerns when we looked at it.

Commissioner Mourdock: Sure.

Commissioner Tuley: The reality of it is we want to encourage people to do it, but the real reality of it is people don't do it. It's just like when we have ozone alerts--

Commissioner Mourdock: That's exactly--

Commissioner Tuley: --don't use drive ups, don't gas up your vehicles, don't use your lawnmowers and people are going to do it anyway. I'm sorry, and I think they're going to drive from this end to this end.

Commissioner Mourdock: I agree which brings us back to the main point and I'm sorry to be slow here, the purpose in bringing this to us, I believe, is simply informative? I mean, you're not looking for us to act on this in any official capacity since you're going back to APC.

Carol McClintock: Yeah, and I want to be able to say on Wednesday night we went back to the County Commission, we raised the question whether they had the proper information when they made that decision and I want to be able to stand in front of them and say we went back to the County Commission they've waived the sidewalks.

Commissioner Mourdock: Let me try something just to move us along. I think we are at consensus where we see that if you do, in fact, what is on this plan we would be pleased with that and I don't see that we would be looking to go back and rescind our prior waiver.

Commissioner Tuley: No, I think I would have to agree with what you're saying. If what I see here is the connector between the apartments, the rest of these dots are nothing more than what a model would show the normal person is going...normal person, that's not a very good way to put that. But the average person or the path that is going to be taken on average...I'll get it out right in a minute. So basically they have agreed then to do the walkway that will connect which is probably, if there is going to be pedestrian traffic, that is where it is going to come from. So I have to agree with you, Commissioner.

President Jerrel: Was that a motion?

Commissioner Mourdock: I guess, yeah, that was a motion.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Consent items**

President Jerrel: Moving right along, County Engineer.

Commissioner Tuley: Could we move to consent?

President Jerrel: Excuse me, you can start walking up here, but we're going to move to the consent items. Commissioner Tuley is going to need to leave and you can sign everything tomorrow?

Commissioner Tuley: Yeah, I just come in and sign tomorrow.

President Jerrel: Under the consent items there are employment changes, travel requests, County Clerk monthly report and Treasurer monthly report.

Commissioner Mourdock: I will move approval of the consent items as submitted with the addition of the one late entry.

Commissioner Tuley: I will second. I second it.

President Jerrel: So ordered.

(Commissioner Tuley left the meeting.)

**John Stoll - County Engineer**

Commissioner Mourdock: My, this looks familiar, John.

John Stoll: Good timing, right?

President Jerrel: Right.

John Stoll: What you have in front of you is the street plans for the Eagle Plaza Subdivision. This is for the approval of Pearl Drive and Dugan Trail. Those are the only two streets that are being built within the subdivision. I'll be bringing plans for Boehne Camp Road back at a later date, but these plans for Eagle Plaza involve the construction of an asphalt road, curb and gutter, 36 feet wide and like was previously mentioned, Dugan Trail, which runs back to the apartments, is a boulevard street that has 18 foot travel lanes. I believe it is 18 feet, I'll have to check and make sure on the plans, but it is wider than the standard 12 foot travel lane. I've reviewed the plans and recommend that they be approved.

Commissioner Mourdock: I'll move approval of the street plan for Eagle Plaza Subdivision.

President Jerrel: I'll second and say so ordered.

John Stoll: The second item I've got is the contract for the repair and repairing of Glenview Avenue. This is...the low bidder was E & B Paving and it was in the amount of \$41,024.50. It's recommended that they be awarded the contract.

Commissioner Mourdock: I'll move approval.

President Jerrel: Second, so ordered.

John Stoll: Next I've got some agreements with INDOT for the interconnect between the railroad signals and the State Road 62 signals at Cross Pointe. This involves the connection between railroad flashing lights and INDOT's traffic signal. It was set up as a three party agreement due to the fact that the state maintains the traffic signal, the railroad will maintain the flashing lights, but the county is paying for the construction, so the only reason we're involved in it is because we're paying the construction costs. Joe has reviewed the agreement. He is satisfied with it and I've reviewed it and I think it is okay as well, so it's recommended to be approved.

Commissioner Mourdock: Keep Cross Pointe moving. I will move approval.

President Jerrel: I'll second and say so ordered.

John Stoll: The next item I've got involves the request from Mr. John Bittner last week. He submitted some proposed ditch realignment out on Nesbit Station Road. This work was originally done by the county. There was some work done out by the county here back in '87 on the basis of a temporary construction easement and in order to improve the flow and provide a shoulder on Nesbit Station Road John has asked that the county pursue this again. In response to what Commissioner Mourdock had said, it would make more sense to do this on the basis of a permanent right-of-way as opposed to a temporary right-of-way so with your authorization I would like to go ahead and pursue getting this as a permanent right-of-way and then getting some cost estimates and some actual bids so the work can be done. Based on some cost estimates Mr. Bittner has got it was about \$1,800 to do this ditch work, so it's a reasonable cost. I would like to go ahead and pursue getting the permanent right-of-way and some cost estimates that I can bring back at the next meeting.

David Ellison: Steve Blankenberger is the one that (inaudible comments made away from mike).

Commissioner Mourdock: I'll move approval as submitted by the County Engineer.

President Jerrel: I'll second and say so ordered.

David Ellison: Thank you very much.

John Stoll: The final item I've got is in regard to the Daylight sewer. I had contacted Three I Engineering in regard to inspection services on that sewer. They submitted this letter which they estimated it would cost \$22,300 for the inspection services and they came up with that number through estimating 30 weeks of construction and \$40 an hour for inspection services, so I didn't know if this was something you wanted to pursue now or take under advisement, but as it stands now their current agreement that was set up when DMD originally got the design agreement signed their inspection services consist of about one hour per week so it was very minimal. There was only \$1,680 in their original agreement for inspection services, so it was basically not included in the original contract.

Commissioner Mourdock: Have you spoken to Charlie Thomas on this one?

John Stoll: Pardon me?

Commissioner Mourdock: Have you spoke to Charlie Thomas with the utility group on this one?

John Stoll: Yes, I talked to Charlie and Charlie's thoughts were that Three I would be the best people to go with because they were most familiar with the project and he said typically when they are involved in projects like this the same person that does the design also does the inspection.

President Jerrel: What's your opinion? Can we act on it tonight or do you want to take it under advisement?

Joe Harrison, Jr.: I think you ought to consider having a contract with these terms brought to the Commission for consideration at the next meeting.

President Jerrel: We don't meet for two weeks.

Joe Harrison, Jr.: Right. And authorize John to go ahead and proceed along these lines and consider that contract, I guess, on the 14th.

Commissioner Mourdock: Okay, I'll move that the County Attorney work with the County Engineer to draft such an agreement.

President Jerrel: Second, so ordered.

John Stoll: I did check the amount of funding available in the Daylight sewer line item and there was about \$1,050,000 in there so on the basis of the construction contract that was awarded this evening plus the change order it appears there is already money in that account that could be used to pay for an inspection agreement. I need to check with Mike Robling to make sure there aren't any other items that are being paid, any pending bills that are being paid off that account, but it looks like the money is already there. That's all I have unless you have got any questions.

### **County Garage**

President Jerrel: Okay, Milton Hayden is at the PTA open house of his son, so he is not here for that reason. County Attorney.

Commissioner Mourdock: Let me just move that we enter the County Garage report into the record then for the week of August 24th through the 31st.

President Jerrel: And you'll notice that we're inching away over here on the paving and the ditching, so we're running ahead of schedule.

### **Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: I've got another surplus deed. Every once and a while I bring these back for consideration by the Board. If you all...this is a piece of property that was purchased through the surplus sale and would ask that you consider the same and approve it. There was an incorrect legal originally with that and that is the proper legal now.

Commissioner Mourdock: Okay, I'll move approval of the Quitclaim Deed that says the Board of Commissioners releases in Quitclaim to a Jamie Frey said properties in Vanderburgh County.

President Jerrel: Second and so ordered.

Joe Harrison, Jr.: The other item that I had relates to a claim that I think you already approved to Evansville Blueprint. It was in the consent items, but funding for that claim, and it was probably set forth on the claim, is to come from Food & Beverage. It's relating to the Auditorium and Convention Centre. I think the amount is probably around \$1,000, but I'm not too sure. Twelve-hundred dollars. I just wanted to bring that to your attention.

President Jerrel: It's in the signature file.

Joe Harrison, Jr.: You might want to make that in the form of a motion that the claim specifically be paid out of Food & Beverage even though you approved it and I think it is set forth on the claim. You might see what the claim says. I didn't see it.

Commissioner Mourdock: Who is the payee on the claim?

Joe Harrison, Jr.: Evansville Blueprint. It was some plans that were sent out.

Commissioner Mourdock: Oh, okay. I'll move approval of the blue claim form to Evansville Blueprint from the Visitors & Convention...from the Food & Beverage funding.

President Jerrel: I'll second and say so ordered.

Joe Harrison, Jr.: That's all I have thank you.

President Jerrel: There it is.

Commissioner Mourdock: We could of had Visitors & Convention pay for it.

President Jerrel: That's for the--

Commissioner Mourdock: Issuing of plans.

President Jerrel: Right, to the people that bid. Is there anything else?

Joe Harrison, Jr.: No, that's all. Thank you.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I need permission to send out two different memos this week. One memo will be to all county department heads just asking them to review the government section in the phone books to make sure that they have the correct number in there or if they want to have any changes or additions. Last year Ameritech didn't make the changes that we sent them so we're going to have to follow up better this year and make sure they send us written confirmation that they received it.

Commissioner Mourdock: So ordered.

Tony Greubel: The other memo will have to do with departments with cars to make sure they don't have any surplus vehicles because the auction...I need to call up Wolfe's Auto Auction, but I think it's the first Saturday in October. We'll probably have to do a legal advertisement for that, too.

President Jerrel: Also, while we're talking about that Bennie took me downstairs yesterday and there is a whole raft of things that we need to think about having another auction at the garage, so is October when we usually do that?

Tony Greubel: Well, Bennie says it is whenever the old storage area out there gets filled we have an auction, so if it is about filled we can do it any time.

President Jerrel: Okay, is there a motion?

Commissioner Mourdock: Yeah, I said so ordered a minute ago, I'm sorry. Motion to send both those memos as suggested.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: One other item of business, did you find out anything, Tony, on the building on Huebner Road?

Tony Greubel: Yeah, that Huebner Road building has to go to Code Enforcement now. I'm not sure. I didn't talk to Roger. Roger was out, I talked to his secretary. I'm going to find out more, but it should be up in the September Code Enforcement meeting where the property owners get to defend.

Commissioner Mourdock: Okay, and does the county contract to raze that building and then we put that as lien on the property, is that how that works?

Tony Greubel: Yes. Yeah, that's how it works. We put a lien against it.

Commissioner Mourdock: Once you find something out please give me a call or e-mail me.

Tony Greubel: Okay.

### **Gary Hohman - Burdette Park**

President Jerrel: Okay, Gary, Burdette Park.

Gary Hohman: Madam Chairman, Commission members, we have nothing to add other than the packet that you have before you. If there are any questions I'll be glad to answer any questions you might have.

President Jerrel: I don't have any.

Joe Harrison, Jr.: I had one item.

President Jerrel: Okay.

Joe Harrison, Jr.: I didn't have a chance to get back with Joyce today on the changes to the lease, but I've got what she sent to me and that's fine. That looks fine with me.

Commissioner Mourdock: I'll move approval of the Burdette weekly report.

Gary Hohman: Thank you.

President Jerrel: Thank you.

President Jerrel: So ordered.

### **Scheduled meetings**

President Jerrel: Okay, moving right along. You have your meeting list.

**Ozone Officer - Weekly report**

President Jerrel: Is there any old business?

Commissioner Mourdock: Before we leave departments we also have...it was on our desk tonight when we came in just to submit for the record the weekly report of the Ozone Officer, so I move that be entered into the record.

President Jerrel: I will second and say so ordered.

**Old business**

Commissioner Mourdock: As far as old business, I have no old business tonight.

**New business**

President Jerrel: Do you have any new business?

Commissioner Mourdock: I would just note on the scheduled meetings that there is a Jail Committee meeting this Thursday at 5:30 that is not showing on the calendar.

President Jerrel: Under new business I would like to make an announcement and ask for permission to invite the Commissioners from all the surrounding counties, there will be a down link from Washington, DC on the 23rd of September and I've made arrangements for the Board Room at the School Corporation. They have the satellite dish that will get this reception and we'll have a telephone to be able to talk and fax back and forth and this will provide us with information regarding TEA-21, the new highway transportation and if any of you in the audience would like to come, John, you might want to. Bring a sack lunch. We're going to send the invitation to as many as we can reach. Any other new business? There is no meeting next Tuesday. Hearing none, is there a motion?

Commissioner Mourdock: Motion to adjourn.

President Jerrel: So ordered.

The meeting was adjourned at 6:17 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
John Stoll  
Mike Robling  
Bill Cottun  
Lynn Ellis  
Barbara Cunningham  
Rose Zigenfus  
Carol McClintock  
Gene Hahn  
David Ellison  
Gary Hohman  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
September 14, 1998**

The Vanderburgh County Board of Commissioners met in session this 14th day of September at 5:34 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. At this time I would like to introduce those of you in the audience to Tony Greubel, the gentleman on our far right, our Administrative Assistant; next to him is Joe Harrison, Jr., our County Attorney; and Commissioner Pat Tuley was unable to be here this evening; on the far left, Charlene Timmons is our Recording Secretary; next to her is our County Auditor, Suzanne Crouch; Commissioner Richard Mourdock, to my left; and my name is Bettye Lou Jerrel. I would like to ask you to join me now in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Thank you for joining me. The first item on our agenda is the approval of the minutes of the August 31st meeting.

Commissioner Mourdock: I'll move approval of those minutes.

President Jerrel: I'll second and say so ordered.

**Open RFP - VC9807-02, The Centre management and operations**

President Jerrel: The next item on the agenda is the opening of bids. In this case, The Centre management operation and for those of you in the audience that might not ring a bell that is the new center across the street that is under construction. Are you ready for a motion on that?

Commissioner Mourdock: Yeah, I was just going to say I'll go ahead and move the opening of bids for VC9807 for Centre management and operations. I know there are several large, large boxes of them back there so I'll add to the motion at this time that we take those under advisement.

President Jerrel: I'll second and say so ordered.

Joe Harrison, Jr.: What I'll do is in a few minutes I'll at least indicate who they are from and make a report on that.

**Open bids - APA042-98, flush truck; VC9810, Burdette Park pool fibreglassing; VC9802-02, Denzer Road culvert replacement**

President Jerrel: The next one is the flush truck rental. Did you wish to speak to that?

Lynn Ellis: For both the flush truck rental and Burdette pool, and I think the culvert replacement, will all be taken under advisement, so if we could ask permission to open APA042-98 for the flush truck rental services; VC9802-02, for Denzer Road culvert

replacement; and VC9810 for Burdette pool fibreglassing and take those under advisement.

Commissioner Mourdock: Okay.

John Stoll: One thing, on the Denzer culvert if possible I would like to go ahead and award that this evening so if I get a chance to look at the bids prior to the meeting ending I would like to get that awarded.

President Jerrel: Okay, now do you have those up here? Okay, so do you want to make the motion on the other two?

Commissioner Mourdock: Yeah, let me start with...I'll move that we open bids on APA042-98 for the flush truck and VC9810 for Burdette Pool.

President Jerrel: And take them under...and I'll second and say so ordered.

Commissioner Mourdock: Okay, and for the Denzer Road culvert replacement I'll move that we open VC9802 and be prepared to take later action on that this evening.

President Jerrel: I'll second and say so ordered.

### **Voters Registration - Approval of polling place changes**

President Jerrel: The next action item on the agenda is the Voters Registration election day polling places. There are two or three things here.

Commissioner Mourdock: Yeah, first the Voters Registration Office is recommending that Sixth Ward Precinct 14 needs to be changed and they're recommending that it be at the Helfrich Park Middle School located at 2603 W. Maryland Street.

President Jerrel: Remember, we moved Ward 1 to Dexter school because the fire station wasn't completed so now it is completed so we can take action on that too.

Commissioner Mourdock: Okay, I'll move then that we take action on both as recommended by the Voters Registration Office.

President Jerrel: I'll second and say so ordered. And then all other polling places...does it include the motion they remain as they were in the primary?

Commissioner Mourdock: So moved.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: And then a question, I don't know that we need to do the advertising on that.

Charlene Timmons: Yes, we did the last one. I need permission for that.

Commissioner Mourdock: Okay, that is where I was going. Okay, so I'll move permission to advertise the change in polling places.

President Jerrel: And--

Joe Harrison, Jr.: Really we have to advertise all of them.

Commissioner Mourdock: Ah, okay. I thought it was just those changes.

Joe Harrison, Jr.: No.

Commissioner Mourdock: I'll move that we advertise the location of all polling places for the November election.

President Jerrel: I'll second and say so ordered.

<p><b>Lynn Ellis - Approval to bid and advertise various annual contracts</b></p>
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President Jerrel: The next item on the agenda is Lynn Ellis.

Lynn Ellis: I would like to request approval to bid and/or advertise seven bids. We have the car washing services to be bid only; the crushed stone to be bid and advertised; sand and gravel to be bid; gasoline and fuel oils to be bid and advertised, that's bulk, bulk deliveries; surfacing materials to be bid and advertised; oil products to be bid only; and batteries, automotive type, to bid only.

Commissioner Mourdock: The surfacing materials is the paving mix?

Lynn Ellis: Yes.

Commissioner Mourdock: So that's as we've done last year?

Lynn Ellis: The last year when we bid it, yes. It has the 12 cents a mile from the plant location to the job site. The city...this year I split it because last year the Board of Public Works decided to not approve the award so it was only with the county, but this year the bid will be combined again. However, their award will be made slightly different than the Commissioners because the County Highway Department uses the mix in a different manner. They actually pave entire streets where the City Highway only uses it for pothole patching.

Commissioner Mourdock: Okay. Alright, I'll move approval of the bidding and/or advertise and bidding of APA001-99 through APA008-99 as recommended by Ms. Ellis.

President Jerrel: I'll second and say so ordered.

Lynn Ellis: The other item I had on here was the...well, I have two more. The request to advertise for bid for compact cars or sedans and I would like to request that be removed.

President Jerrel: Okay.

Lynn Ellis: Mr. Howerton advised that he was able to obtain two vehicles off the state bid. We had a problem with the vendor not wanting to honor the contract, but they happened to have some on-site so he was able to take advantage of that, so that won't need to be done now. The last one is the approval of the quotes for the salt purchases. In the past we've...I'm sorry.

Commissioner Mourdock: Excuse me. On the page here I've got you have the one for

the Community Corrections Facility, that can be removed. Did I understand though that the bid that's being combined with the two compact sedans for Oak Hill, what is happening there?

Lynn Ellis: Well, the city has approved to go ahead and bid it, but that was for Oak Hill Cemetery.

Commissioner Mourdock: Oh, okay, so it's not us.

Lynn Ellis: That was under the city's purview, not the Commissioners.

Commissioner Mourdock: Okay.

**Lynn Ellis - Approve the award of salt for County Garage**

Lynn Ellis: Okay, now the last thing is the salt bid. Previously we've done this off of state contract. We received notification from the state just last week where their bids were awarded at \$37.52 per ton, \$34.99 per ton, \$43.54 per ton, \$35.22 and \$35.97 per ton. The quotes that the county received were significantly lower. IMC Salt bid \$30.90 a ton. Morton Salt bid \$31.00 a ton and Cargill bid \$34.74 a ton. Morton Salt indicated that they would meet any competition, so when Milton places his order what we've done before is to place two purchase orders. Because of problems in prior years with not being able to get the salt from one location and the other vendor won't supply it to you unless you have an order placed with them, so if he places two orders with the two companies then he ought to actually be able to get both supplies at \$30.90 a ton, but my recommendation would be to approve these three quotes and then to allow him to purchase it as necessary from those vendors and be able to protect themselves when and if we have a downpour or a lot of snow this season. Since we didn't have any last year we'll probably get a lot this year.

Commissioner Mourdock: Are those prices delivered into our trucks then?

Lynn Ellis: Yes.

Commissioner Mourdock: That's not delivered to the Garage? We have to pick the materials up?

Lynn Ellis: No, those are delivered to the County Highway.

Commissioner Mourdock: To the Garage?

President Jerrel: For the salt barn.

Commissioner Mourdock: Oh, okay.

Lynn Ellis: Right.

Commissioner Mourdock: I'll move approval of the award for the quotes for IMC Salt at \$30.90 a ton, Morton Salt at \$31.00 a ton and Cargill, Inc. at \$34.74 per ton as recommended by Ms. Ellis.

President Jerrel: I'll second and say so ordered.

Lynn Ellis: Thank you.

President Jerrel: Wait a minute now, I'm not going to let you get away. It's really ironic, before the meeting began we were...we have a new employee at the County Garage and we were telling him he needed to work with Lynn Ellis and I have a letter in front of me that says Lynn Ellis' last day with the City and the County will be September 25th.

Lynn Ellis: Right.

President Jerrel: Well, we're going to hate to see you leave. You are--

Lynn Ellis: Thank you.

President Jerrel: When it comes to watching money I like everything you do.

Lynn Ellis: Well, we try. I hope that my replacement will be as concerned about that and will work with you as closely to see that. We've made a lot of progress and hopefully we can continue doing that.

President Jerrel: You don't have any idea, they're interviewing, is that...?

Lynn Ellis: They will place the ad in the paper as soon as possible and then begin interviewing quickly. They previously didn't have anybody that wanted the job for what they were willing to pay for it except for me, so I don't know, I hope they have better luck this time.

President Jerrel: Well, let me ask you to turn around and Eric Bentle is our new Assistant Superintendent at the County Garage. This is Lynn Ellis. I'm sorry you're not going to get to work with her.

Lynn Ellis: I'll be here for two weeks so you can come see me this week.

Commissioner Mourdock: And seriously, Lynn has been doing this for four and a half years and I'm sure it may seem longer, but she has got a world of experience in how all the different contracts are done, so even though she is leaving on the 25th please make a point to go down and get with her for at least a few hours to get a bit of the feel of the history as to how things have been done. That could be very helpful.

Lynn Ellis: I'll be working out of the Chambers of Commerce.

Commissioner Mourdock: Really.

Lynn Ellis: Actually, I'll be training contractors and companies on how to do business with the government, so I'll be on the other side of it so maybe I can--

President Jerrel: Well, don't tell them anything that will cause those prices to go up.

Lynn Ellis: No, I am going to tell them we want good service, good prices and good delivery. Thank you very much.

President Jerrel: Right. Thank you.

Commissioner Mourdock: Thank you, Lynn.

**DMD - Resolution authorizing an amendment to Daylight sewer agreement for engineering services with Three I Engineering**

President Jerrel: The next item on the agenda is DMD and I don't know if there is anybody here from DMD.

Commissioner Mourdock: John to the rescue.

President Jerrel: Okay.

John Stoll: Is that on the Daylight sewer?

President Jerrel: Yes.

John Stoll: Okay. Yeah, I've got the inspection agreements for the Daylight sewer project. These are with Three I Engineering. The amount of the agreement is for \$22,300 above and beyond the inspection services outlined in the previous agreement. Joe Harrison has reviewed these agreements and they're okay and it is recommended that they be signed.

Commissioner Mourdock: This is the amendment that is going to allow for tap-in if, in fact, the folks out there get everything together from the Barrett Law side?

John Stoll: No, this is the amendment that will have Three I Engineering out inspecting the project as construction progresses out there.

President Jerrel: To inspect it.

John Stoll: The way it was set up originally Three I only estimated about an hour per week of inspection and this agreement will be billed at the rate of \$40 per hour and it is for approximately four hours per day, so this just provides an on-site inspector to oversee the construction.

Commissioner Mourdock: Okay, otherwise we would have been going out for bid on this one as well, I guess, under professional services if we hadn't done it this way?

John Stoll: Correct.

Commissioner Mourdock: Okay, I'll move the authorization as submitted by the Department of Metropolitan Development for the Three I Engineering inspection services of the Daylight sewer project.

President Jerrel: I'll second and say so ordered.

**DMD - Amendment to contract with Peters Contracting  
concerning Daylight sewer project**

President Jerrel: Does that need to go through the meeting? Okay. The reason for the...I just received some other information from Mike about Daylight sewer and you want to just read into the record what the message is there so you'll see what--

Joe Harrison, Jr.: This is with respect to the contractor agreement with Peters Contracting. A letter is to...it's a little memo here to Bettye Lou Jerrel, but it says when the Daylight sewer project...this is from Mike Robling:

"When the Daylight sewer project was let out for bid early last year it was assumed that most of the work would be taking place during the spring and early summer and a 180 day time frame was appropriate for the contract. Since we are beginning the project at the beginning of fall, the contractor has requested extending the time to 270 days from 180 days. A major concern of the contractor was the restoration of the right-of-way area which he wanted to do in the springtime. He said the sewer itself should be done well before May."

Mr. Robling is recommending that the extension request is reasonable and the agreement in front of us reflects the change from 180 to 270 days. I don't know if John Stoll has any comment regarding that or not.

John Stoll: That sounds reasonable to me given the fact that weather would prevent them from being able to do all the finish grading and seeding so that time frame sounds reasonable.

President Jerrel: Well, I just got that when I got down here and I didn't have a chance to talk to you and I wanted Joe to take a look at it. Okay, so--

Joe Harrison, Jr.: Also, with regard to the project, you know, it's moving ahead. The petitioners that had filed an objection as to the permit have withdrawn their petition and the state still has to act upon it, but I got notice the other day that they withdrew their petition.

President Jerrel: Oh, okay.

Joe Harrison, Jr.: So that should help expedite things although we were proceeding ahead anyway. That should get things moving even faster.

President Jerrel: Yeah, we just need to move approval of that so I can sign it.

Commissioner Mourdock: Okay, I'll move approval of the standard form of agreement between the owner and contractor for the Daylight project as recommended by Mr. Robling and the County Attorney.

President Jerrel: To extend it from 180 to 270.

Commissioner Mourdock: To extend it from 180 to 270 days as recommended by the County Attorney.

President Jerrel: I'll second and say so ordered.

**DMD - Resolution awarding environmental services to Geo-Tech for Old Henderson Road Flood Mitigation Program**

President Jerrel: The next item on the agenda is an appointment recommendation. Is there anyone here from the Building Commissioners Office?

Commissioner Mourdock: Time out, I think we skipped one. Robling also had in his report--

President Jerrel: I'm sorry, I missed it.

Commissioner Mourdock: --the IHFA Flood Mitigation Program.

President Jerrel: Uh-huh, right, it is.

Commissioner Mourdock: As part of the cleanup down there on Old Henderson Road, I would move the approval as recommended to Geo-Tech in the amount of \$1,475 for asbestos inspection and hazardous material inspection in the houses to be demolished on Old Henderson Road.

President Jerrel: I'll second and say so ordered.

**Appointment Keith Wallace - Hearing Officer for county code issues**

President Jerrel: Okay, now the next is the appointment of the Hearing Officer. I don't think there is anyone here.

Commissioner Mourdock: Yeah, the Building Commissioner has recommended the appointment of a local attorney, Keith Wallace, as Hearing Officer for the Huebner Lane issue. You'll recall, this is an area where there is an old semi abandoned structure that is a common nuisance and we simply need to move to have that razed, so I would move the appointment of Mr. Wallace as the Hearing Officer. Joe has a comment.

Joe Harrison, Jr.: I think he also wanted us to make the appointment in all county code enforcement matters, on this matter and then on others that may come up in the future as long as Mr. Wallace is serving as the city code enforcement officer. There may be some other ones that may come up so we don't have to...so the Commissioners wouldn't have to approve that particular appointment as well. It's kind of a blanket--

Commissioner Mourdock: Okay, so it isn't just an appointment even though it is worded that way, at least on the page I have. He is not looking just to be appointed for the Huebner Road issue, but as an overall Hearing Officer?

Joe Harrison, Jr.: Whenever there are matters that involve the county.

Commissioner Mourdock: Right, okay. I'll amend my motion to be broader than to have

Mr. Wallace serve as the Hearing Officer for any Building Commission issues through the county.

President Jerrel: I'll second that and say so ordered.

**Prosecutor's Office - Removal of 900 telephone block**

President Jerrel: Just by way of explanation on the next item we have telephone blocks on any calls, 900 calls, in all of our offices and the Prosecutor's Office would like to have us lift those blocks for those particular numbers because they check on people's employment and I guess some of them are employed at some of these 900 numbers and I'm not sure just what all 900 numbers are, but at any rate what we decided to do is to put a 60 day block and then let the Auditor's Office give us a report on the calls to those numbers.

Commissioner Mourdock: Okay, so we're removing the block?

President Jerrel: Removing it, but on a limited time span.

Commissioner Mourdock: I'll read it into the record, or should I?

President Jerrel: Yeah.

Commissioner Mourdock: I'll move then that we remove the block from the following phone numbers within the county system 435-5326 through 5329, 435-5331, 435-5335, 435-5337, 435-5294, 435-5295, 435-5689, 435-5702, 435-5736 and 435-5755.

President Jerrel: For 60 days.

Commissioner Mourdock: For 60 days.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: Anyone who can repeat those back wins \$5!

**Authorization for auto auction**

President Jerrel: Next item is Wolfe's Auto Auction.

Commissioner Mourdock: I'll move approval to hold the annual vehicle auction on October 8th.

President Jerrel: I'll second and say so ordered.

President Jerrel: And we need to advertise?

Tony Greubel: Yeah, can I have permission to advertise the...I put an attachment on the back sheet of a legal ad. Can I have permission to advertise that?

Commissioner Mourdock: Excuse me, I'll amend the October 8th motion to also include the motion to advertise the vehicles as listed.

President Jerrel: I'll second and say so ordered.

**Any group or individual wishing to address the Commission**

President Jerrel: Okay, at this time on our agenda is any group or individual that is here that would like to say anything to the Commission or address any issues? I know North High School is here. Are there any other schools represented? Okay.

**John Stoll - County Engineer**

President Jerrel: Okay, County Engineer, under the department heads.

John Stoll: The first item I've got is an agreement with Beam, Longest and Neff for the design of the rehab of the Heckel Road Bridge project. This is for an amount not to exceed \$21,800. It's recommended that--

Commissioner Mourdock: I'm sorry, what was the number, John?

John Stoll: It's \$21,800. It's recommended that the agreement be approved.

Commissioner Mourdock: I'll move the approval of the Beam, Longest and Neff quote for the bridge inspection on Heckel Road.

John Stoll: It's for the design.

Commissioner Mourdock: Bridge design rather for Heckel Road.

President Jerrel: And I'll second and say so ordered.

John Stoll: Next I've got street acceptance requests for Keystone, Section 6A. This involves the acceptance of 200 feet of Cobblefield Drive, 700 feet of Long Pond Way, 80 feet of Winnett Drive, 1110 feet of Marshfield Drive, 1000 feet of Shoreham Drive and 790 feet of Eastborne Drive. This has all been inspected and it's recommended that the streets be accepted by the county.

Commissioner Mourdock: Pursuant to the Engineer's recommendation, I'll move acceptance of the streets as noted.

President Jerrel: I'll second and say so ordered.

John Stoll: Next I've got a street acceptance request for Five Oaks Subdivision. This is for 650 linear feet of Five Oaks Drive. Here again the street was built in accordance with the plans and it's recommended to be accepted by the county.

Commissioner Mourdock: So moved.

President Jerrel: Second and so ordered.

John Stoll: Next I've got a travel request for someone in my office to go to Vincennes to pick up the Fulton Avenue Bridge plans. These plans were sent back from the state for some final revisions so we could get it on a bid letting and the central office of INDOT has forwarded the plans to the Vincennes district and I need to have someone pick the plans up, so either Bill Higgins, Dave Franklin or Tom Goodman or I will go pick the plans up sometime when one of us is available. The sooner the better.

Commissioner Mourdock: Do you want to ask the illogical question or should I?

President Jerrel: Go ahead.

Commissioner Mourdock: They won't mail them to us?

John Stoll: Actually, they don't want to mail them because it is the only set of mylars that are available and the plans have been around for so long that they aren't on AutoCad.

Commissioner Mourdock: Ah, there is some logic there. I'll move the travel request as recommended.

President Jerrel: I'll second and say so ordered. While you're...were you going to leave the topic?

John Stoll: I also wanted to request a Council Call for that same project.

President Jerrel: Okay.

John Stoll: I need to request to go before Council to appropriate \$750,000 to the Fulton Avenue Bridge project. In speaking with INDOT it sounds like there will be about \$2.4 million in STP Funding available for the project which means we need to come up with about \$2.7 million. This would get us to that amount.

President Jerrel: Before we act on that we do have, you know, the survey I asked you to complete?

John Stoll: Yes.

President Jerrel: I mean, that's for a different issue, but I know if Pat were here he would also agree this bridge has been on the back burner for so many years so I think you're satisfied the money...I mean, we've gone through, you and I have gone through every one of those accounts and the money is there. Did you have a chance to speak to the Auditor?

John Stoll: Yes, there was about \$1.5 million unappropriated in Cum Bridge, so this will take about half of that remaining balance.

President Jerrel: Okay, alright.

Commissioner Mourdock: What do you see for project timing then, John?

John Stoll: I'm hoping we can get the revisions made over the next six to eight weeks and once we get the plans revised then there is a four month lead time for INDOT to schedule the project and get it on a bid letting which puts it in the neighborhood of February or March.

President Jerrel: But it can be completed next year?

John Stoll: There again they set the number of work days on the job and I've not seen what they're putting in on that.

President Jerrel: Well, we need to talk to them, we're paying for it. They may be letting the bids, but it's our money.

John Stoll: We're paying more than they are this time around.

President Jerrel: Well, will you?

John Stoll: Sure.

President Jerrel: Okay, because we want to know that.

Commissioner Mourdock: Yeah, and at the next meeting, John, I mean next Monday night if you could, just give us a type of Gant chart that I like, or a Gant diagram showing where things are going to happen in sequence. The same type of diagram we have on the auditorium project, wherever it's at, just to show us in time how these things ought to progress.

President Jerrel: The bridge.

John Stoll: That's--

President Jerrel: It's INDOT's call.

Commissioner Mourdock: I realize that you're putting those dates on a calendar and they have a part that they have to play to make those dates. I'm not going to hold you responsible if they don't make their dates, but I just want to have some rough idea as to where things should sequence out and the timing for this whole project.

John Stoll: Okay, there again that will be somewhat up to the contractor whenever they get on it. I'll get what information I can and put it together.

Commissioner Mourdock: Give me a best case and worst case, if you want to give me two charts. I presume best case isn't by the end of December of this year, so something relative. All that started with your request for a Council Call and I will move approval of that request.

President Jerrel: I'll second and say so ordered.

John Stoll: The final item I've got is a cost estimate for the Evergreen Heights Barrett Law sewer. Based on the design, construction and legal fees associated with this proposed Barrett Law project the maximum estimated cost of this project is projected to be \$225,000 and I've got the plans and specifications for the project here. Do you want to see the plans? I can unroll those if you would like.

Commissioner Mourdock: Sure, I would like to just to get a better feel for it. While you're doing that, Joe, have you had any contacts with representatives from Evergreen to keep them moving in the right way?

Joe Harrison, Jr.: Yes, and a preliminary resolution will be...I'll have one ready for you all to consider next week and then thereafter there will have to be a preliminary hearing thereafter, but next week will be...I'm sorry, the final hearing will be thereafter, but we'll have a preliminary resolution for consideration next week. John just had to file this info first before we could put the numbers in the resolution.

John Stoll: Unlike the Old State project this involved a lot of easements going through people's backyards.

Joe Harrison, Jr.: Yes.

John Stoll: It's up between Meadowview and Greenbriar Drive and off Evergreen Road. All the easements have been acquired. They've been signed off on and it's all ready to

go.

Commissioner Mourdock: Great.

President Jerrel: That's wonderful.

Joe Harrison, Jr.: They've done a lot of work on it.

President Jerrel: You know, isn't this amazing how well this has been working?

John Stoll: This one jumped in and got ahead of some of the other ones.

President Jerrel: But the others, you know, we were all learning and I'm pleased.

Commissioner Mourdock: Yeah, and I think one of the things that has had a great deal to do with that is just the fact that we got that packet together to instruct people how to work through the process. I know Joe played a big part in that as did John, so good job to both of you.

John Stoll: Thanks.

Commissioner Mourdock: Very good.

President Jerrel: Now let's see, did we--

Joe Harrison, Jr.: A motion to accept that.

President Jerrel: Yeah.

Commissioner Mourdock: Oh, yeah. I'll move the motion to accept the cost estimate prepared by the County Engineer for the Evergreen Heights Barrett Law sewer project.

President Jerrel: I'll second and say so ordered.

Joe Harrison, Jr.: Also as a part of that I guess you're accepting the plans and specs as submitted as well.

Commissioner Mourdock: I'll amend the motion to include those items.

President Jerrel: I'll also second the additions and say so ordered.

John Stoll: I have reviewed those plans and so has the Sewer Department and everybody is okay with it at this point, so it is ready to proceed.

Commissioner Mourdock: Is that going to be then a pump system like they have in Darmstadt?

John Stoll: It's all gravity.

Commissioner Mourdock: Really? Good for them. It's hard to beat gravity.

John Stoll: Right. That's all I have until I finish going through those bids.

President Jerrel: Okay, thank you.

**Milton Hayden - County Garage**

President Jerrel: County Garage. Before you start, Milton, let me give you a compliment on something. During our Solid Waste District meeting, the one that comes right before this, Mr. Smith from Darmstadt said that he really appreciated that work that you all did. It was well done and they want to let you know how much they appreciated it and what a good job it was and wanted me to share that with you.

Commissioner Mourdock: Yeah, I've seen it many times jogging up St. Joe Road there where you did that and it is a good job.

President Jerrel: Anyway, good job.

Milton Hayden: Thank you.

Commissioner Mourdock: Okay, for the record a couple of items. First of all, since we did not meet last week we have two weekly reports to add to the minutes. The first for August 28th through September 3rd and also we have the County Highway report from September 4th through September 10th, so I move that we add those to the record.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: Okay, and also have to note we have received from Milton his announcement that he is planning on retiring at the end of October and I guess officially we need to act to accept that letter, so I would move that, but before I do that say thank you, Milton, and I know you're going to be there until the end of October so we'll see you many times between now and then, but your service is much appreciated and I know you're working with everybody out there to get them ready for the day you're not there.

Milton Hayden: And trained.

Commissioner Mourdock: I'm sure you'll miss the place greatly, and remember you're under oath!

Milton Hayden: Sure.

President Jerrel: I'll tell you what, you mark it down in your calendar, but I'm coming out on the 26th so you better be there.

Milton Hayden: Oh, I'll be there.

President Jerrel: Okay, that's a special day.

Milton Hayden: Okay.

President Jerrel: Do you want to read that into the record?

Commissioner Mourdock: Sure. Just officially here, this is to Commissioners Jerrel, Mourdock and Pat Tuley:

"This letter is to inform you that I plan to retire as County Highway Superintendent effective October 31, 1998.

It has been a pleasure to work for the county all of these years and I

appreciate your confidence in me, but I am now ready to enjoy my retirement.

The County Highway Garage has made many improvements in procedures during the last year and I was proud to be a part of these. If you would like for me to work with the person you select as my replacement, please let me know and I will be glad to help in any way I can.

Milton Hayden”

Again, I will formally move that we accept that letter.

President Jerrel: Second and say so ordered. Eric, you want to just...formally I would like to introduce you to Charlene, and to Suzanne, and to Joe Harrison and welcome you onboard. Appreciate it.

Commissioner Mourdock: I know the two of you guys are already working together to start to bring you up to speed with different things as Assistant Superintendent.

Milton Hayden: I am glad you brought that up because since Eric has been there this has been really a disaster part for him because he gets all of it. Everything comes in on him.

President Jerrel: Yeah.

Milton Hayden: And today was really...it was really, truly an experience for him.

Commissioner Mourdock: I heard rumors today was a rough day. When I walked in I saw Eric first thing and I thought he was coming in to hand in his resignation, so I'm glad you survived, Eric.

Milton Hayden: I think he'll hold it because he can make it. The young man has got good potential, so I know he'll make it.

President Jerrel: Well, appreciate it.

Commissioner Mourdock: Thank you for those comments.

President Jerrel: Okay, well, we'll see you all. Thank you very much.

Commissioner Mourdock: Okay, thanks.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: The next item on the agenda is...do you want me to skip you?

Joe Harrison, Jr.: Uh-huh.

President Jerrel: Okay, Superintendent of County Buildings.

Tony Greubel: Actually, I don't really have anything new to say tonight.

**Steve Craig - Burdette Park**

President Jerrel: Burdette Park.

Steve Craig: Well, we officially have the swimming pool closed and it will be closed until next May. I was wanting to talk to you about the requests for appropriations. Did you get those in our packet?

Commissioner Mourdock: All I have is the report.

President Jerrel: No, I don't.

Tony Greubel: It must not have been put in the packets. I don't know if I remember seeing it.

President Jerrel: Okay, is this...oh, okay. Yeah, right. This has to go in by noon tomorrow.

Commissioner Mourdock: Okay, well, tell us what you've got here.

Steve Craig: It was the money that we had applied for in our budget and they thought that they would have it available this year and told us to come back this fall to request it.

Commissioner Mourdock: Okay, what's the nature? I see you have listed pool improvements and land and land improvements, what is that?

Steve Craig: Okay, we're going to build a new chemical shed off the end of our pump house. The one we've got now is about ready to fall down. If it didn't have stuff in it, it might fall down, but then we have to replace our surge at the swimming pool. It's not to code anymore and it's 37 years old and needs dire repair. The tennis courts need to have the cracks filled and parts of it resurfaced.

Commissioner Mourdock: Is this then a step, Steve, in the chlorination facility there that you and I spoke about a long time ago?

Steve Craig: No, we installed that already. This is in the filtration part of it where it's our overflow and we've not been in compliance for several years, but we were okay under the grandpa clause because that was the way it was built, but the new regulations once we fix it we do have to bring it up to code and it's going to take some pipe work and put a surge kit back into the thing, but we're just kind of bringing that part of the pool up to snuff and they told me--

Commissioner Mourdock: And with these two budget items will you then be putting something out to bid specifically pursuant to these line items?

Steve Craig: We're going to try to build some of it for ourselves...by ourselves, but we have to put bids out like to buy the surge kit. We're going to buy a single unit pit and I had got some people to come out and take a look at it, but they're not real interested and it's a rather small job because there is two jobs in each one of them and we're going to try to do them in-house.

President Jerrel: You've already turned them in?

Steve Craig: Joyce said she did.

President Jerrel: Better check and make sure she did because tomorrow at noon is the deadline.

Commissioner Mourdock: I will then move approval of the Council Call for the pool improvements and land improvements as recommended or as requested by Burdette Park in the total sum of \$22,000.

President Jerrel: I'll second and say so ordered.

Steve Craig: Will we find anything out on the bids on the--

President Jerrel: She took them under advisement.

Joe Harrison, Jr.: Well, I'll read them here in just a minute.

President Jerrel: Okay, he is going to read them. You want to just wait?

Steve Craig: Yeah, that would be fine.

President Jerrel: Okay.

Suzanne Crouch: You want us to submit that paperwork for you to save you a trip from coming down tomorrow?

Steve Craig: Yeah, the appropriations, yeah. Should I just give this to you then?

Suzanne Crouch: Yeah, we've got copies.

Commissioner Mourdock: Do you know yet, Steve, when you'll...well, let me rephrase the question. When will we have a good feel as far as budget numbers from how we did for the pool operation this year? Will you have those by the end of this month?

Steve Craig: Yeah, we should have a quarterly one. I think it's at the end of September that me and Joyce get together and we'll add them all up. I think the pool...I don't know if it made it back or not. It's probably down because it was down and June and July was awful wet and then the best month of swimming everybody was back to school. It was kind of a weird situation to put us in to be closed all of August like we were. As far as the rentals go they're up. Everything that I know is up except for the swimming pool.

Commissioner Mourdock: Okay.

Steve Craig: Which to me that indicates the attendance in the park is up.

Commissioner Mourdock: As a whole, yeah.

Steve Craig: As far as the swimming season it was kind of up and down.

Commissioner Mourdock: And because I haven't heard any comments to the contrary I presume we haven't heard anything back on our grant request to the state for the other building?

President Jerrel: No, they won't act on that until they go back in session.

Steve Craig: I did talk to Jay Frederick and we have two students from USI that want to do their senior engineering project--

Commissioner Mourdock: Good.

Steve Craig: --on doing the dirt work and landscaping and the running of the sewer pipe

out of the area. They got back with me last week and I'll probably get with Roger Lehman and get with the two boys and Jay and we'll get out there and they're going to use that as their senior project out at USI.

Commissioner Mourdock: Very good. That would be a great project for them to do.

Steve Craig: Yeah, it would.

President Jerrel: Okay, thank you.

Commissioner Mourdock: Thanks, Steve.

Steve Craig: Thanks.

### **Soil & Water Conservation District**

President Jerrel: You want to go on and do these two?

Commissioner Mourdock: Yeah, we have in our packets the Soil & Water Conservation District biweekly report from Mike Wathen and I would move that we enter that into the record.

President Jerrel: I'll second and say so ordered.

### **Ozone Officer**

Commissioner Mourdock: We also have our weekly from report from Dr. Joanne Alexandrovich, our County Ozone Officer. I move that be entered into the record.

President Jerrel: I'll second and say so ordered. Do you want to go on?

### **Consent items**

Commissioner Mourdock: Consent items this evening including travel requests, and also some reports from the County Auditor, Hillcrest and the County Auditor's accounts payable vouchers and several other items, so I would move we admit...or approve the consent items as requested.

President Jerrel: I'll second and say so ordered.

### **Scheduled meetings**

President Jerrel: Okay, we can just keep moving. Under...you have your scheduled meetings list attached.

### **Old business**

President Jerrel: Is there any old business?

### **New business**

President Jerrel: Hearing none, going to any new business? Futrell?

Commissioner Mourdock: Ah, yes, the Futrell landfill. At the Solid Waste District this evening the Health Department notified us that their Board basically is looking to have better direction on that project, if you will. They have received from the state notification of roughly \$114,000 that can be allocated to the Futrell project, but they don't feel they're the proper people to be managing that or bidding that project. The Solid Waste District voted to request that the County Commissioners take that project under our wing. That was a unanimous vote and I would move at this time that we do that with the purpose being to excavate and remove the non toxic materials from the Futrell property on Red Bank Road so that we can once and for all be done with that site. Ultimately, it would appear the property is going to end up under the control of the county and that place is going to have to be cleaned up. We've got state funds available today to begin to deal with that and certainly the sum that was discussed at Solid Waste which was \$186,000 for use from the Solid Waste District's monies combined with what the state has put out there would be a sum total of \$300,000. If we use that and put that out to bid with that being our limit I think there is a good chance we could have that site cleaned up.

President Jerrel: Well, I'll second your motion and say so ordered.

Commissioner Mourdock: One other comment on that. It's very important, I think, as we get moving with that process to have the County Attorney speak with the Health Department to make sure that the money that the state is otherwise allocated to the cleanup of that project through the Health Department would still be available to the County Commissioners. The money, as we understand it, was earmarked for the project although it was directed for Health to do it, if we're going to do it obviously we want to make sure those funds are still there. I can't imagine they wouldn't be, but let's not take the chance they won't be.

President Jerrel: I did speak with Sam before this meeting, so he is looking for you to give him a call. Alright, any other business to come before the Commission? Are you ready now?

Joe Harrison, Jr.: Yes.

President Jerrel: Okay.

**Joe Harrison, Jr. - County Attorney**

Joe Harrison, Jr.: Okay, why don't I go with the one that John is interested in. It is the Seminary Road culvert replacement. There were four bids that came in. That's VC9808-02, Seminary Road culvert replacement.

<b>Company name</b>	<b>Amount bid</b>
Koberstein Trucking, Inc. Princeton, Indiana	\$51,225.70
Phoenix Construction Co. Evansville, Indiana	\$46,520.51
CCC of Evansville Evansville, Indiana	\$37,448.29
Deig Bros. Lumber & Construction Co. Evansville, Indiana	\$54,917.75

The County Engineer may have a recommendation with respect to those bids.

Commissioner Mourdock: For the record, I heard Joe refer to that as Seminary Road culvert. Is it Seminary or Denzer?

John Stoll: It's Denzer.

Joe Harrison, Jr.: I'm sorry.

John Stoll: There was a typo on one sheet.

Joe Harrison, Jr.: Oh, okay.

John Stoll: It did say Seminary.

Joe Harrison, Jr.: I'm sorry.

John Stoll: But it is on Denzer Road.

Joe Harrison, Jr.: Yeah, I read that somewhere. I'm sorry.

John Stoll: I would like to recommend that the contract be awarded to CCC of Evansville for the amount of \$37,448.29.

Commissioner Mourdock: So moved.

President Jerrel: And I'll second and say so ordered.

Joe Harrison, Jr.: The next group of bids...we're going to have three others here. This will be an easy one. This was APA042-98, flush truck rental. We received responses from the following and none of which submitted a bid. No one submitted a bid.

Company Name	Amount bid
Utility Service & Equipment Inc. Ft Branch, Indiana	No bid
Evansville Truck Center Evansville, Indiana	No bid
Evansville Truck Equipment Evansville, Indiana	No bid
Linear Dynamics, Inc. Parsippany, NJ	No bid
Powertech Equipment Evansville, Indiana	No bid
Miller Truck Equipment Evansville, Indiana	No bid
Brown & Hubert Evansville, Indiana	No bid
Rudd Equipment Company Evansville, Indiana	No bid

Company Name	Amount bid
Falconite Equipment, Inc. Evansville, Indiana	No bid
Diamond Construction Equipment Sales, Evansville, Indiana	No bid

As a result I would ask that you reject the bids, since there aren't any bids, and consider your next action.

President Jerrel: Okay, that one didn't work.

Joe Harrison, Jr.: Whatever that is.

Commissioner Mourdock: I move that we take no bids under advisement.

Joe Harrison, Jr.: That's right!

President Jerrel: I'll second and say so ordered.

Joe Harrison, Jr.: That's a first. The next one is VC9810 and that's the Burdette pool. Is it the paint job or sandblasting?

Steve Craig: Fiberglassing.

President Jerrel: Fiberglass.

Joe Harrison, Jr.: There was a submission by:

Company name	Amount bid
Collegiate Painting Evansville, Indiana	No bid
Simms Painting Company Evansville, Indiana	\$158,593.00
Fibre Tech Largo, Florida	\$146,306.00
Claunch Construction Company Dyersburg, Tennessee	\$169,000.00
Kemper Construction Company New Orleans, Louisiana	\$175,000.00

I would ask that you take these four bids under advisement and review the same for their responsiveness.

Commissioner Mourdock: So moved.

President Jerrel: Second and so ordered.

Joe Harrison, Jr.: The final bid item is the request for proposal submission, response submission, by those interested in bidding on the management and operation of The Centre, Evansville Auditorium and Convention Center. There were six responses that

were submitted. They are from the following and it's obviously difficult to read each item, but I will indicate from whom the responses came from.

Commissioner Mourdock: Before you read those though, again, this is a professional service so it's something that needs to be analyzed on more than just a price basis.

Joe Harrison, Jr.: Yes.

Company name	Company location
Ogden Entertainment	Hartford, Connecticut
Leisure Management International	Houston, Texas
Globe Facility Services	Tampa, Florida
Compass Facility Management, Inc.	Ames, Iowa
Promotion Management, Inc.	Green Bay, Wisconsin
SMG	Philadelphia, Pennsylvania

Those are the six responses that were received and I would ask that you take the same...review the same and take them under advisement. Tentatively at this time we have scheduled a possible oral presentation by any of the responders if this Board would like for Monday, September 28th at the Commissioner meeting. We've indicated that we would like...that the Commissioners would like to select a proposer by the October 12th or on the October 12, 1998 Commissioner meeting. That's the anticipated timetable at this time. I would ask that you take these under advisement and review the same. We've got a number of copies of each and they'll be for you to consider at this time.

Commissioner Mourdock: Refresh my memory, Joe, because I know in the bid documents that went out and perhaps even in the amendment that went out to those bids or the addendum I should say, the September 28th date was listed...was it listed as an open invitation to all who would bid it or was it given to them that there will be some invited short list?

Joe Harrison, Jr.: That was the intent that if you all wanted any or all to come back to this Board and expound upon their responses that would be the day, but that would be up to this Board to decide if you all want to do that and if you do how many you want to have come in front of you.

Commissioner Mourdock: What I would suggest, and my nightmare scenario is that we would otherwise walk in here on September 28th and see six companies with billboards, video displays, power point presentations and everything else ready to dazzle us and I think in fairness to them perhaps this Board should authorize a letter tonight to say that all the bids have been received for the project and it is our intention to send out a letter by...or to provide notice by next Monday at noon as to those that we would officially invite to make such presentations with the idea that we would short list it. What do you think, Bettye Lou?

President Jerrel: Well, I hadn't thought about it. That would make some sense.

Commissioner Mourdock: I guess I had--

President Jerrel: Are we going to have anybody help? Are you going to help or is Barney going to help?

Joe Harrison, Jr.: Yeah, Barney. I don't...necessarily you don't have to stick to that date if you don't want to, but I think you may want to look...obviously, you'll want to look at the documents thoroughly if you can between now and the next meeting and I would as a suggestion if you want to do anything at that meeting if you say these are the three we want to look at or we would like for all of them to come back and take that action at the next meeting and have them come back at whatever date. It may be that you may feel that the 28th is too soon and you may want to do it the following week.

Commissioner Mourdock: When do you expect to get word back from Barney as far as his review of those?

Joe Harrison, Jr.: I haven't talked to him about it yet.

Commissioner Mourdock: Okay, you'll be shipping off to him in the morning--

Joe Harrison, Jr.: Yes, a copy.

Commissioner Mourdock: --a copy of each.

Joe Harrison, Jr.: Of each one.

President Jerrel: This is the 14th, so we're just talking about two weeks, right?

Joe Harrison, Jr.: Right. The intent was to try to have the management company onboard to begin work in January, January 18th. That's the intent.

Commissioner Mourdock: Suzanne just reminded me, and I'm glad she did, the 28th is our favorite Monday night which is Drainage Board meeting.

Joe Harrison, Jr.: Right.

Commissioner Mourdock: So maybe we do want to back it up one week. That would give Barney additional time to review it and perhaps we can each speak with him individually outside this meeting and then come up with a short list.

Joe Harrison, Jr.: Sure.

Commissioner Mourdock: I just have this vision of what we went through on the Riverboat Committee a few years back.

Joe Harrison, Jr.: Sure.

Commissioner Mourdock: I mean, this is serious business who is going to manage that facility and I want to be fair to those who want to give us a presentation and I don't want to waste the time of those who otherwise we don't think we would be interested in.

Joe Harrison, Jr.: You all may find between now and Monday when you look at these that maybe you don't need a presentation, I don't know, but I think you may want to look at them between now and then. If you direct me I can send out a letter to say that there will be no presentations on the 28th and if there are going to be any we'll get back with you.

Commissioner Mourdock: To selected invitees on the meeting immediately after the 28th, whatever day that is. Does that work?

President Jerrel: Yeah, let's see. That would be October 5th.

Joe Harrison, Jr.: It might be that if you so choose to have presentations that would be the day that there will be presentations.

President Jerrel: I think that would be better. We would be pushing it to get through these.

Commissioner Mourdock: Yeah, I think so.

Joe Harrison, Jr.: Okay, is there a motion to take them under advisement?

Commissioner Mourdock: I'll move that we take them under advisement to have the County Attorney pass them on to Mr. Levensgood and also then that we schedule for October 5th for the hearing for that specific purpose.

Joe Harrison, Jr.: Should you need that.

Commissioner Mourdock: Should it be.

Joe Harrison, Jr.: Okay.

President Jerrel: I'll second and say so ordered.

Joe Harrison, Jr.: I've got one other item. With regard to Barney Levensgood, I have his contract that he has signed that still needs to be signed by this Board for his services. If you all could approve the same, but I've got just the original. We can make some copies after it is signed.

Commissioner Mourdock: Okay, I'll move the approval of Mr. Levensgood's consulting contract for the purpose of reviewing the bids for The Centre project.

Joe Harrison, Jr.: Also he has provided, you know, services up to this point in connection with RFP process.

President Jerrel: I'll second and say so ordered.

Commissioner Mourdock: I will pass on that when I got a call from one of the people who submitted a package to us kind of following up with a question or two they were quite impressed with what his services had been and thought that they had a really excellent package to bid from. One of the best they had seen which was good to know.

President Jerrel: Okay, is there any other business to come before this body?

Commissioner Mourdock: None here.

President Jerrel: Anyone else want to say anything? Okay, hearing none--

Commissioner Mourdock: Move for adjournment.

President Jerrel: I'll second and say so ordered.

The meeting was adjourned at 6:30 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
John Stoll  
Milton Hayden  
Eric Bentle  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

**Vanderburgh County  
Board of Commissioners  
September 21, 1998**

The Vanderburgh County Board of Commissioners met in session this 21st day of September, 1998 at 5:35 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Betty Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. The first item on the agenda, I would like to present to you the people up front. On my extreme right is Tony Greubel, our Administrative Assistant; next to him is Joe Harrison, Jr., the County Attorney; Commissioner Pat Tuley is to my right; far left, Charlene Timmons, the Recording Secretary; Suzanne Crouch, County Auditor; Commissioner Richard Mourdock and my name is Betty Lou Jerrel. I would like to invite you now to join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Thank you. The first item on our action agenda are the minutes of the previous meeting, August 17th.

Commissioner Mourdock: I'll move approval of the minutes of September 14, 1998.

President Jerrel: Excuse me, what did I say? Oh, that's the rezoning minutes. Thank you. I'll second and say so ordered.

**Certification of Executive Session**

President Jerrel: The next item on the agenda is certification of the Executive Session. We dealt with personnel matters and threatened litigation. Is there a motion?

Commissioner Mourdock: I'll move approval of the summary minutes of the Executive Session.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Suzanne Crouch - Discussion of Internet as pertains to  
Commission**

President Jerrel: Next, Lynn Ellis. No, excuse me, I'm sorry. Next is our County Auditor, discussion and information item for the Commissioners.

Suzanne Crouch: Thank you. I would like to pass something out. We had indicated, the Auditor's Office, back I don't even know how long ago it was, perhaps a month or month and a half, when the Commissioners approved the codification of the ordinances that we were working on making those available on the Internet along with minutes. What we have been doing is developing a web site and one of the areas that will be available for information on the web site will be an area that deals with the County Commission. We have submitted to you all for your review and suggestions what we have come up with

to date that would be available on the web site as it pertains to County Commission. Certainly it is not all inclusive. We appreciate any suggestions, any ideas that you have. If there is an area that you feel is important as it deals with your office and our office we would appreciate you letting us know and we would include that. If you'll notice, there are two separate handouts before you. The one, and this was Charlene's idea which I think bears quite a bit of merit, it's titled "Recording Secretary to the County Commissioners". What we would be able to do or willing to do is on Tuesday morning prior to noon Charlene would kind of recap the previous night's meeting. Particularly if there are bid openings calls that perhaps would generate some interest from the public and as you can see she developed a sample of last Monday's meeting with a recap of some of the things that happened. That would hopefully cut down on calls to your office and calls to our office and make that information readily available to the public. So what we would like is for you all to review this information and if you have any suggestions, if there is anything you don't want included, if there are other things you do want included, if you would just let us know we would be happy to work with you in that capacity. I think that's it. I lost my train of thought.

President Jerrel: So if someone wants to see the minutes of the September 14th meeting they could call up those minutes?

Suzanne Crouch: Not immediately. I mean, we're working on that, but eventually. It's a little more difficult. We're having to work with Evansville Online and there is a certain process you have to go through to where people could actually search by a title or by subject matter, but, yes, those would be available eventually after the minutes have been approved, obviously, so they would almost run a week in arrears, the minutes would.

President Jerrel: Right.

Suzanne Crouch: Also, the Treasurer has expressed an interest in working with our office and her office along with the County Assessor to make tax payments, the information available and exemption information available and so we're in the beginning stages of developing that. So I see the web site...I know Bill Cottun is here and he is very, probably, interested in that. I don't know if he has any comments, but I see a need, probably, eventually for, you know, a more joint effort or more direction perhaps from the County Commissioners and the Mayor's Office.

President Jerrel: It's a good idea.

Commissioner Mourdock: Yeah, it is a very good idea. I'm curious, is Charlene or someone else in the office there capable of bringing the actual updates onto the web site?

Suzanne Crouch: Uh-huh.

Commissioner Mourdock: More than just putting out an e-mail or doing a type of posting you are actually altering the web site on a week by week basis?

Suzanne Crouch: That would be correct.

Commissioner Mourdock: So you would be doing that in-house?

Suzanne Crouch: That would be correct. How it would work initially is Charlene would make her changes or put together her information and that would be put on a disk and

loaded onto the computer because we only have one computer that is designated for the Internet currently. Eventually those Recording Secretaries would be linked to that Internet computer and those changes and that information would go directly in, but for the initial stage, you know, we're going to have to update it--

Commissioner Mourdock: The host site for this would then be Evansville Online?

Suzanne Crouch: Correct.

Commissioner Mourdock: As a server, we wouldn't be putting our own server in place?

Suzanne Crouch: That is my understanding, correct.

Commissioner Mourdock: That's something probably that time will eventually lead us to do. I like it, too. I like the idea especially as you gave us the example from last week how some of that information can be put out there that would be almost immediately available.

Suzanne Crouch: As it was proposed to me anything that can go on the Internet that would cut down on traffic or phone calls to our offices is what should be there because that is what the public is interested in and that would free up staff time to be more efficient and to do some other things. So we appreciate your input and any suggestions you have. Just get them to us and we'll be happy to make whatever changes.

Commissioner Tuley: Question.

Suzanne Crouch: Uh-huh.

Commissioner Tuley: You may have answered this when I was just kind of reading through here. When you was talking about the minutes and you said it would be about a week behind--

Suzanne Crouch: That is correct.

Commissioner Tuley: You'll have one week at a time on there or will you be able to go back in history or how will that work?

Suzanne Crouch: It is my understanding that there would be up to a year on there and perhaps even more. As they indicated to me memory is no problem. I mean, you can put whatever you want. So is that correct, Bill, as you understand? That's how it was explained to me that memory is no problem with the Internet, there is plenty of it out there.

Bill Cottun: Evansville Online certainly has substantial capacity and it would not be a problem at all to keep a historical record by year that would be searchable. Everything that Suzanne is talking about right now is technically feasible. In fact, it is being done right this minute so, yeah, all of that is correct.

President Jerrel: Very good.

Suzanne Crouch: It's kind of exciting.

President Jerrel: Well, keep us posted

Suzanne Crouch: Well, let us know.

President Jerrel: Okay.

Suzanne Crouch: Thank you.

**Award bid - VC9810, Burdette Park pool fiberglassing**

President Jerrel: The next item on the agenda is Lynn Ellis. This will be the last one, won't it, Lynn?

Lynn Ellis: Yes, ma'am.

Commissioner Mourdock: Why are you smiling like that?

Commissioner Tuley: The last one?

Commissioner Mourdock: Oh, yeah, Pat wasn't here.

President Jerrel: Oh, you weren't here. She is leaving. Friday is her last day.

Commissioner Tuley: Oh.

President Jerrel: She is going to take a new position with...well, it's a group that works with the Chamber of Commerce.

Commissioner Tuley: Congratulations.

Lynn Ellis: Thank you. I'm very excited about it and, yes, I've had this terrible grin on my face for over a week!

Commissioner Mourdock: True confessions.

Lynn Ellis: And it is making everybody very nauseated around the building. They'll be glad for me to go on Friday, I think. The first item that we have is to approve the award of bid number VC9810. That's the sandblasting and fiberglassing of Burdette Park's olympic pool. The recommendation is to award the bid to Simms Painting Company at a total cost of \$146,306. Simms is the low responsive and responsible bidder. The low dollar amount did not comply with the bid specs, so we're recommending that bid be rejected and go with Simms.

President Jerrel: Are there any questions?

Commissioner Tuley: Joe has a question.

Joe Harrison, Jr.: Just one. The Simms' bid was \$158,593, wasn't it?

Lynn Ellis: Did I make--

Commissioner Tuley: Right.

Lynn Ellis: Oh, I'm sorry, yes. I'm sorry, \$158,593. Yeah, that's true.

Commissioner Mourdock: I'll move approval of the award as made by Ms. Ellis.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Lynn Ellis: Thank you.

### **Change order - Crawford Consulting**

Lynn Ellis: The next item is to approve the execution of change order number two and we had a change order presented to you, oh, probably a month ago to Crawford Consulting for reduction of contract price and this change order number two is also a reduction of \$9,080. The description is to remove ten Receipt printers and ten Jet Directs from the contract. Mr. Cottun is here if you have any questions of him.

President Jerrel: Are there any questions? We weren't really sure that they were going to buy into this were we, Bill?

Bill Cottun: Initially, no ma'am--

President Jerrel: But they did.

Bill Cottun: --because to be very honest this actually does cut into a little bit of the profit margin for Crawford. They have been most reasonable to work with and have agreed to this request. We can actually purchase these printers and Jet Direct cards for, I believe, around \$5,500 and they recognize the price savings to help us in some other areas.

President Jerrel: Now are they...the other change order on the PC's, that's already...?

Bill Cottun: That is completed and those PC's have been delivered to the computer center as of yesterday.

President Jerrel: So we do have some additional money now we can use towards training?

Bill Cottun: That is correct, yes ma'am. We can cover the training.

President Jerrel: Good, any questions? Is there a motion?

Commissioner Mourdock: I'll move approval of change order number two to the contract with Crawford Consulting, Inc. in the amount of a deduction of \$9,080.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Lynn Ellis: Joe has that change order.

President Jerrel: I've got the original and--

Joe Harrison, Jr.: That would also include the resolution as well that I attached that would

authorize the President of the Commission to sign the change order.

**Revised quote - Morton Salt**

Lynn Ellis: I have one other item. I received today a revised quote from Morton Salt for County Highway. They are quoting \$30.90 which would make them equal to the low bidder. They called and asked what the prices were and they said, well, we can match that. I don't particularly...well, never mind. The price is reduced and so if the Commissioners so desire I can give this to you and you can execute it tonight and then you have two vendors to choose from at the same dollar amount. That's it. Thank you very much. I don't know if...I have some other bids that I've been working on and if I can finish those up I may either bring them to you Monday night or just have an agenda item for your approval, but we're just trying to get things moving so that it doesn't fall too far behind during this absence, so at least you'll have bids going along.

President Jerrel: Did you two get to talk about the issue...

Commissioner Tuley: Yes, yeah, she is going to make a phone call and check into that.

Lynn Ellis: Yes, ma'am. I'm going to look into it this week and contact the state about it. It hasn't been our experience in the past, I know County Highway has sent representatives up there to look at the equipment and they haven't found that it was in decent shape worth buying, so hopefully this will be true and get some deals out of it.

Commissioner Mourdock: Okay, before you go then, Lynn, just to clarify on this salt, did we not act on this last week?

Lynn Ellis: Yes, yes. You acted--

Commissioner Mourdock: So we don't need to do anything to act on this tonight other than just sign it.

Lynn Ellis: I would recommend that you accept their revised quote so that would require action. That's \$30.90 as opposed to \$31.00, so it's just 10 cents per ton.

President Jerrel: They agreed to match the low bid.

Commissioner Mourdock: Right. Okay, then I'll move the acceptance of the revised bid from Morton Salt for highway salt for this coming winter season at \$30.90 per ton.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Before you go, Lynn, I know this is your last night and we do appreciate your service for the county. Many times I have had vendors talk to me when they turn in bids and they always made very nice comments about the way you handled them and gave them information and such.

Lynn Ellis: Thank you.

Commissioner Mourdock: The county's loss is someone else's gain and we do wish you

well and thank you for the time you served back here as well as where you are at now.

Lynn Ellis: Thank you, I appreciate that. I think it's going to be a real good experience. If I talk too much I'll cry.

President Jerrel: Well, good luck.

Lynn Ellis: I'm going to miss working here. It has been a good experience.

President Jerrel: And don't forget if we have questions we know where you are!

Lynn Ellis: Yes, ma'am, please. Hopefully I will be visiting the building because I hope to get some new vendors exposed to the county as well as the city and get you some more bidders to choose from. I'm going to be traveling 11 counties, so hopefully we can develop some more in Evansville. With all the construction going on there should be a lot of growth and opportunities.

President Jerrel: Well, good.

Lynn Ellis: Thank you.

President Jerrel: See you later.

Commissioner Tuley: Good luck to you.

**Mary Hart, Pigeon Township Trustee  
Appeal for Poor Relief Fund loan**

President Jerrel: Okay, the next item Pigeon Township Trustee, Mary Hart. Mary graciously gave us some information in writing so that you would have an opportunity to understand the issue that is before us. Mary, would you just want to real briefly explain the purpose of your visit is the resolution.

Mary Hart: Right, on September 18th my Advisory Board met with myself. We are running out of money in the direct relief category of our budget and we're asking for a loan of \$120,000 to continue to assist the poor, low income clients in Pigeon Township.

President Jerrel: I had just one question and you answered most of them in this paper that you prepared for us. When would you pay the money back?

Mary Hart: My understanding is that the State Board of Tax Commissioners would set a levy outside of the levy that we are at that would pay it back. I'm not quite really sure how long we would have to pay it back, whether it would be one year or five years, but there would be a levy outside the levy that we're at to pay it back beginning next year.

President Jerrel: Okay, so that will be established when the rates are determined?

Mary Hart: Right.

President Jerrel: Are there any other questions?

Commissioner Mourdock: Yeah, just a quick one, Mary. When you're having the expenditure in direct assistance what does that mean? I mean, what is the money actually being used for, for a poor relief situation?

Mary Hart: In a direct assistance relief it could be used for medical, for any kind of testing, medical testing, prescriptions, housing, for rent assistance, utility assistance, food assistance. Anything that would require direct relief of someone who is not able to pay that actual basic living necessity themselves.

Commissioner Mourdock: Okay, is there any overlap at all with what we do through the Gatekeeper and the IBAP program?

Mary Hart: We work with the Gatekeeper program. If they're not eligible for assistance from a Township Trustee we refer them to the Gatekeeper program. The only way that they're eligible for assistance with the Gatekeeper is if they're not eligible for assistance through a Township Trustee.

Commissioner Mourdock: Okay, I just wanted to make sure we weren't double covering anyone.

Mary Hart: No, we're not double covering. If we can assist we assist. If not we refer to the Gatekeeper.

Commissioner Mourdock: Okay, and I know of all the folks on our local Welfare to Work Council I think Mary is probably the most regular person at all those meetings. I don't think you ever missed one, so I didn't think there would be any overlap I just wanted to be sure.

Mary Hart: It makes a big difference to me.

Commissioner Mourdock: Yeah, I understand.

President Jerrel: You understand if the petition is approved tonight we would have to defer until next week for a final decision until we find out where we are going to get the money from?

Mary Hart: Yes, ma'am.

Joe Harrison, Jr.: Also I've drafted a resolution that can be considered if the Board wants to go forward with that, but we have to put in the resolution the time frame for the repayment, so maybe this week...it's either the Commissioners or the State Board of Tax Commissioners is to determine that repayment period from one to five years, so we'll need to figure out what that repayment period is going to be so we can put that in the resolution as well as where the money would come from within the county, so that will need to be determined should the Board decide to go forward and that will have to be in the resolution. At least that is what the statute says unless there is some other--

Mary Hart: Yes, sir, and I am still waiting for a call back from Jim Cornwell from State Board of Tax Commissioners as to the process of how to repay this loan.

Joe Harrison, Jr.: Okay.

Suzanne Crouch: If I may add, in our conversation with Melissa Henson, that's who we

deal with at the State Board of Tax Commissioners, since this loan application has come in after August 1st it's too late to have a tax rate for next year so you're looking at least a two year repayment period and I think that period is determined by the County Commissioners, but you're looking at least a two year period.

President Jerrel: Did you make...I mean, is your next year's budget...are you comfortable that next year's budget is where this won't happen to you again?

Mary Hart: I feel comfortable with next year's budget and that we'll be able to stay in next year's budget. This particular year we've had an extremely high amount of medical expense that I think we'll see some relief on with the Hoosier Healthwise program that just went in. We're spending a lot of money on children, prescriptions, on the prescription medications that children need that will now qualify under the Hoosier Healthwise program, so I think it will see a reduction in our prescription costs, so I think that we'll be able to remain within our budget in the 1999 year.

President Jerrel: So am I correct, Joe, we don't really have any action right now except we've got to get all this information and we'll do the resolution.

Mary Hart: Okay.

Commissioner Mourdock: Just by way of action I would move that we direct the County Attorney to draft a resolution pursuant to this agreement.

President Jerrel: Okay.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Mary Hart: Thank you.

### **Preliminary resolution - Evergreen Heights Barrett Law project**

President Jerrel: The next item on the agenda is the County Engineer, preliminary resolution approving the construction to Evergreen Heights Subdivision Barrett Law.

John Stoll: I believe Joe has got the actual preliminary resolution. The one item that I've got that I didn't submit last week is the actual letter of request for the preliminary resolution from the consultant for the homeowners and it also includes a legal description of the entire project boundary and a list of the affected property owners.

Joe Harrison, Jr.: I have a copy of the proposed preliminary resolution for the Evergreen Heights Barrett Law sewer project in front of you. Attached to that is a listing of all the parcels and owners that would be benefitted by the project as well as I also attached a copy of the boundary description that John just mentioned. If you all approve this then a hearing will be set for the final resolution for...Charlene, we talked about that. I prepared a notice. I think for October 5th, we could do it and that would be sufficient time. I've also prepared a legal as well for advertising purposes.

President Jerrel: Any questions?

Joe Harrison, Jr.: The resolution indicates that the estimated cost for the project would be not to exceed \$225,000 and that would include construction fees associated with the project and I am assuming that if the project goes forward after the preliminary resolution

if it goes forward tonight and there is a final resolution there is a period of time within which the owners can object, should they so desire, to the project and then after that determination is made as to whether it goes forward or not then Mr. Stoll's office can proceed forward with contract letting and would proceed from there.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move approval...preliminary...start over. I'll move approval of the preliminary resolution of the Vanderburgh County Board of Commissioners approving the construction of the Evergreen Heights Subdivision Barrett Law project as submitted by the County Engineer and recommended by the County Attorney.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Do we send out a registered letter to each of these of affect properties notifying them of this?

Joe Harrison, Jr.: Yes, that's what I'll do. The next step will be registered...or certified and regular letter will be mailed out to the 30 parcels and their owners. Also I would like approval to advertise a public hearing with respect to the preliminary resolution that would be held on Monday, October 5th at 5:30 p.m.

Commissioner Mourdock: I'll move the advertising and the scheduling of such a hearing.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Just by way of simplicity perhaps when those letters go out...on my resolution, Joe, it does not have the property description you mentioned that encompasses the area. I've got the property owners, but not the description. Maybe with the letter you can include a map as well. Just an 8 ½ x 11 map to show where that area is.

Joe Harrison, Jr.: I think we might have something, but I don't know if we do or not, but we'll see if we can get something. Maybe Morley's office can--

John Stoll: They've got it on AutoCad so I would think they can plot something out small.

Commissioner Mourdock: Sure.

Joe Harrison, Jr.: You should have the boundary...I don't know if you have the boundary description.

Commissioner Mourdock: No, I don't. I don't have that on mine.

Joe Harrison, Jr.: Okay, you probably didn't. Maybe Tony didn't get that attached.

President Jerrel: Do you have the list of the property owners?

Commissioner Mourdock: Yeah.

Joe Harrison, Jr.: Yes, it's attached.

President Jerrel: Oh, okay.

Commissioner Mourdock: I have that, but not the descriptions.

President Jerrel: Okay.

### **EVSC - Lease agreement for West Heights Trade School**

President Jerrel: The next item on the agenda is a lease agreement with the Evansville-Vanderburgh School Corporation. This is a dollar a year lease and this is part of our vocational program. It's West Heights School which is a training center for the apprentice program.

Commissioner Mourdock: I'll move approval of the lease agreement for the vocational program with the Evansville-Vanderburgh County School Corporation as drafted by the County Attorney.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: I didn't draft it, but I have reviewed it.

President Jerrel: Okay.

Joe Harrison, Jr.: It's suitable for my purposes.

### **Any group or individual wishing to address the Commissioners**

President Jerrel: Under Item H, is there anyone here that wishes to speak to the Board now and if you would like to address any issue?

Commissioner Tuley: Mr. David Ellison, from Soil & Water Conservation, is here at my request. I was approached six weeks ago, I don't remember exactly when it was, by former Commissioner Don Hunter about consideration for moving Carrie Parmenter's position from a part-time position to the possibility of a full-time position. The job duties that she performs are not in compliance with the job description that she works under. She does a lot more than what that job title would indicate. I suggested to Don that probably what he ought to submit to us would be some factual data that supports the position that he has taken, the job description as they see what she does since we're not out there. As we know, or at least since I have been on board here and it started with Don Hunter when he was still a Commissioner, the relationship between this Board and Soil & Water Conservation has grown quite a bit. In the past they were still part of our organization, so to speak, but we really weren't involved with them, but with the continued growth that is going on in our county there is a lot more involvement. We use Mike Wathen an awful lot to review and with our new drainage and soil erosion ordinance and everything the office has changed. What I have asked Dave to do was put together the information through Don...or Dave has done it. Dave has put it in here...anyway, this was mailed to my home and I asked him to go ahead and bring it tonight and submit it to the rest of you Commissioners for your review in hopes that maybe you would agree

that the position may be warranted. I understand the Council had pretty much indicated we were not going to have any new hires for the next budget, but it is something, I think, that warrants us taking a closer look at and see if there is a possibility that maybe we might want to rethink that.

President Jerrel: I would like to have the opportunity to talk with Carrie at some point about the additional duties or the change in direction of duties and you understand that the Council decides on the establishment of positions.

David Ellison: I understand that, yes ma'am.

President Jerrel: And they have already done the budget for this year.

David Ellison: I understand that, ma'am.

President Jerrel: Okay.

David Ellison: We just come here...my name is David Ellison. I'm with Soil & Water Conservation District of Vanderburgh County. You know, a couple of years ago we come to you with a challenge with Rule 5 and a soil erosion ordinance. We know you Commissioners are burdened and we're just trying to lighten your load again. Water quality is a big factor in Vanderburgh County right now. As you look at your packet you see the Unified Watershed Assessment. Vanderburgh County is labeled many things and we're labeled again as poor in water quality in the Pigeon Creek Watershed. This lady has worked very diligently with the Pigeon Creek Watershed project and her expertise is just, you know, unspeakable right now. She has done a super job as far as grants and everything else and we would just like for you to give us the opportunity, again, to submit to your challenge and give us the opportunity to go ahead with this project.

Commissioner Mourdock: Just for discussion purposes, and it sounds, Pat, like you said very much to Dave what I had commented to them at their Board meeting...when was that? Earlier this...I guess it was late August.

David Ellison: Last month.

Commissioner Mourdock: Yeah, the latter part of August. It sounds like we said almost exactly the same thing as far as how the thing could possibly be reviewed. The discussion that took place at that Board meeting was specific to some of the state grants. Are you knowledgeable enough to talk about that, Dave, or if not I don't mean to put you on the spot.

David Ellison: No, Carrie could. She could probably speak to that.

Commissioner Mourdock: Okay.

David Ellison: I'm not that knowledgeable, no.

Commissioner Mourdock: Yeah, I simply raised the question at that meeting the issue that had come up several times regarding state grants that the state starts the program and then seems not to want to fund the program and the county somehow ends up picking that up and there was some comments made that evening that said, no, no, that's not going to happen this time through. I'm not knowledgeable enough to say yes it will

or no it won't.

Commissioner Tuley: Yeah, maybe she can address it.

Carrie Parmenter: Like I said, I'm Carrie Parmenter. The grant that the position was originally funded under has been changed into a line item in the state budget and the DNR budget so this is not a one time grant that is reviewed every year. It is part of the state budget and will continue to be in the state budget in the foreseeable future.

President Jerrel: Who is the contact in the DNR concerning the budget matters?

Carrie Parmenter: I would have to get that name for you.

President Jerrel: Could you? Would that be too much trouble, Carrie?

Carrie Parmenter: No, that would be fine.

President Jerrel: To call and let me talk to them because, you know, I think before we could go to Council with anything we would have to have some because we were given the information that this was a shared grant and the job descriptions and all of that part of it are Council driven and I would like to be able to speak to somebody.

Carrie Parmenter: At that, Harry Nikides is the DNR person, Harry Nikides is his name. I can get you the information as far as his phone number and address and that.

President Jerrel: Okay, if you would do that I would appreciate it and I'll follow through on it and get back with you.

Commissioner Tuley: What I would like to see, you know, is get the information, and I told Dave tonight I said, don't anticipate there is going to be a big motion to do anything tonight because this is a lot of information. I realize the Council has the authority for adding the position and everything, but I would hope that the position would be justified and that this Board then at some point here would approach the Council with the recommendation that we would like to see this happen.

President Jerrel: That would have to be--

Commissioner Tuley: If we have enough information, you know, such as you indicated that maybe this is a state line item and no longer a "grant" that is subject to drying up as you indicated.

Commissioner Mourdock: Yeah, the thing that, and I think I made this comment that night at the Board meeting, the thing that was most surprising to me was to learn that the way the position has been utilized of late is different than what the original job description was and as the comments were made that evening it certainly jived with something we've heard from Area Plan here as well about how much of the work now has simply shifted over to subdivision development. Barb Cunningham made that comment a few weeks back that we've had 360 new subdivisions permitted in Vanderburgh County in the last nine years and that's a bunch. Obviously, that's where a lot of the soil erosion control shift is taking place.

Commissioner Tuley: Along that line, too, the more development there is the more problematic the ground gets that we're trying to develop and we're going to see more and more involvement with these people in helping us to determine that we're doing things

that the developers are doing what they need to be doing. I think it's something that should be at least reviewed and looked at and maybe favorably come out with a recommendation to the Council.

President Jerrel: If you could call me tomorrow or call Tony tomorrow down here. I'm going to be in Indianapolis Thursday and Friday. I'll just use this time to make this--

Commissioner Tuley: See who you've got to see.

President Jerrel: Yeah.

Carrie Parmenter: Thank you very much.

President Jerrel: You're welcome.

David Ellison: Thank you very much for your time and I just want to say in closing that Mr. Mourdock is a member of our Board and we're proud to have him and if anybody else would like to join our Board we would be more than happy to have you. Mr. Harrison or any of you, okay?

President Jerrel: Is there anyone else that would like to speak at this time?

Commissioner Mourdock: Bob, Bob Bell?

Commissioner Tuley: Probably when we get John up here is probably when they'll probably want to speak I assume.

**John Stoll - County Engineer**

President Jerrel: Okay, the next item then is the County Engineer.

John Stoll: First I've got a street acceptance request for Keystone Subdivision, Section 5A. This is for 1427 linear feet of Flagstone Drive, 508 linear feet of Grinell Drive, 294 feet of Flemming Drive, 529 feet of Brayden Drive and 143 feet of Pebble Place Drive. It is recommended these streets all be accepted for maintenance.

Commissioner Mourdock: I'll move approval of the acceptance by Vanderburgh County for the Keystone 5A Subdivision, the streets as just listed by the County Engineer.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

John Stoll: The next item I've got is a street plan approval request for Waterford Plaza Subdivision. This is off of Burkhardt Road between Vogel and Oak Grove. This will involve the construction of Florida Street which would tie directly into Burkhardt Road and that road would extend west to Kimber Lane which will in turn run south to Vogel. This also involves construction of a small segment of Kimber Lane south off of Oak Grove Road. One item I would like to point out on this is the intersection of Burkhardt and Florida has a channelizing island to prohibit left turns out of the site and that was put there in order to prevent the need for a signal. We have gone ahead and made some modifications to provide the left turn lane from Burkhardt to Florida, but that left turn from Florida to Burkhardt will not be allowed. It's recommended these street plans be

approved.

Commissioner Mourdock: I'll move approval of the street plans of Waterford Plaza as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is a street plan approval request for the Boehne Camp Road improvements associated with the Eagle Plaza Subdivision. The line there in yellow shows the limits of the county's involvement in this project. Basically, only the southernmost 200 feet are county and the rest of it is all within state right-of-way so it's a very small amount that involves the county. Everything else is all right-of-way the state acquired years and years ago, I guess, when they four laned 62 out in that area. The plans, even if the whole road was ours, I would still recommend that we approve the plans in their entirety because everything if it was our road it looks fine. I did look at that state portion of it as well as the county portion of it and it all looks real good and I would recommend these plans be approved.

Commissioner Mourdock: I'll move approval of the Boehne Camp Road improvements as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next set of street plans that I've got is for MJM Industrial Park. This is an industrial park that is located on Old Boonville Highway just west of Burkhardt Road. This will be an asphalt street with curb and gutter and we've reviewed these plans and recommend that they be approved as well.

Commissioner Mourdock: I'll approve...or move approval of the street plan for MJM Industrial Park.

Commissioner Tuley: Second.

President Jerrel: So ordered. Do you just need the one signature or can they sign underneath me?

John Stoll: Next, I've got a change order on the Lynch Road project. This results in a decrease of \$238,167.30.

President Jerrel: Good.

Commissioner Mourdock: Say that again, please! A decrease of \$231,000?

John Stoll: It's \$238,167.30. The primary reason for the decrease is because the soil was still compacted well enough that we didn't have to do a lot of excavation and recompacting the subgrade out there, so that item alone, the excavation for subgrade treatment, was a deduction of \$141,248 and then there were some other underruns in items like sodding and, let's see, riprap we had a \$5,000 underrun. Just various underruns, but the net result was the \$238,000.

Commissioner Mourdock: I'll move approval of the deduct in the change order for the Lynch Road project in the amount of \$238,000 plus.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is a change order on Burkhardt, phase one. This is an increase of \$19,753 but this change order doesn't reflect several other changes that have been made in the project that actually reduced the cost of the project. Some of the items we've deleted we've got an overall decrease even though it is not reflected in the change order of \$109,756, so even though this does increase it the overall effect is the project is still under.

Commissioner Mourdock: Very good. I'll move approval of the Burkhardt, phase one, change order in the amount of \$19,000.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Last week on the Fulton Avenue bridge, Richard, you had asked for a schedule. I don't have an exact schedule as of yet. I've been talking with some people with INDOT in trying to find out how much time they would estimate the project would take and in speaking with one person who had not seen the plans in great detail he thought it might be 125 work day project which sounded a little low to me relative to the fact that the Ohio Street Bridge took 140 work days and this will be a four lane bridge with a substantially longer approach on the south side, so I am going to guess it will probably be more in the neighborhood of 150 to 200, but that is somewhat up in the air right now. In looking at other comparable projects Franklin Street which was all steel work...not all steel work, primarily steel work, that had 220 work days. The Lynch Road Bridge contract took 295 work days. Tekoppel Bridge, down in Union Township, took 360 work days, so that's why it just sounded like maybe Fulton would take more than 125.

Commissioner Mourdock: Is there any way, John, that we can even though it is their project in the sense of the way they bid it that we can get away from this problem of their work day schedule versus ours? The Lynch Road situation, you know what I am going to say, we just sat here and waited and waited and waited because they had enough days so they weren't out there working.

John Stoll: And they're going to run it to the end of the days.

Commissioner Mourdock: Right.

John Stoll: In talking to this one person at INDOT he said that's one of the reasons why he was saying 125 to try to squeeze the schedule down.

Commissioner Mourdock: Uh-huh.

John Stoll: He said, but it gets to the point where the contractors will in turn say, hey, this can't be done without me figuring damages into my bid so he recognizes the fact that he doesn't want to put an unlimited number of days in there, but likewise this is right next

to the school. We only wanted to impact it over the course of one school year if possible, so within reason he wants to squeeze it down as much as possible and he is directly involved in setting the work days, so that is something that is going to take further refinement, I think, but I don't know if it can be done in 125 because Ohio Street for example, it was originally set to have 110 work days and it had 30 days of liquidated damages. So they didn't finish that one on time and they did put a tight time frame on it.

President Jerrel: What about 180 days? If you would get these bids...if they get on the ball, you know, and we get all this moving by February they would be through by the--

Commissioner Tuley: Work days, though.

John Stoll: It's work days. That's the problem with that.

Commissioner Mourdock: Maybe I'm hearing you differently. You're saying don't count work days just say 180 days period.

President Jerrel: Yes, yes.

John Stoll: Just put a fixed date completion on it? That's a possibility as well. I know all the federal aid jobs that I've seen since I've been with the county have all been work days, but there are provisions in their specifications that have fixed completion dates. All of our county jobs are fixed completion dates.

Commissioner Mourdock: Well, I like that suggestion because if that means they have to work some Saturdays or whatever they are more inclined to go out and do that as opposed to simply when they are scheduled based on "work days".

Commissioner Tuley: You have to analyze the cost of that versus the cost of it not being done and see which one is in our best interest.

Commissioner Mourdock: Yeah, and our point of view is, again, the Lynch Road example where the road was 99 percent completed and could have been done four months ahead of when it was ultimately finished and we didn't have any real hammer to get it done in a better time. I mean, that's crazy.

Joe Harrison, Jr.: Or it may be just as beneficial to limit the number of work days to an amount--

Commissioner Tuley: Will this not be our contract though this time?

Joe Harrison, Jr.: Right. No, it's the state.

Commissioner Tuley: Still state?

Joe Harrison, Jr.: But if they're willing to go a lower number of work days that might be the best you can do.

John Stoll: That's what INDOT may have been estimating by trying to squeeze it down to the 125 just knowing, like I said, on the Ohio Street experience that they didn't get that one done in 110 and this one will cost twice as much. I didn't think that getting it done in 125 would be--

Commissioner Tuley: Realistic.

John Stoll: Plus the fact that the person I was talking to he was not...he had not seen the plans. I mean, he was familiar with the project, but he wasn't familiar enough to get in great detail.

President Jerrel: Well, stay on it so that we get a reasonable time so we're not faced with that.

John Stoll: The work days in reading INDOT's specs would only provide for about 140 estimated work days per year, so if we're out for bid in say February or March then the project won't get started until, I'm going to say, the start of April or the start of May by the time everything gets moving and on a work day basis that would definitely extend into probably June of 2000.

President Jerrel: Could you not...see, that all just sounds like it's too much. Every little step of this gets another 30 to 45 days added to it. Like you need to have the plans...I talked to Curt Wiley last Thursday. He said all we need to do is get those...well, the plans have been approved.

John Stoll: Right.

President Jerrel: They need to be, to use your word, tweaked a little bit to get them--

John Stoll: They've got to be updated to meet current INDOT specs.

President Jerrel: Okay, so that is six weeks max, that ought to happen?

John Stoll: Right.

President Jerrel: So this is six weeks from today is...we're into the second week of November or first week of November.

John Stoll: If the plans are revised by then, then the earliest bid letting date we could get on would be March 23rd of '99.

President Jerrel: How come?

John Stoll: INDOT has got a four month lead time on scheduling all theirs. I can make you a copy of this.

President Jerrel: Well, see that's the kind of stuff that they need to...they're not...I mean, it's our money. It's our bridge. If they are going to have to do that can't they get us on an earlier bid letting?

John Stoll: Not without having the plans revised sooner.

President Jerrel: Well, then--

John Stoll: That's going to hinge on what the consultant gets turned around here.

Commissioner Tuley: Who is the consultant?

John Stoll: Veach Nicholson Associates. I've talked with them briefly today about getting the plans revised, but he said he wasn't familiar with what all bridge standards had changed since we submitted the plans back in, I believe it was the spring of '96, so he would have to review what changes have been made to the specs before he could give a realistic estimate of time frames on making the revisions so that is why I figured that probably the November 13th deadline--

President Jerrel: Who is in charge of bid letting?

John Stoll: Pardon?

President Jerrel: Who is in charge of bid letting?

John Stoll: This memo came from Bruno Canzian.

President Jerrel: Let me have that, will you? Let me write his name down. I'm going to just be wandering from office to office. I'm going to be up there. That's what I am saying. I'm just going to do the...Bruno.

Commissioner Mourdock: He doesn't stand a chance, Bettye Lou.

President Jerrel: I'm going to get him. He'll be like that guy with the railroad permits that I got up there. Okay.

Bill Jeffers: That's a twin bridge to the First Avenue Bridge that was completed in 88 days and the estimated inflation on that because they were working 16 and 24 hour shifts was about half a million dollars inflation of what it would have taken if they would of had 180 days to build it.

Commissioner Tuley: That's what I was saying a few minutes ago.

John Stoll: Based on that 125 may not be too far off then.

Commissioner Mourdock: Well, I tell you what, if they would have bid it two shifts do it right at the beginning, would it cost a little bit more? Yes. Would we have it done a whole lot faster and have more utility? Absolutely. If there is a fixed hard date out there we don't get caught in the trap that we get caught in so many times where we're working at...we become the subject of some other contractor's schedule.

Bill Jeffers: (Inaudible) business association to get on the state like they got on you for the First Avenue Bridge.

President Jerrel: Well, what is wrong with shooting for October 30th?

Commissioner Mourdock: As long as the plans are updated it works.

President Jerrel: I'm going to put that down, October 30th.

John Stoll: (Inaudible.)

President Jerrel: That's what I mean.

John Stoll: So you're saying a February letting?

President Jerrel: Yes.

John Stoll: So we have to have the plans revised by October 16.

President Jerrel: Just get him on the ball.

John Stoll: If we can get a fixed date that would be my preference as well because when the public calls and you tell them there is 25 work days left--

Commissioner Mourdock: It doesn't mean a thing. It doesn't take away your prerogative if there truly are weather days you can always extend it.

John Stoll: Right.

Commissioner Mourdock: But at least that way you don't get caught by some guy who as a contractor just has it more convenient to have his people working on some other project because we got time to waste out here. I mean, that's ridiculous.

Commissioner Tuley: So right now it sounds like the revision is the hangup more than anything else?

President Jerrel: Uh-huh.

Commissioner Tuley: With the state taking a four month lead time.

President Jerrel: Yeah.

Commissioner Tuley: How much are we...we still need money--

President Jerrel: You weren't here, we don't get anything.

Commissioner Tuley: No, I read it. I mean, the contractor, the design, Veach Nicholson, are they 90 percent paid or 85, does anybody know?

John Stoll: There is \$17,000 that has not been paid in that agreement yet.

Commissioner Tuley: Out of how much?

Commissioner Mourdock: What is the percentage roughly?

John Stoll: I think the original agreement...I don't remember exactly, but it seems like it was around \$110,000.

Commissioner Tuley: That's--

Commissioner Mourdock: (Inaudible.)

John Stoll: There are a couple of supplementals, too.

Commissioner Tuley: That was before I got on here when that was awarded.

President Jerrel: Yeah, tell them we've got the \$17,000 waiting.

John Stoll: It's been sitting around for--

Commissioner Tuley: John, correct me, that was awarded before I got here, right?

John Stoll: Long before you and I were around here.

President Jerrel: Okay, well, we're going to do it. We're going to build a bridge.

Commissioner Mourdock: We may burn a few while we build it!

President Jerrel: Well, that's alright. Okay, any other?

John Stoll: That's all I've got.

President Jerrel: Well...go ahead.

Commissioner Tuley: Yeah. I was going to say we've got three guys back there. I haven't been here, as you guys know, with the holiday in there and I missed last week because of a conference and what have you, so I'm not here to ask John in this meeting, but every time I get a call from Mr. Bell John gets a call from me. Mr. Bell calls me pretty regular, about once a week, because he has got guys calling him because he has kind of been the spokesperson for the group out there. The concern, and I don't want to put words in Mr. Bell's mouth, but the concern I got today from him is that we are getting late into the season and if something doesn't start happening we're going to miss out this whole winter, we're going to through next spring and do this next summer after possibly somebody gets flooded out again. Just basically wanted to know where we are at. Rather than have him call each of us and John and Joe and everybody else I suggested maybe he just come in here and let us figure out where we are at and talk about what we are doing.

Commissioner Mourdock: The question we left off with last time, and excuse me that may not...the last unresolved question before a significant discussion at this Board was about the property rights of one particular owner through there, did in fact the county have any legal right on that easement on...yeah, two of them from Anthony south.

John Stoll: Yeah, south.

Commissioner Mourdock: The answer to that you since established is?

John Stoll: No.

Commissioner Mourdock: No.

John Stoll: There is no right-of-way. We had a guy in my office, Tom Goodman, research it and Joe's research in his office backed that up that we could find no document of right-of-way on those two properties. Since that time...well, I guess it was the same meeting it was last discussed the Sumners who own one of those properties where we needed to increase the pipe size, he had told me that he was not interested in giving the county the temporary right-of-way to go in there and put the larger pipe in which left us with, I guess, three options. Condemn that and buy right-of-way from those people, do nothing or do the project and stay off those three...off those two properties.

Commissioner Mourdock: Okay, which let me ask the question, since we've heard that from one of the people out there, the name was Sumner, have any of the three of you

or all of you heard anything to the contrary? Have you spoken with any of your neighbors out there? Have they given you any indication that they would be more inclined to want to work along some way? You know the game, Bob, state your name, please.

Robert Bell: My name is Robert Bell, Anthony Drive area. Since the time this came up the neighbors have not got together and discussed his feelings one way or the other on what he had talked to you folks about or to John about as far as his property rights. Now are we talking the second piece of property?

Commissioner Mourdock: Is that McDonald?

Commissioner Tuley: No.

President Jerrel: It would be going toward--

John Stoll: The first two south of Anthony. We only really need to do something on one of the two though.

Robert Bell: The second piece of property is already ditched, I think, if we're talking about the same piece of property. So basically that is not a real problem there. Mr. Sumner's property is the gentleman that put in the new aggregate drive and piping in a ditch that existed here just within the last two or three years.

Commissioner Mourdock: So coming back to the options then that John was laying out, you're saying one option is...and I'm not sure this is in the same order, but one of those options was to try to condemn for a permanent or temporary easement along one of those properties?

John Stoll: Correct.

Commissioner Mourdock: Is that an option this Board wishes to consider becomes the next question.

John Stoll: When I first talked to Joe about it I told him in the five and a half years I've been I haven't seen condemnation except for major projects like Green River and Lynch and things like that.

Commissioner Mourdock: Williamsburg.

John Stoll: So I didn't have any past experience in condemnation on small drainage projects like this.

Commissioner Mourdock: Can a condemnation be done, Joe, for a temporary easement as well as a permanent?

John Stoll: Yeah, we did that on Green River.

Commissioner Tuley: What's that going to do for us if we choose that? I mean, what would it do for us?

Joe Harrison, Jr.: Well, it just permits you to get on the property. Again, you've got to pay for that temporary right-of-way just like any other just if it was permanent. We did

it with Marathon. We've done it with Burkhardt.

Commissioner Mourdock: Most likely those probably took a year to 18 months of litigation?

Joe Harrison, Jr.: Yes.

President Jerrel: I think we ought to go ahead with the project and see how this works given what we know and then if for some reason it's necessary then we could proceed with the other option, but I think we should just go ahead and proceed with it.

Commissioner Mourdock: And I don't disagree with that I just want to clarify though if, in fact, we go on with this project from today forward without those several properties or without doing any kind of condemnation so that we affect those properties what are we gaining? I mean, are we good for a 50 year storm, a 25 year storm, a ten year storm?

John Stoll: I believe it's a ten year storm.

Robert Bell: I would like to ask just for my own benefit the difference in what was proposed along there pipe size wise compared to what he has already? Are we looking at a two inch difference in pipe?

John Stoll: I can't remember if it was a 12 to a 18 or 12 to a 15.

Commissioner Tuley: I don't remember. I remember it didn't seem like it was 12 to 18. It wasn't that to me.

President Jerrel: It wasn't that big.

Commissioner Tuley: I don't think it was, maybe more like 12 to 15.

Robert Bell: Then also if I am understanding the project properly if you folks choose to go ahead with the project as it is using his piping then probably the worse scenario we as neighbors would be looking at would be the water that didn't go through his pipe to come in front in the ditches and drainage that we've already got in front of our home.

Commissioner Mourdock: That's my understanding, too, Bob, and that's what I want to clarify. Is that right, Joe or John?

John Stoll: Not necessarily. I mean, there is no drainage to speak of along Anthony Drive. It's a bunch of piped ditches or no ditches. It's going...what water would go down Anthony Drive would probably go down Anthony Drive and that would continue to run down the pavement, but in the event you get the excessive rainfalls there is no guarantee that it won't end up going back down through that along where the wall is.

Commissioner Mourdock: So the best you're going to get is capacity up to the point where that pipe narrows and once that happens water is going to back up and go the same old place?

John Stoll: We're going to try to put enough berm down where the wall is to prevent that from happening.

Commissioner Mourdock: Meaning to keep the water on Ward Road?

John Stoll: On the Ward Road side and hopefully divert it down like Mr. Bell has said, down Anthony Drive, but with excessive rain events that may not work.

Robert Bell: I think from the biggest...I don't know how to say this. The input from the neighbors that would be affected by the change be it better in the front yard than through the houses. You know, that's the way we look at it. With it coming behind us as it is in comparison to what might be an (inaudible) or whatever you want to call it, an excess of water flow in front of us, the biggest problem we've still got is down at the end of Anthony Drive on those people. The ones of us that are here presently this evening and the rest of them couldn't come, it would be a big help to us. Like he is saying, if it chooses to go down Anthony Drive, then we've still got a problem at the bottom of Anthony Drive which isn't fair to those folks, too.

Commissioner Tuley: But you have a problem there now.

Robert Bell: We have a big problem there now.

Commissioner Tuley: So if it doesn't end up in your house--

Robert Bell: If it was in half we would be in better shape than we are now.

President Jerrel: Are we sure all the neighbors know? I think we need to let the neighbors know--

John Stoll: That was one of the things--

President Jerrel: --the plans as they exist and you know do some dialogue, send out registered letters with copies of what the proposal is and get that out there.

John Stoll: That's one of the things Joe had suggested was that we send it to the affected properties.

President Jerrel: Yeah.

John Stoll: Some of those down along the east side of Ward have ditches, some of them don't, but we can notify everybody.

Joe Harrison, Jr.: If I could just make a suggestion, would be to pick a date in the next two or three weeks to send out a letter to notify everyone and say the Board is going to consider this plan and there will be a hearing to consider that particular plan on maybe the 12th or 19th of October so that will give you enough time to get the letter out and give them at least 14 days to have something published in the paper if they didn't open their mail or look at it, so at least there is notice and let the Commissioners make their decision on that date. It would be nice if Mr. Bell and others could show up in case there are those who may not be interested in the project.

Robert Bell: At the time that we first started coming to you folks with the problem which has been three plus years, I did personally...I didn't, my wife did. I couldn't do it, she did it on her computer. We put together a letter, a note, as to our intentions and put one in everybody's mailbox. The people that aren't directly affected they could care less. I feel like this would probably be the same response, but I would be the first to agree with the fact that the whole neighborhood needs to know what is going on and what is happening. I just want it to be known that we're not trying to do anything that we hadn't

already tried to address in the first place and that was to get the whole neighborhood. They don't understand how much they are be affected with erosion and problems. Their house hasn't fell in, their driveways haven't fell out from under them, you know. So they're not concerned yet.

President Jerrel: But this way they'll know that if they don't have a ditch they're going to have one.

John Stoll: By whole neighborhood what do we mean?

Commissioner Tuley: Yeah.

John Stoll: Because I was just figuring we would send to everybody along the east side of Ward.

President Jerrel: The east side of Ward and Anthony.

John Stoll: Down Anthony, too?

Commissioner Tuley: Because it may come down that way.

John Stoll: Well, we're not doing anything down there is why I hadn't initially thought about sending to anybody down Anthony.

Commissioner Mourdock: I mean, we're not making their bad situation any worse, hopefully we're making it better. Is that your logic?

John Stoll: No, that we weren't doing anything on their property.

Commissioner Mourdock: Oh, I see.

John Stoll: Along their property. We can send it, it's just--

Joe Harrison, Jr.: I think it might be sufficient to do what you suggested, but we're still going to have a notice in the paper that is notice to everybody which to me is a safeguard.

Commissioner Mourdock: And is there any reason to notify the people on the west side of Ward?

John Stoll: The plans we have do not do anything over there. The only reason I was questioning who to send it to was because running all those blueprints and everything if there was no need then I didn't want to do it.

President Jerrel: Well, you can send to Bob, the McDonalds and all the way down to the end of Ward Road where it stops.

John Stoll: Sure.

President Jerrel: Aren't you going all the way down?

John Stoll: Right--

Commissioner Tuley: So you're saying the east side of--

President Jerrel: The east side?

John Stoll: Everything down the east side of Ward.

Commissioner Tuley: Starting at what point north?

John Stoll: Pardon?

Commissioner Tuley: Starting at Anthony or starting north of Anthony? You've got to go north of Anthony?

John Stoll: North of Anthony.

Commissioner Tuley: Was that Pine...what is that at the top of the hill?

Commissioner Mourdock: Knob Hill.

John Stoll: Knob Hill.

Commissioner Tuley: Yeah, Knob Hill. How could I ever forget Knob Hill?

President Jerrel: But they're not directly affected.

Commissioner Mourdock: No.

John Stoll: No, everything south of Knob Hill Drive is--

Commissioner Mourdock: Refresh my memory, what was it, \$55,000 is what you looked at?

John Stoll: Seventy-five, I believe.

Commissioner Tuley: Seventy-five, wasn't it?

Commissioner Mourdock: Okay, and that included the work on that property that now we're not going to be working on?

President Jerrel: No.

John Stoll: Yes, I believe it did.

President Jerrel: Did it?

Commissioner Mourdock: I think it did, \$75,000 was the whole thing, but now we're saying we're not going beyond that one property.

Commissioner Tuley: It will be a little less, it won't be that much.

John Stoll: So it will be 100 and something feet maybe of pipe that we would be deleting.

Commissioner Mourdock: Well, I'll move that the County Engineer prepare such a letter

working with the County Attorney, send it out and we schedule a...we run an advertisement notifying the public of the planned project.

Joe Harrison, Jr.: And what date would you want to do that? For the 12th or 19th, I would say, of October, one of those dates.

Commissioner Mourdock: I'll add to the motion the date of October 12th.

Joe Harrison, Jr.: Okay.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Robert Bell: Thank you folks for your time.

President Jerrel: Okay.

### **County Garage**

President Jerrel: Okay, Erik was here and you do have the proposed future projects at the Garage. What is your pleasure?

Commissioner Mourdock: I'll move that we add the County Highway progress report for September 11th through September 17th to the record and also the weekly schedule for September 21st through the 25th.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: And I'm going to keep this schedule for the 21st through the 25th right in my truck.

President Jerrel: Yeah, that's good.

Commissioner Mourdock: So when I'm out and about I'll see where we are.

Commissioner Tuley: I like that.

President Jerrel: Uh-huh, I do, too. That's a good idea.

### **Joe Harrison, Jr. - County Attorney**

President Jerrel: Okay, Superintendent...no, County Attorney.

Joe Harrison, Jr.: I only have one matter, that is the SIGECOM request for a county cable tv franchise to be considered by this Board for cable tv lines to be installed and serviced for that part of Vanderburgh County outside the City of Evansville and outside the Town of Darmstadt. I have drafted a proposed ordinance and have communicated with SIGECOM. There are a couple of minor changes that are going to be made to that. I think you have a copy or I mailed you all a copy of the draft originally a couple of

weeks ago. SIGECOM would like to appear before this Board next Monday for a first reading and then there would be a final reading on October 12th. I would ask for...should you all be willing to do that, I would ask for permission to advertise the fact that there will be a public hearing with respect to the proposed ordinance for SIGECOM for granting a cable tv franchise to them.

Commissioner Mourdock: Just a question, are the terms there essentially similar to those that the other cable tv vendor has?

Joe Harrison, Jr.: This is quite...similar, but this ordinance is much more extensive than what our current cable tv provider has. I believe this is...since the current ordinance that we have with TCI, I think, runs until 2005, I don't know, I don't have it in front of me, I think it was a 15 year term that originally started in '86. I don't have it in front of me, but this is much more extensive and similar to what the city is doing and I think we need to have parallel type ordinances and when TCI's, or whatever they are called now, when their ordinance is up they're going to have to consider...this body is going to have to consider a similar ordinance with them and maybe...I'll just stop at that.

Commissioner Mourdock: So since we're actually having the formal first reading next week...?

Joe Harrison, Jr.: Yes, it would be next week.

Commissioner Mourdock: What do we need to do with it this week?

Joe Harrison, Jr.: The only thing that I would suggest is to set a final hearing date, a final reading, for the proposed ordinance for October 12th and permit publication of a legal ad for that purpose, but the first reading would be next week.

Commissioner Mourdock: So moved.

President Jerrel: Okay, there is a motion, is there a second?

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: That's all I have, thanks.

President Jerrel: Let me just say something. Do you take the Wall Street Journal?

Commissioner Mourdock: I see it occasionally.

President Jerrel: Okay, well I've got...there is an insert on this whole issue all over the United States, so I am going to save it and bring it in. It will be interesting for you to read. Okay, anything else?

Joe Harrison, Jr.: That's all I have, thanks.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Okay, Tony.

Tony Greubel: I've got two issues. Late this afternoon Sam Elder, Director in the Health Department, requested that we declare surplus a 1992 Ford Taurus Sedan and then we can sell that at the county auction on October 8th. If there is a motion to declare that vehicle surplus.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: The second issue, I talked with Kris Hoalt in the City Administration Office. I talked to her about 4:30 this afternoon, too. They're going to have the kickoff of the city employees of the United Way kickoff campaign next week. It will be Tuesday, September 29 at 1:30 p.m. in Room 301. She said that if we would like to have the county coordinators also attend that, that would be fine. Are you going to be in town, Ms. Jerrel?

President Jerrel: Yes. That would be a good idea. Did they say they had someone to come?

Tony Greubel: Yeah, it will be sort of a pep rally.

President Jerrel: Okay. What?

Commissioner Mourdock: Nothing, I was just talking about whack some weeds as we did one year.

Commissioner Tuley: Reminds me of my weed cutting days.

President Jerrel: No, I'm not doing any...I'm just going after money. We're not going after anything else.

Tony Greubel: Their campaign is going to be held from October 14th to October 23rd. I don't know if we want to do ours the same--

President Jerrel: October...?

Tony Greubel: Fourteenth through 23rd.

President Jerrel: That's about what you and I spoke with Cathy about.

Tony Greubel: So if we would like to do a parallel that is some dates to keep in mind.

President Jerrel: Okay, that sounds like a good idea.

Tony Greubel: That's all I have.

**Steve Craig - Burdette Park**

President Jerrel: Steve, Burdette.

Steve Craig: I don't have a lot. Presently we are evaluating the summer and putting

together company packages for companies that we deal with and have picnics with and something, I guess, that reiterates one of the needs for that new building is that we're pretty well booked for next summer on all of our Saturdays and weekends for companies and we still have several of them calling us up wanting buildings and larger buildings to have their company picnics, but we don't have them. That's something that Jamie and I went through today and the other thing is I'm looking forward to starting on the pool and getting it done this fall.

Commissioner Tuley: Do you have any major remodeling scheduled over the winter?

Steve Craig: No, other than I'm going to the Council on the 30th to get the money to build a new chemical shed and surge and we're going to redo the tennis court surface or mostly patch it, you know, patch it and have it repainted, but we don't have any major remodeling.

Commissioner Tuley: Everything is in fairly good shape then through the summer?

Steve Craig: Yeah, the only problems that we did have that I know of is that the bumper boats are in dire need of repair. They've been used to death.

Commissioner Tuley: Bumped quite a bit!

Steve Craig: Yes, there is a line from the time we open until we close on them, but they are about worn out, so we are doing an evaluation and getting some prices on motors and that which we'll probably have to address one way or another. Two weeks before we closed one of the filter pumps went out and the day that we closed the other one went out.

President Jerrel: That's cutting it close!

Steve Craig: They had it pretty well...we figured the one was put in two weeks before the other one, but other than that, that's all I have.

President Jerrel: Alright. You have the report, do you want to accept it?

Commissioner Mourdock: Yeah, I'll move that we accept the report from Burdette Park.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: Thank you.

President Jerrel: Thank you.

<p style="text-align: center;"><b>Weekly reports</b> <b>Soil &amp; Water Conservation District/Ozone Officer</b></p>
--

President Jerrel: Also in your packet you'll find the Soil & Water report and the Ozone Enforcement Office report.

Commissioner Tuley: Move acceptance.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

### Consent items

President Jerrel: Consent items.

Commissioner Mourdock: I'll move approval of the consent items as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Old business

President Jerrel: Is there any old business?

Commissioner Tuley: I'm sorry, no.

### New business

President Jerrel: New business?

Commissioner Mourdock: One very brief new business request. Perhaps I should have asked Bill Cottun when he was here, but one thing that we might want to consider is where we are Y2K wise with some legal language from our vendors. Every now and then we have a vendor coming in, even for instance some of these highway jobs we're talking about tonight on a bridge, through the construction industry something we're seeing a lot of lately is just some warnings on including some language for Y2K indemnification and it is something that we might need to have as a reciprocal agreement both in contracts we issue and in what we're expecting back from our vendors, so, Joe, maybe you can take a look at that and talk to SCT or whoever is appropriate and see what we can get on that. Quite honestly, if I were the contractor working for the county I would be a lot more worried than from our side looking towards them, but nonetheless it's an issue that we really need to be looking at.

Suzanne Crouch: I believe, Data Board tomorrow, that he has some suggested language.

President Jerrel: Yes, Wednesday.

Suzanne Crouch: Bill Cottun does. Or is it Wednesday, yes, from some vendors.

Commissioner Mourdock: For some legal language?

President Jerrel: Yes, it is.

Suzanne Crouch: Yes, absolutely.

President Jerrel: It's on my desk.

Suzanne Crouch: So that issue is going to be addressed Wednesday morning so maybe that information can be passed on to Joe.

Commissioner Mourdock: Very good.

Joe Harrison, Jr.: Thanks.

President Jerrel: Yeah, I've got it on my desk. I have one item under new business. This is a petition and I am going to give it to you, John. It's the residents of Knight Township, Vanderburgh County, that are petitioning us to remove...the removal of a barricade located on Ridgeway Avenue approximately 100 feet west of its intersection with Audubon Drive. All of them have signed it. I'd like to have you look at it and give us your opinion so that--

John Stoll: This is something that when the county started paving Ridgeway last week I got a phone call from--

President Jerrel: Larry Norvell?

John Stoll: Yes. He had said...he asked questions about why that road didn't go through because there is like a 25 or 50 foot segment that is out there that has got guardrail on both sides of it that prevents the road from connecting up. I told him last time that was proposed was around '93. I don't know if you remember that, Pat, but there were three different locations we were looking at connecting up roads like that and we received some opposition to doing it so we just dropped it. I hadn't heard anybody request it since, so Mr. Norvell called and I told him the reason the project was dropped five years ago was opposition and if he could show some support that maybe the Commissioners could take an action to connect the roads and to me it makes good sense from an accessibility standpoint.

President Jerrel: Well, do you want to take a look at this? I think that is everybody that lives out there.

Tony Greubel: Mr. Norvell said there was about two households that refused to sign. Every other household was for it.

President Jerrel: Okay, well we might want to...I don't know what the process is, but maybe next week you could give us your ideas on how we could proceed.

John Stoll: I told Mr. Norvell that probably the most appropriate thing to do would be to have it done through a contract and that would mean that it would probably have to be done next year, but I'll take a look at it and come back with some recommendations.

President Jerrel: Alright, any other business?

Commissioner Mourdock: I will move adjournment.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:55 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Lynn Ellis  
Bill Cottun  
Mary Hart  
David Ellison  
Carrie Parmenter  
John Stoll  
Bill Jeffers  
Robert Bell  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
September 28, 1998**

The Vanderburgh County Board of Commissioners met in session this 28th day of September, 1998 at 5:38 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I would like to call the Vanderburgh County Commissioners' meeting to order. The first item, I would like to introduce the people in the front of the room. On my right is Tony Greubel, the Administrative Assistant; next to him is Joe Harrison, Jr., our County Attorney; Commissioner Pat Tuley; the far left, Charlene Timmons, our Recording Secretary; Suzanne Crouch, County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. I would like for you to join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: If I may have a motion regarding the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the Board of Commission meeting minutes from September 21, 1998.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Certification of Executive Session**

President Jerrel: Next, the certification of the Executive Session. We did meet from 4:30 until 5:30. Commissioner Mourdock was not here until the last minute or two, but Commissioner Tuley and I did meet and we discussed classified records. I would like to move acceptance if I could have a motion.

Commissioner Tuley: So moved.

President Jerrel: I'll say second and so ordered.

**Suzanne M. Crouch - New information regarding COIT**

President Jerrel: The next item on the agenda does not appear on the agenda as such, but I received some information and the County Auditor has prepared it for us. Would you want to make a report about the issue?

Suzanne Crouch: Certainly. We did receive a note or a letter from the state budget agency today regarding the additional COIT money that would be available to Vanderburgh County and to the other 84 counties in the state of Indiana that receive income.

President Jerrel: How did this come about?

Suzanne Crouch: The Indiana Department of Revenue purchased a new computer system and the computer system software had an error in it whereby for the income projections it would not factor in any returns where there was a question, where there was a problem or that were under audit, so the only returns that it would figure in and look at in terms of total income available for distribution to COIT and CAGIT counties was only those returns that were closed. As a result most of the counties received notification today that they would be receiving additional monies. We went ahead and plugged in the figures in our formula and it appears that Vanderburgh County will receive next year in 1999 an additional \$1.3 million in COIT money. That will raise our number from what was projected to be \$22.482 million to \$23.805 million and the biggest benefactor of that, of course, will be the county unit, the General Fund, and we should receipt in an additional \$600,000 in COIT money next year. Because this information did not become available to us until after budget that is additional monies that would be available in the unappropriated balance for General Fund and has not as of yet been earmarked for anything. We just wanted to make you all aware of that and it's good news. It's not often we receive good news--

President Jerrel: That's right.

Suzanne Crouch: --regarding income and regarding monies, but we wanted to share that with you today.

President Jerrel: I think we ought to give credit to the guy that caught it. I was in Indianapolis Thursday and there was a big story in the Star.

Suzanne Crouch: Uh-huh. Hamilton County has a financial advisor who does advise their schools and their county units and he did actually notice that the projections weren't what they thought they would be and alerted the state and then that led to the discovery of the error. So good news for all of us.

Commissioner Tuley: While we're giving kudos, give kudos to the guy who didn't send that information down here until after the budget hearings were over!

Commissioner Mourdock: Good point.

President Jerrel: Correct. Well, thank you very much.

Commissioner Mourdock: Wait a minute, Joe had a question.

Joe Harrison, Jr.: Can I ask you one thing?

Suzanne Crouch: Yes.

Joe Harrison, Jr.: For how many years was that?

Suzanne Crouch: It's just for '99, however--

Joe Harrison, Jr.: NO, for how many years were they holding the money?

Suzanne Crouch: It's just for next year's projections only, but because the COIT also is based on three years it will also mean that we should have additional monies available in 2000 and 2001.

Joe Harrison, Jr.: Okay.

Suzanne Crouch: But we have not plugged those numbers in so we should get the right numbers by those budget years.

President Jerrel: Very good.

**Open bids - Nisbet Station Road ditch project**

President Jerrel: Okay, the first item on the agenda is the opening of bids for the Nisbet Station Road ditch project. Is there a motion so you can go ahead and do that while we go on?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. We'll come back to that.

**Purchasing - Approve bidding of annual contracts**

President Jerrel: Under Purchasing, there are a number of items listed, but I did receive a call from Becky Dixon, the new City Controller, and we can approve the bidding and advertising, but she would like to--

Tony Greubel: Actually, Commissioner Jerrel, Becky came in while you were in Executive Session and she just asked you to just postpone the whole thing.

President Jerrel: Okay, so if we could have a motion to postpone. They're getting a new person in and they're not prepared to do those bids.

Commissioner Mourdock: Okay, I'll move then postponing the bids provided in the packets tonight, the seven items.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**First reading  
Ordinance concerning franchise agreement with SIGECOM**

President Jerrel: The next item on the agenda is the first reading for the SIGECOM ordinance. You have that in your packet. Are there any questions? Is this similar to the city's?

Joe Harrison, Jr.: Yes, this is similar to the city's proposed ordinance which has already been passed by the city. As far as the fees that the county would receive, it would be the similar five percent franchise fee. Richard, is it Wadman?

Richard Wadman: Yes.

Joe Harrison, Jr.: Is here on behalf of SIGECOM. The area, obviously, is a little different. It's my understanding that they're going to begin the installation in the city and then from the city go out into the county, but this is, again, just that part of Vanderburgh

County outside the City of Evansville and outside the Town of Darmstadt. Yes, it is similar to the city's ordinance that has been passed by them. It is my understanding that they are going to attempt to complete construction it looks like within 18 months of the beginning of the process.

President Jerrel: Would you want to come to the microphone just for the record and give your name in case there are some questions?

Joe Harrison, Jr.: We have worked out...I have communicated with Bill Roberts on several occasions, the City Attorney, Kevin Winternheimer, on several occasions, and, again, this a similar ordinance and when it...in the next several years when TCI's arrangements, current ordinance, expires they would hopefully enter into a similar agreement as is this one. The term of this franchise would be 15 years and on page...let me see what page. Page four after this is a first reading this evening the second reading, I believe, will be on the 12th of October, so the term would run from October 12, 1998 to October 12, 2013, so it would be a 15 year term. The public hearing with respect to this will take place, this ordinance will take place at the final reading in two weeks.

President Jerrel: Are there any questions?

Commissioner Mourdock: Just two quick ones. First of all, 15 years is a long time. Is that something that was proposed by SIGECOM, proposed by us? How did you come to that number?

Joe Harrison, Jr.: Uh, TCI has a...I believe theirs is a 15. I think that's kind of the custom in the cable business.

Richard Wadman: We proposed...I'll give you my name. My name is Richard Wadman, and I am the President and General Manager of SIGECOM and that was the proposal that we put forward to the Board, you know, is 15 years and that is identical to what we have with the City of Evansville and in the performers that we submitted they had payback periods and, you know, we based our investment on that term.

Commissioner Mourdock: I understand or presume there is no exclusivity in any way implied with this?

Joe Harrison, Jr.: No.

Commissioner Mourdock: Is there any conflict that we would have as the grantor in what we'll be doing with this with what we would currently have with TCI or anything?

Joe Harrison, Jr.: No, no.

President Jerrel: Do you have any?

Commissioner Tuley: The only question I had you already asked about the 15 years and where it came from.

President Jerrel: I just have one question. Now, in the city contract you're going to have so much completed within a certain length of time, is that true?

Richard Wadman: Yeah, the project that we're proposing is an 18 month total project is about 1,000 miles in the original proposal that we're planning and that 1,000 miles or plan

actually includes, you know, Vanderburgh, parts of Vanderburgh, parts of Warrick County, you know, the City of Evansville and the City of Newburgh.

President Jerrel: Well, I personally saw something the other day. This man was measuring up and down my street and I asked him what he was doing. He said I am trying to measure from the houses to the utility pole and I said why and he told me, so I let him in my backyard because that is where the utility pole is and he couldn't measure any of those houses. He was from Pennsylvania, he said he was doing all that measuring for the hookups, so I knew you were moving.

Richard Wadman: We are actually going to be starting construction the end of this week, you know, because we have been walking these streets and doing the mapping for a while, so they can start where they were already. We actually already contracted space for our main office which is in Vanderburgh County which is over on Burkhardt Square, and our central office which would be only where switches and, you know, telephone switching equipment would be, it's going to be on the Lloyd Expressway at the old brewery building.

Commissioner Mourdock: Have you negotiated anything yet or presented for negotiation anything with the Town Board of Darmstadt?

Richard Wadman: No.

Commissioner Mourdock: Are you going to be doing that?

Richard Wadman: I would imagine so. I tell you that right now we've got 1,000 miles and an 18 month schedule and quite frankly, you know, we've committed to these projects first.

Commissioner Mourdock: Sure.

Richard Wadman: Ironically, Ron Rehrman, who is the Chairman of SIGECO, he lives in--

Commissioner Mourdock: I know, he is my neighbor.

Richard Wadman: Okay, okay. He always asked me about it.

Commissioner Mourdock: He is asking for the same reason I did.

Richard Wadman: You know, right now we've got this commitment right here first and so that I would imagine so, but first we're going to take care of what we did. We filed for four franchises, Newburgh, Evansville, Warrick County and here. We've got three and this is the fourth one that we are waiting for and we also filed for a state wide license so we could offer phone service and that has been approved also.

President Jerrel: Okay, is there a motion regarding the first reading?

Commissioner Mourdock: On first reading I'll move for approval of the proposed ordinance with SIGECOM, LLC granting a cable tv franchise.

Commissioner Tuley: Second.

President Jerrel: Second, and I'll call for a voice vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes. Thank you very much.

Richard Wadman: Thank you and good evening.

President Jerrel: Okay, are we ready for the Nisbet Station Road ditch project?

Joe Harrison, Jr.: Not yet, I'm sorry.

**Any group or individual wishing to address the Commission**

President Jerrel: Alright, is there any group or individual wishing to address the Board at this time?

**John Stoll - County Engineer**

President Jerrel: Okay, I'm going to go to the County Engineer. We'll come back to Nisbet.

John Stoll: First, I would like to request that Mortensen Lane in Waterford Park Subdivision be accepted for maintenance. This is 305 linear feet of a concrete street that runs north off of Vogel Road. It was inspected as it was being constructed and it is recommended that the street be accepted by the county.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move the acceptance of, and I'm sorry...Mortensen?

John Stoll: Mortensen Lane.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Was it just the one, John, it's in Waterford Park?

John Stoll: Yes.

Commissioner Mourdock: But it is just Mortensen?

John Stoll: The second item I've got is a time extension request from CCC of Evansville on the Denzer Road culvert replacement project. This is the project that we opened and awarded a couple of weeks ago and there is a water line in the way that we're waiting for it to be relocated before the contractor can really start. The water requires some additional easements to be acquired on the adjacent property, so this is somewhat of an indefinite extension at this point, but as soon as I get some time frames on when the water line will be relocated then I can come back and let you know when the project can actually start.

Commissioner Mourdock: When do you think you'll know from the Water Department?

John Stoll: I hope we can get some time frames by the end of the week.

Commissioner Mourdock: With the idea that we'll at least get an update next week I'll move approval of the time extension.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Last week the petition was presented for the connection of Ridgeway Avenue and I went out and took a look at that and that will involve construction of about 30 feet of street. It would also involve the relocation and resetting of some guardrail that is out there. All in all the project shouldn't cost over \$10,000 or \$12,000 and the only reason it's going to be that high is because we would have such small quantities of asphalt and small quantities of curb, but it looked like it would be a fairly easy project to do. The one thing we would still have to do is go out and survey it and make sure that it will drain to the inlets that are out there on the west end of the road right now...excuse me, east end of the road and then we also need to verify that there is no gap in the right-of-way between the two ends of the street, but it looked like it was something that we could...I don't think we could get it out under contract yet this year and get it constructed by the end of the year, but it looked like something that we could get taken care of next year easily.

Commissioner Mourdock: And, again, where?

John Stoll: It's Ridgeway Avenue.

Commissioner Mourdock: Oh, Ridgeway, okay.

John Stoll: Connects Audubon Estates over towards Fuquay Road.

President Jerrel: We got the petition last week that had all the names of the residents and they had signed and asked that we have our engineer look at them. Is there a motion?

Commissioner Mourdock: I think so, but I'm not sure what the motion is here, John.

John Stoll: Do you want to go ahead and pursue the project?

Commissioner Mourdock: Yeah, just to pursue at this point to see what--

John Stoll: Right.

Commissioner Mourdock: Okay, I'll move that we direct the County Engineer to continue to investigate the Ridgeway Drive.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: It would be a fairly simple set of plans we could get working on, but construction wise I don't think it can be done yet this year, so it is probably something

we can put out for bid early next year. An update on the projects, Burkhardt Road, phase one, they have completed all the asphalt milling. They've installed all the storm sewers along Lloyd and...I mean, along Burkhardt and along Virginia Street they've got some work to do on the storm sewers in front of Williamsburg Apartments as of yet. They've started paving the west half of the road on phase one. On phase two, the transition was to the new east half of pavement was being made today. Once that has been made, then Columbia Street and Oak Grove will be closed and the existing street will be removed and then reconstructed.

Commissioner Mourdock: When would you expect Oak Grove to reopen?

John Stoll: It was on their schedule, but I don't remember the exact day on their schedule. I don't know if we've got a copy of it as of yet, but I forwarded a copy of their most recent schedule to each of you. It's on there, but I don't recall the date on that. Oak Grove east of Burkhardt should open soon. They've got, I believe, most of the asphalt down so it's just a matter of maybe getting the binder down and some temporary striping, but that should open soon.

Commissioner Mourdock: And tying into Burkhardt, you can get into Oak Grove from the east but not the west right now? Not off of Burkhardt?

John Stoll: By the end of today you should...it would be shut off from both ends, but on the east side it should open up again soon. The date for the west side was in that schedule. On Cross Pointe the crossing surface was completed. The signal work was started last week. It has been continuing. We've got quite a bit of the paving done and the flashers and gates, that work has been started. I just talked to INDOT this afternoon and they said the interconnect agreement for the signal, the railroad signal, was approved today so we should be getting a final copy of that here soon. It's finally taking shape. That's all I have.

President Jerrel: Just while he is here, I shared with John the information, the conference Richard attended for the first part of it last Wednesday. It really was informative. That's the satellite conference on the TEA-21. There were Commissioners from Pike County and Warrick County there and they asked a lot of good questions. In fact, one of Richard's questions made it on the program and they answered regarding the ozone, but the small counties are truly handicapped because the funding flows from the federal government to the states and the states have a great deal of discretionary power and from there if they are not an MPO in their area then they are somewhat handicapped, but they asked the questions. They really put those people...their feet to the fire and I'm going to write a letter to them thanking them because I think we need more of that. The better educated the Commissioners are the better they're going to be able to defend and solicit funds for their areas.

Commissioner Mourdock: The thing that struck me if I had to sum it up in one word is you heard the folks out of DC saying quite simply, communities, counties, that have a written plan in place for them to review, you get to the trough first with a plan, you're going to win. You can't decide later on what you want to do and go in and talk to them. Just put the plan in front of them and I think we can see some good funding come from it.

Commissioner Tuley: I have a copy. It was taped and I have a copy of the tape if anybody would like to review it again or share it with anybody, I have a copy of it.

President Jerrel: Hang onto it because it's good.

Commissioner Mourdock: John, one question. Bluebell Road out along the Warrick County line, I know you've had some conversations with the Warrick County Engineer, Steve Sherwood.

John Stoll: Correct.

Commissioner Mourdock: Just a quick refresher, Warrick County's economic development group thinks they've got a property put together out there, but they need access off Bluebell Road which is, in fact, Vanderburgh County Road and that's about as much as I know.

John Stoll: Right, the only access to that area is going up old 57 where it parallels I-164 and then it makes two 90 degree turns and ties into our road and then goes across the interstate into Warrick County. The Warrick County Engineer had made a couple of recommendations about changing some signing and some speed limits out there in regard to the curbs and also made some recommendations about patching some existing pavement failures that are out there. I had Bill Higgins in my office looking into the signs, getting those changed around. We've not done anything with the patching as of yet, but that is something we need to look into as well and I can forward you a copy of his letter to me.

Commissioner Mourdock: If you would, please put a sketch together and let us know what all they are looking to need and even more importantly what all it's going to cost. I want to see regional development, obviously, but I would be hard pressed to just want to push forward so somebody else gets all the benefit of it, too. It may be a good time to do some trading.

Commissioner Tuley: A little bartering.

Commissioner Mourdock: Politics!

President Jerrel: Thank you. Is that all?

Commissioner Tuley: One comment for John. That sign we talked about at the end of county right-of-way or whatever--

John Stoll: End of county maintenance?

Commissioner Tuley: It is up?

John Stoll: We've already got calls on it, too.

Commissioner Tuley: Good, they're calling you and not me.

John Stoll: Yep. It served it's purpose though. We did hear from the developer and they claim they're going to get it repaired and get it accepted by the county.

Commissioner Tuley: Good.

John Stoll: So hopefully they'll follow through on it. That subdivision being recorded prior to the letter of credit requirements, we had no letter of credit to call in to force the repairs to be made--

Commissioner Tuley: But if you have had a developer call you that's great.

John Stoll: Yeah, so hopefully they'll follow up on it.

**Bid recap - Nisbet Station Road ditch project**

President Jerrel: Are you ready?

Joe Harrison, Jr.: Yes.

President Jerrel: You guys wait one minute. We're going to pick up the Nisbet Station ditch project.

Joe Harrison, Jr.: The bids that came in on the Nisbet Station ditch project are as follows. There were four bids:

Company name	Amount bid
CCC of Evansville	\$8,341.81
Blankenberger Bros. Inc.	\$2,900.00
Big Creek Drainage Association, Inc.	\$2,500.00
Floyd Staub	\$3,400.00

I would ask that you take these under advisement unless the Engineer has...unless he wants to look at these this evening.

John Stoll: I was going to say if it is okay once I take a look at them is it okay to go ahead and proceed with this project?

Joe Harrison, Jr.: Again, if you would...do you want to make an award tonight? Do you want the Commissioners to make an award tonight or do you want them to wait until next week?

John Stoll: It would probably be better if we proceed right now because the completion date, I believe, that we set up was the 15th.

Joe Harrison, Jr.: Why don't you take them under advisement for a few minutes and have him look at them and then he can make a recommendation before the meeting is over if that is what he wants to do.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

**Erik Bentle - County Garage**

President Jerrel: Okay, back to the regular business, County Garage.

Erik Bentle: Okay, I've got good news about our dirt pile in the back of the lot back there. They tested it today and we are okay to remove three inches of it plus the piles that we have standing which is approximately ten truckloads of dirt going out. Which that helps

out a lot back there. The building will be coming down Wednesday.

President Jerrel: Good. And then the environmental company is the one that came out and tested it? Okay, good.

Commissioner Mourdock: What will you be doing with the dirt, Erik?

Erik Bentle: They're going to take it down in the river bottoms and fill in the edges of the road down there where we've got a lot of drop-offs.

Commissioner Mourdock: Okay.

President Jerrel: Okay, is there a motion to accept their report?

Commissioner Tuley: So...I'm sorry.

Commissioner Mourdock: I'll move acceptance of the County Garage report for September 18th through the 24th.

Commissioner Tuley: Second.

President Jerrel: So ordered. And then maybe this week...maybe...I'm going to be out Thursday maybe we could go over some of the issues on presenting in advance and then not being able to meet the schedule.

Erik Bentle: Okay, most of this was done it just wasn't entered.

President Jerrel: Okay, well, we'll get...I'll be out early Thursday.

Erik Bentle: Okay.

Commissioner Mourdock: To pass on a compliment or two on starting to get that pile cleaned up out there and getting that building out. We need the room.

President Jerrel: Yeah, appreciate it.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: The only thing I have is I do have the notice for Ward Road, and Anthony Road, and St. George Road project. I believe you all approved last week the publication of that notice and I have given that to the Auditor's Office if you could sign that notice and it will be published in the paper in the next day or two regarding the public hearing that will take place October 12th.

President Jerrel: October 12th?

Joe Harrison, Jr.: Yes.

President Jerrel: Okay.

Commissioner Mourdock: I'll move approval of the signing and advertising of the notice.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: That's...I believe that is all I have this evening.

President Jerrel: Would this be appropriate...we've been examining the proposals?

Commissioner Mourdock: Yeah, sure.

President Jerrel: Last week we received the proposals from six companies or five?

Commissioner Tuley: Two weeks ago, it was six or seven.

President Jerrel: A couple of weeks ago, and there has been no...we've all made our cheat sheets and have been studying them. Everybody uses a little bit different method, but I think we would like to at least have some of them come in and begin this process, so what kind of a date...let's see, next week is...that might not be enough time.

Joe Harrison, Jr.: The 19th?

President Jerrel: No, the 5th. That would be too soon. We couldn't get anybody to do a proposal and get down here and talk to us.

Joe Harrison, Jr.: Maybe the 19th.

President Jerrel: Of October?

Joe Harrison, Jr.: Yes. You might want to have a special meeting that starts before the regular meeting. I would say at 3:30.

Commissioner Mourdock: Is that going to be enough time?

President Jerrel: From 3:30 to 5:30, about two hours?

Commissioner Tuley: I was getting ready to say--

Joe Harrison, Jr.: Or 3:00.

Commissioner Tuley: Could we not just advertise our regular meeting as having it starting immediately after that meeting?

President Jerrel: Then if we went on we would get--

Commissioner Mourdock: So we would not have an Executive Session?

President Jerrel: No.

Commissioner Tuley: I don't think so.

President Jerrel: No, we would just have a public meeting instead.

Commissioner Mourdock: My only concern is this is a big decision. I want to make sure those folks have enough time to present what they have to present. Maybe if we're talking a two hour meeting each one of them is going to get roughly 40 minutes.

President Jerrel: Right.

Commissioner Tuley: You want to start at 3:00?

Commissioner Mourdock: I would feel a little better about starting at 3:00. I know that's a long meeting, but like I said, this is a major decision, too.

President Jerrel: Right.

Commissioner Tuley: We have to live with this one for several years.

Commissioner Mourdock: That's right. Quite honestly, I think how well this company functions is going to dictate how well that whole center is going to be.

President Jerrel: No question about it.

Commissioner Mourdock: We've got a bunch of chips on the table here, let's not lose it for a half hour meeting or two hour meeting.

President Jerrel: Right, and maybe you could get some help, give us some questions and what have you--

Joe Harrison, Jr.: Sure.

President Jerrel: --from Barney Levensgood. Get some things to help guide us.

Joe Harrison, Jr.: I will.

Commissioner Mourdock: I was just going to bring his name up. Do we have any idea if he will be available for that meeting?

Joe Harrison, Jr.: I have talked to him. He will not be available, but he is going to be assisting us. He just can't make it on that day. I've already talked to him.

President Jerrel: I think we need him more when we get to the negotiation stage--

Commissioner Mourdock: Sure.

President Jerrel: --when we get past this.

Joe Harrison, Jr.: Or after the meeting.

Commissioner Mourdock: I'll move that we schedule a...would it be a special meeting?

Joe Harrison, Jr.: Yeah, it would be a special meeting beginning at 3:00.

Commissioner Mourdock: A special meeting beginning at 3:00 on October 19th for the purpose of reviewing the proposals to operate the new convention center and auditorium.

President Jerrel: You're prepared to name three?

Commissioner Mourdock: The three I would name would be in no particular order, Compass, GFS or they're also known by the name Globe and the third one I would name would be Ogden. In reviewing all the packages of the six those three seem to me to be

the most qualified or offer something unique in their package that I at least want to further explore.

Commissioner Tuley: I would second your motion only with the comment that it's a good mix of size and experience and everything, so I will second your motion.

President Jerrel: I'll say so ordered. Will you authorize Charlene to advertise?

Joe Harrison, Jr.: I'll prepare something and talk to her.

Charlene Timmons: Will we do it twice?

Joe Harrison, Jr.: Yes, that will give us enough time.

Charlene Timmons: And then we're going to--

President Jerrel: We're clear we don't need any motions?

Joe Harrison, Jr.: Yeah, we'll have a special meeting and we'll advertise it twice in the paper and the special meeting will be for the purpose of oral presentations with respect to The Centre responses to the RFP.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: That's the sole purpose of the meeting.

Commissioner Mourdock: And you'll be preparing a letter, Joe, to invite these people?

Joe Harrison, Jr.: Yes, and I will fax it to them as well as mail it to them also.

Commissioner Mourdock: Is there anything we need to tell them to be ready to present?

Joe Harrison, Jr.: I'm going to send out the letter to all so they all know what this Board has decided to do with respect to those three.

Commissioner Mourdock: Let me say it this way, since all three of us happened to be on the Riverboat Committee in 1994--

President Jerrel: Yes, we did.

Commissioner Mourdock: --I don't want to see Mark Twain walk into the room.

President Jerrel: Pat and I were laughing about that. You know, this isn't the glitz deal.

Commissioner Mourdock: Right.

Joe Harrison, Jr.: I think it is for you to ask questions.

Commissioner Tuley: Questions and clarification.

Commissioner Mourdock: That's right and I think that's what the letter needs to say.

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Simply that it's not meant to overwhelm us.

Joe Harrison, Jr.: They've given us a lot of information.

Commissioner Mourdock: They have.

President Jerrel: Yeah. Okay, we're set on that.

Charlene Timmons: Can I ask--

Commissioner Mourdock: On the other hand, if they want to serve some salmon on toast out here in the hallway like one company did!

Charlene Timmons: I have two questions. So the regular meeting will still be at 5:30?

Joe Harrison, Jr.: Yes.

Charlene Timmons: So we won't mess with that at all?

Joe Harrison, Jr.: No.

Charlene Timmons: Okay, and then the Executive Session--

Joe Harrison, Jr.: Tony just won't send out Executive Session notice.

President Jerrel: We won't have one.

Charlene Timmons: Okay, thank you.

President Jerrel: Okay.

Commissioner Tuley: Do you really want to say exactly 5:30?

President Jerrel: What Pat is saying--

Commissioner Mourdock: If it goes long?

President Jerrel: --to begin at the conclusion of--

Commissioner Tuley: Yeah, can we not say that the Commissioners' meeting will start at the conclusion of the special or immediately following? Something like that, because I am afraid if we get into some of these discussions, like you said, this is a major decision let's not put a limit that says okay, we're not done because we have already advertised we're starting this meeting.

Commissioner Mourdock: Yeah, I think that's a good idea.

Joe Harrison, Jr.: Well, you might indicate that the regular meeting...we'll have to put that in the notice then that the regular meeting will then start immediately following this.

Commissioner Tuley: I don't want it go on all night.

President Jerrel: Well, and then Tony can control...we don't have to...I mean, unless something is a real emergency that needs to be on the agenda we don't need to fill it up

with everything under the sun.

Joe Harrison, Jr.: You might want to make another motion just to cover the fact that the regular meeting will start immediately after the special meeting.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Okay, is that all?

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings' report.

Tony Greubel: The main thing I have to report on this Thursday, on October 1st, if you want to come the airport is going to have a reception at 3:30 in honor of ASA's first jet flight from Atlanta to Evansville. I talked with Sandie and with Sarah to coordinate schedules and they said if I want to go that won't be an inconvenience, so if I have permission I would like to go to that, too, as a member of the Advisory Team.

President Jerrel: Now is our United Way program tomorrow?

Tony Greubel: The United Way coordinator meeting is tomorrow at 1:30.

President Jerrel: Okay.

Tony Greubel: Room 301.

President Jerrel: Okay.

Tony Greubel: That's it.

**Steve Craig - Burdette Park**

President Jerrel: Burdette Park.

Steve Craig: Good evening.

President Jerrel: Hello.

Steve Craig: The only thing that I have is that the project that we had planned with the USI Engineering Department has run into a brick wall.

President Jerrel: Oh.

Steve Craig: The student that was going to do the project had taken it before his counselors and that and they deemed that it needed two or three people to do the project and when he took it back to class everyone had already had their projects and there was not enough people to do the project.

President Jerrel: So that means that we're going to have to get someone to--

Steve Craig: Yeah, Jay said that we would look at it for doing it the second semester, but I would like to already have the wheels turning before the second semester started. He even said that they could work like with us, but I don't know if it is too big a project. He said everybody had, you know, were singularly doing them, but this project he thought would need two or three people to do it.

President Jerrel: Could you get...would it be possible some day for you to get him on the phone or me get...I don't know if your phone can do it, but this one can do a conference call where the three of us could talk about, you know, when second semester begins and how, you know, maybe outline how they might be able to target some people to take this because I think it would be a real experience for the kids.

Steve Craig: Yeah, they were really interested in that except when they got back to it everybody had already signed up for their finals and this kid was like the only one who didn't have his project which was this one and then his counselor told him that it was too big for him to do by himself.

President Jerrel: Will he be in the class second semester?

Steve Craig: I don't think so. See, this is their final project.

President Jerrel: Uh-huh.

Steve Craig: Jay said that knowing that it takes more than one person that he is going to try to promote it, you know, find kids that need them for the second semester and we can go from there.

President Jerrel: Okay.

Steve Craig: But that would be pushing it.

President Jerrel: Alright, well maybe we could...if you don't mind I'll get him...you know, he worked with us on our solid waste plan and they did a really nice job, so maybe I can get us on a conference call.

Steve Craig: Okay.

Commissioner Mourdock: Just to keep the thing moving along, is U of E an option?

President Jerrel: Um, I don't know.

Steve Craig: It's kind of...you know, they should all have their projects and met with their counselors and everything set up because, you know, the time span is only a couple of months during school.

Commissioner Mourdock: You might make a call just to see.

Steve Craig: Do you know who the contact person would be?

Commissioner Mourdock: No, I don't.

President Jerrel: John Stoll, I think, knows. We interviewed somebody today and he had his engineering license. Do you recall?

John Stoll: (Inaudible).

President Jerrel: Yeah, Gwaltney, G-w-a-l-t-n-e-y.

Steve Craig: I was going to talk with John about parts of this project anyway which we'll probably need to get a drawing of the sewer.

President Jerrel: Okay, is there anything else?

Steve Craig: No.

President Jerrel: Is there a motion to accept the report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: Thank you.

President Jerrel: Thank you very much.

### Weekly reports

President Jerrel: We also have in your packets the Soil & Water report and the Ozone Enforcement officer report. Is there any questions or comments?

Commissioner Mourdock: I'll move acceptance of the report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Consent items

President Jerrel: Under consent items we had a late pink slip from 4-H Assistant from the County Co-op that is included and we also have a request declaring...did I just give that to you? Here it is. These are to be declared surplus. I'm not sure...Steve? Steve, excuse me just a minute. Could you use that bin at the park? You know, that wooden bin that came out there?

Steve Craig: Yes.

President Jerrel: Okay, can you use any more or not?

Steve Craig: Uh-huh.

President Jerrel: Okay, then that is where they'll go.

Commissioner Mourdock: Okay, you said wooden. These are metal. Are we talking about the same thing?

Steve Craig: You're talking about the Election--

Commissioner Mourdock: Right.

President Jerrel: I thought they were wooden.

Steve Craig: No, they're metal.

Commissioner Mourdock: Gray metal.

President Jerrel: Okay, my fault. I went down and lifted the lid up.

Steve Craig: We can use all that you've got.

President Jerrel: Okay, that's another late addition if you don't mind reading that into the record.

Commissioner Mourdock: Okay, to add to the consent items then I'll move that we declare certain metal bins from the Election Office surplus. The inventory numbers are 06 00084, 06 00085, 06 01086, 06 00087, 06 00088.

President Jerrel: Right, and Burdette is going to take them.

Commissioner Mourdock: And I move that those go to Burdette Park.

Commissioner Tuley: Second.

President Jerrel: So ordered. Are all of the other requests...were there any questions?

Commissioner Mourdock: I'll move approval of all the consent items including the late entry for the Cooperative Extension Service as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Award bid - Nisbet Station Road ditch project**

Commissioner Tuley: Can you get John back up here yet?

President Jerrel: Oh, yes. I'm moving right along here.

John Stoll: I would like to recommend that the Nisbet Station ditch project be awarded to Big Creek Drainage Association for the amount of \$2,500.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: One thing on that project, we have a temporary right-of-way that has already been signed off on by the property owner. The permanent right-of-way document is being given to the property owner and we expect that back this week, so we'll go ahead

and start on the basis that we have the temporary, but we should be receiving the permanent yet this week. When I get that I'll bring it back to the meeting for it to be acknowledged and so we can record it.

President Jerrel: Okay, thank you.

**Old business**

President Jerrel: Okay, under old business.

Commissioner Tuley: (Inaudible.)

President Jerrel: No, uh-huh.

Commissioner Tuley: Okay, the only thing I want to do is say we've been in contact and got some more information. Maybe a week from now--

Commissioner Mourdock: Okay, go right ahead.

Commissioner Tuley: Well, okay. Under old business just real quick, I know last week we were approached by Dave Ellison in reference to an employee at the SWCD and there was some questions asked. I know Commissioner Jerrel was in Indianapolis and she spoke with Harry Nikides, I think is how you pronounce his name. I spoke with him as well. Bettye prepared a letter, a memo, to us as well as I got one from Harry, I'm going to call him Harry since I can't say his last name, and forwarded copies to you guys tonight so if you want to just add that to the stuff you were presented with last week then maybe by next week we can get any questions answered that we have and make a decision one way or the other on what we want to do with this because I think it was a request to us and we need to take some kind of action. No action means we're not doing anything, but move it one way or the other, I guess, maybe next week.

President Jerrel: Okay, any other old business?

**New business**

President Jerrel: Any new business? Hearing none, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:20 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Richard Wadman  
John Stoll  
Erik Bentle  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
October 5, 1998**

The Vanderburgh County Board of Commissioners met in session this 5th day of October at 5:42 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order, please. I'd like to introduce to you the people that are appearing before you now. On my right is Tony Greubel, our Administrative Assistant; next to him is Joe Harrison, Jr., the County Attorney; Commissioner Pat Tuley is to my right; far left, Charlene Timmons is the Recording Secretary; Suzanne Crouch, County Auditor, is next to her; Commissioner Richard Mourdock is to my left; and my name is Bettye Lou Jerrel and I would like for you to join me now in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Thank you very much. Most of you do have a copy of our agenda. The first item on the agenda is the approval of the previous minutes of our September 28th meeting and is there a motion to that effect?

Commissioner Mourdock: Move approval.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

**Certification of Executive Session**

President Jerrel: The next item is the certification of the Executive Session. We did meet from 4:45 until about 5:35 and we met to discuss litigation, pending litigation, the purchase of lease or real property and county personnel matters. I would ask that you accept that.

Commissioner Mourdock: I'll move acceptance of the summary minutes of today's meeting.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Pigeon Trustee - Resolution regarding Poor Relief Fund loan**

President Jerrel: The next item on the agenda is the Pigeon Township Trustee request. This appeared on our agenda two weeks ago and they are requesting a loan. Is there a motion regarding that?

Commissioner Mourdock: I'll move approval of the loan as drafted by the County Engineer with the stipulation that it be on a two year contract from the...or two year note from the General Fund.

Commissioner Tuley: Okay, I'll make one clarification. You meant, from the County Attorney? Drafted by the County Attorney not the Engineer?

President Jerrel: I don't know, John Stoll has been doing--

Commissioner Mourdock: Where is John Stoll? He does get around. I'm sorry, yes.

Commissioner Tuley: I'll second.

President Jerrel: Okay, and I'll say so ordered. Suzanne, will you be the one to notify her of our actions so she is aware?

Suzanne Crouch: That would be fine.

President Jerrel: Okay, would you do that?

Suzanne Crouch: I'd be happy to.

President Jerrel: Okay, thank you.

Joe Harrison, Jr.: The only thing in discussing with the Auditor before the meeting it may be best to...I put on here in the resolution that it would be repaid within two years from the date of the resolution. It might be best to say by the end of 19...I'm sorry, by the end of, I guess, it would be the end of 2000.

President Jerrel: Well, it's 2000 pay 2001 isn't it?

Suzanne Crouch: No, it will be '99 pay 2000, so we need the resolution to reflect December 31, 2000 because that money will come in in the December settlement, half of it will.

Joe Harrison, Jr.: As opposed to October 5 of 2000.

President Jerrel: Okay, can you correct--

Joe Harrison, Jr.: Why don't you just make that...if you can make that amendment to the resolution that it be paid on or before December 31, 2000.

Commissioner Mourdock: I'll so amend the motion.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **EMA - Proclamation for Earthquake Preparedness Week**

President Jerrel: Okay, the next item is the Proclamation for Earthquake Preparedness Week and this is done every year and I would like to...you have before you the resolution from our office and Sherman Greer asked that we participate and I think it's a worthwhile effort.

Commissioner Mourdock: I'll move the approval of the proclamation, but since we have a lot of people in the audience I won't read it into the record, but we'll submit it for the

record.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Public hearing - Evergreen Heights Subdivision Barrett Law project**

President Jerrel: The next item on the agenda is the public hearing on Evergreen Heights Subdivision Barrett Law project. I'm going to ask our County Attorney to initiate the discussion on this so that everyone is aware of why we're here.

Joe Harrison, Jr.: I'm not too sure if...the representative, I believe, is here from the Evergreen Heights project. There is probably a couple of people that may want to speak on this, but on September 21 this Board passed a preliminary resolution with respect to a sewer project to be constructed in the Evergreen Heights Subdivision area. That particular resolution was passed, again, by this Board on September 21st. Before the County Commissioners tonight is a final resolution relating to that same project with a maximum estimated cost of \$225,000. The plans and specifications have been filed with this Board with respect to the construction of that sewer project. The engineering firm of Morley & Associates has been working with a number of the homeowners in that vicinity to work on the plans relating to that project. The County Engineer has reviewed the plans and has given a cost estimate of a maximum sum of \$225,000 for that particular project. Notice was sent out by this Board concerning this hearing this evening regarding a consideration of the final resolution relating to this project which would begin the process to install and construct a sewer in that area for those homeowners. There are, I believe, 27 homeowners, 30 affected lots by that proposed sewer project. Those who...there may be those who may be in support of this project here this evening. There may be some that are opposed to this project. This Board certainly will consider all comments at this time and then decide to move forward or not with respect to the project. I might add that as far as the cost regarding this project after it is all constructed, if it does move forward, it is spread out among the homeowners and they may either pay the assessed amount up front or it may be spread out over a period of time in a bond issuance. The county has several of these projects that are in place right now. One is a sewer project that is currently under construction. The other was a road project that took place last year and that project was resolved and there weren't any objectors to that particular project out of 99 or 100 homeowners and that project went forward and the bond has already been issued and people are paying on that project. So this Board has had some experience in this area and I'm sure that there are probably some people that want to address the Board at this time.

President Jerrel: Okay, at this time is there anyone here that would like to speak on this issue? After he gets through.

Mims Poole: My name is Mims Poole. I live at 7511 Greenbriar Drive. I live down at the bottom of the hill. In 1997, the summer, it was the middle of August before I could let my grandchildren play in my backyard on account of the sewage. Last year it was the first week in July...or this year rather, the first week of July. We've got a terrible mess out there and the smell sometimes is just unbearable.

President Jerrel: So you are supporting?

Mims Poole: Big time.

President Jerrel: Okay.

Commissioner Mourdock: Is your name on the list here, Mr. Poole?

Charlene Timmons: Number nine.

Commissioner Mourdock: Which one?

Charlene Timmons: Number nine.

Commissioner Mourdock: Number nine.

Mims Poole: I really appreciate your help helping us get it through.

President Jerrel: Okay.

Commissioner Mourdock: Okay.

President Jerrel: Thank you. Yes, sir.

Dr. Heimbaugh: I'm Dr. Heimbaugh and I live up at the top of the hill. We really don't need the project there, but I am supporting it because people below me need it. The thing I'm concerned about is how many years this is going to be spread out. Is it going to be put on water, is the cost going to be added to our water bill, is it going to be added to our property taxes? When I talked, I think, with the engineer in September he told me verbally everything would be put back in condition the way it was when they started. In other words, the ground would be smoothed up and it would be seeded, but I never saw anything in writing to that effect. When I permitted Toledo Edison to go through my property with just a verbal okay I had to get a lawyer to get my money back for the work done and I'm not going to have that done this time.

President Jerrel: No, that's smart. Dr. Heimbaugh, just a moment. Do you want to speak to that?

Joe Harrison, Jr.: I think the engineer or someone from Morley's office may want to speak with regard to putting the property back to the previous condition, but as far as the repayment is concerned assuming the amount that everyone is assessed is not paid up front within 30 days of that determination it is spread out over a period of ten years on a bond issue. The bills come out from the Auditor's Office just like...or I guess the Treasurer's Office sends out the bills, but it is with the assistance of the Auditor's Office. It's a separate assessment. It comes out in May of every year and it may be, you know, \$200 or \$300 a year or whatever that particular sum is to be assessed over that period of time, but it's a one time assessment. It doesn't come out with your water bill or sewer bill. You'll have a water bill that will come to you and your sewer will be charged on there just like those within the city. This project will be turned over when it is completed to the City of Evansville. The city Sewer Department will own the sewer. You'll be charged whatever their rates are. The county is not in the sewer business. The county is simply involved in this matter to facilitate the process where the construction can take place and then have it paid off over a period of time. But there will be other billings and I'm sure that would start a month or so after it's working.

Dr. Heimbaugh: I have one other question. I read where there was something about a three year guarantee. I would like more information on that.

Joe Harrison, Jr.: There is some information that is in the proposed resolution relating to the cost of the project. It talks about estimated cost of maintenance of the project for three years. There is something...there is some language like that in the resolution. Any type of Barrett Law has to have some sort of estimated cost of repair to the project over a period of years. That is factored in. That is factored into the \$225,000, but a brand new sewer project is not going to have, you know, the type of costs, maintenance costs, like a road project would have per se. That is kind of a different animal, so you're really not going to have any costs per se over those three years. If it was a different type of project, as I said a road or something, then that is more money that would be factored in.

Dr. Heimbaugh: Alright, if you have that factored into the original cost if you don't have any work that you have to do is the money that is factored in does that revert to the people that are putting the sewer in?

Joe Harrison, Jr.: Well, I can...the amount that is put in here now, some of the amount, it's \$225,000 is the maximum amount that is estimated at this time. It will probably be a lot...or substantially lower than that. The county in these projects makes sure that there is enough cushion in there where if something comes up there is sufficient maximum amount because you cannot let a contract unless you have a high enough estimate. I can tell you on the one project we had on the home...on the street project, I believe that we estimated over \$200,000 and it came in like \$150,000 or \$160,000, so it was \$50,000 or so less than what we originally estimated and that is the amount that is spread over among the homeowners. Not the estimated amount, it's the final project cost amount. Once that is determined when the project is over if it moves forward that is the amount that is divided up among the homeowners, not the estimated costs, the final cost. It's just that there is no reason to...if you start the project too low and the bids come in and the bids come in higher than the estimate you've got to start all over again and that just delays everything, so it is better to have a higher estimate to begin with and then at the end if it is a lot lower that benefits everyone then.

Dr. Heimbaugh: As I mentioned initially, I was told verbally everything would be put back. Will that be written in the literature that we get?

President Jerrel: This is our Engineer, John Stoll.

Joe Harrison, Jr.: He may have some information on that, I don't know.

John Stoll: I was going to say, the way the contact is set up the driveways that will be crossed with the sewer are not going to through the contract. Those are going to be replaced by the owners of those homes. The trees and shrubs within permanent easements and within construction easements will not be replaced, but beyond that everything else will be backfilled and seeded or sodded.

Dr. Heimbaugh: That's all I have in mind, but I would like to see it in writing.

President Jerrel: Okay. Is there anyone else that would like to speak to this issue? Yes, sir.

Mike Merkel: My name is Mike Merkel and I live at 7730 Greenbriar Court. I'm opposed

to the proposal for two reasons. One is that my septic is functioning. Two is the cost seems relatively high when divided over all the homeowners and according to the Barrett Law there is a special benefit...special benefits that accrue to the property must equal the total cost of the project, total maximum estimated cost, and nobody can explain to me how to calculate what the special benefits are that accrue. So I understand that there are some people who have a need for this. As I said, our septic functions and we don't have a need for it.

President Jerrel: Do you want to speak to the question of benefits?

Joe Harrison, Jr.: Well, the benefits are that you're going to have sewer and you didn't have sewer before and that is going to enhance your quality of life, assuming it occurs, and increase the value, hopefully, of your property. That is the tangible benefit.

Mike Merkel: But there is no tangible way to calculate that? That's my issue. There is not tangible way to calculate--

Joe Harrison, Jr.: Well, what they are saying is the assessed amount is going to be the benefit, so whatever that assessed amount is, if it is \$7,500 a piece or whatever, that would be the benefit.

Mike Merkel: I would like to go on record as saying that the benefit to me is not \$7,500, if that is what it is divided over 30.

Joe Harrison, Jr.: I have no idea, I just threw out a number.

Mike Merkel: Well, divided by 30 that's what it is at the maximum cost.

President Jerrel: Is there anyone else that would like to speak to this issue?

Robin Stonestreet: Hi, I'm Robin Stonestreet. I live at 7321 Greenbriar Drive. There is a storm sewer that is paralleling the proposed sanitary sewer that is going to be put in. During heavy rainfalls I've had as much as 12 inches of water in my backyard and that's with the operating storm sewer. I just wanted to have some assurances from the engineer that that's not going to be affected or it's going to be modified so that stays there.

President Jerrel: Do you have a--

John Kipling: My name is John Kipling. I work for Morley & Associates. I worked on the project. The storm sewer he is referring to is a four inch PVC pipe. It has no capacity to carry water except what a four inch pipe will carry. Mainly what the four inch pipe is for is some of the homes have downspouts. Some of the homes also have their sanitary sewer hooked up to that storm pipe. Part of the reason for this project to be started was the residents complaining about the smell and they had a suspicion that this was what was going on. You look into the clean out that is there at the street and that is where the storm sewer is tapped into. It runs into the creek that is just south of the property.

President Jerrel: So that storm...that drain--

John Kipling: Probably will be removed. I understand the water problem they have. You can see the swale that is running through the backyards and there may be...well, it's not

a very well defined swale in those backyards.

President Jerrel: Is there a drainage plan in existence to your knowledge?

John Kipling: No. We weren't...this project--

Commissioner Mourdock: It predates it.

President Jerrel: I mean, I'm not being presumptuous, but I think that is something that needs to be looked at is a drainage plan so that we don't exacerbate the situation.

John Kipling: Well, I mean I don't think we'll make it worse because the problem is already there. What we were trying to do was correct the sanitary. If a storm sewer project needs to be looked into I think it needs to be separate due to the time and money that has been spent on the project. These homeowners have been working with me for about a year. I know they're anxious to get started.

Commissioner Mourdock: But you are saying, John, that the four inch PVC pipe, little storm sewer that it might provide or storm drainage, that would be removed in its entirety?

John Kipling: It would be destroyed is a better term for it. I don't know if it would be removed in its entirety.

Commissioner Mourdock: Okay, well let me back it up and go exactly the opposite. With the swale that's there that would otherwise be providing some drainage in a heavy precip event, is there going to be any access of backwater from that into the sanitary sewer?

John Kipling: No.

Commissioner Mourdock: Because we've had that situation in Strawberry Hill area.

John Kipling: No, the worst part of it would be, I guess, Stonestreet, he is right there at the street and there is already quite of bit of erosion behind the curb there at Greenbriar Drive and his property line. The problem also is that there was no planning at all for storm in that area. There is only a couple of inlets there at the bottom of the hill, which is where his property is at and it collects all the water. I mean, what it doesn't collect there runs through...I can't think of the gentleman's name right now, but it runs through their yards to get to the creek that is in their backyards. That's what we were also showing on the plans where the sod was going was to instead of waiting for seed to germinate in that area to go ahead and sod it to provide some erosion control through their yards. But where Stonestreet lives the existing erosion and the storm problems, the water problems that they have won't be corrected by this, no, but they already exist.

President Jerrel: Yes, sir.

Harry Hanft: My name is Harry Hanft. I live at 5 East Evergreen Road. I take exception to the fact that John is talking about sewage going into that four inch drain, it does not. It's overflow from the sand filters. There is no direct connection to it from any septic system. Now what will happen if that is taken out is my rainwater and my three other neighbors right up in that area are going to run across our yards and then across his.

President Jerrel: The creek that they drain to is behind your property?

Harry Hanft: Well, I am up high enough that none of that bothers me at all, but it comes across to the Brown's property and then goes into Whitehead's property and then runs through to behind his property, but that has done that all the time and it does when it rains hard it floods, there is no question, then it drains off. I think that the...I mean, if they take it out or don't take it out it doesn't make any difference because my gutters and downspouts will just run on my yard, but it's just never...that four inch main was never meant to be anything more than a catch overflow for the sand filters. The fact that it was tied into all the roof drains flushed it out. That's all.

John Stoll: That's what we're talking about.

Commissioner Tuley: That's the four inch pipe?

John Stoll: Yeah.

President Jerrel: It runs from here.

John Stoll: That's the approximate location.

Commissioner Tuley: Is there a collector here?

John Stoll: Of some sort. An area drain within that easement.

Commissioner Tuley: Yeah.

President Jerrel: Why are they taking it out?

John Stoll: (Inaudible).

President Jerrel: Somebody just came in and put that in? Yeah.

John Stoll: You can see down through there, I didn't note all of them, but you can see the clean out from each property owner. (Inaudible.)

Commissioner Mourdock: You've got someone else wishing to make a statement.

President Jerrel: Okay, yes, ma'am. I'm sorry.

Mary Jane Robling: I'm Mary Jane Robling and my name is on the list. I guess if it means I forfeit my \$750, which I guess I have already, I would like my name removed from the list. Granted I have not been able to attend all the meetings that have taken place on this project because I've been out of town. I'm a retired school teacher, I take lots of out of town trips. My problem with the project is that there has been a lot of misrepresentation or miscommunication. We were first told that this project was going to be like \$3,000 to \$4,000 plus our \$750 deposit to get it completed which sounded like a good investment to me. Now I don't know whether 17 people are paying for this or the 27 or 30 that live there, but it is up to \$9,000 to \$12,000. There is also a lot of misrepresentation or misinterpretation of what is going to happen to trees in the backyard and things like this that are not on the easement. I oppose the continuation of the project.

Joe Harrison, Jr.: Ma'am, what is your name again?

Mary Jane Robling: Mary Jane Robling.

Commissioner Mourdock: I don't see your name on the list.

President Jerrel: Your name isn't on the list.

Mary Jane Robling: Well, it could be Todd Andis, my son holds the title to the property now.

Joe Harrison, Jr.: Well then he is--

Commissioner Mourdock: What is the name now?

Mary Jane Robling: Todd Andis, A-n-d-i-s.

Commissioner Tuley: He is on there, number 12.

Mary Jane Robling: He took over. He is in Indianapolis and couldn't attend the meeting, but my \$750 is still in the project.

Joe Harrison, Jr.: Well, if it moves forward you would be bound by the agreement or he would, I'm sorry, not you.

Commissioner Mourdock: So once in you can't get out?

Joe Harrison, Jr.: Yeah, I mean, there is no in or out. It either goes or it doesn't go and if you're in the affected area whether you're for it or not you're in.

President Jerrel: And, again, let me make sure I understand what you said. The \$225,000, if that's the maximum and in the past the one project we can refer to was in that vicinity, but it ended up coming in at \$150,000 and that is all the homeowners actually paid was the \$150,000.

Joe Harrison, Jr.: That's correct.

President Jerrel: So at this point for this project to go the estimate is \$225,000 to permit bidding and it's divided by 30 people and that is where the \$7,500 came from and if that does not go at that rate, but at a lesser rate it would be a lower charge?

Joe Harrison, Jr.: Yes.

President Jerrel: That's essentially what you said. Okay, let's say that this project final is approved, what recourse do the people have like Ms. Robling that doesn't want to be part?

Joe Harrison, Jr.: There is a statutory procedure where those who are opposed can do one of a couple of things. The first is a majority of those may remonstrate. I think there are 27, so that would be 15 could within ten days file an appeal or remonstrate in some fashion where they are objecting to this Board in writing or if 40 percent file written objections to this Board...again, the statute I referred to above is 36-9-36-14. The second way to object is 36-9-36-15 which states that written objections can be filed by

the owners with this Board within five days and if more than 40 percent, which would be, I believe, 11, file written objections with this Board then it goes to the Vanderburgh Superior Court and a judge will decide whether it goes forward or not.

Commissioner Mourdock: And in all cases the numbers you just spoke of come off this listing that is attached?

Joe Harrison, Jr.: That's correct.

Commissioner Mourdock: It's a majority of...we have 30 different--

Joe Harrison, Jr.: Well, really it's 27 different owners of 30 lots.

Commissioner Mourdock: So it's not the number of lots it's the number of owners?

Joe Harrison, Jr.: It's the number of owners, yes.

President Jerrel: If you have some question related to this the minutes of this meeting you can get a copy of that particular statement if you want that page by going to the Auditor's Office at a minimal charge when that is available.

Joe Harrison, Jr.: And if it does...if there are objections, written objections, and it goes to court, a court here in Vanderburgh County has to consider the objections within 20 days, so sometimes you hear about court proceedings taking a long time. This is one that statutorily requires it to move quickly. Just for your information. I don't have any idea of how many people are supportive of the project or not, but that might be some indication that the Board may want to see.

President Jerrel: Yes, may I see the hands of those that are here that actually are members of that 30? Okay. So may I ask that question?

Commissioner Mourdock: Sure.

President Jerrel: Okay, may I see the hands of those that are for the project?

(Inaudible comments made from audience.)

President Jerrel: One per household, that would be the only way. Okay.

Commissioner Mourdock: Pretty close.

President Jerrel: Okay, one to a household how many are opposed? Okay, that was 12 to six. Yes, ma'am.

Krista Housman: My name is Krista Housman and I live at 110 Evergreen Road. Someone said 27 and then we said 30, 30 lots?

Commissioner Mourdock: Yeah, go ahead I'll explain that.

Krista Housman: Is that going to...we own the lot that our home is on and three other lots. We were first told that, you know, every piece of property got a vote and then we were told no only every homeowner, but we would still have to pay four times.

President Jerrel: Let's let him answer that. She is number three.

Commissioner Mourdock: And four.

President Jerrel: And four.

Joe Harrison, Jr.: Well, you're down for two lots. One vote, two lots.

Krista Housman: Pay twice?

Joe Harrison, Jr.: Pay twice.

Krista Housman: Okay, we were supposed to of had a Quitclaim Deed filed that put all of our lots into one property. That's why I am wondering.

Joe Harrison, Jr.: Well, you must of had it put into two. You went from four to two which is probably better than four.

Commissioner Mourdock: But that's an intriguing question, keep going with the question.

Krista Housman: Well, our side lot...we have a lot that our home is on, we have a side lot and two lots on the back that adjoin to the subdivision. The side lot is not a part of the subdivision, but since it is joined around we have to pay for that and there was never any intention to build on these lots.

President Jerrel: Well, we're getting into--

Joe Harrison, Jr.: No, I mean...John probably knows this, but this is the description that we have here. We have two property tax codes for you. It's 2-374-027 and 2-138-058. I mean, those are the Assessor's code numbers and those are the two properties that would be benefitted by the project. I guess if there are other properties that you own, apparently they are not going to be benefitted by the project and won't get assessed if it goes forward.

Commissioner Mourdock: But the fact that there are two separate tax codes does not presume does it...the question does not presume that both of those lots are buildable lots?

Joe Harrison, Jr.: That really doesn't matter.

Commissioner Mourdock: So it's possible one is not a buildable lot?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Possible?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: I guess, Ms. Housman, the quick answer is we don't know. It's a great question and it's a very technical real estate question as it applies to this Board and we don't know the answer, but it is a good question.

Joe Harrison, Jr.: But if it goes forward you would be assessed twice, not four times.

Krista Housman: And get one vote?

Joe Harrison, Jr.: You get one vote.

Krista Housman: Does anybody else see a problem with that?

Joe Harrison, Jr.: Not many people get to go vote twice.

President Jerrel: There is...you need to look at the law because, you know, we can't make it up as we go along.

Krista Housman: I mean, I understand, but I just want you to see...here is \$15,000 for one home and then we've already paid \$1,000 to an attorney that we thought made this one...you know, our four lots one piece of property so that we only had to pay once and we have no problems with our sewer.

President Jerrel: I under--

Krista Housman: We were first told it would be \$3,000 and they could put it right by our house, a pumping station, and then they said, no, if we want that we have to pay for that on our own and it has been very--

President Jerrel: Have you asked the attorney why? Have you been billed and received two bills for your assessment?

Krista Housman: No, not yet. We were receiving four separate bills.

President Jerrel: Okay, but you haven't asked him why it hasn't become one?

Krista Housman: I was under the impression until right now that it had.

President Jerrel: Maybe you ought to call him first thing in the morning.

Krista Housman: Alright, thank you.

Commissioner Mourdock: Thank you.

President Jerrel: Yes, sir.

Mark Whitehead: I'm Mark Whitehead and I live at 7309 Greenbriar Drive. I own two lots and I am aware that I am going to have to pay \$10,000, an extra \$5,000 for an empty lot that there is no building on. I feel like that is very fair. I think the sewer in that community will enhance the property values and I'm all for it.

President Jerrel: Thank you, Mr. Whitehead. Yes, sir.

Brian Housman: I'm Brian Housman at 110 Evergreen Road. I just wanted to go on the record that from the start of this project we've been totally misrepresented as far as the one...how many votes we get according to our lots, the cost of it, the time frame and I think there are a lot people with a lot of questions still before we go through and push this thing through.

Commissioner Mourdock: Do you understand the comment the County Attorney made

a few minutes ago in response to Mrs. Jerrel's question? If we vote yes on this this evening that does not mean it is a done deal.

Brian Housman: Yeah, I understand that.

Commissioner Mourdock: Everybody heard that? Okay.

Brian Housman: Also, if it does go through, I mean, I think there has to be room for legal action against the people that misrepresented this project of the Homeowners Association.

Commissioner Mourdock: Let me just add a quick comment there and I have to...well, I hope all of you who were raising your hands either yes you're for it or no you're against it for at least a moment will try to imagine what it is like to be on this side of the table because the last thing we want to do on this side of the table is turn a nice pleasant neighborhood into a war situation. We do not want neighbors turned against neighbors. That's not what we're here for. We're here because we received a petition to try to put a sewer system through a neighborhood. We're not forcing this down anyone's throat. We're not saying to anyone, no, you can't have a system. We are trying to simply use Indiana statute with the timing you mentioned, there is short timing. The state law dictates what that timing is, this Board does not. There are certainly procedures we can follow and we're going to follow those to the letter. Please, please, please, when you go home tonight and you talk about how this has come before us represent to each other what you truly think and more importantly appreciate that one another or in your neighborhood that you're trying to have a good neighborhood. Whether you're for it or against it don't let this turn into a war. I say that having been here last week at a Drainage Board meeting--

President Jerrel: We had two neighborhoods that were at terrible war.

Commissioner Mourdock: It makes Kosovo look like a peace zone.

Brian Housman: Well, I guess, one more quick question. If it does go through as far as our property assessed will there be...I mean, can we get what the value of our property is going to be before this even goes through? I mean, will they give us an idea? Say we've got a lot that is worth \$100,000--

Commissioner Mourdock: Sure, that's a good question.

Brian Housman: --will he be able to tell us that, hey, if this goes through those lots are going to be worth \$125,000 or \$130,000? I mean, here we are putting out extra cash for a problem that, you know, we don't...it's not really our problem. Our septic system works fine.

Joe Harrison, Jr.: The county will not do that, but I mean there may be someone that may be able to give you an appraisal, an estimate, especially once you find out if it goes forward what the assessed amount would be as to how that would enhance the value of the property. You know, there may be a number of you that may be able to obtain the services of an appraiser and may be able to indicate, you know, to all of you or to a number of you what that may be, but the county can't do that. The property is not assessed until, you know, the assessment period for--

Brian Housman: But they would have a general idea wouldn't they?

Joe Harrison, Jr.: Well, not unless...certainly the assessed amount is going to be factored in. The Township Assessor for your area is going to receive the information that everyone's property is going to be enhanced a certain amount of money, whatever that is, if it is \$7,500 or whatever. So that information will be in their possession and it will be up to them to determine what factor that makes with regard to your property. Certainly, anytime there is an appraisal done on a piece of property, you know, one of the things that is check marked and listed is whether there is sewer or not, so I mean that's certainly going to make some difference, but the county doesn't go out and do anything ahead of time or your Township Assessor ahead of time, but you may be able to secure someone to give you an estimate prior to it being completed.

Brian Housman: The reason I'm asking is because I've heard from several different people. Some people say, well, it's going to enhance your property and make it more valuable. Some people say it's going to stay the same. You know, if we're spending \$10,000 and in our case maybe \$20,000 say they assess our property and it only goes up \$5,000. We're still \$15,000 in the hole.

President Jerrel: How could it be \$10,000?

Commissioner Tuley: Two lots.

Commissioner Mourdock: Because he has got two lots.

President Jerrel: I know, but--

Commissioner Tuley: Well, it won't be \$10,000.

President Jerrel: Okay, right.

Joe Harrison, Jr.: I'm sorry, I can't give you an answer.

President Jerrel: The typical way that property is assessed in Vanderburgh County and until the legislature ends their session next May we won't know if there is going to be a change, but the typical way is one third of the value and if you're putting, you know...you know that \$7,500 is the price, but it's going to be less than that and then one third of that value.

Commissioner Tuley: I would strongly recommend if they've got a question about what the taxable affect is going to be you contact that Township Assessor.

President Jerrel: Yes.

Commissioner Mourdock: Right.

President Jerrel: And it won't happen until they do the--

Commissioner Tuley: Even then that is going to be your taxable, that's not going to be...what he is asking, I think, really is the value--

Commissioner Mourdock: It's two different things.

Commissioner Tuley: --of the property going to go up. The Assessor is not going to be able to help you with that. That's going to have to come from somebody that understands

appraisals.

President Jerrel: Appraisals.

Commissioner Mourdock: Any real estate appraisal...commercial real estate appraisal can certainly help you get that number.

Commissioner Tuley: Just by a call they could probably tell you over the phone the value--

Commissioner Mourdock: As a rule of thumb.

Commissioner Tuley: As a rule of thumb, yeah. A sewer versus a septic will have this affect on your property. They should be able to tell you that over the phone I would think.

Brian Housman: Okay, but then we still only get one vote for our household?

Commissioner Tuley: That's the way the law reads, yes.

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: Again, that's by statute from the State of Indiana not by the will of this Board. Okay, thank you, Mr. Housman.

President Jerrel: Yes, ma'am?

Evelyn Lemond: I'm Evelyn Lemond. I live at 7717 Meadowview Drive. My husband and I are both for the project. The main concern and the reason this was started, there is a health problem. The sand filters...the septic tanks work, the sand filters work to some degree. We don't have the problem coming into our yard, but there are other neighbors who do. The sand filters overflow, the sewage runs out them and it runs down the hill and that is why the project was started in the first place. It's a health hazard. I haven't seen it myself, but the drainage ditch that is the drain down at the bottom on the end apparently has raw sewage, paper, that is coming down into it. I haven't seen this myself. There is a person on that ditch that is not in this project, but they have the sewers on their side. But that was the reason for the...it's a health hazard. A very serious one.

President Jerrel: Thank you very much. Is there anyone else?

Mike Merkel: I have another question for Mr. Harrison. It takes me a while to catch up sometimes, so you said the final total amount for the proposal will be assessed to our property taxes. We'll be assessed for that amount or it will be added to our taxes?

Joe Harrison, Jr.: No, it's not going to be added to your taxes. It will be assessed separately.

Mike Merkel: Over a ten year period?

Joe Harrison, Jr.: It's a special assessment and, well, initially you have the option to pay it off up front without any interest just your proportionate share. If you choose to finance it there is an option to finance it and that's where you will be able to pay it off over the

ten years.

Mike Merkel: The amount paid will be the total amount that's assessed?

Joe Harrison, Jr.: If, in fact, you wish to pay it up front in one lump sum it will be your proportionate share, but if you wish to pay it over a period of time, obviously, you're going to have to pay interest.

Mike Merkel: So it's not an assessed amount to your property and you pay a portion of that as a tax, it is added as a--

Joe Harrison, Jr.: It's a special assessment, so this will not be on your tax bill. This will be a separate tax bill that you receive each year in May.

Mike Merkel: Okay, thank you.

Joe Harrison, Jr.: That's assuming you finance it over a period of time.

President Jerrel: Okay, any questions from the Board members? Is there a motion regarding this?

Commissioner Mourdock: Again, I want to state that this is part of a process. This is not the end here and those for and against still have the time to work with each other to communicate what this is all about and I encourage you to do that as best you can in friendly tones. Having said that, I will move approval on, is this the second or final?

Joe Harrison, Jr.: Final.

President Jerrel: Final.

Commissioner Mourdock: Final? Okay, final reading and move approval of the final resolution of the Board of Commissioners of Vanderburgh County approving the construction of the Evergreen Heights Subdivision Barrett Law project regarding the issuance of bonds to finance such project and addressing matters related thereto.

Commissioner Tuley: Before I second, and I am going to second, but before I do those of you that are opposed to this you need to write down those numbers that Joe read you because you're looking at five to ten days in which to appeal this if that is what you want to do. I'm not trying to encourage you guys one way or the other. I'm just trying to tell you as Richard said we don't want you walking out here mad at each other and what have you. We do not initiate these kind of projects. These are brought to us as a concern, as the lady indicated, to us as a safety and health issue and then what we do is if they follow procedure and it is presented to us and there is enough people that want it then I think we have a duty and obligation to go ahead and vote for the resolution. On the other hand, if you are against it you have a very limited number of days in which to file an appeal or whatever and you need to understand that in one case it looked like five, the other case it looked like ten days. Make sure you have those numbers written down. Having said that, I'll second the motion.

President Jerrel: And at this time I will call for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes. Yes?

Mike Merkel: Can we get those numbers again?

President Jerrel: Why don't we get a...want to make a copy of that. We'll make a copy for you. Okay, the next item on the agenda, and if some of you wish to leave you don't have to stay.

### **ACORN - Ozone reduction issues**

President Jerrel: The next item on the agenda is the ACORN ozone reduction issues. I don't know who the spokesman--

Commissioner Tuley: Jim Daniels.

President Jerrel: Jim, are you the spokesman?

Jim Daniels: My name is Jim Daniels and I reside at 1808 Ravenswood Drive here in Evansville. I'm here tonight to speak in behalf of ACORN, the Action Committee for Ozone Reduction Now. ACORN is a citizen's committee which examines ways to reduce ozone in our area to protect health. Several recommendations were presented to the Commission in a document dated May 30, 1996. Two of these recommendations are now ordinances. The high volume low pressure paint gun change outs which enables a higher percentage of paint to be applied to surfaces using lower pressure systems and Stage I vapor recovery which involves capturing the vapors that would be displaced and released into the atmosphere from underground storage tanks when they are filled by tanker trucks. ACORN wishes to thank the Commissioners for the efforts already undertaken in that regard. Today ACORN respectfully requests the Commission to implement the four additional ozone reduction measures which were originally made in the May, 1996 document. The same numbering system is going to be used when I talk about those tonight as then. Also, two additional recommendations which were not part of the original will be made tonight. So item three from the original recommendation was the Pollution Prevention Task Force. The establishment of this task force has been placed in ordinance Section 19. We would address Section 19.16.030, which is included in the packet that was mailed out to you earlier last week, which calls for a coordinator. We are asking you now to fund this position which is in the ordinance. We ask that you take the necessary steps to get this done by December 1st of this year so that implementation could occur no later than January 2, 1999. We reiterate the original request to allocate \$500,000 as the funding level to begin the task force. The charge would be for the task force would be reducing county wide VOC emissions which would include but not be limited to pollution prevention audits, educational outreach programs, clearinghouse functions, incentives and monitoring. Item four from the original recommendation was lower Reid vapor pressure gasoline. This is a gasoline that does not volatilize as much at a given temperature as compared to gasoline we currently use in Vanderburgh County. Gasoline currently used has an RVP of 9.0 pounds per square inch. This will be reduced during the ozone season to 7.8 pounds per square inch. Item five on the original was a basic vehicle inspection and maintenance program. Mandatory biennial vehicle pollution inspection would be required of all highway vehicles registered in Vanderburgh County except those vehicles two years old or less or those

manufactured prior to 1970. The automobile failing inspection would be denied registration until appropriate maintenance or repairs have been performed. Item six is Stage II vapor recovery. This consists of capturing emissions displaced from refueling the vehicle gasoline tank and routing these vapors back to the underground storage tank through vapor piping. The ACORN group requests that the Commission instruct its attorney to draft an ordinance which would enact items four through six above and have it ready for the Commission meeting on October 19th of this year. If the Commission does not feel it can turn around an ordinance, drafting of such an ordinance, in these two weeks, ACORN would like to know why that wouldn't be possible along with a reasonable fast track time table of when such an ordinance would be ready for review. The ACORN group does stand ready to assist the attorney in any way possible to accomplish this task. We do want to emphasize the importance of moving forward with the implementation of these recommendations. In discussion of the past two weeks the ACORN group also identified two additional areas in which we recommend action by the Commission concerning smooth traffic flow. So we have new numbers, items seven and eight. Item seven is frontage roads. We would request that the Commission find a way to ensure that new developments are not able to proceed with waivers to the Area Plan Commission requirements for frontage roads. Item eight is implementation of what we call common sense transportation initiatives. There are four items there. One is minimize traffic lights and curb cuts on major arteries both in the present and in the future. The second one is synchronizing traffic lights. The third is having dedicated right turn only lanes and number four is converting some of the red/green operational traffic lights to a flashing light system during low flow traffic times. We recommend that the Commission appoint an ad hoc committee including, but not limited to police, traffic engineers, other experts and representatives of ACORN to determine the appropriate actions necessary to address these items seven and eight. ACORN does appreciate the opportunity to present this information and recommendations and respectfully requests action with all due speed. So I would like to thank you for the opportunity to speak tonight to that and that is the extent of the written comments that were prepared and sent to you last week along with the original document dated May 30th and an additional copy of Section 19 of the existing ordinance. I do have some additional comments, but those are my own comments along with comments that I have from the Isaac Walton League. I can make those now or if you have some comments from the Commissioners I can entertain those although I do want to emphasize that I have not been participating actively in the ACORN group during the entire time that group has been meeting, but there are some folks in the audience tonight who have and they would be able to address some specific historical questions you may have about ACORN actions in the past.

President Jerrel: Say what ever you want to say.

Jim Daniels: My other comments would be that I consider this from the Isaac Walton League's point, which is a national conservation organization. Our local arm which has 500 members has met and voted to approve the ACORN recommendations, but there was some discussion also about making sure that any burden of air quality be across the board. That we need to address the regional aspect of air quality within Vanderburgh County, and Posey County, and Warrick County, and the entire country because air does not stop at dotted lines on a political map. Air quality in one place is going to affect the air quality into another. We need to be able to look at that and the burden needs to be equal across all social strati. Industry must step up to the plate and the Isaac Walton League doesn't feel like industry has stepped up fully to the plate at this point. The Commission also, I think, needs to understand that clean air is more valuable than short-term profit and the problem is regional. Posey and Warrick County along with Vanderburgh County is almost certain to be out of compliance with new clean air laws

and perhaps that is what it is going to take for all these three counties to work together. We do understand that one county is going to be looking for economic development and doesn't much care what the air quality in another county how it would be affected. If we all can find out that we are forced to work together maybe that is what it is going to take to get a regional approach to air quality which is regional in nature, at least for this particular area. Historically development stops when the resource in the shortest supply is over, is done, is used up. Hopefully, the resource in shortest supply is not going to be our air, but that is kind of what it is looking like sometimes. I do want to close with a couple of quotes that I thought were kind of apropos to this. One of them is by a theologian, which I'm not really sure sometimes what that is, but it is Herman Daily. He said:

"There is something fundamentally wrong in treating the earth as if it were a business and liquidation."

And I think sometimes that is what we do. We don't recognize the long-term needs that we have in relationship to the planet. We have to address those issues. The other is by Winston Churchill and he made this quote in a speech in 1936 to the House of Commons on Britain's failure to prepare for Hitler and he said:

"The era of procrastination, of half measures, of soothing and baffling expedience of delays is coming to its close. In its place we're entering a period of consequences."

And I submit to you Commissioners tonight that we are also entering an age of consequences with regard to air quality. Thank you.

President Jerrel: Thank you very much. Is there anyone else who would like to speak to this issue? Yes, sir.

David Coker: My name is David Coker. I live at 1601 Western Hills Drive and I'm speaking as a Vanderburgh County resident. Over the past couple of years I have written a number of articles talking about health effects of this issue. If you will recall, during the last time that ACORN came before you, I believe it was two years ago when we made the initial presentation, I talked about the antidotal evidence that I obtained from a local hospital regarding hospital emergency room admissions of people complaining of respiratory problems. Since that time I have continued to write about the fact that the health care establishment is not engaged here. They have not participated in the ACORN conversations. They have not come to public meetings. It is almost as if we're speaking in some foreign language that they do not understand and this troubles me greatly. I learned something today that is even more disturbing than that that I would like to share with you and perhaps to a certain extent reflects some of the problems that we're having in terms of bringing the health care establishment into these conversations. I talked with a woman today, and I'm not going to say where she was or who she was, but she is affiliated with the American Lung Association in the state of Indiana. As you will recall, that organization closed their office here in Evansville last year. Did anybody ever wonder why that may have taken place? Did you ever ask yourself why? Why the American Lung Association would close their office in an area that has serious air quality problems? Well I found out today that there was a local pulmonist, I don't know who this individual is, who had invited the Chairman of the Board of the state organization which also has offices in Columbus, Indiana; Gary; South Bend; Indianapolis; and Terre Haute. He came down here last year for some kind of public presentation. I don't know whether it was a press conference or a speech that he gave

before a business group or what it was exactly, but because of his remarks or in response to his remarks apparently there were people from the environmental community who were critical and I was somewhat disturbed myself by the remarks that he made about how we have to be accommodating to industry with respect to the air quality situation around here and economic development. I feel like we've sacrificed enough. But then I learned that this gentleman was apparently taken aside by the Mayor of the City of Evansville and notified that his message was not welcome here and that as far as he was concerned he would like for him to just go away. Now we know that not only did this individual go to Chicago and lobby EPA Region 5 to redesignate Vanderburgh County using the specious data that we've had serious questions about now with another year of data and the new air quality standards we know that Vanderburgh County is not going to make the new standard and from all indications it does not seem as if the EPA is going to back off on this. They're not going to yield because the evidence is growing that there is a serious connection between bad air and bad respiratory health. I say to you that if this did, in fact, occur this to me expresses volumes about why we have had such a difficult problem of bringing the health care establishment into this conversation over air quality. We are dead serious about this and we want something done and one of the most frustrating things that I experience as a resident of this county is the fact that it seems as if there are virtually no political consequences for virtually anything that goes on around here and I for one am tired of it and I would like for you all to be tired of it, too. I'm sure you're probably tired of hearing me talk about this, but I'm not going to stop because it is serious and it is serious as far as the future generations of the residents of this county and this region. For that reason I endorse what the ACORN recommendations are, but that is just a start. We've got more work to do and as Jim said, Posey County has got to be in the game, Warrick County has got to be in the game and IDEM and the Governor had better get schilling for utilities and other corporate interests in this state which I firmly believe they are judging from their comments recently. That's where I am on the issues and I appreciate the opportunity to express myself. Thank you.

President Jerrel: Does anyone have any questions? David, I would just...this isn't a question, you don't need to come back to the mike. I just was going to point you in a direction. The Evansville Medical Profession and the hospitals entered into an in-depth study of emergency room treatment and hospitalizations approximately three years ago. I can't get you the exact date, but I can give you the name of the person that was in charge of it and that was the study that really profiled our community and they determined in that study that the lifestyle of the residents of Vanderburgh County led to most of those admissions and that lifestyle was obesity, smoking, lack of exercise and there was a fourth, I can't remember. Do you remember what I am talking about?

David Coker: I remember. Was that the Nadine Coudret study that USI published the results of?

President Jerrel: Yes.

David Coker: Okay, I know what you're talking about. Alright, here is a personal experience that occurred during a weekend upon which when we had an ozone alert in this community. I went with John on his boat down river to about the place where the Posey/Vanderburgh County line meets the river and SIGECO happens to have a power line that goes across the river that apparently goes into AB Brown right there at that junction or right in that general vicinity, that stretch of the river. When we stood on his boat and looked in one direction towards Evansville it looked like there was a gray fog over the entire area. When you look the opposite direction down river towards

Henderson I would say that the air opacity was less than a third of the seriousness that we saw on the other...in the other direction. It was almost as if that power line was the line of demarcation between the two regions of smog. Now this is for real. They can talk about lifestyle all they want to, but there are other people here that lifestyle is not the issue and as far as children are concerned lifestyle is not necessarily the issue, but we know that children are disproportionately affected by this problem as well as senior citizens. Senior citizens I can understand the lifestyle argument, but not children.

President Jerrel: Secondary smoke.

David Coker: That's in another room tonight, but I am telling you I've heard this argument time, and time, and time, and time again, but I don't buy it totally.

President Jerrel: Okay, thank you. Is there anyone else that would like to speak to this issue? Yes.

John Biasini: John Biasini. I'm Pretreatment Coordinator for the City of Evansville. Rather than tee off on industries, if you'll look at this closely this will be your first time we're addressing area sources in a significant manner. From the studies that were presented to us from IDEM 42 percent of our problem comes from something called area sources, 25 percent comes from point sources, ie industry, 17 percent comes from automobiles, these are VOCs I'm shooting at you, and 17 percent comes from biogenics. What you're looking at here is our first address to the biggest chunk of the pie, 42 percent of your VOCs coming into the atmosphere. It's unfortunate that the way this is put together this is going to hit the people who can afford it the least, but speaking back to what this gentleman eloquently described we're going to have to take care of our own business first. Once again, this will only affect Vanderburgh County, but I think with an impending SIP coming we are going to nonattainment there is no doubt in my mind. I'm afraid even if we started to close down some of our industries we would go into noncompliance, but I think we have to put a good faith effort forward, the city of Evansville, to show IDEM that we are serious about our air quality and that the entire population including industry is going to be doing something about this. Like any new industry that comes in this area will be MACT, maximum achievable control technology. You can't build down here anymore per IDEM without addressing that, so I think the industry understands they're going to be...they are part of the problem and they are going to pay for part of the problem. What this is addressing in Vanderburgh County, our entire population is now going to take a big step forward into contributing, with the help of these ordinances, into contributing to perhaps a lessening of some of the VOCs. Thank you.

President Jerrel: Is there anyone else that would like to speak to this issue?

Lyle Granger: Hi, my name is Lyle Granger and I live at 6000 West St. Joe Road and I have the St. Joe Mini Mart out in the county. You know, the gasoline industry we've had nothing but expense for the last few years from the EPA including by December of this year we've had to spend thousands and thousands of dollars just to meet their requirement as far as in the ground. Now we're going to have to look like spend money for requirements that are above ground if these resolutions are passed or if this ordinance is passed. I don't know if the people realize it, but if you want to take item six and take it a dispenser and add vapor recovery to it it is going to cost about \$4,000 just for that one dispenser right now.

Commissioner Mourdock: Per pump?

Lyle Granger: Per pump, and if you make it mandatory they'll raise the price on you, the maintenance people, so it's going to cost even more. That's a lot of money for me and one little service station. It's going to cost me anywhere from \$8,000 to whatever and that's if you already have your ground broken up, you have your piping run to your tanks and to your pumps. So for the places that are big and small that don't have this you're going to have all these additional costs. If you want the reformulated gas you're also going to have a higher priced gasoline. It just stands to reason. I don't see any statistics on here as to what this is going to achieve or how much it's going to reduce any of the problems we have percentage wise, etc., that I had heard on the ordinance as far as vapor recovery at the tanks were concerned. All I have is just a flat couple of statements that vapor recovery at the pump and reformulated gas, so I'm not really sure if we have to spend all this money which we can't afford anyway because of all the other federal guidelines we have to follow by December of this year and then you're throwing more on us. You know, it costs a lot of money now to run something that everybody wants. Everybody in this room wants gasoline and they want it cheap and they want clean air and we want to make a living at it, but if you keep adding costs sooner or later the little guy like me, I can't do it any more. I can't do it any more. For me to spend \$8,000 to \$10,000 you're talking about a few months of my profit. Not a few weeks like Thorntons, or a week, or week and a half, or something like that. You're talking about a lot of money for me. I guess going with that you see things like SIGECO where, you know, they get to have rate hikes and they publish in the paper there is a rate hike four or five percent for newer equipment or updating equipment to help with the air quality, etc., etc. But yet if you want us to do this we don't get to add four or five percent and have it published in the paper that gasoline is going up four or five percent to recoup our costs here. What you have in the paper is once a week sort of like a watchdog on the gasoline industry to make sure we keep our costs down. They don't want us to be above the high national average or if we raise it five cents the next thing you know you've got a newspaper article that says...oh, you know to me it makes me feel like I'm trying to gouge somebody when nobody watches over the rates of any other industry like they do here. Once a week you have an article in the paper as to how much a gallon of gas costs in Evansville versus the rest of the country. If you implement these things we're going to have to raise prices to get our money back to stay in business. When we do that the next thing you'll know there will be an article in the paper of the public griping about gas prices or they'll go to where it's the cheapest which means the big guys...just typical story, the little guy just can't fight them which is me. So, yes, I don't mind clean air, but there is a price that has to be paid for it and I hope everybody is ready for something like that and the small guy just like all the rest of the EPA requirements and the people that went out of business last year because of those EPA requirements. The same thing is going to start happening again for us. We've absorbed enough costs. You know, there is only so much you can do and stay in business.

President Jerrel: Thank you. John.

John Blair: My name is John Blair. I'm talking on behalf of Valley Watch and not ACORN here, but I am a member of the ACORN Committee. As you're aware, we did propose these things two years ago and they had time lines on them. Two of the things were supposed to be keyed in if we didn't meet the goals that we had set out by 1998 and it's almost the end of '98 now and we just barely started to make a dent in the two things that have been passed. I certainly appreciate the comments of Mr. Granger. We looked at that a great deal in the discussion at ACORN and we would have certainly welcomed and have always made welcome anybody that wants to come and participate in these things to accommodate those views as much as we can. I think that one thing that is really key here and I think listening to Mr. Granger kind of drove this home, it's

true that it's at least apparent that environmental rules and regulations often fall on the little guy seemingly more so than the big guy. Now I don't have any control over that, but I do know this, that we have a problem. It was driven home amply this summer. We really have a problem. There were days that were some of the worst days that I've seen since 1979, '80 or '81 when we had virtually no controls on almost any kind of industry including the power plants around. We're in a situation where we've got to do something. If it has been deemed by the powers that be at the federal and state levels in particular that industry is somehow sacrosanct and we are not going to put...we're going to refuse to put any kind of reasonable available control technologies on industry then it is incumbent upon us because of the health issue to do it where we can. It's unfortunate that it comes down on the individual driver and it comes down on the individual gas station owner and so forth, but the problem lies in the fact that nobody is willing to bite the bullet to go after the major sources. Now, Mr. Biasini said that 42 percent is area sources and that's correct, 25 percent is point sources. I think he did misstate something a little bit there and that is that the point sources are those that emit more than 100 tons a year of VOC. Area sources include most of your small industries as well and, in fact, the bulk of area sources are made up of small sources that would be considered point sources because they aren't (inaudible), but they're small and there is just a definition there of 100 tons a year makes it a point source. In any case, it's unfortunate that we have to start looking at measures that are apparently kind of menial to get the job done because we refuse to look at the major problem that we have in this community. Now a couple of the major sources, big point sources around here, have taken it upon themselves to reduce emissions. I guess Whirlpool, in particular, has reduced their emission by nearly half in the last few years and I certainly commend them for that, but the fact is that our air quality this summer after that reduction has been worse than it has been in the previous years for some time. In fact, a couple of our monitors broke the one hour standard this year. In fact, when you break the one hour standard according to our maintenance plan we're supposed to go into a level one response which means that reasonable available control technology is supposed to be placed on area point sources. Have you heard of any initiative being done by IDEM to do that? No and I doubt that you ever will. Why? Because the Governor and others have determined that industry is off limits as far as additional controls to control VOC emissions. They're relying completely on the NO<sub>x</sub> SIPCOL which they fought very hard, the Governor, in fact, wrote a letter to EPA Administrator Browner objecting to the severity of the NO<sub>x</sub> SIPCOL on utilities. We saw, I think, Richard, you were in the steering committee meeting when I kind of tongue in cheek asked Janet McCabe on the comments that IDEM had filed on that. I asked her which one of the utilities had written that for her because, you know, it reflected almost exactly what the utility company's position was in the whole NO<sub>x</sub> SIPCOL. Now, when you have a state agency that is using its power and influence primarily to foster the interest of business versus those of the individuals who are out here having trouble breathing, you know, you have a very grave situation. That's why it is incumbent upon us at the local level to take the lead. We've got to show Posey County. We've got to show Warrick County. We've got to show Gibson County that things can be done to help this problem out. Maybe by taking the lead and showing that good faith effort maybe ultimately we'll be able to convince the state and others around us to take some kind of positive action on the part to do it across the board. Now we have one thing here and it's going to as far as the county is concerned this implementation of the Pollution Prevention Task Force is fundamental to this plan. It's fundamental. It was going to get 65 percent of the reductions that we wanted in 1996. Sixty-five percent was going to come from the Pollution Prevention Task Force and, Richard, I know you've said a number of times you've looked at Chattanooga, Tennessee as a leader in a city that could get stuff done. US News and World Report just wrote a major article about cities that do things right and they

mentioned Chattanooga in relation to dealing with their pollution problem a number of years ago and how the community came together to solve some of their pollution problem. Well, Chattanooga's task force is similar...a similar sized town, I believe. It's funded with twice the money that ACORN is asking for because they're really serious about it. They want to get something done. As long as we just sort of sit around, twiddle our thumbs and wish the problem away it's only going to get worse and I guarantee you it's going to be worse next year than it is this year and it's going to be worse in 2000 than it is in 1999 because we have apparently decided to lack the courage to go forth. You know, it's now at the cusp. We either turn the corner and make this a livable very decent place that is healthy for people to live in or we keep going down this road of acquiescence to industrial interest and acquiescence to big, big business and their influence on the legislature so that our babies and our children have to continue to have asthma camps and special asthma centers in these hospitals. It's ridiculous. And, you know, whenever we hear about these rules and laws...you know, I was glad to see the Evansville Courier finally wrote a story that said health is an issue with ozone. Just yesterday, I hope you all read that. After 20 years this is the first time the Evansville Courier has acknowledged in a story specifically addressing the health issue except for one in 1988 they wrote when...or maybe...it was 1988 around the BASF plant. You know, we are making progress. People are ready. You know, certainly the feeling that I get from the community is that people are, you know, Evansville will never be the center or the start of any kind of cultural or other kind of revolution, but it is starting to happen here. People are getting concerned. They want something done. I wish that we could do it without any kind of price to pay, but there, obviously, is going to be a price to pay. I think that whenever we look at the total picture that, you know, competitive forces are strong out there in the gasoline industry and elsewhere, but I think that when you look at the price of gasoline now that it's the lowest point it has been in certainly my history of 51 years and I paid 18 cents a gallon for gas at one point in my life. It's lower now than it has ever been and this is the time to act on those things because it's never going to get lower. In fact, did anybody really notice the five cent a gallon increase that we had two weeks ago? It went up ten and then it went back five so the net was five. I didn't see anybody quit driving. You know, it's one of those things we've got to do it now. If we wait, if we acquiesce any longer we're going to be in so much trouble with health that we'll never get out of it, so now is the time to act.

President Jerrel: Is there anyone else that wishes to speak to this issue? Did you want to?

Commissioner Mourdock: I would like to make a couple of comments. First of all, everyone who has gone to the microphone I appreciate your continuing interest, passion, if you will, and, Mr. Granger, that includes you. I know you're on the other side of this issue, but you expressed your point of view very well as you did previously when you were here and I appreciate that. Several points, and I guess I'll go through these as I think of them, but first of all, John, you mentioned a moment ago there seems to be growing awareness. Dave Coker mentioned it, Jim Daniels hinted at it. What percentage of people do you suppose in this area would consider themselves environmentalist or environmentally active or environmentally concerned?

Jim Daniels: I would say nationally...if you look at the national numbers, I'm not sure that applies here, but nationally it's 92 percent consider themselves to be.

Commissioner Mourdock: Alright, does anyone else want to take shot at that one? A guess?

John Blair: You know I hear all the industrial people say that they're environmentalists, so I guess 95.

Commissioner Mourdock: Okay.

Lyle Granger: How can you say that whenever we have the bad ozone days and we're sending out alerts and asking for people to come in the evening to fill up gas or whatever and nobody listens to any of that? (Inaudible)

Commissioner Mourdock: Okay, I understand your point, Mr. Granger. Let me just, because the low number I heard was Jim's 92. Let's assume it's wrong by half and let's say it's just 45 percent just for rule of argument.

(Inaudible comments made from audience.)

Commissioner Mourdock: Okay, let's say it's 20. I would hope that of that 20 percent in Warrick County and of that 20 percent in Posey County that you can garner the kind of support that you feel it would take, whatever that level is, whatever level of support you feel it would take to influence Warrick County and Posey County. If 20 percent, if that's the conservative number, if 20 percent of the people in those counties are environmentally active or sympathetic to this, then I would hope you could bring them together to take the package that you brought to us tonight or the original one from May, 1996 to their Boards to get them to act. I think all of you know that I sense the same frustration that you've had with those groups, but if that's the kind of numbers that is out there then I would encourage you to bring them to the table. Working through the items that you've presented us, and first of all, Jim, you said something incorrectly although you later corrected it about the Pollution Prevention Task Force. That is in the present ordinance and I will agree it has not been acted upon, but it was part of the original package which it says it was not. As far as...let me go to the back and begin this way. First of all, I will make a commitment to you guys right now, I like item eight a whole lot on implementation of common sense transportation initiatives. I will meet at any place any time with anybody you can get from the city who deals with that issue. I have another question for you though, since you brought this to the county regarding stoplights, how many stoplights does the Vanderburgh County Commissioners control? How many, three million?

John Blair: You know, Richard, it may not be a question of how many they control right now.

Commissioner Mourdock: Okay, that's fair.

John Blair: It may be a question in another two months.

Commissioner Mourdock: Okay, will they double in two months?

John Blair: It might double in two years.

Commissioner Mourdock: Okay.

John Blair: You're building them everywhere. I mean, look what is happening out on Red Bank and 62.

Commissioner Mourdock: John.

John Stoll: Currently we've got two now and we'll have about seven whenever Burkhardt is done and St. Joe and Allen is installed. We've got no plans for any additional ones.

Commissioner Mourdock: Just if you didn't hear that the County Commissioners control two stoplights. I do not take back what I said a minute ago. I will meet any time any place with the people from the city to try to implement what we have here because I think those are very--

President Jerrel: Or the state.

Commissioner Mourdock: Or the state, that's right. Obviously, even though there are many more stoplights than that, understand the control with all the stoplights is in either the city's hands or the state's hands. We can't control them. But, again, I say I will work with you to try to implement those things because I think those are good. Item seven on frontage roads, this Board, and I realize you guys don't spend your life here on Monday nights, you're to be commended and somewhat envied for that, but in the past six to eight weeks we've passed several different resolutions concerning frontage roads on 62 West out in the Burkhardt area and also all the way on 41 clear up to the county line, so I think we can already at least as far as Vanderburgh County is concerned check off item seven. I agree those are important issues that we need to look at and we have put the plans in place. The developers had a chance to comment on them and they were very well received. The point of those is to stop the cuts onto any kind of state highway and to maintain better traffic flow.

President Jerrel: And we've done Burkhardt Road right lane only.

Commissioner Mourdock: Yes, and we have done Burkhardt Road with right lane only coming out, so those things are in progress, but, again, they are good points. Item three, going back to your front page, the Pollution Prevention Task Force. John, you mentioned that I have spoken of Chattanooga a number of times and clearly they are one of the national leaders of a community as far as doing what they are doing environmentally. I will also say though that the one thing that is significantly different there and I don't understand why, but the one thing that is significantly different is the level of public response to these types of Boards on those issues. The way they got the funding was to work through the political process meaning they got a lot of people involved to get the funding they needed. I remain committed and interested in making the Pollution Prevention Task Force work. Find a way to help us get that funding. I doubt very much that you're going to find it in the 1999 budget for Vanderburgh County, but some will shrill when I say this, but there are other sources of funding out there, the new TEA 21 bill that replaced ISTEA, the Federal Transportation...what does the E stand for? The Transportation Enhancement Act for the 21st century. It provides a lot of funding sources in there to deal specifically with pollution prevention issues.

### **Tape change**

Commissioner Mourdock: One whole section of that on TEA 21 is protecting the environment and under just one part, just one part of the TEA, there is \$1.35 billion which is an increase...and that's billion...an increase of 35 percent over last year's levels. You know, if this community can use somehow funds for that to help put better wheels underneath this, then I will help you do that and work with you to get that done. Last...well, maybe not lastly. The health issue. David, you mentioned that you're frustrated that the health community doesn't seem to get in here. I will add one bit of frustration as well. We had 5,000 people a week and a half ago, Saturday, at Eastland

Mall for the breast cancer...yeah, Race for the Cure. Thank you, Jim. I was amazed that environmental issues were not part of any discussion, at least that I heard that day.

David Coker: They never are.

Commissioner Mourdock: But I'm just saying that is a fact, okay, and why that issue doesn't connect I don't know, but I accept your frustration, I hope you accept mine. That's real. Finally, the lower Reid vapor pressure gasoline. All of you in this room, I think, know the story there. We proposed that in the original ordinance, had IDEM come back and tell us where or why we couldn't do it. Having said all that, I have a couple of other questions that are somewhat rhetorical, but I think they're important ones. Number one, what are the sources of emissions in Vanderburgh County? I know the 17 percent. I know the 25 percent. I know the 42 percent for area and all that, but the question is how do those numbers really relate to Vanderburgh County, Indiana? Those are IDEM's numbers that are more state number than they are our numbers. Dave, you're going to cause me to lose my train of thought here.

David Coker: The National Resource Defense Council has an excellent web page that has a map and has TRI emissions and they have it broken down by air, too. I just recently pulled this information off of the web site for Tee Tiemann at her request and they have it broken down for Posey County and for Vanderburgh County and it has got all the major point sources that file TRI statements every year and you can get that. I can't remember exactly how, but I'll find out and let you know. The point sources are available through the TRI.

Commissioner Mourdock: Okay, but that makes my point, no pun intended. You know, it is very easy to say what those point sources are, as John was saying at plus 100 tons a year. Would anyone here argue that we probably have more point sources per area than most areas of the state of Indiana?

Unidentified: Yes, we do. There is no question.

Commissioner Mourdock: No question we do, so how does that affect our numbers?

(Inaudible comments made from audience.)

Commissioner Mourdock: I understand.

(Inaudible comments made from audience.)

Commissioner Mourdock: But, again, the regional side of it there is a bunch in the area and I am not sure these numbers represent it and I've talked to Joanne Alexandrovich a number of times about how we can get better data there. The other one, and obviously this is a very recent affect and none of us know the answer, but with the 85 percent...yeah, 85 percent reduction that has come down the pike, if that happens, if it stays in place what is that effect going to be? None of us in this room know the answer.

John Blair: You know, I would like to address that for a second.

Commissioner Mourdock: Okay, let me make one more point if I may. The other point is, and this clearly is a local affect with what SIGECO announced with GE preparing to shut down their coal burning facility over there with 1,100 tons per year reduction in SO<sub>2</sub>

and was it 350 ton NO<sub>x</sub>?

John Blair: Three hundred and fifty, I think it said, NO<sub>x</sub>.

Commissioner Mourdock: Okay, of NO<sub>x</sub>, what's that going to do to us? You know, we've said all along we have a regional problem. Nobody will argue that, but I see there is so much fluidity in this whole dynamic right now, both in the regulatory sense and in what's going to happen out there in the true emission sense, it's hard to throw a dart at the wall right now and really know what we're shooting for. So, John.

John Blair: Well, perhaps you're right there. You know, if history is any judge here we will likely out of the 85 percent that the EPA is calling for after it's mixed up and thrown together and everything with Indiana Legislature and everything it will probably turn out to be more like 20 percent and it will probably take place over in Clark and Floyd County. You know, that's just the way we do things here in Indiana because GE, and Alcoa, and SIGECO, and PSI, and Northern Public Service...Northern Indiana Public Service, and Indianapolis Power & Light have so much incredible power when it comes to rule making and legislation in the state of Indiana, so that doesn't relieve the burden on us. But to address the NO<sub>x</sub> thing all through the redesignation proposal for Vanderburgh County IDEM kept talking about how NO<sub>x</sub> is a scavenger and that when NO<sub>x</sub> is emitted at the local level it actually reduces levels of ozone. So it's highly conceivable that this NO<sub>x</sub> SIPCOL will increase our ozone levels. If NO<sub>x</sub> were our problem with ozone it's logical to think that we would have levels that are higher, probably, than even Los Angeles because we have some of the biggest NO<sub>x</sub> emitters within 25 or 30 miles of us of any in the country. The Rockport Power Plant is one of the top five or six NO<sub>x</sub> emitters. The Gibson Station up here is number two NO<sub>x</sub> emitter. The Paradise Power Plant...any direction you go we have these huge NO<sub>x</sub> sources. One hundred and fifty tons at GE is almost a non starter.

Commissioner Mourdock: Except for...excuse me, except for one difference which is Rockport is down wind, Gibson County is down wind, that 150 undoubtedly, and I think you'll agree, would have a lot more to do with our ozone than either of those two plants.

John Blair: Do you know how much NO<sub>x</sub> is emitted from the PSI Gibson Station? Forty-four thousand tons a year when it is operating at about 50 percent capacity. Now that is 44,000 tons versus 150 tons. You know, the ambient air regardless of the way the air flows in an inversion the ambient air that comes from Gibson is overwhelming us, but at the same time IDEM refuses to even allow Gibson County to be considered in our region. You know, why is that? Well, the answer is very clear because PSI and Toyota have a whole lot more political clout than we do. You know, why is it that Tim Method told me in 1988 that Gibson, Warrick, Vanderburgh, Posey and Henderson counties were all going to be placed in nonattainment and it turns out to be Vanderburgh County by itself? You know, it's because of this immense political power. That's why it is so necessary for us to take the bull by the horns and do it. We've got to take care of our problem as best we can and then we can raise the devil about, well, we've done everything we can and we've still got a problem. Until we do that they're going to keep pointing their finger at us because we were the nonattainment area, you know, unjustly. They're going to keep pointing their finger at us and we're going to have to keep pointing our finger at them and, you know, hopefully the northeast will get a NO<sub>x</sub>...will get a VOC or an ozone reduction as a result of this NO<sub>x</sub> SIPCOL. You know, hopefully. Now I'm not sure if that is going to happen or not, but I know this that if we do not take the initiative to do some of these things ourselves there is no hope that we're going to convince the people in Warrick County, Gibson County, Henderson County or Posey

County to do anything. In answer to the one question--

Commissioner Mourdock: Which question?

John Blair: --that Mr. Granger had a while ago, it is very clear to me that the reason people don't listen to these ozone alerts is because when they see that, you know, you're being asked to not fill up your gas tank and at the same time IDEM is allowing a VOC source of 937 tons a year to be located directly upwind of you there is no point in it and that is the way people are reacting.

(Inaudible comments from audience.)

President Jerrel: Yes.

David West: I'm a recent, maybe, convert to this cause. My name is David West and I'm from Posey County. I'm not sure if I am even supposed to be speaking here. I am interested in item five. There has been much discussion in the newspaper about why, and it has been brought up here, people don't respond to ozone alerts. Perhaps it is because there is nothing that mandates that they pay attention to it. I know that if this...if item five would be enacted it would be maybe a heavy handed measure to make people be aware of these things because it would affect them personally. At least if the ordinance was proposed it might get some public response. We also might get a better idea of what percent of the population in this area was really environmentally concerned. I can see the gentleman's points on point four and item six regarding the small gasoline station operators having to bear the cost. I can see the environmentalist's frustration over the large industries supposedly not having to bear their share, but that is something beyond this Council's power to enact, but item five, I think, might be a place to at least have some...get some public...give kind of a public...I can't think--

Commissioner Mourdock: Anger, I think is the word you're looking for.

David West: Pardon me?

Commissioner Mourdock: Anger, is that the word you're looking for?

David West: Well, at least get some public input--

Commissioner Tuley: It's going to be their reaction.

David West: --about how they feel about this subject. Is it something of real concern or is it not?

Commissioner Mourdock: This isn't a trick question, but let me ask you, Mr. West, since you're fairly new to our...this issue here, I presume. Which do you think would cause more anger, having all the drive through windows at the restaurants closed or having the vehicle inspection and maintenance program?

Unidentified: That's a hard one.

Unidentified: How many kids are in the van?

David West: I think both of those would be...would perk the public's interest.

Commissioner Mourdock: Okay, when we had...when was it, in June, when we had a discussion? We declared a public meeting and had one of these meetings set up as a public hearing to have people come in to raise the issues...I mean, we publicized it that we were going to talk about that type issue. The people who showed up were the same people who are in the room right now. I mean, that is part of the frustration that the people in the room feel.

David West: But if there were...if there was something said that we're going to enact or you are going to enact an ordinance that is going to affect an individual person, you know, where you're going to have to get your car inspected and it's going to have to pass or you're...we're going to close down your drive through lines I think it would get...to answer your question I think getting your car inspected might get more of a response.

Commissioner Mourdock: That was the gist of the argument was to have the discussion about an ordinance that would close the drive through windows.

David West: And perhaps the response wouldn't come until after the ordinance was passed.

Commissioner Mourdock: That's probably true.

David West: You know, people might say why in the world did they pass some crazy thing like this, but I think it might really get some public debate going on what the issues really are and for whatever it is worth that's my comment on the subject.

Commissioner Tuley: John has got a question or a comment.

John Biasini: Are you familiar with the Greek king that used to kill the messenger if it had bad news? You're all political people and we know there are going to be some ramifications, but I see no other way of involving the public unless you come out, and this thing is not coming after big bad business. This is to involve the population and if your population becomes involved perhaps there will be a groundswell and there won't be so much screaming when they're forced to do some green purchasing rather than purchasing a cheaper product, but I see no other way to involved...until we hit home, and I don't know, Mr. Blair and I kicked this around and kicked this around and I got John to back up on some of this. Some of these measures are going to hurt the people who can afford it the least, but we're, you know, guys we've got to start somewhere and once, and I have to bow to John on this, we have to be proactive and we have to be the leaders. We can't wait.

Commissioner Tuley: Who--

Jim Daniels: I just had one other comment as a response to what the Commissioner said a minute ago and that is to relate a few years ago a researcher came to this area and he asked a person on the street he says, what do you think is more prevalent in this area, ignorance or apathy? The fellow said I don't know and I don't care. To me what we can do is we can always wait on the fence for better science to come along tomorrow. There will be some better science tomorrow. It's kind of like buying a computer sometimes. As soon as you buy one they've got another one on the market that's a little bit better and little bit cheaper than the one you just bought. We always have to eventually take the jump. We recognize that better science is going to be out there tomorrow. The science of the 1920's and the 1930's said that draining wetlands

was a wonderful thing to do, for farmers to do. We have found out since that is not a good thing to do because wetlands have value as wetlands. We've learned since then, some people have learned since then because wetlands still get drained at an alarming rate. Air is another issue like that. Some of the benefits aren't realized instantly and we demand instant gratification and we're not going to get that with these ordinances. We're not going to get instant gratification. It's going to be a little bit of time before that can happen, but it will happen, but it will happen. We do have to make a decision sooner or later based on the best available knowledge that we've got at the time that, yeah, we do have a problem. We've got to take some measures to address that problem and recognizing that maybe in two months and maybe in two years, maybe in ten years, we're going to have to take some more actions to further address that problem and keep at it. I mean, that's what making decisions is all about and we've got to start recognizing that to live in a society harmoniously requires mutual coercion mutually agreed upon. That to me is the way we've got to look at this kind of issue as well. We've all got to recognize that there is a little bit of sacrifice that needs to be made and there are going to be benefits. You may not see a lot of benefits instantly, but they're going to be there. If we continue to wait eventually we're going to go off the cliff and we've got to make some decisions now and so I would ask you to take some actions on these recommendations. The task force is a key element to that because it can identify the value of actions that are taken at the present and also make strong recommendations and push for whatever additional action, if any, may be needed. So that to me is a key element here, so I recognize that part was already in an ordinance, but there is no task force so it's like it doesn't make any difference what kind of law there is if the action is not taking place we need to do whatever it takes to enable the action to take place in addition to the law and that means funding.

Commissioner Mourdock: Refresh my memory, the task force was responsible for 30 percent of what...?

John Blair: Sixty-five.

Commissioner Mourdock: Sixty-five.

Jim Daniels: Those are my additional comments. Thank you.

Commissioner Tuley: I've got more questions than I've got answers, I think. But all of you have made reference to the task force, Chattanooga's success. Does anyone have anything from the people of Chattanooga, the people ahead of this as to how they went about implementing the program? Richard, you indicated apparently there is a lot of support amongst the community members. What's the funding? To spend \$1 million a year where is that coming from, do any of you know? I'm saying that as a legitimate question or do you have a contact person or anybody like that that any of you are aware of?

John Biasini: Bill Brown, who was an original member of ACORN was a member down there.

Commissioner Tuley: Right.

John Biasini: A lot of that...a lot of their hookups and their traveling speaker...they have a traveling dog and pony show and they made a speaker available from that committee to come up here. I believe that is a phone call away. Probably through the Chamber of Commerce could hook you into that.

Commissioner Tuley: Okay, because that...I'm sorry. If that is going to be the biggest potential reducer, it's got the biggest price tag, but--

John Biasini: It's the same thing that industry brought to the table. You know, the big boys don't need the help and, you know, I am not taking on power companies, that is way out of our scope. Your local big boys...success story after success story and everybody here locally is trying. There is no way around that.

Commissioner Tuley: Right.

Commissioner Mourdock: It is my understanding, Pat, that a lot of the money that did that was federal money. At the time they had a very environmentally active senator.

John Biasini: Their main problem was particulate matter.

Commissioner Tuley: He might be Vice President.

John Biasini: You could actually see the soot. You know, there was a mess down there. You couldn't hang clothes out on a line. That's gone, but I still think they have a major ozone problem still. Their particulate matter has been cleaned up.

Commissioner Tuley: Is Bill still here at Veazey? I mean, he is not here, but he's not at this meeting, but he is here in town, he is still at Veazey, so I can make a call to Bill and talk to him. The other things that were talked about doing here, and I know, Jim, I think in your initial comments you made the comment, a very correct comment, the air quality doesn't recognize dotted lines on a map. However, there are real lines out there that we have to abide by and that becomes a real issue. The gasoline thing, you know, we've been told by the state, we tried to get through, they said you can't do that. I don't know can we stand up...what can we do? Is there any way to change that? Is that because of some federal reg in terms of commerce trade of what is saying that?

President Jerrel: He said it was the EPA.

Commissioner Tuley: EPA, okay.

Commissioner Mourdock: Again, it was related to commerce, the commerce clause.

President Jerrel: Right.

Commissioner Tuley: The idea of the vehicle inspections, you know, probably very good. And you're right, it's going to hit the pocketbooks of the people who can least afford it, but my bigger question is regulatory. How do we certify or how do we go about identifying those people who are qualified to do that? I mean, most of us in this room are old enough to remember vehicle inspections and fraud and oversight and does this body, even if you could enact something like that, what happens when we go inside the county line to the city limits? These are questions not to throw up stopping blocks, but need to be answered.

Unidentified: But that is what the ordinance can help address.

David Coker: I lived in northern Virginia for a while and in Fairfax County they had an annual inspection and maintenance program where they...well, it was done in conjunction with the annual overall vehicle inspection, but then they also...you had to have your emissions inspected every six months and they didn't have this in Arlington

County or Alexandria. It was strictly in Fairfax County, so there is precedence in other states for this I know, but they have this probe that they put up your tailpipe that would measure and for each specific individual car, depending on the type of equipment and so forth that it has, it measures the emission and if you don't come within a certain range I think there was a maximum dollar amount for repairs that would be done to the vehicle, I think it was like 75 bucks or so, that, you know, that each and every motorist had to get this sticker that went on the windshield of the car before...and you have to have both that and the inspection sticker before the state would issue your new license tag the next year.

Commissioner Tuley: David, do you know...you say...you've been around here for as long as I remember so you've been here for a while. Do you know is that still in effect or do you have a contact who would know?

David Coker: I would assume it probably is. This was back in the '80's when this was enforced and I don't think they've reversed it since then. I would assume that it is probably still in although I can check it out.

Commissioner Tuley: Okay.

John Blair: There is basic inspection and maintenance is kind of an easy hit for us. Let's face it. If we're going to be nonattainment, whether we are transitional or just plain straight out nonattainment we're going to have to come up with a plan, and I'll tell you what basic inspection and maintenance is going to be part of that plan without question, so why not just go ahead and start it now. But there is the other side of the coin and this is why maybe we ought to adopt basic inspection and maintenance is because there is a new boy on the block and that is enhanced vehicle inspection and maintenance. They put you on a...they get you up to road conditions with some kind of dynamometer and determine your emission there. With enhanced vehicle inspections it goes from \$75 for a maximum allotment to \$225 for a maximum expense. The cost of the inspection is a little higher. The state when they were down here two years had we adopted this at that point the state had pretty well given us a commitment that they would absorb the cost of doing that program like they do in Clark, and Floyd, and Porter, and Lake County. We opted out of that and I don't know if that commitment would still be there or not, but IDEM has paid for those in the other areas that have required inspection and maintenance.

Commissioner Tuley: Well, that just backs what I was talking to David about. You're saying they do that now in Clark, Floyd, and Lake, and Porter?

John Blair: In Clark, Floyd, Porter and Lake and there has been a lot of discussion about it in Indianapolis and I'm sure that is going to be one of the primary parts of the plan to get Indianapolis under the...frankly, those are minor measures. When you're talking about 17.2 percent of the problem in Vanderburgh County is mobile sources and like in some of the counties, in those four counties, there was just recently a rule passed by IDEM that allows new vehicles to opt out for two years. If you buy a new vehicle you don't have to get it inspected for two years because, you know, it is presumed that the pollution control will work on it, but with those four counties, you know, they have paid for it. You know, I think that as we see how this is going to break down and that EPA is going to stick to its guns on this .08 standard and so forth and we are going to be nonattainment I think that you'll probably see some clamoring in the Legislature and it might as well be by us too to have the state develop a program that is paid for somehow with state dollars which would lower the burden on you, not on the taxpayer.

Commissioner Tuley: Right, okay. Thanks, I appreciate your...as everybody has already indicated I appreciate you taking the time...continuing to take the time to try to make us more aware of the situation.

President Jerrel: If there is no further discussion, does our attorney have any comments? Okay.

Commissioner Mourdock: He had the deer in the headlight look!

President Jerrel: What's your pleasure?

Commissioner Tuley: Well, I think there is reason to follow these up and make some of these phone calls. I also think Richard's comment, I mean, the budget has been set for next year so implementation by January 2nd, particularly when it comes to this half million dollar price tag I don't know if that can be met, but I am willing to give each one of these a little harder look than maybe I had in the past.

Commissioner Mourdock: I'll reiterate the commitment I made earlier to work with whomever, whenever, wherever on these several issues. Also, it hasn't been said here directly, but from our prior ordinance, obviously, there were actually two ordinances. One the city did and one the county did. At this point to my knowledge, and correct me if I am wrong, there has been no discussions with the city regarding this--

Jim Daniels: It is our intention.

Commissioner Tuley: I was getting ready to say, when are you guys going to the city with this same...?

Jim Daniels: Yes.

Commissioner Tuley: Okay.

Jim Daniels: We thought we would give you guys first shot.

President Jerrel: So am I to take your comments to mean that you're going to evaluate this? Is that what you want to do?

Commissioner Mourdock: Take it under advisement.

Commissioner Tuley: Yeah, I think it would be a little difficult to sit there not knowing funding sources for some of this to try to say, yeah, we'll implement this and change the ordinance.

Commissioner Mourdock: Was that a motion?

President Jerrel: Is that a motion?

Commissioner Tuley: So moved.

President Jerrel: Okay and I'll say so ordered.

Commissioner Mourdock: And I'll second.

President Jerrel: I thought you said...you made the motion?

Commissioner Tuley: I think he said that as a question, is that a motion?

President Jerrel: Okay.

Commissioner Mourdock: One other quick thing to add. I appreciate you putting all this in writing and letting us see it in advance to help us get better.

(Inaudible comments made from audience.)

President Jerrel: The motion was that it was taken under advisement.

Commissioner Mourdock: Right.

Jim Daniels: (Inaudible.)

President Jerrel: First of all, the budget issue, the budget was passed in September so if there is any addition to that budget it must occur next year.

Jim Daniels: So you're saying that this is going to be taken under advisement for 11 months?

Commissioner Tuley: No, no, no.

President Jerrel: Just that one issue is...I'm just telling you what the circumstances are. That budget has been passed. The Auditor is determining the impact from the tax standpoint and half a million dollars is almost five cents or four something cents on the property tax rate, so at any rate that is one point that, you know, you can't change 1999's budget now until 1999.

Commissioner Mourdock: There are multiple parts of this. Funding directly out of the county budget being one. The thing I mentioned using TEA 21 as a possibility to try to find money can be a process that can start tomorrow morning. The other issue as far as just the process of making any kind of ordinance happen on this issue is a city and a county issue and there needs to be something simultaneous going on there, too, just to inform everyone, explore every opportunity and have those discussions. So that is going to take some time.

Jim Daniels: I guess what I am kind of looking at is I am trying to get a handle on what we can look forward to as far as time as dates certain and milestones.

Commissioner Mourdock: In a political process I don't know that there is such a thing as a date certain, Jim. How long have you been in this building?

Jim Daniels: I'd like to kind of start something new actually.

Commissioner Mourdock: Pardon?

President Jerrel: Well--

Jim Daniels: I'd like to start that process new so we can say okay we're going to try to accomplish something in a certain length of time and then meet as many times as

necessary to try to cause that to happen. I mean, otherwise we are taking a May of 1996 document and it gets pretty old, you know before something happens. I'm just trying to get a feel if we can fast track anything.

President Jerrel: Item seven and eight, the frontage road and the lights I think you understand that there has been a significant amount of work done in those two areas that you were not aware of.

Jim Daniels: Right.

President Jerrel: In terms of the budget what I just told you is the way that does work. I mean, the '99 budget has been passed.

Commissioner Mourdock: In regards to the stoplight--

President Jerrel: Yes, I was talking about the stoplights.

Commissioner Mourdock: No, I meant one step beyond that in regards to synchronizing lights and all that let's try to set some things up and see if we can do that somehow with the city. Again, I'll see what I can do there. That's their process not ours.

President Jerrel: The lower Reid vapor pressure gasoline, I suppose that the best thing for us to do is to correspond with the EPA on that issue. The lower Reid vapor pressure and the Stage II recovery are items that I don't know where we go in terms of determining, but you certainly would have to have more than a two week...you're going to have to have some input from the community and the owners of stations. I think that's obvious. The basic vehicle inspection and maintenance program, we control only those areas outside of the city limits, so this is a lot more difficult thing than just putting it on the table. You know, where do the vehicles that Vanderburgh County could control, and, again, that would have to be something I'm sure the Bureau of Motor Vehicles would have to be involved in when you differentiate between boundaries, so I'll check that one out, but I do know that is not something we can do and wave a wand and make it happen because we only control the area...will you speak to that? I know you don't want to speak to anything, but speak to that issue.

Joe Harrison, Jr.: Well, everyone knows, I think, that our ordinance only applied to that area outside the City of Evansville and outside the area of the Town of Darmstadt. I haven't heard you all mention them, but they are a governmental entity within Vanderburgh County, but, again, it's probably 30,000 people probably that are controlled who live in the county. The other 130,000 or so are in the city and there is probably 1,000 or so in the Town of Darmstadt. In this whole process previously the City of Evansville was obviously the main player in this whole discussion. I don't know if you've been to that body yet, but certainly you're going to need to go to the City Council and the Mayor to see what sort of feeling they have for the recommendations you've made. Again, as far as the Stage II recovery and the lower Reid vapor gas, those are issues that have to be first approved by the feds and the State of Indiana. As far as those particular issues, they were considered before and the county was not permitted to do those things and neither was the city, obviously, so there are a number of issues that need to be looked at with regard to what you're discussing and what you're bringing up, but as far as the boundaries are concerned, you know, our jurisdiction is just over that small area of the county outside the city and outside the Town Board of Darmstadt.

Jim Daniels: (Inaudible) I'm a little bit puzzled about the statement you just made. I

thought, and correct me if I am wrong, the law says that a local unit can pass a law that is stricter with regard to environmental protection than the feds can or the state can. What they're putting out is a minimum. You have to meet the minimum, but you can go above the minimum.

Joe Harrison, Jr.: No, we could not do any more than what we did. It would have been illegal for us to pass those recommendations that were sought by your group. That's why we couldn't do it. You all wanted to do it, the Commissioners wanted to do it, an ordinance was drafted that way, it was illegal for us to do it. That's why the city didn't do it and that's why the county didn't do it.

Jim Daniel: Maybe some of the ACORN group could explain that to me as well because that is one thing I am very unfamiliar with.

Joe Harrison, Jr.: Yeah, well, we couldn't do it.

Jim Daniel: In that you couldn't do it because it was too strict?

Commissioner Mourdock: You're talking about lower Reid vapor?

Jim Daniel: Any of it.

Commissioner Mourdock: Specific to lower Reid vapor the issue was one of commerce principally and the fact that is a measure that is deemed as a remediation measure for those counties that were in nonattainment. Because of the nature of our market and the fuel coming into the area even if we were still in nonattainment the EPA says if we adopted that we would be forcing the surrounding counties to also pick up that fuel supply and they have never been in nonattainment and therefore we could not do that. That what we were trying to impose locally to deal with our problem would have adverse affects on neighboring counties that have never been in nonattainment and therefore we told we could not do that. John doesn't agree with that, but that is what we were told.

President Jerrel: They had a meeting in this room, the IDEM Board.

Joe Harrison, Jr.: Indiana Air Pollution Control Board had a meeting here in November or October of last year right about this same time and that is when those issues were all discussed. I don't think it was known probably until that day that those two issues were out of the ordinance.

Commissioner Mourdock: Yeah, as you said it was in the ordinance-

Joe Harrison, Jr.: Sure.

Commissioner Mourdock: --and it was our intention.

John Blair: Well, Stage II recovery isn't the same.

Joe Harrison, Jr.: No, I understand.

John Blair: It's just the lower Reid vapor pressure gasoline. That is...I'm very tempted...of course, EPA never responds to freedom of information requests, but I am tempted to file a freedom of information request on that because I still don't believe IDEM's explanation of that because we were nonattainment when this plan was being adopted and that was

the purpose of the plan being adopted in the beginning, so it didn't make any sense to say, well, you're going to be in attainment so we can't have you do that.

Commissioner Mourdock: But the argument, John, was also that the counties who would be affected never had been in nonattainment.

John Blair: Well, so it goes. Addressing the budget. You know I sat in here one time, I can't remember what it was, but I heard a change order on the auditorium for 500,000 bucks and you passed it out immediately.

President Jerrel: The auditorium has a funding source, John, that is in place. I know it sounds complicated.

John Blair: Well, the point that I am going to make here is that when somebody desires and decides to do something because it's right, you know, all kinds of opportunities open up. You know, maybe the funding would come from the people who are going to benefit. Maybe the funding could come from grants and things like that, but I think that looking at the funding coming from the people who are going to benefit from this would be a good option.

President Jerrel: What do you mean?

John Blair: Well, who is going to benefit from the Pollution Prevention Task Force? It is going to be the people who are not going to be forced to put reasonable available control technologies on their emissions. The reason that you want to encourage pollution prevention is because it is more market driven than taking an edict that is prescribed by EPA as a reasonable available control technology. So whenever you see that \$500,000 coming from all the people who very well because we're in a level one response, supposedly, under our maintenance plan maybe those people would be more interested in looking at funding a Pollution Prevention Task Force which would be a public body versus being controlled strictly by a private organization like the Chamber is.

President Jerrel: Yes.

Kent Brassealle: I apologize, I had to leave. I had to go before the city for a while. If I missed something and I am repeating I do apologize, stop me in the middle of it. I've been active in ACORN and I do support the recommendations.

President Jerrel: Do you want to put your name on the record?

Kent Brassealle: Oh, I'm sorry. My name is Kent Brassealle, 501 Main Street is the mailing address. I do support the recommendations, but I guess just a point of clarification and a little bit of information that might be useful that seems to be forgotten through a lot of this discussion. I keep hearing that, you know, the people that are going to benefit should pay. It's time for industry to do its part. You know, industry is the source of the problem and all that. I'm not saying that industry is not a part of the problem, but I'm also going to fight to the end that industry is not the sole answer to the problem. There are four identified categories. We have biogenics, we have transportation, we have area sources and we have point sources, point sources being industry. Four categories there and it's not just industry, it's everything and I keep hearing that industry has not done anything and that businesses are not doing their part. I find it interesting to note that recently the EPA released the TRI information which industry has to report how much pollution it has released into the environment, air, water

and solid waste. Toxic release inventory, is what TRI stands for, I apologize. Since 1998 comparing that to 1996, which is the most recent information, that TRI data for Indiana, the amount of releases has reduced by 50 percent over that time period. Fifty percent since 1988.

Unidentified: No way.

John Blair: No, that's not it.

Kent Brassealle: EPA's--

John Blair: It's not out yet.

Kent Brassealle: EPA's words, not the Chamber's word, not Kent Brassealle's words:

“There has been a reduction of 50 percent in releases in the state since 1988.”

John Blair: That's not '96.

Kent Brassealle: It's 1996 compared to 1988.

John Blair: You said 1998 versus 1996.

Kent Brassealle: It's '96, I said it's the most recent information. Well, it has been a 50 percent reduction. In this area reductions have been sizable, obviously mainly by the big players who have the money to do it, but it has been undertaken. Also, everybody is saying that there is direct health effects to this. There may be. I'm not certain. I believe that it is not solely ozone that causes this problem. I find it interesting that the number of ozone violations that have occurred throughout the state have gone down at the same time that asthma has increased. I don't see how you get that correlation if it is solely ozone that is causing this problem and solely industry. Again, I am in support of these recommendations, but I am a little bit tired of hearing that it is only industry that needs to be the part of the problem. We're saying that people can't pay the price. Let's look at what has been put in place by the ordinance. We have Stage I vapor recovery. That's on business whether that cost is past through or not, it is put on business. We have high volume low pressure paint guns. That is put on business. We're looking at Stage II vapor recovery. That is put on business. We're looking at other recommendations that are also on business. We have the Clean Air Act. It is regulations that apply to business and any control technologies that are required are put on business. All I'm saying is I agree industry needs to be a part of the answer because it is a part of the problem, but it is not the sole answer and I think these things like vehicle inspection is not too much to ask of the people of the community. They are part of the problem. They are the ones that are benefitting from this when we're asking where is the \$500,000 it should come from the people that benefit, those people that benefit are every single person in this county that will be breathing cleaner air, not simply industry. Again, I hope I'm not confusing the issue, I do support this, but I just wanted to get a little information out there that industry is not the sole cause of the problem and it cannot be the sole solution.

President Jerrel: Okay, if there is no further discussion, the motion has been made and it has been approved and we've discussed about some of the problems, Jim, and I think you might want to, you know, check on some of that information and maybe we can be

more helpful. I would like to move along on the agenda.

Commissioner Mourdock: Yes.

**Any group or individual wishing to address the Commission**

President Jerrel: Okay, at this time if there is any group or individual wishing to address the Board?

Commissioner Tuley: Are we going to bring...do you want to bring this under that scenario or do you want to bring it up under old business?

President Jerrel: I think old business. Let's let our people report, if you don't care.

Commissioner Tuley: I don't care.

**John Stoll - County Engineer**

President Jerrel: County Engineer.

John Stoll: I've got a sidewalk waiver request for MJM Industrial Park. This is a subdivision off Old Boonville Highway between Colonial Gardens Road and Burkhardt Road.

Commissioner Tuley: The old Eagle's club, across from that?

President Jerrel: Uh-huh.

John Stoll: There were no recommendations from the Sub Review Committee for the installation of sidewalks, so on that basis it is recommended that the sidewalk waiver be approved.

President Jerrel: Is there a motion to that effect?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

John Stoll: That's all I have.

President Jerrel: John.

Commissioner Mourdock: John, my first comment is bless you!

President Jerrel: You should have told us. We would--

Commissioner Tuley: --said you could--

President Jerrel: Yeah, we would have moved on that.

Commissioner Mourdock: I do have another question. John, last week I mentioned to you about wanting to get a look at what the situation was on Bluebell Road. Have you pulled any of that together?

John Stoll: I faxed over the report that Steve Sherwood had given me. Did you get that circulated?

Tony Greubel: Actually, that is in the circulation file. You initialed it all.

Commissioner Mourdock: You're right, I did look at that. But there was nothing in there as far as cost on our side. That was it. They had some cost estimates, but only on the Warrick County side of the road. Do you know what it would be on our side?

John Stoll: Right, they just estimated patching on our side.

Commissioner Mourdock: Would you take a quick look at that and maybe give me a call?

John Stoll: Sure.

Commissioner Mourdock: If I'm not available e-mail me and let me know what you think the cost might be on that. Okay, thanks, John.

John Stoll: Thanks.

President Jerrel: Alright, did you have a motion you wanted to make?

Commissioner Mourdock: No, there was no motion.

### **County Garage**

President Jerrel: Nothing else there, alright. The County Garage has already left their report. Is there a motion to accept that?

Commissioner Mourdock: I'll move that we accept the Garage report for September 25th through October 1st and also the weekly forecast.

Commissioner Tuley: I didn't see the weekly forecast.

Commissioner Mourdock: It was attached there, at least I think it was.

President Jerrel: It's here somewhere because I saw it.

Commissioner Mourdock: Yeah, I saw it, too, but it's not in my packet. I'll amend the motion just to include the weekly report.

Commissioner Tuley: Weekly report.

Commissioner Mourdock: Yeah, the past report.

Commissioner Tuley: We can come back to it, I don't see it in mine.

President Jerrel: If we find it.

Commissioner Tuley: If we find it we'll come back to it. I'll second your motion.

President Jerrel: Here it is.

Commissioner Tuley: Okay.

Commissioner Mourdock: Move to include the forecast.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: I don't have anything.

Commissioner Mourdock: Good man.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: I have three quick issues. Joe Coleman from DMD came in today wondering if we could sign an agreement for professional asbestos inspection and asbestos abatement land services in relation to the flood mitigation project area in Union Township. It affects three properties at 5000 Bayou Creek Road, 18005 Old Henderson Road and 18107 Old Henderson Road. It's with Geo-Tech. It's to paid for with the grant from Indiana Housing Finance Authority.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: The second issue, if we could have declared surplus one of the Commissioners' computer. It was my old computer. It's asset number 2084. It's a Flex PC 486 and the monitor. If we could have that declared surplus.

Commissioner Tuley: Did you get a new one?

Tony Greubel: Yeah.

President Jerrel: Is there a motion to that effect?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: I have the titles for the eight vehicles that we have up for auction this Thursday at Wolfe's Auto Auction and they have all been declared surplus in previous meetings, but if we could have a motion to sign the titles tonight.

President Jerrel: We need to sign them so they can go out there.

Commissioner Tuley: To be sold.

Commissioner Mourdock: Do we sign them before they sell them?

President Jerrel: Because they sell them on the spot, see.

Commissioner Mourdock: I'll move the signing of the eight titles as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Tony Greubel: That's it.

### **Burdette Park**

President Jerrel: Okay, Burdette's report is--

Commissioner Mourdock: I'll move approval of the Burdette report as submitted by Gary Hohman.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Soil & Water Conservation District**

President Jerrel: Soil & Water District report.

Commissioner Mourdock: We have a report from Mike Wathen for the week of 10/5. I'm sorry, this is a to do list for the week of 10/5 and also the report from 9/28 through 10/2. Move acceptance of that report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Ozone Enforcement Officer**

President Jerrel: Ozone report.

Commissioner Mourdock: We have the report from Joanne Alexandrovich from 9/21 through 9/28.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Consent items**

President Jerrel: Consent items.

Commissioner Mourdock: I'll move approval of the consent items as submitted.

Commissioner Tuley: Second. Just a question. I see Suzanne is going to go to the Commissioners, anybody else thinking about going up there, to the Commissioners Annual Conference?

President Jerrel: You mean the first week?

Commissioner Tuley: Yeah.

President Jerrel: Yes, if we...I was going to wait and see if there were any meetings. Sometimes I have Board meetings that I have to attend, so I was just going to wait a little bit.

Commissioner Tuley: Yeah, okay. I don't know if I am going to yet either or not, but I just thought since I saw hers in there I would bring it up and think about whether or not any of us are going to go.

Commissioner Mourdock: I'm planning on it, but that may be premature.

Commissioner Tuley: That's a month and a half away or two months, yeah.

President Jerrel: Okay, scheduled meeting list is attached. Under old business--

Joe Harrison, Jr.: Did you vote yet on it?

Commissioner Tuley: On the--

Joe Harrison, Jr.: Consent?

Commissioner Tuley: Yeah.

Commissioner Mourdock: No, we did not.

President Jerrel: No, we didn't.

Commissioner Tuley: We didn't?

Commissioner Mourdock: I made the motion and--

Commissioner Tuley: I thought I seconded and then I said I just had a question about it.

Commissioner Mourdock: No, you need to.

Commissioner Tuley: Okay, I'm sorry, second.

President Jerrel: Okay, so ordered.

### Scheduled meetings

President Jerrel: Okay, and the scheduled meetings list is attached. I would have one recommendation and that is that we cancel the November 2nd meeting. That is the first meeting of the month, so we have no business later.

Commissioner Mourdock: I'll move the cancellation of that meeting and the posting of an advertisement so stating.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Old business

President Jerrel: Under old business now, Pat.

Commissioner Tuley: We've been talking, passing back information and talking to different people for the last two or three weeks now in reference to the request by the Vanderburgh County Soil & Water Conservation District for moving the position currently held by Carrie Parmenter to a full-time position with benefits. I'm not sure if full-time...I mean, you're already full-time. You're just working without benefits. That's kind of basically up-to-date. There was some questions originally about the funding source and originally it was set up as grant employee, but I think Harry Nikides has clarified that that there is money set aside by budget through the State Legislature every other year for that. Bettye has provided some information in regard to what the current costs are for the operation of that department. She went back and basically reiterated what Mr. Nikides had told us on the phone and then eventually apparently he did send us down a letter basically stating what he had told her on the phone. I did get some additional information in terms of various counties, how many employees they have working in their counties just to get a feel because originally I think we were told there were like one district with five employees and ten districts with three employees and 81 with one or two, so I just wanted to get a feel for some of the counties that might be comparable to us and some that are not. I mean, Daviess Counties is a little bit smaller than we are in terms of population. I think their size is fairly good. Anyway, we have a lot of information and we have a proposed job description and a request before this Board tonight is would we be willing to make a positive recommendation to the County Council to review the job description and see if there is funding out there for consideration or a desire to change the classification to this position? We have Carrie here. We have at least one Board member here. If there is further questions or comments you guys feel free to come to the podium and address the Board in any fashion that you deem necessary at this point or just be available if there are any other questions by the Commissioners.

Tom Nix: Thank you. My name is Tom Nix. I'm one of the Supervisors on the Vanderburgh County Soil & Water Conservation District. Carrie has been onboard about two years now and she was the second employee that started under the grant. Since that time we've had quite a change in the county, both in development. One of the changes and one of the needs that we have had is the fact that for example last year, 1997, we had 77 subdivisions that were filed. This year at our September meeting we

had 58. All that translates to a very, very heavy load for Mike Wathen whose report you received a few minutes ago. Any time that he takes a vacation your constituents are not represented. If supposing he was in a severe accident or whatever we have no one that is...Carrie to this point has been working towards that. We need to have some positive recommendations so that we can suggest that Carrie be trained under Rule 5 regulations which for your information that is the erosion and sedimentation control through the Indiana Division of Natural Resources Department of Soil Conservation. Any time we have a subdivision of five acres or more it has to have an erosion plan. It has to be checked off on about 40 items that are on the checkoff list. We're looking at two people in our office other than Carrie. One being Mrs. Bittner, which is the Executive Assistant. We really need some firm backup to know that Carrie will be a long-term employee rather than just a year to year basis without any benefits. The basic reason is to represent your constituents better and one of the things that we have seen in the last two years particularly that I just mentioned is the considerable amount of expansion and construction within the county. Part of that is inspecting those sites. That is a part of the cost of getting new construction on the tax rolls and on that basis we would...on behalf of the Board I would suggest that you move for positive action on this issue. Thank you.

Commissioner Mourdock: A couple of questions, and I am sorry to be slow on this, but I still don't quite follow. The discussion we had a couple weeks ago and bringing up-to-date now, at that time it was my understanding that we were being told that there was basically a line item in the state and this was no longer considered as a grant employee.

Tom Nix: That is correct and I believe that has been confirmed by Mr. Nikides.

Commissioner Mourdock: Is that your understanding, Bettye Lou, that it is not a grant?

President Jerrel: It is...no, it isn't a grant.

Commissioner Mourdock: I'm hung up on some words here somewhere.

President Jerrel: There is one operating...other operating line item, one, in the state's budget and that is provided, I think it was \$1.96 million by the State Legislature every other year. That line item is further subdivided...was I right?

Commissioner Mourdock: That's the one they divide by 92?

President Jerrel: Yeah, \$1.96, that they divide by 92 and we receive \$13,000. As a supervisor, one of the supervisors, do you take the \$8,500 out of the \$13,000 and what do you do with the rest of the money, the \$4,500?

Tom Nix: Actually, the money is a \$10,000 basis. Now we do get an additional \$3,000 to be used for different purposes.

President Jerrel: Yeah, he told me that they give all counties \$13,000.

Tom Nix: Yes, there is a \$10,000 grant. There is a \$3,000 grant.

President Jerrel: He says they're not grants. He just...you get \$13,000.

Tom Nix: Or an item.

President Jerrel: Well, what do you use the money for?

Tom Nix: Okay, \$8,500 of that goes towards half of her salary.

President Jerrel: Right.

Tom Nix: And that has been last year and this year. Can you answer that, Carrie? Maybe better than I can.

Carrie Parmenter: The rest of the money is actually our operating budget. It is used for supplies that are used in the office, specifically supplies that are stationary. It is used to put out a newsletter. We put out a quarterly newsletter plus an additional two newsletters for teachers. It is used for just the basic operating expenses of the office.

President Jerrel: What about the \$7,640 that we provide as supplies?

Carrier Parmenter: Bonnie would actually be the best person to speak on where all of that money actually goes.

President Jerrel: I mean...okay.

Carrie Parmenter: I know that a large portion of it goes just to paper supplies. You know, pencils, computer expenses and those types of issues. Kemper Lease or Bonnie Bittner are the finance people, though, so they can answer that more specifically than I can.

President Jerrel: I was just going to make a comment to you so that you would know. You know, we do not determine personnel for the county. There is a Job Study group that determines what salaries are and whether or not there are new employees and I don't know when that group is scheduled to meet. As I said, the '99 budget has been set.

Carrie Parmenter: All we are asking is that you do recommend that it would move to Job Study, that you would make that recommendation.

Commissioner Tuley: I think it is coming through us just solely because for no other reason than they don't report to anybody but us. Reports come to this office and it would make sense to me that it would come through this office just like if Burdette wanted to do something I don't think Burdette would go to the Council and ask for a new position without coming through here and asking for approval. So I think that's the only reason. I don't know that you were doing anything other than clarifying. We won't actually have the final say.

Carrier Parmenter: Right.

Commissioner Tuley: It will go before the Council if this body moves it forward and you would have to justify it to them through the job description and the need and the explanation to the questions that she just asked.

Commissioner Mourdock: Yeah, and I do hear a lot duplication in that question as far as, Carrie, you're saying there is \$4,500 or \$3,500 dollars that is going towards your supplies and Betty Lou quoted another number of \$7,600--

Commissioner Tuley: According to the information that Bettye gave us there is \$7,640 supplied through the county funding for supplies and what Carrie has just said is that part of that \$13,000 is also used for supplies, so there is...based on that, I would say there is somewhere in the neighborhood of \$10,000 or \$11,000 being utilized for supplies between the two funding sources.

Commissioner Mourdock: Okay, and the other \$8,500 that we're matching is obviously coming from--

President Jerrel: That \$13,000.

Commissioner Tuley: Right, that \$13,000.

Carrie Parmenter: That money is also--

Commissioner Mourdock: Hold on, let me just finish my thought there. Half of it comes from that line item from the state, the \$8,500?

Commissioner Tuley: Yeah, they put \$8,500 and we put \$8,500.

Commissioner Mourdock: Right, that was comment. The other \$8,500 comes from the county.

Commissioner Tuley: Right.

Commissioner Mourdock: Go ahead, Carrie, I interrupted you.

Carrie Parmenter: I was just going to say that the funds that we also get from the state also go to pay our dues. We are part of the Indiana Association of Soil & Water Conservation Districts and we have a dues that we have to pay to that and we also have to pay dues to the other organizations, the professional organizations that we are members of. I do not know the specific numbers on that, but I know that close to \$2,500 of that \$3,000 goes back into dues. I know that \$1,500 of the \$10,000 which is makes up the rest of the \$13,000...if you take out \$8,500 for my salary and then the \$3,000 that the majority of that goes to dues, the rest of that is used for my educational budget and that will be something that will have to be looked at in the future whenever this job description does change because, obviously, that need isn't going to be there and I don't know what those funds will be used for. That will be determined by Kemper and Bonnie again. Does that answer it a little better?

Commissioner Mourdock: The question is answered. I guess I see two things. Number one, making sure the job description is revised is obviously something that needs to be done. The second thing, and correct me, Bettye Lou, what was not in this year's budget that was in the past budget regarding this particular position?

President Jerrel: I mean, we pay all of it out front, the \$17,000, and then they reimburse the General Fund \$8,500, but we pay everything else.

Commissioner Mourdock: I'm sorry, but now I am really confused. Sorry to be so slow here. What is the budget that went through that was passed?

Commissioner Tuley: It was \$17,000.

Commissioner Mourdock: It was \$17,000?

President Jerrel: Yes.

Commissioner Tuley: \$17,000.

Commissioner Mourdock: So Carrie's position for the year is funded?

Commissioner Tuley: For `99.

Commissioner Mourdock: For `99, right.

Commissioner Tuley: In its current capacity it is funded.

Commissioner Mourdock: So what is going back? If we go to Council for what?

President Jerrel: Well, if you go to Council you're going to be asking for...I mean, Council's Salary Ordinance depends upon whether people are part-time or full-time. They...I ought to make you explain this, Jane!

Commissioner Mourdock: You've heard this before?

President Jerrel: She has heard it before. We do not add positions.

Commissioner Tuley: We, the Commissioners, do not add positions.

President Jerrel: No, we do not add positions. The Council has authority to add positions and they also factor positions using the Oliver Scale to determine what salary level they are going to have.

Commissioner Mourdock: Right.

President Jerrel: That's their...and they have to have a meeting established in order to do that and they don't meet regularly with the Salary Ordinance, they have three or four meetings a year.

Commissioner Mourdock: I understand that.

President Jerrel: So they will have to make the job a position...you're wanting to know what has to happen?

Commissioner Mourdock: Well, the job is a position today, although what Carrie is doing may not fit the job description as it needs to be done.

President Jerrel: You would--

Commissioner Mourdock: Let me just carry that through. If a new job description is revised and Carrie is in that position or anybody is in that position, is that position fully funded in the `99 budget?

President Jerrel: Oh, no, of course not.

Commissioner Tuley: Not unless it is revised.

President Jerrel: It's just like I told Jim Daniels, you go--

Commissioner Mourdock: Okay, unless it is revised because we would take it from line--

President Jerrel: No, you have to go to Council--

Commissioner Tuley: In its current classification it is funded for '99.

President Jerrel: Right.

Commissioner Mourdock: Gotcha. So if there is another job description--

President Jerrel: Next January it has to be funded and an additional \$4,000 or \$5,000 in benefits all have to be added into it.

Commissioner Mourdock: Because there would be benefits now because it's a full-time position which right now it is considered part-time.

Commissioner Tuley: Basically, it's a contractual position without benefits. The request is to move it to a noncontractual--

Commissioner Mourdock: Where there would be benefits.

Commissioner Tuley: --where there would be benefits that is what would have to be funded.

President Jerrel: Right, and the reason it was a contractual is that is the way it was presented and you supported it.

Commissioner Tuley: That's right.

Commissioner Mourdock: Right.

President Jerrel: So that the reason, but that's the way it works.

Commissioner Mourdock: Okay, now I understand.

Commissioner Tuley: All they're looking for at this point is since we are quasi or technically or legally or whatever their bosses, they're asking for a recommendation from this body to forward this to the Council for the Council to go through the process that they go through in terms of a review. I don't think if they just walked in and asked the Council to do this that Council is going to act on it. They're going to send them back to us and say we need your bosses to make a recommendation to us to do that.

Commissioner Mourdock: Uh-huh, and the logical thing that would follow thereafter would be if, in fact, they revised it they would come back and say, okay, now you don't have the funding for the benefits that go with what is now a full-time position.

Commissioner Tuley: We would have to go and ask for the money which it probably wouldn't be the first time. It may not happen in a while, since we have not really been hiring too many new people, but it wouldn't be something they haven't dealt with in the past.

President Jerrel: Right.

Commissioner Mourdock: Okay, the second part of the issue that I raised a minute ago was having a better handle on all the supplies. You know, Betty Lou's point I think is a very valid one and I am not putting you guys on the spot because I heard you say that Mrs. Bittner would know the answer better than you and that's understandable, but it does sound to me for a relatively small office that there is a whole bunch of money there in supplies. I would like to just double check that.

Commissioner Tuley: But is the issue supplies, them spending money on supplies, or is the issue the need for the position?

Commissioner Mourdock: No, no, that's two separate things.

Commissioner Tuley: I mean, I don't see the two connected.

President Jerrel: Right.

Commissioner Tuley: I think there is a definite reason to question the use of the money.

Commissioner Mourdock: That's what I am saying as well.

Commissioner Tuley: Okay.

Commissioner Mourdock: Yeah.

Carrie Parmenter: I know that you do have our financial report for last year and I know that you probably don't have it available right now, but you would have that available to review if you wanted to find out how the money was spent last year.

Commissioner Mourdock: Okay.

Tom Nix: Would you like for us to get a copy--

President Jerrel: I have it. I keep it. I've got it.

Commissioner Tuley: Well, do you feel a need to have that question answered before you're willing to vote one way or the other on the issue of moving this forward or not?

Commissioner Mourdock: We're not time critical in any other way right? When does Job Study come up again?

President Jerrel: I don't know.

Commissioner Tuley: That's a good question.

President Jerrel: They may not have a meeting the rest of this year.

Suzanne Crouch: Usually the end of the year they meet.

Commissioner Mourdock: So whether we act tonight or act next week doesn't really matter.

Commissioner Tuley: You know, if you would be more comfortable having that information before, I mean, I am willing to wait one more week, but, you know, because it is not "that time critical", but if they do have one coming up before the end of the year I think we need to.

Commissioner Mourdock: Alright, let's do that if that's alright because I would like to get that information.

Commissioner Tuley: Should Richard during this week have questions should he direct them more to Bonnie or to Kemper or who should they actually be directed towards?

Carrie Parmenter: Well, if you have questions about the finances Bonnie would be the best person to talk to. Kemper is actually in Florida, so he is not available this week.

Commissioner Mourdock: Lucky Kemper.

Carrie Parmenter: If you have any questions about the job description or about what I do, then you can direct that to me.

Commissioner Tuley: Yeah, I do believe, and I'm not sure who prepared it, but it came under cover letter of Dave as to...and I assume this is what you would take before the Job Study as your--

Carrie Parmenter: Yeah, that is the job description that the Board has drafted as what they see the need for the county.

Commissioner Tuley: Which is now more reflective of what you're doing, correct?

Carrie Parmenter: Yes, yes.

President Jerrel: I would like to apologize to all of you for having to sit through the meeting at that length of time.

Carrie Parmenter: It was very interesting.

President Jerrel: But there is not very much control that we have over that.

Commissioner Tuley: Let's do this then, in the interest of not having to continually have someone come back up here, can we put on the agenda for next week rather than put it on old business or any other group and then that way then we can get it on there and we can, you know, go from there?

President Jerrel: Sure.

Commissioner Mourdock: That's fine.

Commissioner Tuley: Tony, if you can remember to do that I would appreciate it.

Carrie Parmenter: Thank you.

### **New business**

President Jerrel: Under new business...what happened to my agenda? Here it is, okay.

We took care of the canceling the November 2nd meeting.

Commissioner Tuley: Right, you did that.

President Jerrel: Alright, and we've done the titles. Is there any other new business?

Commissioner Mourdock: Two very quick items. First of all, we got a letter from the Welfare to Work Committee that we need to make another appointment from the labor sector onto that committee. By state law they designed that committee to represent various segments of the community, so we need to come up with someone from labor to do that. I have letter from Jack McNeely to that effect, so I don't have any name in mind, but if you think of somebody that can do that.

Commissioner Tuley: Okay.

Commissioner Mourdock: The second point I have is just to go on record with a bit of a correction here. I never jump on journalists for getting things inaccurate, but there is one here that I am going to make a comment about just for the record. This is in the Westside Newsletter, Westside Improvement Association, the letter dated September, 1998. It's talking about some of the development out on the west side and one little article says:

“As to the sidewalks (it was a sidewalk waiver in Hahn Subdivision) it is my understanding that the developer got a waiver PRIVATELY (and that word is in capital letters) from the County Commissioners so they wouldn't have to do that. If that was the case I can only say SHAME (in capital letters) on the County Commissioners.”

I just want to make the point that--

Commissioner Tuley: Who was the author of that?

Commissioner Mourdock: Steve McCallister and I have already said it to him personally, but obviously that is...well, speaking as one Commissioner, nobody spoke to me privately. I know I didn't even speak to you guys about that issue. That is absolutely, totally inaccurate.

Commissioner Tuley: You're right and I will call Mr. McCallister myself as well.

President Jerrel: Well, I called him the day it came out.

Commissioner Tuley: I didn't see it.

Commissioner Mourdock: He also talks about a zoning issue out there and says in capital letters:

“IT WAS UNTHINKABLE THAT THAT ZONING TOOK PLACE.”

And he infers it was a unanimous vote and it wasn't.

Commissioner Tuley: Did you correct him on that one was well?

Commissioner Mourdock: Yes, I did.

President Jerrel: Well, he said Shirley told him that we did it privately.

Commissioner Tuley: Well, then I'll call Shirley then, too, if that what he tells me.

President Jerrel: Yeah, you might want to because that is what he told me.

Commissioner Tuley: Make statements like that and then have the audacity to put it in print. You better be able to back them up.

President Jerrel: I told him we had the minutes of two meetings that we would be happy to let him read.

Commissioner Tuley: Did that include the Area Plan meeting discussion?

President Jerrel: Yeah, I said there were two here.

Commissioner Tuley: Yeah, but what about the one that actually happened in Area Plan.

President Jerrel: Well, there is three then.

Commissioner Tuley: There is three then.

Commissioner Mourdock: That's all the new business.

President Jerrel: Okay, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 8:22 p.m.

***Those in attendance:***

Bettye Lou Jerrel

Richard E. Mourdock

Patrick Tuley

Joe Harrison, Jr.

Suzanne M. Crouch

Charlene Timmons

Tony Greubel

Mims Poole

Dr. Heimbaugh

Mike Merkel

Robin Stonestreet

John Kipling

Harry Hanft

Mary Jane Robling

Krista Housman

Brian Housman

Evelyn Lemond

Jim Daniels

David Coker

John Biasini  
Lyle Granger  
John Blair  
David West  
Kent Brassealle  
John Stoll  
Tom Nix  
Carrie Parmenter  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
October 12, 1998**

The Vanderburgh County Board of Commissioners met in session this 12th day of October at 5:34 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order, please. We're going to move around a little bit on the agenda because Commissioner Mourdock is en route, so we're going to wait until he gets here, but there are number of things we can do. The first thing I would like to do is introduce to you the people that appear up here. The gentleman standing is Tony Greubel, our Administrative Assistant; the gentleman here in the blue shirt is Joe Harrison, Jr., our County Attorney; Commissioner Pat Tuley is to my right; far left, Charlene Timmons, is our Recording Secretary; and Suzanne Crouch is the County Auditor; Commissioner Mourdock will sit here; and my name is Bettye Lou Jerrel. I would like for you to join me now in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Thank you. At this time we'll proceed through the agenda. I'd like to ask if there are any corrections and if we can have a motion for approval of the minutes.

Commissioner Tuley: So moved.

President Jerrel: I'll second and say so ordered.

**Open bids - Cemetery Road culvert project**

President Jerrel: I'd like to go next to Bill Cottun. Did you get the bids in? Okay, well, let me very quickly ask for a motion to approve opening the bids on Cemetery Road culvert project.

Commissioner Tuley: So moved.

President Jerrel: I'll second and say so ordered.

**Bill Cottun - Various contract requests**

President Jerrel: And now, Mr. Cottun.

Bill Cottun: Good afternoon. We have three items before you today. The first is we're requesting approval of the model substitutions and price changes to the current micro computer bid, bid number APA044-98. Compaq Computers is where we're getting our computers now and they have changed their model numbers for the second time this year, hence we're back before you. The price reductions have also been involved in the computers before you on the price change summary. That shows the changes by computer model. This averages a reduction of 13 percent per computer since our original bid the first of the year. We have also gone from P166's at the beginning of the year was our standard to where our standard computer minimum speed now is going to

be a P300, so we have almost doubled the speed of our computers plus getting a substantial price reduction. We request your approval of the model and price changes.

President Jerrel: Is there a motion to that effect?

Commissioner Tuley: I'll so move at this time.

President Jerrel: I'll second and say so ordered. Thank you very much.

Bill Cottun: Thank you. The next item we have is approval for a 56K support line for the Courtview 2000 project. The Courtview 2000 application will be supported by Crawford Consulting. They need a dedicated line so they can dial in to test and look at the computer system and application if there is a problem. We have a quote in of \$677 per month. That includes all installation costs for that application. For 1998 the cost will be \$2,031. In 1999 it will be \$8,124.

President Jerrel: Would you mind repeating that?

Bill Cottun: I'm sorry, in 1998 it's \$2,031 and in 1999 the cost will be \$8,124.

President Jerrel: Okay. Is there a motion to approve the installation of that support line?

Commissioner Tuley: So moved.

President Jerrel: I'll second and say so ordered.

(Commissioner Mourdock joins the meeting.)

Bill Cottun: The final thing before you today from us is for a fiber network connection to the County Corrections Complex between the Civic Center and County Corrections. This will also give County Corrections the ability to run the new Courtview 2000 application given connectivity to that. The cost of this fiber line is \$1,013 a month with an installation fee of \$1,125. There are no costs in 1998 since this service is not scheduled to begin in 1999. This is a three year contract and the first in 1999 will cost \$13,281 and in the subsequent two years it will cost \$12,156 a year and this is billed annually.

President Jerrel: Is that funding in place?

Bill Cottun: Yes, ma'am. That is in the 1999 budget.

President Jerrel: Okay. Is there a motion regarding the approval of the installation of the fiber communication link?

Commissioner Tuley: So moved.

Commissioner Mourdock: I'll second.

President Jerrel: So ordered.

Bill Cottun: Thank you very much.

President Jerrel: Thank you.

**SWCD - Proposal regarding educator's position**

President Jerrel: Okay, item number D on the agenda is the proposal regarding the educator's position. Is there a spokesman? This is the Soil & Water District.

David Ellison: Yes, ma'am. I'm David Ellison and I'm President of the Soil & Water Conservation of Vanderburgh County. At this time I would like to present the Commissioners with I guess this would be a repeat of what we have given you before, but there has been some questions to our budget and hopefully them questions are answered on the last page. I didn't know that we had a concern on the budget and I apologize for this. I hope that nobody of the Commissioners feel that we're throwing up smoke screens with our budget. Our doors are open at any time for Mr. Greubel, Mr. Harrison, Commissioners, Ms. Crouch, anyone to come out and review our budget at any time. At this time, would there be any questions on what we have just presented to you? If not, I would like to introduce some people here this evening to support our effort in the hiring of this position or supporting this position. On my left over here is State Representative Dennis Avery, which is a member of our Board. Right next to Mr. Avery is Joy Fitzgerald, which is a member of our Board, a supervisor. John Bittner, President of Farm Bureau, Incorporated and Mr. John Hahn, our Vice President of SWCD Board. They would all like to speak to this effort if it's proper and if you've got the time.

President Jerrel: Well, I don't know how everybody feels. We would love to hear everybody for the whole evening, but we do have a lot of people waiting with another issue.

David Ellison: I understand that.

President Jerrel: So maybe, you know, you all kind of see...rather than repeat the same thing over and over. As many as you would like, we don't want to keep anyone from speaking.

David Ellison: I'll let them do their...Mr. Avery, would you like to start us off?

Dennis Avery: I'll just be very, very brief because I understand that you have a very busy agenda, but to indicate that Carrie has done a wonderful job as advocate and an outreach person and has tremendous credibility in the community and I'm basically here to indicate my support for the request and indicate that I appreciate your willingness to consider that. Thank you. And also to indicate we have another person over here that you missed, Les Nunn.

Commissioner Mourdock: If I may just--

David Ellison: I'm sorry, Les Nunn. I missed him. He is also a member.

Commissioner Mourdock: If I may just to deal with this issue and maybe save everyone some time. Obviously, at the last meeting I think I was seen, quite correctly, as the person on the fence on this issue and it is nothing personal with Carrie whatsoever. My concern has been all along that the accounting as far as where the funds are coming from for this position, I wanted to be sure I understood that, number one. Number two, I also want to be sure that as we go forward we have good accounting, not just in the dollars and cents side of things, but in understanding how these dollars are being used.

Obviously, the County Council is officially the branch of county government that has those fiscal responsibilities, but by the same token when you've come to us for the request to take this to the Job Study Committee I view that as looking out for the taxpayers as well. I am willing to support this request with this one condition, and that being quite simply that on a weekly basis just as we've done with a number of our other county departments, and as Mike Wathen is now doing, that we also know week in and week out what Carrie is working on. Again, at no point has my interest or skepticism, if you will, been regarding Carrie's performance out there, but from the meeting that we had out in your office in August when I raised the question about the job description at that point it was told to me, and I know Pat later heard this as well, that the job she was doing was not necessarily the same job that was on the job description. That's what I want to see stay closely in sync. As the funding that the county does, and the County Council does, comes in place behind this and I think it will I don't want to totally remove this Board from that process of knowing what the accountability side is, so, Pat, you had some questions last week as well.

Commissioner Tuley: Well, you know, those are good comments. I don't...you know, we are now getting a report pretty similar to what the Garage has been trying to submit to us. I'm not sure it's quite as in detail, but then you're looking again at a department that is basically a secretary and an individual versus several people compiling the report, but that we're getting from Mr. Wathen and I think it would be important to keep advised on a weekly basis the projects that Carrie is working on as she does them. I am supportive of the request and I think Commissioner Mourdock just indicated that he was supportive of it going forward to the Council for consideration. As we've all said, with the caveat that there were questions about where the money was coming from. We wanted to make sure it wasn't a grant, and, Dennis, we've been told that basically this is something through the State Legislature through their budgetary process every two years.

(Inaudible comment made from audience.)

Commissioner Tuley: The \$13,000, yeah. And that basically, you know, it is like anything else it could be cut out, but it is one of those budgetary items that really isn't given a whole lot of controversial...it's not controversial in nature, is what I am trying to get at, and the chances of it being cut out are no worse than--

Dennis Avery: The State Legislature looks very fondly upon Soil & Water...Indiana Soil & Water Conservation. They've been very responsive to their needs and I think in the future (inaudible comments made away from mike.) They do a great job and we need to recognize that.

Commissioner Tuley: I think that was basically what Mr. Nikides had said to me when I talked to him. With you being in the State it was nice to hear you echo that sentiment. I think, you know, there was some questions asked about, you know, finances and what have you and I think if those kinds of things need to be addressed we can address those. My concern at this point is the need for the position and I think it is justified with the growth that we are seeing right now and I think we will see for the next several years. It is important that everybody recognize that all we can do is recommend to the Council that they fund this, but the final decision will rest with the Council and I think everybody understands that.

Commissioner Mourdock: And, I don't mean to put Representative Avery on the spot, but in that quick sentence there I heard the word, the adverb "probably" not once, but twice. Again, I'm not putting you on the spot, Dennis, but I do want everyone to understand that

my support of this position is based on what the state has done historically. If the state suddenly changes course, then, obviously, my feelings would also change.

Commissioner Tuley: I think what we're trying to say as long as there is that money and the continued effort to contribute to that position, and as long as the funding is from the state to the local Soil & Water I anticipate...I'm guessing what I am hearing is that you're willing to consider it or recognize it and approve it at this point. However, if that funding were reduced or cut off, then you want to have that laid out on the table that we can bring this back up for discussion again.

Commissioner Mourdock: Absolutely.

David Ellison: We have no problem with any of your requests.

President Jerrel: And you do understand when you make a request to increase line items by three percent Council...generally they don't increase any budget line item by three percent that's just the way it is?

David Ellison: Well, you know, in the past we've ask just for the cost of living and we have never received it.

President Jerrel: Well, we don't give it...usually Council doesn't give it to the other departments either.

David Ellison: We run a pretty tight budget.

President Jerrel: Right. By the way, you do all of your budgeting out of...in other words, when you get money in our budget, \$7,640, you just write a blue claim for that and you have your own checking account rather than run through the Auditor's Office?

David Ellison: We get something from the Auditor twice a year in the spring and the fall.

President Jerrel: Well you get...no, you get a blue claim to us--

David Ellison: Right, okay.

President Jerrel: --and it comes to our office, so you don't run your accounts through the Auditor's Office?

David Ellison: We've got our own banking account.

Commissioner Tuley: Who audits...David, just for my information, who audits that stuff? Is that audited by the Board of Accounts or by someone at the federal level or does anybody know?

David Ellison: We have a local do our local books, we have Joyce Kron that does our auditing.

Commissioner Tuley: Okay.

David Ellison: And she works for sometimes part-time works for...I can't think of the firm on the west side there...? Umbach & Vowells.

Commissioner Tuley: Umbach & Vowels? Okay.

(Inaudible comments made from audience.)

David Ellison: Sure. Mr. Hoy, would you want to speak to this?

Phil Hoy: Yes, I am Councilman Phil Hoy and I am an associate on the Soil & Water Conservation District. We've been interested in funding this, as I think most of you know, for some time. I am very supportive of it. We do have the money in the county to do it and I think it would be fair to say that in terms of three percent that's the wage raise that we gave to everybody this year, but this is a new position that we would like to create. I am echoing Mr. Avery's statements. Not only has the state been supportive, but they have moved this from a grant, you know, to an actual budgeted position. My other opinion on it is given all the environmental problems we now have in this county I would support funding the whole thing, I'll be honest with you, because as you all know more and more local government is being asked to do its own job and this is where we live and this is where we need to control the sorts of things we're controlling and do the kind of education we need to do. We're talking about doing education of adults, not just for children and youth. I think it's tremendously important. It's part of our responsibility to the generations that follow us and I think we may not be alive, but they're going to look back and say we either did the right thing or we did not do the right thing, so I think we can get a lot of support for this.

President Jerrel: Phil, the three percent I was talking about was not on salaries.

Phil Hoy: I'm sorry, I misunderstood you.

President Jerrel: Yeah, you just didn't arbitrarily raise every line item three percent.

Phil Hoy: No.

President Jerrel: Okay, that's what I was--

Phil Hoy: No, we did not. We raised wages, but we looked at each section.

President Jerrel: Nothing else, right.

Phil Hoy: The County...there are six other members of that Council, as you know, you've been on there, but I think that this is something that could be sold to that Council. It's a valuable program.

President Jerrel: Thank you very much.

Phil Hoy: Thank you.

Commissioner Mourdock: One other comment I would make, and this isn't changing my first condition, I guess just adding to it, and that is I would be glad to sit down and meet with you, Carrie and Mike, and I don't know that Mike is here, I don't see him, but with both of you regarding the reports we would like to see on a weekly basis because we get a very sketchy, I was trying to think of another word, but sketchy is a good word, report and I've got a couple of others here that you might like to use as a model to keep us informed. Having said that and with that one condition regarding the reports coming in and, again, stating that obviously the Council has got to go with this, I'll move the

approval of the position to the County Council and Job Study with the recommendation of this Board.

Commissioner Tuley: I'll second that motion.

President Jerrel: And I'll say so ordered.

**Final reading - SIGECOM Cable TV Franchise Ordinance**

President Jerrel: The next item on the agenda is the final reading for the SIGECOM.

Joe Harrison, Jr.: It's a public hearing.

President Jerrel: That is a public hearing?

Joe Harrison, Jr.: Yes.

President Jerrel: Um, Soil & Water, after that you'll notice that the SIGECOM Cable Television Franchise Agreement. This is a public hearing, so if there is anyone that wishes to speak to this? You have it listed as final.

Joe Harrison, Jr.: Yes, it's the final reading.

President Jerrel: Is there anyone here that wishes to speak for or against this? Hearing none, if there is a motion regarding the approval of the final reading.

Commissioner Mourdock: I'll move approval of the final reading for a county ordinance approving a franchise agreement with SIGECOM LLC, a Limited Liability Corporation, to grant a cable television franchise to same.

Commissioner Tuley: Second.

President Jerrel: I'll...a vote and I will call for the roll. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

**Public hearing - Drainage improvements to  
Ward Road, Anthony Road & St. George Road**

President Jerrel: The next item on the agenda is the public hearing for the drainage improvements along Ward, Anthony and St. George and that's what I think most of the individuals here tonight are here for and I don't know which is the best way to start. Is there a spokesman among you or we have some letters that we received in opposition and some in support, so I don't really know...John Stoll, do you want to start us off and then people can respond?

John Stoll: The set of plans that you have there are a copy of the plans that were sent to the property owners who are affected by construction on this project. The intent of the project is to take storm water that is currently heading east over towards Oak Hill down the Anthony Drive area and ends up ultimately over towards Oak Hill, that water should be heading south towards St. George and ultimately towards Little Pigeon Creek and the intent of the project is to catch the water in a series of open ditches and send that water south to St. George Road and then west along St. George Road on the north side of St. George. The project consists of about 1,600 feet of open ditches and pipes. The project will entail reconstruction of five driveway approaches that currently access along Ward Road. The pipes will be installed underneath...the new pipes will be installed underneath those driveway approaches as well as down at the intersection of St. George and Ward where we intercept flows from the east along St. George and there will also be some pipes installed up on Ward Road where a concrete block wall currently exists that is helping to divert water to the east down the Anthony Drive neighborhoods. The project will not result in...I should say the project will result in overflows that exceed the design storms for this project will ultimately go the same direction as they go right now. We cannot force the flows to go down the road without putting excessive large ditches or without forcing water onto properties that currently have no problems. With that, I guess...well, a couple of other things. The project as it stands right now, we've got 40 feet of right-of-way to work with north...on the east side of Ward Road north of Anthony Drive, then the first two properties south of Anthony Drive on the east side of Ward have no right-of-way so we would be doing no work on those two properties and then south of there along the properties in Mullen Estate Subdivision have a 25 foot right-of-way, so we're going to be working within the existing right-of-way on all this ditching and piping. The reason that we're going on this side of the road as opposed to the other side of the road is two main reasons. One, is less disruptive because there are 14 driveways on the other side of the road that would have to be reconstructed and another issue is the Water Department's pump station located down on the west side of Ward Road down near St. George Road. The installation cost of that pump station was \$350,000 and that would be quite an excessive cost for either the county or the Water Department to have to relocate it at this time. With that, unless you've got any questions we can open up the comments from anyone else.

President Jerrel: Yes, I think John Stoll will be here to respond, so is there anyone who would like to initiate the discussion?

Unidentified: I will.

President Jerrel: Okay, thank you. May I have your name and your address?

Larry McDonald: Yes, my name is Larry McDonald. I live at 5715 Ward Road. I've lived there 16 years and I originally bought the property from the gentleman who owned all of Anthony Drive. Well, what Mr. Stoll was talking about, the block wall and that where it diverts down that way, that was there in the '40's. That was originally a storm ditch that was if you...I don't know, you probably don't know. The old plats that were...the property where my neighbor lives used to be an agricultural piece and all the water runs as a 100 year floodplain and it all runs to the lower end of Anthony Drive. Well, when that subdivision was built it never was raised enough so now all the water...I mean, they're trying to say that is the reason. Well, it was all designed, you know, 100 years ago to go that way. The only thing I was saying is that I live on the crown part. When I had my driveway poured the engineers came out and they said you live on the crown part because we got into it about the drainage part and where the water runs. The water actually runs across the street because it never was done right on the west side. So,

you know, that's great what you're trying to say here, but what he is doing here he is going from a big huge ditch and what he is wanting to put in, a 20 or 24 inch culvert, I can't remember what it was, but underneath all the streets are twelves. Well, when you take that much water and you try to jam it in a 12 all you're doing is backing it up on everybody else's property that has no problems now. So, you know, I mean--

Commissioner Mourdock: If I may interrupt you for a minute.

Larry McDonald: Yes, sir.

Commissioner Mourdock: I would like to deal with this issue by issue. John, would you respond to that one point right there before we lose it.

President Jerrel: Do you know where Mr. McDonald's property is?

John Stoll: Right.

President Jerrel: Okay.

Commissioner Mourdock: I didn't mean to interrupt you, Mr. McDonald.

Larry McDonald: Hey, that's fine.

President Jerrel: That way we can try to...

John Stoll: That all relates to the fact that we have no right-of-way.

President Jerrel: Can the rest of you hear Mr. Stoll?

Response: No.

President Jerrel: Okay, do you mind so they can hear?

John Stoll: That relates to the fact that we have no right-of-way south of Anthony Drive on the Sumner property. We can't increase that because we have no legal right to get on that property.

Commissioner Mourdock: Okay, but the issue regarding Mr. McDonald's point that we're basically going to be taking 24 inch water into 12 inch culverts?

John Stoll: No, we're not. I think the extent of that, the largest is 15 up here.

Commissioner Mourdock: Meaning we're taking 24 to 15?

John Stoll: No.

Commissioner Tuley: Fifteen to 12.

John Stoll: No, we've got 15 and 12.

Commissioner Mourdock: Okay, so we're taking 15--

John Stoll: And we ultimately may end up being able to upgrade this to where the only

problem would be on the two properties we have no right-of-way on.

President Jerrel: Is that clear? Okay.

Commissioner Mourdock: It's not to me. So we've got some 15 inch culverts that is leading to 12 inch?

John Stoll: Yes.

Commissioner Mourdock: Okay, will that situation make it any worse for anyone now than it currently is, is the key question.

John Stoll: The overflow would end up going where it goes now, down the wall.

Commissioner Mourdock: So we're not changing anything?

John Stoll: Right. We can't put a berm or anything along the area with the wall so we won't end up...we don't want to end up putting water in his garage and that's what--

President Jerrel: I don't either.

Commissioner Mourdock: So is it accurate to say that in an event less than that which would cause the 12 inch to reach capacity the water is effectively being moved all the way down to St. George and the only time that water would be backing up and going back towards parallel with Anthony Drive is when the 12 inch capacity is exceeded?

John Stoll: Correct.

Commissioner Mourdock: And if we did nothing that water is going to go that way anyway?

John Stoll: Right. If need be we can change the pipes upstream of Anthony Drive back to a 12 inch. We were putting in the 15 to accommodate any future changes on downstream so that way we wouldn't have to come in later and change all the pipe sizes out, but if that's a problem we can go ahead and put the 12 inch pipes upstream and then the same condition will occur. Overflow will go where it goes right now.

President Jerrel: And the question that Mr. McDonald raised about the water coming across the street, did I hear you describe the berm or the increase in the crown in the road?

John Stoll: We're going to put the ditch in to try to intercept that water before it ends up going where it is not supposed to go, but the berm we can't put in because then we would force water in.

President Jerrel: But I'm talking about the crown.

John Stoll: The crowned road? We didn't propose an overlay in conjunction with this.

President Jerrel: Okay.

John Stoll: We could do that as well.

Commissioner Tuley: At one time there was talk about that, though was there not, John?

John Stoll: Right.

Commissioner Tuley: So that we could try to keep that water from crossing the road and going from west to east?

John Stoll: Correct. Given the fact that the pavement was in decent shape right now we didn't want to go out and overlay good pavement. We figured we would wait until the pavement was falling apart again and then overlay it at that time, but if that is something that we need to look into we could do that as well. What we were proposing instead of the normal two percent crown we would put a three percent crown in there.

Commissioner Tuley: The money that has already been appropriated, was that taking into consideration the crowning or not?

John Stoll: No.

Commissioner Tuley: So the money that has been appropriated at this point wouldn't allow for crowning at this time, correct?

John Stoll: Correct.

Larry McDonald: My last comment is since where he is proposing to put this pipe in the ground from Mr. Halcomb's driveway up to mine, okay, there is only two properties right there. Why have two open ditches when all you have to do is put culvert pipe in the frontage of two homes right there? I mean, we're running into a major problem on the south end of town with big ditches and there is a lot of kids that run up and down and you're talking in the morning there is ten to 12 school buses that run that road. I mean, I know you guys don't want to be the ones to feel bad when a school bus slides off in one of those ditches.

Commissioner Mourdock: Mr. McDonald, could you come here and point on the map? I think John has got a question. This is the farthest north extent.

Larry McDonald: Right, okay. Right here, the blue pipe, you had it marked.

John Stoll: Yeah.

Larry McDonald: Okay, you're going from his driveway to end of mine, right? I mean, that is what you're showing.

John Stoll: Right.

Larry McDonald: Okay, why not...if you're going to start here instead of cutting these two properties with a four foot ditch go ahead and run the pipe all the way where you tie up right here, you know. I mean, there is just two properties right here and you can't imagine there is 100 kids that sit right in this area, you know, every day. I mean, you got school buses. Probably ten to 12 school buses a week right there at that one corner. If you drop a four foot ditch right in there--

Commissioner Mourdock: Just to clarify, the report that I have says 2.8 feet. You're saying--

Larry McDonald: Right, 2.8 foot by 4.1 foot wide, isn't that right?

Commissioner Mourdock: Oh, okay. I thought you were talking depth. It's approximately 2.8 feet deep.

John Stoll: In depth, correct.

Commissioner Mourdock: With side slopes at 2:1.

Larry McDonald: I mean, the only thing...you know, I mean, I've done construction work for years and, I mean, from here to here cannot cost you...the only thing...my big concern, I don't care about this was originally designed as a storm sewer to alleviate this actually went to Oak Hill Road. This cut right through, okay. I mean, that is why all the water now runs from Knob Hill down that way which is fine. You know, I don't mind this, but, I mean, I've got...I mean, I have two kids and he just got rid of his and there is a bunch of them that live right up here that all catch this school bus in the morning.

Commissioner Mourdock: Just for reference, what are the names of these two properties? Is one Schmidt?

Larry McDonald: Right, Randall Schmidt and the other one is mine.

Commissioner Mourdock: Okay.

Larry McDonald: I mean, hey, that's...I mean, I just don't want to feel liable if somebody falls in my property in the ditch in front of my home.

Commissioner Mourdock: Is there any type of ditch in there now?

Larry McDonald: Yeah, it's actually a slope.

John Stoll: Yeah, it's not a real-

Larry McDonald: It's not a deep ditch, I mean, it's cuttable where the water actually doesn't...it goes down that way to this opening that is right in here, okay. I mean, it slopes this way because see I'm on the crown and that's why I was really curious where we were going with the depth and everything when I'm on the high point here now and the water runs there and his is actually lower than mine.

John Stoll: I guess in regard to that, that would be another 200 feet of pipe give or take and that's 15 inch so by the time you stick in inlets to intercept the water that would probably cost another \$5,000 give or take. I'm not sure exactly and we would also need enough depth there, which we've got 2.8 and we're putting in a 15 inch pipe, so what we need to do is have a swale across there so the water didn't shoot across the top, which I'm not sure given the fact that we only have 2.8 feet to play with if you take the 15 inch pipe and the thickness of that pipe it would end up sticking out a foot and a half so we would have roughly a foot to play with so we would have to slope...there would have to be a ditch on top of it to force the water back to inlets that we would install in there, so it would just be a matter of seeing whether or not we could get a suitable grade.

Larry McDonald: Okay, my next comment is I don't think you were the County Engineer when they laid all the stuff in on this side.

John Stoll: Oh, when the county crews did that?

Larry McDonald: Well, that was probably part of the reason we get so much water coming across this street now is because when they put it in it was higher than the road. Well, it's hard for water to get up over the top of everything if you're going to have all your inlets higher than the road. I mean, that's...I just wanted you guys to know, you know, about this situation.

Commissioner Mourdock: Okay.

Larry McDonald: My last comment is sometimes, you know, they come out and it's 100 degrees, it's really beautiful and everything. They need to come when there is three inches of rain and just see where it all goes.

Commissioner Mourdock: I can attest that John has done that because he has done it when I've done it and it was five inch rain.

Commissioner Tuley: He's done it when I've done it.

Larry McDonald: You know, it's just one of those areas where, you know, the water is coming down the hill.

Commissioner Mourdock: You would be surprised how well used our umbrellas are.  
Larry McDonald: Thank you.

Commissioner Tuley: And it wasn't to keep the sun off our head!

President Jerrel: No. Okay, is there anyone else who would like to speak to this issue?

Randy Schmidt: I'm Randy Schmidt. I live at 5711 Ward Road.

President Jerrel: Okay.

Randy Schmidt: I've been out there 20 years at that location and there used to not be a storm drain underneath Anthony Drive. When the county put one in they put a 12 inch in. I've seen that ditch out there full before where the 12 inch pipe wouldn't take it and now you're talking about putting a 15 inch up above us and funneling more water down through there. Now I sit a little lower than what he does and what that ditch won't take is going to be all right down on me and in my basement. You know, I was wondering how you justify that. I don't get that much water now, but the ditch does get full and now you're talking about trying to channel a lot more water down there to keep it off the other people down on Anthony Drive.

President Jerrel: How do you feel about the ditch itself?

Randy Schmidt: Well, there is a little bit of ditch there now. I don't like it. Personally, myself, I would probably lay pipe in it and cover it up which I realize you would have to leave a little bit of swag there. Like I said, what water does come down there now and what water actually comes off the road because there is quite a bit of water that comes off the road, you know, fills that up enough that the 12 inch pipe won't hardly take it now. You know, if you're talking about...you know, you're not talking just a little bit of water because I know you're trying to channel the water from up above to help the people out down Anthony Drive and I appreciate that, too, but I am just worried that it is all going to

dump over on me now beings you can't touch that 12 inch culvert. You know, you could underneath the road, but I guess you can't on the other side of the road, you know, and that is what concerns me is you're trying to take something big...it's just like a funnel. You know, if you keep filling a funnel it's only going to take so much before it runs over, you know, so that is what concerns me. You can only deal with a 12 inch culvert there, but yet you're trying to dig a great big ditch up above us, you know, and put a 15 inch culvert in up there and I don't know if I looked at the plans right, but according on the other side of the block wall it looks to me like there is going to be a pipe in there so I don't know how it is going to continue to overflow and run down to that ditch it goes to now.

Commissioner Mourdock: I just want to clarify one point, and I apologize that my mike is causing the static here, but your comment that we're "funneling more water down on you" was essentially the comment I asked John a couple of minutes ago and I want to be sure I asked the right question or asked it correctly. Is anything that is proposed here, John, going to cause more water to go further south than would otherwise go that way previously in a big event?

John Stoll: The water that we're going to catch is north of the wall, so, yeah, we'll have more water going through there, but we'll grade it in such a way that we won't have a berm there so that way if it does overflow it's going to hit the wall and keep going east anyway. Like we talked about earlier, if the size of the pipe, the larger pipe leading to the smaller is an issue, we can downsize all of them to 12 inch pipes.

Commissioner Tuley: I think the point is if we can do what you were just saying, downsize that pipe, we're still going to give some relief to the people living down on Anthony Drive until we hit that excessive hard rain again without really having an impact on these people, I don't think, if we stay...instead of taking a 15 inch pipe and squeeze it down to 12, if we just make it a 12 to begin with that will carry water that will help the people on Anthony?

John Stoll: Right, during a regular--

Commissioner Tuley: Regular rain, and I think that's something that we have all tried to stress in our dealing with the people out there that when we get one of those excessive rains they're still going to probably have the problem with water because it is going to hit that wall and it's going to go right down there where it has been going.

Commissioner Mourdock: But in a...I'm going to use the phrase, but in a normal rain, whatever that is--

Commissioner Tuley: Right.

Commissioner Mourdock: In a rain that is something less than absolutely using that 12 inch to capacity there would be more water going past Mr. McDonald and past Mr. Schmidt.

John Stoll: Correct.

Commissioner Tuley: Sure.

Commissioner Mourdock: But, again, the only time you're going to get any negative effect from that...well, you wouldn't even get...Mr. Schmidt and Mr. McDonald wouldn't get a negative effect from that even in the excessive rain because that is when the water

all goes east.

Randy Schmidt: We would if there was a continuous pipe down through there, but, you know, if the ditch can take it it's going to come and if it starts overflowing in my property it is going to continue. You know, it's not going to always stop and then all of a sudden go east.

John Stoll: The ditch is sized to handle the flows from the 12 inch pipes, or 15, or 18 or whatever, so--

Commissioner Tuley: So if it can't get in a pipe it can't get in a ditch.

John Stoll: --the ditch has the capacity to handle the water that comes through the pipes.

Randy Schmidt: There was another question I was wanting to ask. Is there any reason why over the years the ditch that used to run...I used to live down on 2510 Anthony Drive for years. Is there any reason that the ditch that used to run from there all the way to Oak Hill Road is there any reason why over the years that has been closed up and creating a lot of problems for those people down there and I know they have a lot of flooding problems because I lived down there before that subdivision was ever built at the end of Anthony and the other one down farther yet and it seems to me like it would alleviate a lot of their problems if you could open that ditch back up to Oak Hill Road and give them some relief that way also. You know, it has not only given them some water down Ward Road, if the ditch could go on to Oak Hill Road it would help them a bunch, too. I know they need it. They get a lot of water.

John Stoll: Yeah, Oakview Sub and Oakridge Sub all drain to the areas that you're talking about and I know those ditches can't be two feet by two feet hardly where they discharge and head towards Oak Hill. The problem with that is that is not property the county controls. That's all on private property where we don't have any legal rights to get on it to make any improvements. That's why we were attempting to do this within the street right-of-way.

Commissioner Tuley: John, wasn't that something that we walked that one day that we were out there, wasn't it, that little...?

John Stoll: The ones that end up going beside the church.

Commissioner Tuley: By that church.

Randy Schmidt: That used to be a ditch about that deep.

Commissioner Tuley: About that wide and about that deep right now.

Randy Schmidt: (Inaudible.)

Commissioner Mourdock: Do you understand John's point that we don't have any jurisdiction? Believe me, you don't want us going on your neighbor's property without permission any more than you would want us going on your property without permission.

Randy Schmidt: (Inaudible.)

Commissioner Mourdock: Okay, thank you.

President Jerrel: Do we have another speaker?

Gary Carson: Gary Carson. I live at 2404 Swinging Way Court at the corner of Ward Road and Swinging Way Court. I was curious to know...actually, I have a couple of questions. The right-of-way from the center of the road, is it 25 foot off the center of the road to ditch line, is that what it is going to be?

John Stoll: Yeah, it's off the center of the road.

Gary Carson: Okay, I had...I think there is a portion of my fence that is going to end up being taken down over that, but I was wondering is there a reason why...is a culvert pipe going to actually be laid during...along that stretch or is it just going to be an open ditch?

John Stoll: Okay, this is you here?

Gary Carson: Right.

John Stoll: Yeah, that was a ditch from your driveway pipe down to the pipe underneath Swinging Way Court.

Gary Carson: Okay.

John Stoll: That's your fence line right there. That shouldn't be colored green there, but we wanted to miss the fence.

Gary Carson: Right. Is there a reason why the pipe couldn't be laid and then covered over at that point?

John Stoll: The same thing we were talking about earlier whether or not there is enough money to do it because there is a little shorter distance. You only live about 100 feet--

Gary Carson: Exactly. I mean, the ditch itself, for the past few years, I guess there were original plans where...I'm sorry, there were plans made at one point where the ditch was going to be dug out--

Commissioner Tuley: Hey, folks, can you keep it down just a little bit so we can hear and so the microphone can pick up the comments, please? Thanks. I'm sorry.

Gary Carson: The ditch was going to be dug out and I guess at one point a similar thing was going to happen and then they changed plans on it and decided to move the ditch to the other side of Ward Road. There was some trees that were cut down along there and everything and then all of a sudden the funding ran out or something at that point and then they come back on our side again and I think this is the third time now that there are plans being made to put a culvert down through there and I was just curious to know if any pipe work that is going to be laid if it can be laid continuous and covered over, that was my concern that I would like to see happen. I don't have a problem with the pipe at all or the improvements that you're trying to make. I would like to see a continuous culvert pipe or whatever laid to where the aesthetics looks and would be an improvement to the area as well and I didn't see that the cost would be increased that much.

President Jerrel: Well, we don't have a cost estimate on covering them yet.

John Stoll: Right, we didn't look at that as far as costs for piping the whole thing. Ideally, if it was all piped you really need a curb and gutter type street more than anything because you don't have any good way of forcing the water to go into any inlets that we would have in the new ditch line when we pipe the ditch, but from a practical standpoint, I guess, as long as the ditch isn't too shallow to allow a pipe to go in then it could be done. It's just a matter of cost.

Gary Carson: If there is a reduction in cost going to a smaller pipe, like a 12 inch versus a 15 inch, I don't know how much of a cost savings that may be, but that could offset something right there as well, too.

John Stoll: It wouldn't be substantial.

Gary Carson: Right.

John Stoll: These sizes on down through here were based on 25 and 50 year storms and the intent was to try and accommodate a certain amount of rainfall, so from that prospective it would probably be better if we stick with the larger pipe if they would fit.

Gary Carson: Okay.

Commissioner Mourdock: I'm sorry, sir, what was your name?

Gary Carson: Gary Carson.

Commissioner Mourdock: Mr. Carson, okay. So your concern is principally the same one as Mr. Schmidt and Mr. McDonald?

Gary Carson: Yes.

Commissioner Mourdock: If you're going to do it, you would like to see it covered.

President Jerrel: Okay, thank you. The next speaker.

Bob Bell: My name is Bob Bell. I live at 2500 Anthony Drive. What I would like to take and bring back to the Commissioners in a little short brief, if I may, is the fact that where we have looked at the problem when you people come out in the driving rain and tried your umbrellas out and that starts west of Ward Road. Larry McDonald is right in what he is saying about the wall and how long it has been there and the direction of the flow of that water. What has happened to us in our neighborhood is something that I think that happens in every neighborhood no matter where it is and that is we all become engineers and we all change the flow of water on our piece of property. West of Ward Road behind those homes between it and whatever the street is behind, and I have not been there long enough to remember that, was a swale that we talked about years ago that was to take the water off the top of the hill and run it into the swale dumping it at St. George Road, which the pipe still exists, it doesn't function much, but it does exist, and drain that water to keep it from coming onto Ward Road. Over the years people have put fences up, filled it up, changed the direction of it. Now we receive all of that water along with what comes down to us from the top of Knob Hill. My concern is that we get hung up on what has been done and what we're going to do to correct this problem, but on the other hand now we've got our hands tied, you people being the we part of this, on what you can or can't do legally. Legally that swale should still be behind those homes on the west side of Ward Road to slow down or take the water away from

shooting across Ward Road to the east side. Once it gets to the east side the McDonalds and the Bells and everybody down Anthony Drive has a terrible, terrible problem. With what has come up on these plans to try to curtail or stop some of this, if it is our only choice I would really like to see us push forward to see that it's done. My real concern is, and I know the pump station at the bottom of Ward Road and St. George created a great big problem for this project. I understand they went and put that pump station in there to take care of all of our water pressure problems and did away with all the access of draining the water from the west side of Ward Road down to St. George like it was initially was meant to go in the first place. Along with the raising of the crown of the road on Ward Road to divert some of that water to stay on the west side of the road, if that was chosen as an option, would relieve a lot of the water that comes sheeting across that road into the east side problem. Along with that ditch to catch it, if the road was crowned like we are talking about, then we would keep some of it on the west side of the road and take it down the best way we could to get it to St. George Road. My only question to that that I would like to raise is the county went out there a couple of years ago to try to relieve some of the problems and put all of the inlets and what pipes do exist over there, some six inches higher than the top of the ground, so now the water has to jump in the pipes. So in essence, that comes across the road onto the east side. I think what I am trying to say is we can't go in behind that house...those houses and dig those people's yards up. That's forgiven ground even though it is an easement. I've been told that can't be done, but as long as we're getting a correction done on Ward Road on the west side...I mean, on the east side, pardon me, then I think we should correct the pipe problems that we created a couple of years ago on the east side and that would only be to lower those inlets so the water could get into it if the crown of the road was raised. Thank you for your time.

President Jerrel: Okay, John, we've got a couple of ideas on the table that we need numbers for. Obviously, we don't have the numbers tonight, but we need to know the cost of the pipe if we cover it and we need to know...I think it is a legitimate request to find out what the cost of the inlets are, to lower those to where they will accept water.

John Stoll: Do you want costs for piping everything along the east side of the road?

President Jerrel: Well, I think we need to know what we're looking at. We've just got a budget and we don't know where we're going with it and it's better to have some feel for that.

John Stoll: Okay.

Bob Halcomb: Bob Halcomb, 5805 Ward. Basically I am the gatekeeper of the whole situation. I guess for many years with the wall that Larry is discussing that has been there since 1940, the water would come across these three 1.1 acre lots that I purchased and excavated to be able to build a house on a cesspool and it was over the top of a lake, so if you look at the first...if you look at the plans it says 456 feet of ditch. The first about 125 would encase a lake that had been filled with cinder blocks, crushed cinder blocks and then topped. I can go down about 12 to 14 inches and hit that, okay. At that point, some of that is up to 16 to 18 foot deep of just cinder block, okay. So if I would have known this at the time I wouldn't have purchased this lot, but as this water would come across and cascade it would basically just get caught up in the weeds and it would just sit there cissing for months on end, so now since I live there, of course, I have kind of blocked the water to go around my house, okay, so that kind of magnified the already intolerable situation for these people on Anthony. So what we have been told by Mr. Jeffers is that if the water continues straight down Ward Road and doesn't turn at this block wall they're going to see a relief of maybe up to 70 percent less water.

Okay, it's a tremendous amount of water, but the thing that I would like to ask, and I am in total agreement with Larry and his neighbor here, I was pretty forgiving that you let the people on the west side of the street put in pipe and then they put in manholes so during these hard rains you can go over and stand on the manholes and they're dry.

President Jerrel: And not get wet.

Bob Halcomb: Right. It was a real...I don't know what other word to say, it was just a shoddy job, okay, but they also came and dug out this little ditch that is proposed here in my yard, okay, and if you guys would like to come over and I wish you would, there is a turbulence of the water as it comes across my 456 feet. That turbulence at points has swirled that ditch to almost five and a half feet deep in some places and the width of it, it's just intolerable. It's nasty. My wife has got our mower knocked over. The kids...it is so big now in width from Ward Road going east that kids can't jump over it. There have been several bicycles that have come down and you know how they are talking and having a good time and they fall in the ditch.

Commissioner Mourdock: Can you show us where that is?

Bob Halcomb: Yeah, I sure will.

President Jerrel: It's way down at that end.

Commissioner Tuley: It's at the top of the hill.

Bob Halcomb: Right here, that goes up the hill.

Commissioner Mourdock: Right.

Bob Halcomb: Okay, so then right here is one lot that is 80 foot and then mine is next up and mine is approximately 456 to the driveway and then there is a 40 foot easement right here. The turbulence starts right around here.

Commissioner Mourdock: Where is your lot? You're on this side?

Bob Halcomb: I have a square three acres.

Commissioner Mourdock: On this side?

President Jerrel: Yeah, on the west side.

Commissioner Mourdock: I pictured it on the other side.

Bob Halcomb: It's 490--

President Jerrel: It's right here when the water crosses over.

Bob Halcomb: I don't know if you have noticed that. I was out here the other day looking and there is tremendous erosion right here. It's because it cascades down this hill and these neighbors shut off this easement, okay, and it cascades and then it swirls right here, so you're picking up water here and here and it has actually cut this out. I think I need...if you won't let me put pipe in I think I need some of that concrete whatever you want to call that--

Commissioner Tuley: Ribbon.

President Jerrel: So it won't--

Bob Halcomb: You just won't believe it, but if you look down here some of this muck that has been worked up has come down here and it settles here. I do have 16 inch pipe under there now. Bill Jeffers asked me to change this out and I did already, but we put a little converter here to kick it that way.

President Jerrel: What about those drains that are taller?

John Stoll: I would think that the bridge crew, since they set them, they could go out there and lower them.

President Jerrel: Number one, that just needs to be done. That's crazy.

(Several inaudible conversations going on.)

Bob Halcomb: So on this, I guess, to wrap up my comments, I think there should be some consideration not only with Larry and his neighbor, but with me also for what I have put up with. You guys just have to come out there. Pretty soon I can put little houses down in this big ditch. I mean, it is getting really large, so I think that is something you need to consider.

President Jerrel: We have \$75,000 now that I went on Council Call to get an appropriation. I really think we need to get some prices on some of the corrections first along with the rest of it. I mean, those drains need to be lowered, so they'll get some of that water over there.

Commissioner Tuley: On the west side of the road?

President Jerrel: The west side.

Commissioner Mourdock: Yeah.

Bob Halcomb: Well, it kind of keeps coming full circle back. You know, I stood before you guys four or five years ago when Buddy Bauer was selling that piece of property there and you let that other guy build up on a hill and they said they weren't going to wash out on me. I would get up on Sunday morning and I had hay bales on the side of my house. He wouldn't even come over and get them. The people on Anthony have just had tremendous headaches and the bottom line is who is the darn traffic cop? Who is the guy we can go to and say spank that guy he screwed up. We're not seeing that, okay? So you guys cut that ditch in my yard and I'm nice about it. I let you guys do the ditch, I want to put pipe in and now the darn thing is huge, you know, so who is this traffic cop? Who allows those grates to be too high? They're useless? Who let's all this go on? You know, I think that is what everyone is asking. Who is the guard?

President Jerrel: Well, they are going to get straightened out.

Bob Halcomb: Okay, thanks. And then if you guys want a good time you need to come over and see this Mr. Rucker.

President Jerrel: I know Mr. Rucker's problems.

Bob Halcomb: I mean, you're talking about a house that is almost \$100,000.

Myron Rucker: I'm at the bottom of everything.

President Jerrel: He gets everybody's, everybody's water.

Myron Rucker: What you are complaining about, I've got (inaudible).

President Jerrel: Yeah. Commissioners, what kind of--

Commissioner Tuley: You've still got somebody.

President Jerrel: Oh, you want--

Bob Bell: I would like to ask Mr. Stoll one question, if I might, please. Considering all of this that we're talking about and looking forward to improving, if Mr. Buck on the top of Knob Hill starts his construction on his home which I think the plat sites were for like four or five homes, four?

Unidentified: I think.

Bob Bell: In your professional opinion what will that do to what we're working on now as far as water? Whenever they dug out Mr. Halcomb's property and ditched in front it was only there to relieve the detention pond that he was instructed to put in to have an avenue for it to drain. If he chooses to do this, once he takes and starts on his new homes are we going to have an increase coming by Mr. Halcomb's house and down the way in your opinion?

John Stoll: If the water is routed towards the detention pond then it should detain the water up to a 25 year storm, so I don't have a copy of the drainage plan available, so I am not sure exactly how they route all the water there, but--

Commissioner Tuley: The drainage...you just said something that maybe just kind of shook my memory here. Actually, it scares me a little bit. Did you say that the drainage plan has already been approved even though they have not done anything?

John Stoll: I thought it had.

Commissioner Tuley: Construction, okay?

John Stoll: I mean they--

Commissioner Tuley: Was it approved under the old plan or the new plan, do you remember?

John Stoll: The new plan.

Commissioner Tuley: So it is under the new plan?

President Jerrel: Yeah.

John Stoll: They've got their pond set there at the southwest corner of their property and I'm not sure exactly how they route all their water to that, but it has been approved and

they have done some work out there.

Commissioner Mourdock: Before they could get all the lots approved, and I think Bob is right, I think there is five instead of four, that whole plan had to be approved and it was approved several years back. I think the question is was the pond built to the specifications, is it working as it was designed to function? I don't know the answer, but since it is there that seems to be the logical question.

Commissioner Tuley: But then, yeah, and Joe is correct in pointing out the question about the policeman in that case would become the Surveyor's Office.

Commissioner Mourdock: Ah, yes.

John Stoll: From what I last saw that pond...all I saw diverting water into that was the roadside ditch along the east side of Ward. It has been a while since I looked in the thing, so I don't know if it has changed, but that was the last thing I saw.

Commissioner Mourdock: But conceivably that would have been correct since they had only affected that one lot, right? Until they affect the other lots they don't have to redo the drainage to get it back into that basin, is that correct?

John Stoll: There again I don't recall their overall plan.

Commissioner Mourdock: Depends on their plan. Yeah, you're right.

President Jerrel: I think it's worth looking at all of these issues though and I'm glad you all are here tonight because if we can communicate with you, you know, we need to get the money...we need to get the numbers on lowering those and some of this ditching so that we know what we're talking about in terms of dollars, but I would like to hear from some of the rest of you. I know Bob has got a problem over there.

Commissioner Tuley: I've got to speak up just a second.

President Jerrel: Okay.

Commissioner Tuley: The problem out there may have started by Mr. Bell making some phone calls. I think there is more than Mr. Bell has a problem there and I don't want this to come across--

President Jerrel: No.

Commissioner Tuley: --as Mr. Bell's problem and I don't think maybe that is where you were headed, but you said "Bob has a problem". Bob does have a problem as do several other people.

President Jerrel: I was talking about Bob Halcomb.

Commissioner Tuley: I'm sorry. I'm sorry. I just wanted to make sure because we kind of ask everybody to use one person as a spokesperson tonight and I think some how this thing sometimes gets tweaked towards Mr. Bell's problem.

President Jerrel: No, Bob Halcomb.

Commissioner Tuley: He has got a problem, yes.

President Jerrel: I was talking about his ditch.

Commissioner Tuley: You've definitely got a problem. I'm sorry, I just wanted to make sure we're not getting the right Bob here.

President Jerrel: Right.

Commissioner Mourdock: Mr. Garrett has a problem, Mr. Rucker has a problem, Mr. Bell has a problem.

Myron Rucker: I have all the problems.

Commissioner Tuley: And that's the part that bothers me. The last thing we can do is take a problem that already exists and try to make changes and suddenly we have a different group of people in here, whatever they are and what have you, trying to run it that way. The whole concept in trying to do this was to run it down to St. George Road because there are some very large open ditches that are not in residential areas that this water can maybe get to and get out of your area and give all of you some sort of relief. That's what we're trying to do.

Bob Bell: I have one quick question.

President Jerrel: Uh-huh.

Bob Bell: On the definition of that detention pond, and I am not going to dwell on this, but I want to get it off my mind. Is that to actually hold water and then let it come to us gradually?

John Stoll: Yes.

Bob Bell: Okay, my concern for Mr. Halcomb and everybody else and then I'll wait my turn until it gets to me downhill is the fact that at any one given time in its present state does that pond ever hold or detain any water? Now, is this...am I misunderstanding what it should be doing? Because at the time they did that they were talking about the amount of water, and I've got a reason for this. Larry was talking and Randy was talking about the amount of water coming down to those 12 inch pipes, that was created only by the addition of that detention pond, in my opinion only. My question, I think, is the fact it's supposed to run slower because I understood that it wasn't to come to us at any greater rate. Slower time, same amount of water.

Commissioner Mourdock: Yeah, that is the right question, Bob, and that is effectively the same question I raised a moment ago. We know there is a detention basin there. The question is, is it working properly? I don't know the answer to that question either, but if, in fact, there is other building permits being applied for up there on the other lots that had been plotted but heretofore have not been built on would seem to be a good time to have the Surveyor's Office take another look at that because as Joe was saying, they're the policeman, if you will, to look at that issue.

Bob Halcomb: I've been home during one of these 100--

Joe Harrison, Jr.: Bob.

Bob Halcomb: I've been home during one of these 100 year rains and I've went up to the retention pond and stood in the middle of it and it didn't retain anything.

Commissioner Mourdock: The water came in at one level and went right back out the other.

Bob Halcomb: I think maybe the design criteria at the point when it was designed it was thinking more lots, okay? So the same phenomenon that happens with me, once you build and it goes around the houses, it will collect, but I think at this point maybe if we could just tighten up the funnel and make it smaller so where it does that job and then as he builds maybe we open it back up, but my whole front yard was flooding, that whole ditch was flooding, and I went up to the retention pond and it's not holding anything. It's taking everything and funneling it straight on. No retention at all.

Commissioner Mourdock: Okay.

Bob Halcomb: I think what happened is we designed that retention pond for future expansion.

Commissioner Mourdock: John, would you please ask Bill Jeffers to take a look at that as far as sizing and take another look at his calculations on that one? I've been out there and I noticed...in fact, I think you and I were there that same day. I know we've been there a couple of times, but where it seems the inlet coming in is the same size as the outlet. Is that not the right one?

John Stoll: Right, I don't remember the exact sizes, but that was what I was talking about earlier that the last thing I remember seeing was just the roadside ditch had been diverted in there, so it basically was just coming in and turning around and going right back out.

Commissioner Mourdock: Okay.

President Jerrel: Yes, sir.

Commissioner Mourdock: Mr. Rucker is waiting patiently there.

President Jerrel: Yes, okay.

Bill Mullen: I'm Bill Mullen, and I'm down at Swinging Way. From our area down it really works good because we've swaled the fill from the street and the driveways are all swaled. When the water comes down there there isn't any way...I don't know what sized pipe you would have to put in to be able to handle it when it comes down that road, but through my yard we've got the pipe in. It jumps over Swinging Way very nicely. We run about 20 foot wide through the yard, but it is mowed so as soon as the water is gone it's not a problem, but when you get a two inch rain coming down off of Melody Hill and Knob Hill coming down Ward Road and if they leave that open ditch it is going to be dangerous for the children when it gets down past Swinging Way because it is really moving at that time. I would like to see it with a closed ditch and a swale in it so it can take the overflow.

President Jerrel: That you, Mr. Mullen. Mr. Rucker.

Myron Rucker: Myron Rucker, Oakridge Subdivision. You know, all this water that

everybody is talking about comes directly or indirectly down to the rear of my house at the bottom of Anthony Drive. I just wish you all would consider some of these improvements because any additional water down there going through this easement behind my house, which you don't even have any jurisdiction to improve or modify or whatever. It was modified years ago and they changed to flow and the direction of Licking Creek, which runs behind my house, and they changed it and now it jogs around my house and any of this water that comes from the corner of Anthony Drive and Ward Road comes directly to my house one way or another in two or three different directions. You can count on it. I just want to ask for some help. You know, that's all I can do. Bob has asked for some help. What's good for the people on Ward Road and Anthony Drive is good for me. I'm the one that is standing in the way.

President Jerrel: Getting it all.

Myron Rucker: You're talking about a dangerous ditch, you ought to look at mine.

President Jerrel: Yeah.

Myron Rucker: It is not a ditch. It is where the water has stood and cut and has nowhere to run because the pumping station can't take it.

President Jerrel: No.

Commissioner Mourdock: Even in doing what has been proposed here, Mr. Rucker, and I am saying this to Mr. Rucker, but I hope everyone in the room who has an interest in this hears this correctly because even in doing what we're doing or what we're trying to do right here, whether we close in that ditch or whether we don't close in that ditch, whether we leave it at 15 inch or whether we go to 12 inch, if we do everything that has been proposed here and we get an event like we had on June 8, 1995 or whatever that date was, please understand it's not going to take away the problem you have because those types of events are simply beyond the control of what this structure is going to handle.

Myron Rucker: You mean '96? I have five dates in my mind that I can recall.

Commissioner Mourdock: Well, my point is instead of having that happen five times, hopefully, it may only happen once or twice, but understand we're not going to be able to take away the risk of having that happen maybe once every ten years or something like that. So we're trying to make it better on that portion that we do have and this is the only portion that we do have a legal obligation that we can deal with and we are trying to deal with it.

Myron Rucker: And I appreciate it. I hope you all can work on it.

President Jerrel: Well, we've got that money in place. I mean, we've done that. We just want to get to the next stage which is to try to meet some of these suggestions and I think what we need to know is turn it over to John Stoll and Bill Jeffers and we've got the money we need to go on and proceed with it. That's what we want to do and we want to keep you informed so you know what we're doing. We're not...we're in this together. So is that...we have another hand back there. Is that agreeable? Sure, come on up.

Myron Rucker: Thank you.

Commissioner Mourdock: Thank you.

Bill Wazny: I'm Bill Wazny and I live at 2535 Anthony Drive. I built my house there 11 years ago. When I bought the property there was a ditch in front of it. It was a big, wide, deep ditch. It was full of weeds, trees, what have you. I cleared it out, I graded it out, I cleaned up where I could cut it with a lawnmower. I looked at it and I thought this looks awful. So I checked the county codes, I checked the deed restrictions and stuff for my property and it called for an 11 inch tile if I put a culvert in. I looked at it. I priced the tile, I went down and I priced 15 inch as well. The price difference 11 years ago between 11 inch and 15 inch wasn't that much. The neighbor on the one side of me had already installed 15 inch. The neighbor on the other side of me still had an open ditch. I elected to put 15 inch in because I didn't want to have to come back five years from then, ten years from then, even 30 years from then and have to dig it up and go with a larger tile. The plan you all have now I think you had called for some 15 inch tile. You're talking now about dropping it to 11 or 12 inch. I think that's a mistake. It will handle water. It will handle some of what is going there now, 15 inch will handle it better. Yes, you've got a smaller tile at the other end of it that won't handle it all, but eliminate all of the problem for as much of it as you can. Don't eliminate part of the problem. Do what you can with 15 inch now. Four or five years from now if you have to dig up what 12 inch is already there, if you have to redo somebody's driveway to put 15 in do it then. Don't start with 12 inch all the way down through and look at it four years from now and say, gee, now we've got 20 driveways to dig up instead of four or five. So I think you should consider staying with a 15 inch tile. An option Mr. Tuley made several years ago to us when we were talking about digging ditches down Anthony Drive to try to help some of this was that the county would dig the ditch, grade it out and then if the homeowner wanted culvert put in it, if the homeowner was willing to pay for the pipe that the county would cover it up. That was several years ago. I think that offer should be made right now, tonight if you can, to the people that live on Ward Road. If they want to pay...if you're going to put a ditch there and they don't want it, if they want to pay for the pipe I think you would be good in covering it up for them.

President Jerrel: What side of Anthony are you on, the south or the north?

Commissioner Mourdock: On Swinging Court, back this way.

Bill Wazny: I'm on the south side, yeah.

President Jerrel: I'm just trying to get a picture in my mind.

Bill Wazny: Yeah, I'm the opposite side of Mr. Bell and between his lot and mine is where a lot of the water runs across Anthony Drive because there is no way for it to get in the pipes and every good decent rain I end up with my wheelbarrow and shovel going down to the end of Anthony and trying to recover my driveway and bring it back. That's all I've got.

President Jerrel: Okay. Yes?

Sherry Bell: I'm Sherry Bell, Bob Bell's wife. He has been coming to these meetings for two years. I just want to say I hope it ends. I hope you guys make a decision. You keep saying...now tonight, I don't blame them for wanting pipes at all, but we need to do it before another spring comes. I mean, we can't do another spring, you know.

President Jerrel: Well, we've got the big lick over. We've got the money. That's the big

step that we had. Now we want to make sure that we get this information, but there is no reason why this can't and will take place. I mean, we're way over the are we going to do it?

Sherry Bell: That's what I just want to hear, when it's going to happen because it has got to happen soon, you know.

President Jerrel: Thank you.

Bill Mullen: I think John and Mr. Jeffers both need a good hand of applause for the work they've been doing trying to get this thing straightened out.

President Jerrel: Well, we're going to...we aren't going to stop in terms of...as I understand it you can do work like this even when the weather gets cold.

Commissioner Mourdock: Oh, sure.

President Jerrel: There is no reason why this won't be able to be done at this time of the year.

Commissioner Tuley: The only problem you have is--

President Jerrel: Yeah, but you can do all this ground work and if we decide that we can afford to...when we get these numbers and the lowering of those inlets, there is no reason why that can't be done as we work into the fall. Okay, yes, sir.

Unidentified: One concern also--

President Jerrel: You want to come up and tell us your name?

Brian Mullen: I'm Brian Mullen, my father lives there on Swinging Way.

President Jerrel: Right.

Brian Mullen: One of the concerns also as you get farther down the way toward Ward Road and everything there is a bus stop down that way. Them ditches even get deeper and deeper down there being an open ditch system. I mean, I realize that Anthony has got a big problem up there and they've had it for a long time, but basically whoever submitted to the contractor that it was okay to put that subdivision in that way, you know, now we are kind of going back and doing something about it, but I hope this gets solved and it's going to be, you know, a closed ditch system.

President Jerrel: We wish that none of these things had ever happened, but they have and so we're trying to correct it.

Brian Mullen: I'm sure every time it rains they just pray that it's not a big rain.

President Jerrel: Yeah.

Brian Mullen: So I feel sorry for them.

Commissioner Mourdock: Just in my never ending philosophy of trying to have plans with dates, John, can you tell us when you would be able to get back to us with the

revised numbers as far as what the cost for the various size pipe would be and also what the cost would be covering the pipe versus not covering the pipe?

President Jerrel: Because you kind of know what we have.

Commissioner Mourdock: Remember, they were all ready to applaud you just a minute ago, so you want to give a good date here. Don't blow it, John.

Commissioner Tuley: I've got to say something real funny, real quick. I don't know if it is funny or not. There was no applause!

Commissioner Mourdock: They did hold off.

John Stoll: Alan was sitting there ready to tell them about that!

President Jerrel: Are you going to convey that to the bridge crew?

John Stoll: Yes, and that is something that they could do regardless of the rest of this.

President Jerrel: Right.

John Stoll: I don't know what their schedules are, but that is something that we can pass on to them. The options now we're looking at are pipes and inlets along the entire east side, correct? The east side of Ward from Knob Hill on down?

President Jerrel: Right.

John Stoll: Then the possibility of an overlay for additional crown, to provide additional crown to try to prevent the water from crossing the road?

Commissioner Mourdock: I would like to see the pricing on that, yes.

John Stoll: Yes.

President Jerrel: That's one thing if we could get the cost on the others and then, you know, we could go through one season and then if we need to do something else, if we didn't have the funding this year, we could do the crown, you know, the next time. That wouldn't interfere with doing all the other work.

Commissioner Tuley: If we're able to east and west, correct what is on the west side already and do the east...you're the Engineer, not me, but you may find you don't need maybe to come back and add that crown.

Commissioner Mourdock: Uh-huh.

President Jerrel: Okay, now what about...how are we going to communicate with everybody?

John Stoll: Do you want me to come back in a couple of weeks with some costs?

Commissioner Mourdock: That would be great.

President Jerrel: Yeah, we need to have it in two weeks because next week we've got

all of those presentations at the Commissioners' meeting. Could we have it in two weeks?

Joe Harrison, Jr.: The 26th, and then the next meeting after that is the 9th of November.

Commissioner Tuley: Right.

Commissioner Mourdock: Oh, that's right.

President Jerrel: But if we could come to some agreement with the numbers and if we see what we're talking about there is no reason why we couldn't get action going.

Commissioner Mourdock: Yeah, see how those numbers fit within what we have.

President Jerrel: We could go ahead and begin with what we've got.

Joe Harrison, Jr.: Do you all want to come back again or...?

Unidentified: We don't want to, but we will!

President Jerrel: Or do you want to send somebody? I mean, we want you to know exactly what we hear.

Commissioner Mourdock: Let's just do it this way. Any of you are obviously welcome to come to this meeting two weeks from tonight, we will get the report from John. So if you would like, send a representative. If you all want to come, that's fine. We're always glad to speak to a full room.

President Jerrel: Okay, alright, you know what we're going to do. We've got \$75,000 and we want to see how far it will go. We're going to get the drains lowered on the west side. We're going to get the costs on covering the pipes. Yes, sir.

Unidentified: Can I say something, Bettye?

President Jerrel: Come on up.

Earl Savage: My name is Earl Savage. I live at 2510 Anthony Drive. You're talking about lowering these inlets. I was there a couple of years ago when the county came through there and enlarged the tile that is in front of the homes and I assume they was about 15 inches, but believe it or not when they got to the culverts they didn't look to be even ten. I couldn't believe what I was seeing that they was concreting...putting concrete around a 15 inch tile funneling it into a ten, so if you're going to put inlets in I would think you would want at least everything at least 15 inches to start with.

President Jerrel: Well, that's what he is going to have to--

Earl Savage: They did not disturb, as far as I seen, they did not disturb any culvert, but they did put the black corrugated plastic tile in front of the homes. Now, why...like this man said a while ago where was the policeman that would let something like that...and the supervisor of the County Garage was there.

President Jerrel: Well, we're going...you've got a policeman. You've got three policemen now.

Earl Savage: That's the only thing I thought I would mention that it would be worth looking into is that there is small tile in this area where you're going to put the inlets in.

President Jerrel: Right.

Earl Savage: Thank you.

President Jerrel: Thank you. Okay, anybody else? Is there any question about what we're going to do? We're going to do it.

Commissioner Mourdock: Just--

President Jerrel: We're going to do it.

Commissioner Mourdock: --a quick comment as we move onto the other subjects on our agenda here. Two weeks ago tonight we had a neighborhood situation with drainage where the people in here were more intent it seemed on smearing the reputation of their neighbors and screaming and yelling at each other over what was a relatively simple problem. With that frame of reference I just want to thank all of you for being patient in dealing with this not only with us, but at least I perceive you're very patient and neighborly with each other. We've seen drainage situations get to the point where they are literally tearing neighborhoods apart. The south side or the southeast side being a very good example and we really don't want that to happen and appreciate the fact that you work with each other as well as you're working with us, so thank you.

President Jerrel: See you in two weeks or if you don't come somebody will tell you what happens. Thank you.

### **Tape change**

## **Evergreen Heights Barrett Law project**

President Jerrel: The next item is the County Attorney for the Evergreen Heights Barrett Law issue.

Commissioner Mourdock: Was there any other group or individual?

President Jerrel: We haven't gotten to that any group yet.

Commissioner Mourdock: Oh, I'm sorry.

Joe Harrison, Jr.: Last week the Commissioners, you all approved a final resolution with respect to the Evergreen Heights sanitary sewer Barrett Law project. There was some discussion at the meeting last week regarding several homeowners who had multiple lots. Apparently, since that time it has been discovered by their engineer and others that a couple of the homeowners had deeded and combined lots, like two lots, or three lots, or four lots, into one and because of that situation many of the...well, the assessment would be higher for a couple of people because that was not notated properly. The homeowners out in the Evergreen Heights Subdivision have filed an objection. It is in front of you. It has been signed by 50 percent of the homeowners out there. What the petition is seeking is to essentially have the Commissioners rescind the final resolution that was passed last week and permit a new Schedule A to the final resolution which

would include all the homeowners and then all the lots to be affected. If the homeowners only have one lot, then it will list one lot. If they have two lots it will list two, but what has happened is at least two no longer have multiple lots. There is another individual out there who very well may attempt to do the same thing to combine two lots into one and if he can get that done between now and when the preliminary resolution would be considered again if, in fact, the Commissioners go that route, he may fall in the same vote also. The group could go to court at this time if it wanted to, but this petition, they are asking that the Commissioner merely abandon the project and let them start over...not abandon the project, but rescind the final resolution and permit them the opportunity to start over. That will enable those who are objecting to the project another bite at the apple, if there are those who want to object, they can then object. We'll have the same scenario again. A preliminary resolution, a notice to those homeowners out there, all 27 or 28 of them will be notified again, and there will be a public hearing and then consideration of a final resolution by this Board, so no one will be losing any rights that they may have. If they did go to court, essentially what a judge would most likely order at this time is to require everyone to start over and we would be where we are right now two months from now, so this will enable the project to move ahead and if individuals are objecting to it and want to object to it down the road they still have every right to do that.

Commissioner Mourdock: Okay, so it is the original group of petitioners that came to us that are now asking us to temporarily set this aside?

Joe Harrison, Jr.: Well, many.

President Jerrel: Some of them.

Joe Harrison, Jr.: I can tell you this. There were two individuals, Mr. Merkel...I don't know if he is here tonight. Mike Merkel and a Jeffery Lear who filed objections earlier. Today they also signed the same petition a second time saying that they want...they don't want to abandon the project, but instead would like to have the Commissioners rescind the final resolution and go forward again.

Commissioner Mourdock: Of the people who have signed this petition asking us to rescind, how many of those were in the original group asking us to act?

Joe Harrison, Jr.: Well, I can tell you there are a number of people on here who signed this who are supportive of the project. I mean, a number of them, but there are a few people, I think, on here who may be opposed to it regardless and they'll probably object a second time, but the number is going to be substantially reduced. You will not have the numbers that are on here. I think there are 50 percent. You'll probably have half that maybe.

Commissioner Mourdock: So this clearly isn't saying that it's dead forever. It clearly isn't saying it's absolutely going to go forward, it's just simply, as you said, giving them a second bite of the apple so democracy works.

Joe Harrison, Jr.: Right, that's correct. So my recommendation to you would be to rescind the final resolution, let their engineer submit a revised homeowner list with the affected lots. They'll submit that to John Stoll. He'll get that to us. There may be some adjustment in the estimate of the cost, I don't know, as far as the total project cost. He would get that to John Stoll and he will file that within the next week or two with the County Commissioners and then that would enable the preliminary resolution to be

considered a week after that.

President Jerrel: Okay, are there any questions? Everybody understand? Yeah, I think we had the same sense of fair play among ourselves as we heard the story last week. Is there anyone that wishes to speak to this or are you prepared for the motion?

Commissioner Mourdock: I'll move that pursuant to the letter received in our packets this evening that we rescind the final resolution that was scheduled for the vote this evening.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered. This should not create a major delay, is that correct, Mr. Harrison?

Joe Harrison, Jr.: It will probably delay everything maybe a month to six weeks, but if, obviously, it had gone to court it would be several months.

President Jerrel: Okay.

**Any group or individual wishing to address the Commission**

President Jerrel: Alright, the next item on the agenda is any group or individual wishing to address the Board?

**Steve Craig - Burdette Park**

President Jerrel: Alright, I'm going to move to the County...would you object if I ask Mr. Craig if he would like to come up out of order? Burdette Park. He has been patiently sitting there and I don't think he has a long report and I--

Steve Craig: I have a very short report.

President Jerrel: Okay.

Steve Craig: Okay, the only thing I've got to cover is I had contacted Chris Gwaltney and they are very interested in doing any future projects we have because they were all in the middle of their senior project as of now, but he said that anything that we have at the park--

President Jerrel: That would be interesting?

Steve Craig: I think they have more people involved in their engineering department than what Jay did.

President Jerrel: Just a comment, too, I had a chance to speak to Representative Avery and we do need to get some of the letters of support and I got the names and the number of...you know, we need to send certain people copies of this and I got that information from him today.

Steve Craig: Okay.

President Jerrel: So you and I need to do a little list. The Commissioners have done a

letter, but we need to get some other support.

Steve Craig: Okay.

President Jerrel: I had mentioned to Shirley, you might want to talk to her.

Steve Craig: Okay.

President Jerrel: Okay, is there a motion to approve the Burdette Park report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: I got your letter and I will be in court December 29th for our big trial.

Joe Harrison, Jr.: We had to file a collection lawsuit against one of the park tenants.

President Jerrel: Yeah, I saw that. Okay, thank you.

**John Stoll - County Engineer**

President Jerrel: Alright, I'm sorry, John. Are we going to talk about the bids, so when Mr. Stoll is up here?

Joe Harrison, Jr.: That's fine. If you want me to read them in.

President Jerrel: Yes, would you want to read them?

Joe Harrison, Jr.: The project was VC9810, I believe, 01. Let me make sure that is right. I don't have the bids in front of me, I think John has got them.

John Stoll: Yeah, it is.

Joe Harrison, Jr.: Repair of culvert number 135, Cemetery Road. The four bids that came in were from:

Company name	Amount bid
CCC of Evansville Evansville, Indiana	\$38,250.29
Koberstein Trucking, Inc. Princeton, Indiana	\$59,070.00
Deig Bros. Lumber Construction. Co. Evansville, Indiana	\$37,977.00
Southwest Engineering, Inc. Evansville, Indiana	\$45,975.00

I would ask that you consider these and take them under advisement. Mr. Stoll may have

a recommendation at this time or he may not.

President Jerrel: Are you ready?

John Stoll: Yeah, I would like to recommend we award it to Deig Bros. in the amount of...

Commissioner Mourdock: \$37,977.

John Stoll: Right.

President Jerrel: That's the low bid.

Commissioner Tuley: So moved.

Commissioner Mourdock: A very close bid, I might add. Second.

President Jerrel: And I'll say so ordered.

John Stoll: Next I've got a change order for the Seminary Road bridge project. This results in an increase of \$3,090.19. The primary reasons for the increase were due to additional piling that was driven that was not anticipated. We had an extra 91 feet of that and then we installed a rub rail on the guardrail so that way we wouldn't have the possibility of a wheel getting snagged down beneath the guardrail itself. We had other overruns and underruns, but those are the two primary reasons and it is recommended that this change order be approved.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

John Stoll: Also, in regard to that project I have a letter from Phoenix Construction requesting a time extension. By the terms of the contract they were supposed to have the bridge open to traffic by September 18, 1998. They had requested that they be allowed to October 2nd and based on the increased work we're recommending that they get an extra two days. Basically, the bridge was not open until Friday, the 25th, and we're recommending they get an extra two days and since they got it opened early on Friday, the 25th, we're recommending that they be assessed two days of damages for \$200 a day. The reasons they site in their letter seemed to be more issues associated with their suppliers which that's not in our control. I feel that they should have ordered some of the items sooner, so that is why we feel that two days is a valid extension.

Commissioner Mourdock: So, there--

Commissioner Tuley: Second, oops.

Commissioner Mourdock: --was not a claim over weather or anything like that?

John Stoll: No.

Commissioner Mourdock: It's clearly a claim over workmanship?

John Stoll: Correct.

President Jerrel: Okay, and I'll say so ordered.

Joe Harrison, Jr.: No, I don't think there was a motion.

President Jerrel: Yes.

Commissioner Tuley: I thought he said so moved and he so, in other words, but I'll move approval.

Commissioner Mourdock: Yeah, I'll move the motion.

Commissioner Tuley: Okay, second.

President Jerrel: Alright, so ordered. Do you...if we sign this you will handle the notification?

John Stoll: Of the...?

President Jerrel: Of the two days?

John Stoll: Yes.

President Jerrel: Okay.

John Stoll: And we'll just withhold that off the final payment.

President Jerrel: Okay, alright.

Commissioner Mourdock: Word on that will get around quickly.

President Jerrel: I hope it does. December 1st is coming!

John Stoll: There may be more.

Commissioner Mourdock: There well may be more.

John Stoll: Next I have an agreement with ATC Associates. They're a soil consultant that Three I Engineering contacted for the Daylight sewer. We need to get six soil borings done out there on the Daylight Sewer extension. They have submitted this proposal for \$3,000 and I would like authorization to proceed with hiring ATC for these services.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: I don't know which would be most appropriate, for me to sign it or for you to sign it? The Commissioners, okay. Next, on phase one of the Burkhardt Road project several months ago you had approved a SIGECO relocation of a gas line for the amount

of \$31,200. Due to some extra work involving some extra valves and pipe their invoice was for \$36,850.72, so I am requesting authorization to pay that invoice up to that amount, \$36,850.72. We're still waiting on all the supporting documentation that shows that those additional items did go to that relocation, but once we do receive that we just want to be able to pay it if it's appropriate.

President Jerrel: Is there a motion to that effect?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next, I would like to request to go before Council for two reasons. One, to appropriate \$85,000 to Broadway Avenue Bridge number 272. This would be to install a timber bridge on Broadway Avenue near Speaker Road. We currently have \$115,000 in that account and this would give us a grand total of \$200,000 and that would allow us some leeway in the event we need some channel relocation and right-of-way acquisition costs. The other Council Call I would like to do is to transfer \$2,000 from the Oak Hill Road Bridge to the Furniture and Fixture account so we can purchase some files cabinets and a computer desk. The money in the Oak Hill account is no longer necessary. That project is paid in full.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: In regard to the timber bridge issue, since we have money in the account with your approval I'll go ahead and notify them to start the design work so that way maybe we can get this thing open...I mean, out for bid prior to the end of the year.

Commissioner Tuley: You need a motion to that effect?

President Jerrel: I think so.

Commissioner Tuley: I'll so move.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

John Stoll: Next, I've got a street plan for Kimber Lane. This would be a street to be constructed in the replat of Lot 4B-5 in Waterford Park Subdivision. This would complete the extension of Kimber Lane between Oak Grove Road and Vogel Road. This will be a concrete street, curb and gutter, relatively flat grades like all the other streets out there and it's recommended that the plan be approved.

Commissioner Mourdock: I love it when a plan comes together.

President Jerrel: Yes.

Commissioner Mourdock: And this is part of the Burkhardt Road plan that was put together, so I will be very happy to say so moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: They didn't submit a mylar, so if you just want to sign off on that sheet, that's fine.

President Jerrel: Okay, just anywhere, like up here?

John Stoll: Yeah, that would be fine.

President Jerrel: Okay.

Commissioner Mourdock: Is this Joe Ream doing this one?

John Stoll: Yes.

Commissioner Tuley: A man of his word.

President Jerrel: He is. What he does is done well.

Commissioner Mourdock: Yes.

John Stoll: Next, an update of the projects that are going on. On phase one of Burkhardt Road the paving of the west half of Burkhardt and Virginia Street has all been completed through the binder asphalt. They plan to start doing seeding and sodding yet this week and then plan to try and start placing surface asphalt next week. On phase two, the milling up of the existing road, the existing west half of Burkhardt, has been completed. They are currently installing storm sewers along the west half of Burkhardt and they've run into one problem out there. SIGECO has to relocate a gas line in order for two of the inlets to be installed. SIGECO has given us a date of Thursday, October 15th, that they would start that work. They originally said two weeks, so this is a little better. I would rather it be started sooner, but this is better than the original estimate. They're currently continuing with traffic signal work at Vogel Road and at Oak Grove Road. At Cross Pointe and 62 they have got some paving done along Morgan Avenue. They've got the paving on the off-ramp off of I-164 complete through the surface asphalt and the work on the railroad flashers and gates is continuing as well.

President Jerrel: We're closing in on December 1st.

John Stoll: Yep, I hope they get there on time.

Commissioner Mourdock: Any information on Bluebell Road for me, John?

John Stoll: I've not had anybody get out there and measure up there, but I've not forgotten about it. I'll get it to you.

Commissioner Mourdock: Okay, alright, I would really like to get that.

John Stoll: Okay.

President Jerrel: Thank you, is that all?

John Stoll: That's all I have.

President Jerrel: Okay.

### Weekly reports

President Jerrel: There are some reports that you have in your packet from Soil & Water, Ozone and the County Garage. Is there a motion to accept those?

Commissioner Mourdock: I'll move acceptance of the weekly reports.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Joe Harrison, Jr. - County Attorney

President Jerrel: County Attorney.

Joe Harrison, Jr.: The only thing I have is I would ask for the Board to consider canceling the surface materials contract for 1998 so that it will not automatically be renewed for 1999. The current contract that we have with the various providers of surface materials has a provision in it that says the contract is automatically extended for the next year unless 30 days written notice is provided to the successful bidders from the year before, so in this case, I think, there were three. That will enable us to rebid then the same contract for next year and typically that is rebid in November or so, so I would ask for a motion to that effect.

Commissioner Mourdock: I'll make that motion, but I would also request that we go ahead and send out letters to the present suppliers, including JH Rudolph who is not officially a supplier. Last year, you'll recall, there was some confusion. They thought theirs was going to be reenacted and it wasn't, but I will make the motion.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The other item, I forgot there was one other thing. At our Drainage Board meeting last month there was a request by, I believe, Jim Morley for his client, it may have been Woodward, regarding the relocation of Stofleth Ditch. Mr. Morley has indicated that he will prepare the legal notice that will need to be placed in the next few days in the paper and he is going to provide that to me for review, but he will actually submit that notice to the paper so that can be considered at the Drainage Board meeting on the 26th. However, I have still yet to receive the notice and I will contact him again tomorrow, but he will placing that notice as opposed to the Auditor's Office, so I wanted to alert you of that. Also, with regard to another Drainage Board item that was before you two weeks ago or so, there is a letter that I have submitted or a draft of a letter to all of you and if you can take a look at that and get back with me on your thoughts on that. That's all I have.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: I'm doing two things at once. Okay, now we're moving on to the consent...we've done the consent items, correct?

Joe Harrison, Jr.: Uh-huh.

President Jerrel: We're getting ready to do the consent items?

Commissioner Tuley: Right.

President Jerrel: Have you noticed the--

Commissioner Tuley: Oh, wait a minute. Did we forget Tony?

President Jerrel: I'm sorry, Tony, I'm sorry.

Tony Greubel: I just have one little thing to tell you. Last Saturday was the county vehicle auction. We sold seven vehicles and the county made a profit...well, after the fees were taken out the county made \$3,845.

President Jerrel: And it is a real experience. I went out there with him. This guy gets in a little vehicle and blah, blah, blah, blah, blah and goes around and points and they put an orange cone and somebody said something. I never did know what was going on. Somebody would point and the next thing you know--

Commissioner Mourdock: Someone else didn't know either, they bought our used vehicles!

President Jerrel: Anyway I went just out of curiosity. Tony, it was a good thing he was there. He is tall enough he could look over and see what everybody was doing.

**Consent items**

President Jerrel: Okay.

Commissioner Tuley: Consent items now.

President Jerrel: Consent items, motion to approve?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

**Scheduled meetings**

President Jerrel: Meeting list is attached.

**Old business**

President Jerrel: Is there any old business to come before the group?

Commissioner Tuley: Not by me.

Joe Harrison, Jr.: Can I just mention one thing?

President Jerrel: Sure.

Joe Harrison, Jr.: Again, next Monday at 3:00 will be the special meeting regarding the three oral presentations by the firms that have been narrowed down to perform the management and operation of The Centre. The three firms that will be presenting oral presentations are Compass Facility Management, Globe Facility Services and Ogden Entertainment.

Commissioner Mourdock: Have they all been notified?

Joe Harrison, Jr.: Yes.

Commissioner Mourdock: And they have all responded they will be here?

President Jerrel: Right.

Joe Harrison, Jr.: Yes.

**New business**

President Jerrel: Any other new business?

Commissioner Mourdock: One quick item, and I'll be very brief. At a neighborhood...thank you, Suzanne. At a neighborhood meeting this week a suggestion was made to me, and I told the person I would bring it forward, in regards to traffic planning and funding for roads he raised the issue of whether or not Vanderburgh County should do what Henderson County does which is to have some road fee, if you will, or parking fee for residents who don't live...I'm sorry, for residents of other counties who work in this county and wanted to know if that is something that this Board would look to explore and I mentioned to him that pursuant to his request I would bring it up. Obviously, we don't need any action on that this evening, but if you have any thoughts on that I would be glad to hear them.

President Jerrel: Another thing regional, I met with Bob Quick and Roger Lehman today about the Disaster Recovery and that is a multi county arrangement. It was very interesting to listen to the way that everybody is sort of getting in step to do something that will help everyone. I made notes and I put them in your boxes. Any other business? Entertain a motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 7:25 p.m.

***Those in attendance:***

Bettye Lou Jerrel	Richard Mourdock	Patrick Tuley
Joe Harrison, Jr.	Suzanne M. Crouch	Charlene Timmons
Tony Greubel	Bill Cottun	David Ellison
Dennis Avery	Phil Hoy	John Stoll
Larry McDonald	Randy Schmidt	Gary Carson
Bob Bell	Bob Halcomb	Myron Rucker
Bill Mullen	Bill Wazny	Sherry Bell
Brian Mullen	Earl Savage	Steve Craig
Others unidentified	Members of the media	

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
October 19, 1998**

The Vanderburgh County Board of Commissioners met in session this 19th day of October at 6:30 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. I'm going to Pledge Allegiance. We've introduced everybody at the previous special meeting, so the first order will be if you will join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Thank you. The first action item is the approval of the minutes of the previous meeting. Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Open bids  
VC9810-03, Petersburg Road project  
VC9810-02, Old Henderson Road project**

President Jerrel: I'm going to ask at this time to add something under the action items. We have bids, VC9810-03, that is a culvert replacement. If we could have a motion that those could be opened while we're continuing the meeting.

Commissioner Mourdock: Just for the record, what culvert replacements?

Joe Harrison, Jr.: There are two.

President Jerrel: Two?

Joe Harrison, Jr.: And the other bid is 9810-02.

Commissioner Mourdock: And just in English, what two culvert replacements are those? What roads?

Tony Greubel: Petersburg Road and Old Henderson Road.

Commissioner Mourdock: Okay, I'll move the opening of bids as requested.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

**DADS - Cleaning services agreement**

President Jerrel: The next item on the agenda is DADS. They have requested an approval of a cleaning service agreement.

Tony Greubel: Actually, you wanted me to verify something.

President Jerrel: Yes.

Tony Greubel: They're not in the Hulman Building. They're in the Landmark Building.

President Jerrel: Okay.

Tony Greubel: And they don't get any cleaning service. This is just one day a week.

Commissioner Mourdock: I'll move approval of the contract as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Any group or individual wishing to address the Commission**

President Jerrel: Next item on the agenda, any group or individual that wishes to speak to the Commission?

**Weekly reports**

President Jerrel: Okay, we have reports from all of our departments, but with the exception of our Engineer the rest are not here tonight because of the special meeting that we had so...I know they are, but I meant all the rest. I would like to at this time ask for a motion to approve the County Garage, Burdette Park, Soil & Water and the Ozone Officer.

Commissioner Mourdock: I'll move the approval of the weekly reports of those four folks.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**John Stoll - County Engineer**

President Jerrel: Now the first department that is present, County Engineer, John Stoll.

John Stoll: The agreement you've got there is a supplemental agreement for the Fulton Avenue Bridge project. This is for an amount not to exceed \$16,000. It's based on hourly fees for the revisions to the plans. The need for the supplemental comes from the fact that the plans were completed and approved by INDOT and they were submitted to the state back in April of '97. Since that time they have sat and no progress has been made as far as funding. Now that the funding has been obtained for the project then the

plans and specifications have to be updated to current INDOT specs. So the consultant estimated that on an hourly rate this would result in about \$16,000 worth of additional work. This agreement calls for them to have the plans submitted in order for it to be on a March 1999 bid letting. On that basis, I would recommend that the supplemental be approved.

President Jerrel: Is there a motion?

Commissioner Mourdock: Can we get that money back from the state in any way?

John Stoll: I wish. There is--

Commissioner Mourdock: Be creative.

John Stoll: The problem is they had no funding in the design whatsoever and we talked about the possibility of getting state funding, but it would take longer to hammer out an agreement to get the state to pay for this than it would to...basically, we would probably pass the March bid letting before we would ever get an agreement hammered out knowing how those things progress with them.

Commissioner Mourdock: Well, keep your eyes open. There will be something, I don't know what it will be, but there will be something coming from the state in the not too distant future when they need us and at that point let's find that \$16,000. With that I'll say or move the approval of the change order as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Technically, it's not a change order it's a supplemental agreement.

President Jerrel: It's a supplemental.

John Stoll: Right. Next, I would like to request to go before County Council to transfer \$7,000 from the Stringtown Road Bridge account to Engineering Equipment for the purchase of two new computers, a printer and software. I met with Bill Cottun last week and we went over what it would take to replace a 386 and 486 and that is approximately what it would take to get rid of those two computers.

President Jerrel: And that's money left over from the completion of the bridge? Is there a motion?

Commissioner Mourdock: So move the approval of the Council Call.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is the street plans for Heartland Ridge Subdivision, Section 3. The subdivision is located off of Hogue Road west of Peerless Road. This subdivision...this is an extension of the subdivision that was started several years ago. All the streets are asphalt with concrete curb and gutter just like in the previous section.

It's recommended that these plans be approved.

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Commissioner Tuley: Accept the reports.

Commissioner Mourdock: Huh?

Commissioner Tuley: Do we want to include that, accepting the reports?

President Jerrel: We did.

Commissioner Mourdock: We did.

Commissioner Tuley: Oh, we did?

President Jerrel: Yeah, I did four of them.

Commissioner Tuley: I'm sorry.

John Stoll: That's all I have unless you've got any questions.

President Jerrel: That's it.

John Stoll: Thanks.

President Jerrel: Make sure though that March...that is as late as we can go.

John Stoll: That's the basis...that's the reason why that was in the agreement, set up that way, so they would have it done. In talking with Darrell Veach, he has already started making the revisions he said so they would hit the deadline.

President Jerrel: What about our deadline at Burkhardt? Are there any meetings set up in the near future to make sure that things are on track?

John Stoll: On phase two? Yeah, we've got another meeting set up tomorrow. They basically have been having meetings every Tuesday at 9:00 for progress meetings on that project.

President Jerrel: Okay.

Commissioner Tuley: John, next week is Ward Road night. You guys will be ready?

John Stoll: Yeah. I haven't got anything set up with Erik and Stan as of yet as far as getting those inlets lowered, but Stan was on vacation last week so we didn't do anything, but we will this week. I should get that at least a plan--

President Jerrel: Yeah, he is back today.

John Stoll: --underway on that part of it as well.

Commissioner Tuley: Okay.

### **Tony Greubel - Superintendent of County Buildings**

President Jerrel: Okay, how about Superintendent of Buildings?

Tony Greubel: I don't really have anything to report. I guess, ask for permission on the morning of November 2nd, Monday, to assist DMD with organizing and working that breakfast for the Mayor of Tochigi City in Japan, the elected official breakfast. I can help Brenda in DMD give out name tags and greet people and anything else that may be done that morning.

President Jerrel: Do you want to remind everybody where the event is?

Tony Greubel: Yeah, it's at Casino Aztar Hotel, I think on the second floor. This is a proposed sister city relationship between Evansville and Tochigi City in Japan. It's north of Tokyo. Ken Robinson of Vision 2000 has been spearheading the effort and the Mayor is the host of the breakfast.

President Jerrel: It's at 7:00 a.m.?

Tony Greubel: It's 8:45, I think.

President Jerrel: Okay, 8:45. We're not quite ready for the Attorney and the bids.

### **Consent items**

President Jerrel: Let's go down to the consent items.

Commissioner Mourdock: I'll move approval of the consent items as filed.

President Jerrel: Okay, we did have two late pink slips, so be sure they are included also.

Commissioner Tuley: The Highway and Election?

President Jerrel: The Highway and Election Office.

Commissioner Tuley: Okay, second.

President Jerrel: And I'll say so ordered.

### **Old business**

President Jerrel: Any additional old business to come before the group?

Joe Harrison, Jr.: You might see if you want to consider this. It's that lease with Garvin.

President Jerrel: Oh, okay. We do have a lease agreement with Garvin Park for the

additional space for the Clerk's storage.

Joe Harrison, Jr.: It's Garvin Industrial.

President Jerrel: I had asked that our Attorney look at it and it is for the same amount of money, it's just in legalese now and it wasn't before. Do you want to take a look at it?

Joe Harrison, Jr.: What that is, that's a lease with Garvin Business Center, is that the proper name on it, for \$250 a month for--

Commissioner Mourdock: This is for the materials from the Clerk's Office?

Joe Harrison, Jr.: Yes, for document storage over there.

President Jerrel: In addition to Willard.

Joe Harrison, Jr.: Yes, it is in addition to Willard and I think the term is only one year with renewal options. The first payment will be paid immediately.

President Jerrel: The money has been in place since spring when we got the additional appropriation.

Joe Harrison, Jr.: Yes. But they provided the information to me and I drafted that up today.

Commissioner Tuley: This is for the additional storage for the Clerk and she is--

President Jerrel: Yes.

Commissioner Tuley: --okay with...I mean, she can get what she needs out of this?

President Jerrel: And it also is close to the other one.

Commissioner Tuley: Okay.

Commissioner Mourdock: I'll move approval of the lease agreement as submitted with the Vanderburgh County Board of Commissioners and the Garvin Business Center.

Commissioner Tuley: Second.

President Jerrel: So ordered. Any other old business?

Commissioner Mourdock: Just one, Tony, if you would, either this coming Wednesday or it may not work that soon, maybe the following Wednesday would you make sure the Infrastructure Group gets back together? They've gone a couple of months without meeting because they were busy doing all the summer work, but now that things are slowing down we need to get them together and do some planning. Make sure Erik is heavily involved with that and kind of leads the discussion because if it's a week from this Wednesday I'll be at the jail meeting.

Tony Greubel: Do you plan on being at that meeting?

Commissioner Mourdock: I'll be at the jail meeting, so I don't know that I will be.

Tony Greubel: Okay.

Commissioner Mourdock: If I'm not at the jail meeting, if it's the other Wednesday, I'll be at the welfare meeting.

Tony Greubel: Okay.

President Jerrel: Okay, any...no more old business?

### **New business**

President Jerrel: How about new business? We do have the ordinance that needs to be signed during our business meeting regarding the bonds that were approved by Council for the Catholic Diocese.

Joe Harrison, Jr.: The Economic Development Commission for the county approved those bonds several weeks ago and the County Commissioners need to sign off even though we never took any action at a meeting because it didn't come before this body there is still some requirements that the county sign off, so those have been marked. The attorney for the Development Commission was Mike Schopmeyer in connection with those matters. I've got one more item here and then I'll have all these bids that I can read--

Commissioner Mourdock: Yeah, let me do the motion on that one. I'll move approval of the bond agreement--

President Jerrel: Mater Dei and Memorial.

Joe Harrison, Jr.: It's for the Catholic Diocese of Evansville.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

Joe Harrison, Jr.: There are a bunch of these.

President Jerrel: That have to be signed.

Joe Harrison, Jr.: That's going to take a few minutes.

President Jerrel: Tony, will you be sure and put out a note so people know that we will not have a meeting November 2nd?

Tony Greubel: Yeah.

President Jerrel: Okay. Joe and I sound like we need to be in the hospital. Tony, is the original from the Treasurer in the signature file?

Tony Greubel: Yes.

### **Bid recap**

Joe Harrison, Jr.: I have the bid amounts for the two projects. The first I'll read into the

record is VC9810-03, that's the Petersburg Road project. There were five bids submitted. There are as follows:

Company name	Amount bid
BMB, Inc. Evansville, Indiana	\$34,980.00
Southwest Engineering, Inc. Evansville, Indiana	\$32,905.00
Deig Bros. Lumber & Constr. Co., Inc. Evansville, Indiana	\$44,784.00
CCC of Evansville, Inc. Evansville, Indiana	\$41,622.70
Koberstein Trucking, Inc. Princeton, Indiana	\$40,755.00

It's my understanding that Mr. Stoll may have a recommendation with respect to those five that you may want to act on.

John Stoll: Yeah, I would like to recommend that we award that to Southwest Engineering in the amount of \$32,905.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The next project is VC9810-02 and that is the Old Henderson Road Bridge project. There were three bids submitted. They are as follows:

Company name	Amount bid
Deig Bros. Lumber & Constr. Co., Inc. Evansville, Indiana	\$65,892.00
CCC of Evansville Evansville, Indiana	\$68,046.36
Koberstein Trucking Princeton, Indiana	\$66,018.50

I would ask that you take these under advisement and review them for their responsiveness.

Commissioner Mourdock: Move we take them under advisement.

Commissioner Tuley: Second.

President Jerrel: So ordered. Is there anything else? Is there any other business to come before this body?

Commissioner Mourdock: Move for adjournment.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:47 p.m.

***Those in attendance:***

Bettye Lou Jerrel

Richard E. Mourdock

Patrick Tuley

Joe Harrison, Jr.

Suzanne M. Crouch

Charlene Timmons

Tony Greubel

John Stoll

Others unidentified

Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
Special Meeting  
October 19, 1998**

The Vanderburgh County Board of Commissioners met in special session this 19th day of October, 1998 at 3:11 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

President Jerrel: I'll call the special meeting of the Vanderburgh County Commissioners to order and the purpose of this meeting is to have the opportunity to ask questions and listen to three very fine companies. At this time I'd like to introduce you to the people that are at the front of the room and maybe we'll talk a little bit about procedure and get started. On my far right is Tony Greubel our Administrative Assistant; next to him is Joe Harrison, Jr., County Attorney; Pat Tuley, County Commissioner, to my right. Far left is Charlene Timmons, the Recording Secretary. She said she is working on thirty minute tapes, so she'll pause and put new tapes in. Next to her is the County Auditor, Suzanne Crouch and to my left is Commissioner Richard Mourdock. My name is Bettye Lou Jerrel and I'd like to welcome all of you. I think maybe we've had a little dialogue and if you would be interested in one representative from each company coming up and, Tony, do you have a...we'll do a little draw here and go in that order if it is agreeable with everyone. We have plenty of space, you can go into our office and the room next door and we'll be running on about forty-five minute schedules if that seems to work out right for everybody. So, do we have a representative for each company?

Unidentified comments.

Commissioner Mourdock: The alternative discussed to that system was the modified New Jersey ten point must system where you go to the --

President Jerrel: Okay, now tell me who is number one tonight?

Unidentified: Globe Facility.

President Jerrel: Okay, Globe. Alright, and who is two?

Unidentified: Compass.

President Jerrel: Compass. And that means Ogden is three. Okay. Alright, well, if that meets with everybody's approval that will be the format. And I just...our attorney always feels more comfortable if I say everything... you would be welcome to stay, but I appreciate everybody agreeing that...give everyone a chance by themselves.

Commissioner Mourdock: I might suggest for you two if you want to, if there is anyone else behind the podium if you want to move your chairs up this way or whatever, feel free. While we wait for you as this is warming up, we had a meeting out in our office the other day and one of our environmental scientists was getting ready to do one of these presentations and someone made the comment about gee, remember before we had all this computer stuff and they turned around with the most innocent and sincere look and said, well, when you used to go in and see a customer without this stuff, how did you do it? You get to feel old. The concept of carbon paper was something they didn't understand at all.

**Globe Facility Services**

Mich Sauers: Thank you for your patience. By introduction, my name is Mich

Sauers, I am President of Globe Services and I want to thank you for picking us out to be here with you today. Mr. Tuley, Mrs. Jerrel, Mr. Mourdock, I'll try to give you a quick presentation and then give you time to ask questions of us. We put together may be a little twenty minute presentation. Joining me is Lynn Singleton, President of PFM and Norbert Mongeon is also with PFM. What we've passed out to you is a summary of what you're going to see on the screen. I guess where I'll start and kind of give you a flavor of where we're coming from, we think you've got a tremendous, tremendous opportunity. You're going to have a fantastic building. We think it's going to be a tremendous asset to the community. The expenditures that you are making, from what we've seen of the plans, drawings and configuration, you've got all the elements for success. You've got a great community, (inaudible). The Convention & Visitors Bureau has already been out there pretty aggressive. There is a beautiful promotional piece.

Commissioner Mourdock: Excuse me, Mr. Sauers, Charlene tells me she's not getting the mike. Did you turn that on?

Mich Sauers: Rewind? Is this better? Sorry. So you've already started to establish the foundation and I guess you now find yourself at probably one of the most important decisions that you'll be making because the decision that you'll be making today will have an impact...or maybe next week or whenever your phase is going to be...will have a dramatic impact for many, many years to come. After this facility is constructed and the architects and design team have all left, who is going to be left behind to take care of your child, of this magnificent addition to Evansville? We hope that you will select us. What we're here to show you today to do today is to show you why we think we should be considered for your management candidate. As part of the decision making process, we think there are certain steps that you probably should think about in deciding what is going to ensure the success of your facility because it is your facility, it is the community's facility. We think you should have somebody who is expense management, somebody who is in the business who has done this for a number of years. Somebody who has some creative marketing that is not going to be sitting there taking orders, but rather is going to be aggressive and initiate concepts and ideas because let's face it, you're in a very competitive environment. There are lots of facilities that are going to be competing for the dollars that you'll be competing for. We think your food and beverage is an extremely important component to ensure the success of this building. It's a piece that sells your facility and I'll tell you a little bit more about that in a minute. It should have unique auditorium bookings. The auditorium is going to be a state of the art facility with tremendous capacity. People often ask me what is our business all about, what is it that we do as a management company? Basically, there are two things and oftentimes I stop (Inaudible) say thing but there are two elements. One is that nobody comes to see an empty building, people go to events. If you don't have an event, nobody is going to come. So the first and foremost important part is to have events. The second piece is the piece sometimes people forget about is you need people to attend those events. Because if nobody attends the event, the event will not come back and will not be considered a success. That's what we focus on and do all the pieces around it to make sure that one, we attract the event and two, that we make those events successful. And what you need is a company that has got some pre-opening experience. Someone who is familiar with doing what you're looking for this company to do because for the next twelve months or so, I guess probably twelve months for the convention center part, but probably I guess fourteen months for the theater portion, the auditorium portion to open, someone who is familiar with the pre-opening requirements. And lastly, that you should have someone who has no conflict of interest. Someone who is totally focused on you.

Someone who will not be distracted, will not have a conflict whether it is in terms of bookings or fiscal responsibility. It's a key component. Who is GFS? Well, we think we're specialists in facility management. That's all we do. That's our entire focus. I can talk to you about this industry. I've been in it for close to thirty years. We don't get involved in hospitality management, hotel management or a lot of other distractions, we're totally focused on facility management. We've been in business for a little over five years and we've grown to the fourth largest company in our industry, something we're pretty proud of. We're members of a number of industry associations which is a key component to you as to the CVB. We're members of ASAE, we're members of the ICC group, member of (inaudible). And those memberships include also our participation in those associations, having positions of responsibilities. We don't believe in being passive observers. We are active in our industry. They oftentimes receive the accolade, but the results of that are from our involvement. We put together an Evansville team, if you will. In looking, and at the pre-bid meeting and learning about your community, learning about the challenges ahead, we set out to find people who could compliment what we have to offer in order to deliver the best service to you. Members of our team include PFM that you'll hear about in a few minutes as well as Front Row Marketing, a company that specializes in advertising marketing sales. Some of our management clients: you will note the ones highlighted in yellow were new facilities. These are facilities that we opened. West Palm Beach was an existing facility that we took over in '94. The Harborview Convention Center is a facility similar to yours. In addition to being nervous, I can't talk, bear with me. The Whittemore Center we also opened. The World Arena in Colorado Springs, the Pueblo Convention Center is a facility that we also opened. Paul Tsongas Arena and our last facility that's going to be opening about the same time is the Mercer County facility in Trenton, New Jersey which opens in October of 1999. Who is GFS? Who are we? Well, I am one of the owners. I am president of the firm and I've got two partners. Our partners have in excess of \$20 million in assets, which is a substantial amount for this particular project, but one that is important. We've been profitable in each year of operation. We have a line of credit that we have left untouched at this point. Between the three partners we have seventy-five years experience. All of us have been at this for a large number of years. Ken Young is a partner who is a specialist in the food industry. Ken was formerly the president of V Services. I have a partner, Nick Flaskay, who is a specialists in the ticket industry. Some of our convention centers that we've got experience in: Kansas City, Jacob Javits in New York, Birmingham, Miami Beach, Broward, Salt Lake and so on. You can see we've got a pretty solid foundation through our experience individually. In terms of numbers, statistics if you will, in 1998 we showcased 1400 events. We were responsible for the safety, well-being and care and feeding of 1.2 million people, close to 1.2 million people. Our gross revenue is close to 20 million dollars. The most significant part of our team that I think differentiates us from others is our performance. As you'll notice, people refer to us as the performance team in terms of how do we perform. We're the only company with two facilities in Amusement Business. Amusement Business is a trade publication. There's two Amusement Businesses in Performance Magazine. We are a company with two facilities listed in the top ten for this size facility. We placed four of our facilities in Performance Magazine in terms of performance for 1998. We're pretty proud of that. We're the only management company to have done so. You can't read all these events that we posted, but it's meant to be a representational listing. If you follow on page 3, is it, you'll get a better view, but you name the event in terms of convention or hospitality events, we've hosted them. Local, regional, national, and international events. Yes, there is an opportunity to attract international events to Evansville. It will not be the bread and butter of your business but there are some opportunities. You will notice in the mix there are also

a large number of community events. How do we perform? Success oftentimes is determined by the bottom line. Our performance, for instance, in West Palm Beach which was an existing facility, about thirty years old. West Palm Beach is a known entity for hosting convention, trade shows as well as entertainment events. The city had been managing that facility and they averaged...they had lost about \$750,000 was their operating loss. When we took it over, after our first year of operation we had reduced their operating deficit by \$500,000 including pay for ourselves. Existing facility, existing market place, and for that matter, all but one employee, we kept. But as a result of management, being aggressive, increasing the number and the quality of events, where you've got to include the bottom line, by \$500,000. As a matter of fact, Mayor Graham after our first year, we had to make a presentation to a panel similar to yours and he said, Mich, you guys did a really great job, how did you do it? I stood there and I was like, I didn't know the answer because there was nothing...there was not one answer that we could point to and say we doubled the rent. We didn't double the rent. We took care of business. We improved every little aspect. We increased the quality of events, we increased the number of events, we increased the attendance which meant that we increased our food and beverage per capita consumption. We increased our novelty sales, we increased our advertising revenue. All these little pieces eventually trickle down to a bottom line. There was nothing...one single magical thing that we waved a wand, but all those little pieces of the puzzle that we addressed. The Harborview Center is a facility very similar to yours in terms of square footage. When we opened in 1996, we opened with 338 events on the books. This year we just finished the year with 497, close to 500 events in Clearwater, a relatively small community by the way with more hotels around it. If you're familiar with Clearwater, the Tampa area, all the hotels are on the beach, we're right in downtown Clearwater. We have a single hotel room adjacent to us and when we do have hotel available, which is a prime convention business at that time of the year, which is your January, February, March and April, those hotels don't want conventioners because they do all the tourist business, so we have no hotel rooms, but yet we find ways of attracting business and making an impact. Our economic impact last year, this past fiscal year, was close to five million dollars. That's direct economic impact, not the multipliers and generators. We produce results. Pueblo Convention Center, we doubled the revenue projections. The revenue projections were originally 1.2 million dollars, we ended up at 2.4. Colorado Spring facility, fiscal ends December 31st, we're on track, we'll exceed \$500,000 in operating profit. Miami Convention Center, we just finished our fiscal year on September 30th. We beat the budget, city's budget by 46.2%. Client satisfaction, is our presentation that we gave to you in this thick book which hopefully was a cure for insomnia, we listed all of our clients. We encourage you to contact them. We recently sent you a letter from Mayor Graham, who was kind enough to send a letter to you to Mayor Greco from Tampa. We encourage you to contact all of our clients, not one or two, just call them all. We think our clients become our best salesmen, but in particular she says:

"We have found GFS to be a highly professional and responsive to the needs of the City and its residents."

It's a city owned building, not a county owned building.

"I can only tell you that we are very well satisfied with the services of GFS. Their performance has exceeded our expectations."

Gary Trujillo, who is the Chairman of Pueblo Urban Renewal Authority, which was responsible for the Pueblo Convention Center says:

“GFS has exceeded my expectations in every way.”

At this point I would like to introduce Mr. Singleton, who will tell you a little bit about (inaudible).

Lynn Singleton: My name is Lynn Singleton. We're from Providence, Rhode Island. I must tell you, if you waded through all the propaganda we sent you and read my bio, I was born and raised in Perry County, Kentucky and spent my formative years in and around the Lexington/Georgetown area. I went to college at Cumberland College, which I think we played basketball up here at Oakland Community College about a thousand years ago and I got my masters degree at Union College in Barberville. And the most excited person today about me being here is my mother because she figures that if we get a building this way, it's a ride home and I'll come home a lot more often. It was interesting at lunch because I was telling the two Yankees here I was excited because we were near French Lick, Indiana and they had no idea why I was excited about that, so they had never seen Larry Bird play basketball in Boston. I gave them a hard time. My assignment is to tell you a little bit about our company and I think it's very important that you look at the individuals in the company because as I've learned in our business approach and we're very straightforward, very pragmatic as my chairman says, our company motto is effort is no substitute for results. And believe me, in this business, all history and all companies are their biography where they came from, where they've been and the clients they serve. Our company is very unique. We are a niche boutique company and we are different from any company that's here. All the companies here are very excellent companies. But we are very, very unique and that when I say we're a niche company, we manage and we operate theatrical facilities. We're not in the space business, we're in the event business. And what Mich says is very true, the most important thing in this building will be what you put in the building because people associate you by this. And, quite frankly, doing a little due diligence with the New York agencies, because not only do we manage, operate, present shows and buildings, we also invest in shows, the producers of Broadway productions that tour nationally, and are hopefully playing New York successfully. It seems to be that this market is a bit under served, that the shows that are being played here, in essence, many times are playing not to win but whether or not to lose, and the attempt here in the theatrical community would be to make this more...as a regional center as a theater rather than just a local center, which I suspect is what you're doing with the convention business. Listed on the right-hand side of the page are the four facilities that we operate, and once again, like Mich says, I encourage you to call those buildings. We operate a couple of facilities in Florida, a building in Providence, Rhode Island, and most importantly in your case, we just opened the North Shore of Chicago about two and a half years ago a 23 million dollar, 850 seat performing arts center. The numbers don't work but we've tried to make it work out. In that facility this fall, we opened and teched out the National Tour of Master Class which started there and is touring, and we are presently opening and teching out the national pre-Broadway tour of Good Man, Charlie Brown, which will open in Skokie, go to Boston, and then play New York City for hopefully an extended run. So those are the kind of things we do. That's a little bit of the macro picture, I'll let Norbert talk about the micro and then we'll hopefully have some questions.

Norbert Mongeon: I always hate following my boss, he always steals all my materials so I am always shortchanged on what I can say. But I can always refer back to some of the numbers for our company. Looking at the screen up there, in 1998, the most recent fiscal year ended, we had 895 events through our facilities, attendance was 637,000 people and gross revenues of 15.8 million. I think the important thing

to note is that about 95% of that activity that came through our buildings was created by us. We were the presenters in the facility. We went out and we negotiated for the shows, booked them, marketed them and sold them to the public, which is what kind of makes us unique and Lynn referred to earlier. I think what we're most proud of is our improvement in the bottom lines in the facilities that we've been involved with. I am highlighting three facilities here because they are the bigger number facilities, the North Shore building has been in operation for two years as Lynn said, has come in on budget, but I don't...we've been operating it since day one, so I don't have a previous comparison for it. PPAC, Providence Performing Arts Center, prior to us basically assuming management of the facility, was operating at about a \$100,000 deficit annually. We've turned that around as of our most recent fiscal 1998 year to half a million dollar surplus in the facility. Actually, that was consistent with prior years' results also. The Barbara B. Mann Performing Arts Hall, which is located in Ft. Myers on the west coast, similar situation, it was running at about a \$150,000 operating deficit. We've turned that around to a \$400,000 bottom line since our tenure there. And the Coral Springs City Centre, another facility...one of our smaller ones at 1400 seats...was operating at a \$200,000 deficit and was turned around to a \$300,000 surplus at the end of this fiscal year. So we're looking at a bottom line improvement of over a half a million dollars per market and that's one of the things that we're proud of in addition to the fact that we also aggressively program. This is a list...just as Globe...for a number...a representation of the type of events that we bring through our facilities. You'll see that there is quite a variety there of events. It's not just theatrical events. Obviously we are involved with theatrical events in many ways. We're producers, we're presenters and in some cases, we're a rental facility for those events, but we pride ourselves on being a company that's not only concerned about a particular type of event that's going to generate a bottom line, but a company that's concerned about the community as a whole in terms of and reaching out to all aspects of the community. So we make a real effort to bring through family programming, to bring through adult contemporary, pop contemporary, we bring dance to our markets. I mean, we try to negotiate the best deals we can because we realize it's often a difficult sell in our markets but we realize there's an audience there for it in some cases. And, of course, theatricals, which we often do a lot of and carry the bulk of the operating on, not for most of our facilities. That's kind of our philosophy. We really believe that we have to serve the community and we also make a real effort in our buildings. Any building that we've gone in and taken over, we've locked in not-for-profit rental rates that were in previous existence so that those entities can continue to come in the building. We've also provided other things such as services, consulting with not-for-profits for purposes of bringing in talent that maybe they can tie into for a fund raising for which we are at risk on and it allows them to generate surpluses in the community and it's a benefit for the community. At this point, Lynn, can you plug that in if you want to talk a little bit about what we do from a marketing standpoint?

Lynn Singleton: We brought along an example. We're very much a marketing driven organization. We brought along an example of a number of the shows that we did in Providence last year. Two of the shows, we opened to national tours for. One was DREAMGIRLS and one was...?

Norbert Mongeon, Jr.: Annie. These are basically the television spots for those productions.

(Video tape being shown)

Lynn Singleton: In all of our markets as you'll notice on this spot, you need major

or national sponsors. In Providence we have BankBoston and I'll guess we'll have them as long as South American doesn't go under. In our Florida markets we had Barnett, but they got blocked by NC & B and I think now we have Sun Trust. We do a lot of sponsorship and everything, so Norbert is referring to dance spots. A lot of times a classical event won't break even at the door, so what we'll try to do is we'll try to get someone who is particularly interested in a certain art form or serves the community, or kids program and try to prop up the bottom line and make the event happen by sponsorship packages because otherwise the numbers don't make sense. I just wanted you to get a flavor of what we did. In all of our markets we've made a concerted effort to out and get an subscription basis which is the lifeline of most theatrical events, so we always have a marketing campaign that not only spotlights the show, but shows the hall. This is a recent production of Peter Pan and Cathy Rigby which not only serves the investor, but we serve as the associate producer of (inaudible) this Thanksgiving. The only way I can ever get my name in the New York Times was to put some money on a show.

Mich Sauers: It was absolutely amazing, I was reading the New York Times a couple of weeks ago and I was looking at the ads and I see Lynn's name as a presenter of Peter Pan on Broadway. It's a nice thrill to know that your partner in this venture is also investing in shows (inaudible).

Lynn Singleton: The last show on this tape, I don't know if it's playing or not, but it should be a slam dunk in this market and we just did two weeks of it in Providence, we grossed two and a half million dollars and we're going to put it in our southern market is Riverdance. There's probably no Irishmen in here. What I found out is Irish has become very hot. I mean, it's amazing.

Mich Sauers: Has Riverdance played here?

President Jerrel: In Owensboro.

Commissioner Mourdock: I think it's opening in St. Louis, Foxx Theater.

Mich Sauers: Most of the material that we have shown highlights what PFM is all about, the cities, it's not just the Broadway (inaudible). In terms of servicing your requirements one of the key aspects if you have a new facility and I think you should have an identified company that has experienced the opening of facilities. We have opened six new facilities. We're responsible (inaudible). Since 1995 we have purchased furniture, fixtures and equipment in excess of \$12 million and been able to produce for our customers and clients better value, better equipment and even at the point of doing that, also saving them about five percent (inaudible). Even removing those items you are still saving five percent. Currently we are buying bulk. We're opening a facility in Mercer County about the same time and we there will be efficiency in buying equipment in conjunction with that. We think we're the specialists in mid-size facilities. When we started GFS we started with a very simple purpose and a very simple mission that we would be involved with mid-size markets. All of our facilities are mid-sized. The reason for that is it is just something I like to do, for no other reasons. I've been in this business for twenty some odd years and at one time was with another company which was fairly large and I found that mid-size markets need special attention, that you can't use a cookie cutter approach out of corporate headquarters and say it's going to work and wherever. It doesn't work that way. Each facility is a unique approach. Yes we can bring the manuals, we can bring the positive procedures, but the local marketplace is what needs to be responded to. When the CVB is making a presentation and competing they need

to know that the people with them are going to be focused on this operative and not distracted by others. We think we've got an unparalleled record. We're recognized as revenue producers. One of the criteria that will be used to judge the success of this building is a year or two from now, how is it doing bottom line? Is it a drain on the taxpayer or is it not? Is it producing revenue? We think in working with communities it is extremely important --

Commissioner Mourdock: Excuse me, Mich, could you turn the microphone on?

Mich Sauers: Okay, I'm sorry. I forgot. Sorry. Your facility is part of an urban renewal effort. You've invested...the county and the city invested a substantial amount of dollars and efforts and energy in making this community more vibrant and to excel and compete. We understand those requirements. In Pueblo, for instance, we're part of the 80 million dollar downtown development effort. In Lowell, Massachusetts we part of the Historic Mill City effort. Those were undertaken by Paul Tsongas. I mean, Lowell, Massachusetts was a pretty sad situation at one time, but using the efforts of Paul Tsongas and the facility, we're now part of that urban renewal effort. In Trenton, New Jersey it's part of the effort to revitalize Trenton. Trenton, the state capitol of New Jersey does not have a hotel in town, so it's a difficult challenge. But yet, we were part of that, to bring people into the area so that they could come to the shops and restaurants and we understand that the chemistry that we need to use to make those things happen. In Providence, Rhode Island their theater was the focal point of a downtown revitalization effort. We're familiar with the requirements of that challenge.

Commissioner Mourdock: While you're changing slides we need to change the tape.

### **Tape change**

Mich Sauers: Okay? We told you a little bit about us, we've told you a little bit about our experience. What does it all mean for you specifically? Well, we think that in year one based on what we know, based on looking at comparables, that this facility ought to generate about 364 events. About 364, I can't be more precise than that, but based on what we've learned, now there are a lot of assumptions being made so when we open if we end up with 370 or 400 don't hold us to that number, but we think we can exceed that and it will come from a variety of factors. If you'll notice in our financial projections that we submitted to you, we broke down our financial projections into three components, three distinct components, and all three relate to one another and then make the whole. The first component is the convention side, the convention facility. The second component is food and beverage and the third component is the auditorium. You'll notice that the food and beverage represents a substantial number of events in terms of the entire total mix. Dollar wise it is also a component that produces an operating profit. In terms of the auditorium piece itself, we're projecting that in the first year the facility would have a profit of about \$20,000 and ramping up fairly quickly to about one quarter of a million dollars and more. One of the major, major differences between PFM and other presenters of the auditorium is that PFM puts all the profit that they generate back into the building. Oftentimes you have promoters who come into a town and rent the building. They pay rent and all the profit they make they take and they leave town with it. The profit from these events stay with the building. That's what they do. A major, major difference. Food and beverage service. As we told you in our submission if you would choose to go to an outside food contractor we are more than happy to work with you and do the food RFP and work with you in terms of getting an outside food service provider. We would suggest to you, though, that you consider having one

service provider so that it is a seamless presentation to the customer. When you go to an event, whatever convention you've gone to and I am sure you've gone to many in the past, and you attend a function at a convention center and there is a banquet reception you don't know if it is Ogden or Aramark or Volume Services or whoever providing the food. You assume that it's the facility. If the food is good you compliment the facility. If the food is bad you're going to fault the facility, not the outside provider. We would rather take the direct responsibility for that. We think it is to the benefit of your customers, hopefully our customers. If you choose to go to an outside third party contractor we will do that. We think that food and beverage will become a key element to establishing this facility's credentials and credibility. We view food as a marketing tool because wherever you go, if you go to a banquet, a conference, and you have a good meal you'll say the food was pretty good and you'll tell. You be sitting on the plane sitting next to someone...they had a lovely dinner, they have a lovely...if on the other hand the food was bad you're also going to tell whoever you are sitting next to that the food was terrible. We use food as a marketing tool. Let me give you an example of that. In our little facility in Clearwater we have about 20,000 square feet of ballroom space. We'll do over a million dollars in food and beverage in that little facility. The way we do it is very simple, we use food as a market device. We use a chef as a for instance. We went out and sought out a chef that had a bit of a personality in addition to being a good cook and all the credentials in terms of experience and so on, but had a bit of personality. The first thing we did, Chef John is his name, we started doing cooking classes because people would come and say how did you do this and of course Chef John goes out to all the tables during the banquet and he talks to everybody and people would ask him for recipes and he would be writing recipes on the back of napkins, so he came up with the idea of having cooking classes. So we do cooking classes with Chef John every week in the kitchen. They are open to anybody who wants to join, \$50, people pay for them. We put them on television, a little network that services the Clearwater area. You know, it's maybe 50,000 viewers and so on. We have a TV show once a week. It gains exposure and visibility. The last thing we did this summer, we had a summer camp. We had a cooking summer camp. A one week summer camp in cooking, \$495 for the week and you got the t-shirt, you got the apron. It was one week long and at the end of the week instead of doing the play that you would normally do at summer camp there was a meal prepared and guests were invited to participate. But those are the marketing tools that didn't cost us anything, but at which we actually made money because people were paying for the privilege of being there. It became a tool so that when they went home and said I'm going to have my next attorney's conference or meetings and so on, oh, yes, so and so said why don't we go there. It becomes a phenomenal tool. It's not expensive, it is not complicated, but it's just a tool and I share that with you as an example of the things that we do. We think that food is going to be a key factor. We're projecting about a 17 percent return on your food and beverage operation which is probably a little bit lower, it's about two points lower than the average about 19 to 20 percent on the average. In that 17 percent we include all of our expenses, so if we took those expenses that would normally be taken out if you had an outside provider the return would actually be higher. In terms of performance, in our second year of operation we're projecting a profit, it's not major, but it's a profit. Keep in mind that this is an operating situation, does not include desk service, does not include depreciation, does not include some of those items that you are leasing out, so this is strictly on an operating standpoint, but still a pretty darn good performance. We believe that these numbers are achievable, we believe they are doable. As an example, when the CVB went out and started booking the facility, their rates, it was about \$1,500 was their rental rate that they established, we followed those same rates. We didn't make them higher, we didn't change them. We followed the same rates that have

already been put out into the marketplace to arrive at our own revenue projections. Do we think that they could be a little bit higher? Yeah, we think they can be a little bit higher, but before going that route we need to learn more. We know a heck of a lot of our business. We know, you know, we've been in for 20 years and Lynn and Norbert have been in an equal number of years. We need to learn more about Evansville. Fortunately, hopefully, we'll have maybe a six or nine month time window to learn more, but we think it can be a little bit higher, but for the time being we used the same rates the CVB is currently proposing. So we think there is going to be an operating profit after that first year. Hopefully, there can be an operating profit the first year. I will tell you that wherever we've been, all the facilities that we've been in to, all of our projections have been on the low side and we've exceeded them. In Miami this is the first year of our managing the convention center in Miami and we exceeded the projection by 46.2 percent. What are the steps of success? What do we think you need to accomplish in order to make this building a success? We think you need innovative marketing. We used a database marketing as a strong tool. There is a company in Chicago that we subscribe to. It's about \$3,000 a year to subscribe to their service and I don't know if you use them or not, but they're a valuable resource. We think that they identify potential clients and that direct target marketing is a key for us. Yield management, that's a fancy term these days. In years past it used to be called negotiating, now it is called yield management. The airline industry used it extensively so that if you have an event that comes in August when no one is using the building you do the rates a little different in August to attract that business to come into your facility in the summertime as opposed to your prime season. Promoting co-promote events. We will go at risk and take the financial risk, we as GFS, for the convention center portion and, of course, PFM takes the risk on the auditorium events. We will go at risk. We believe that one stop shopping so that when somebody comes in and calls our offices they can be fully serviced not having to go to outside providers to make all the pieces of the puzzle work together and that service sells and it sells again, and again, and again. We believe in community involvement, in networking. Let me show you a little bit about community involvement. In every community that we're in, in all of our eight building that we manage under full management, not the consulting. We have a number of consulting clients, but under full management clients we have a community program and in each one we have a thing called adopt a school where we adopt a school. Typically a high school. We bring together a program that compliments what that high school does in terms of whether it's economics or community service or English classes and so on and we incorporate their program into our facility so that the kids come to our building or we go to them, depending on the situation, and they become involved. We get actually get them involved in doing lots of different things whether it is before the building opens is to get everybody lined up and we have them flush the toilets to make sure that before everybody shows up everything is in perfect working order. It's a silly thing, but the kids really participate and now they get a sense of the facility. Why do we do it? For two reasons. One is that we believe in reaching out and giving back to the community. The other part is we believe in getting them involved in the building because they can go home and tell their parents what a great building it is. That is, again, part of our marketing tool, so we do things to involve everyone. One of the things about community involvement is we think that you probably have an opportunity here. Are you familiar with the Memphis Wonder Series? The city of Memphis would host, like for instance, an exhibition on Napoleon or Catherine the Great and they would host them in their convention center for almost the entire summer. We think in this case maybe a little long, but maybe for about a four week period we could host, let's say, the gold of the pharaohs which is a tremendous exhibit that is being put together and will travel in the year 2000 where we can bring an event like that and we would park it in the

facility maybe for a three or four week period so that we can people from outside the community to come in and spend the weekend. Or overnight, come and see the show tying a hotel package, tying restaurant package, tying transportation package so we get people involved. Not just the pure conventioners because in order to make this work we're going to need to draw on all aspects of the business. PFM is...you were talking at lunch today about some of the programs you do for community involvement.

Norbert Mongeon, Jr.: Well, we work with a large number of not-for-profits in all of our communities, as I was saying a little bit earlier, in terms of helping them identify entertainment acts that they might tie into and put on as benefits so that they can turn around and generate and contribute dollars in that manner and we help them from stage one when they come in with an idea, to finding the act for them, to consulting with them about how they're going to put together their reception and often, obviously, with a facility like this where you have the ability in-house to handle that reception that ties in very nicely, but we pride ourselves on doing that in all of our buildings because we want the community to feel like we're part of them, we're not just an outside entity coming in.

Mich Sauers: So in summary, the foundation for success we think is experienced management, someone who has the proven track record, has the resources to draw on a number of outside and people to come in and help and support. Creative marketing is a key element. Your food and beverage is a key component to the success of the building. Unique auditorium bookings. I mean, if you'll look at the calendar of events that PFM can bring to the facility it is pretty impressive. As a matter of fact, it's very impressive in comparison to what has taken place here. The pre-opening experience and lastly and probably more important there is no conflict of interest. We believe that you need somebody that is going to be totally focused on you dedicated to your services, to your requirements and to your financial bottom line. I apologize for our presentation running a little long. I'd be glad to answer any questions and maybe somebody could turn the lights back on.

President Jerrel: Do we have any particular questions from Commissioners at this time?

Commissioner Mourdock: Pat, you want to start?

Commissioner Tuley: Doesn't matter.

Commissioner Mourdock: Go ahead.

Commissioner Tuley: One of the questions, and you addressed a little bit of it as you were going through your presentation about conventions. They will be a very important part of the success to that center and I guess basically the question is kind of like a two or three part question here, but how will you work with the local Convention Bureau in landing future conventions? Will you travel to the meetings in which they're going out to solicit and meet and give presentations, will someone from the firm be with the local Convention Bureau? And how do you feel that you have the ability to either directly or indirectly influence specific conventions coming to our facility?

Mich Singleton: In terms of traveling, yes we do. We hope to...in a lot of cases we'll take the initiative to make sure that we're there. We believe there is a need to combine the sales effort with the actual product delivery effort. We're there to

answer technical questions and at the same time help the sales process. Oftentimes we know the people we're speaking to at least from other regional offices, so there is a network there. In terms of the dollar rates and so on right now we're projecting the same rates that the CVB is currently out on the streets with. In terms of attracting additional events it is something we pride ourselves on. We keep on saying the key to this building is attracting events and trying to get people to attend. We have to be resourceful. I'll share with you a crazy thing that happened this past summer. We have a building at the University of New Hampshire which just opened. Unfortunately because of value engineering there is no air conditioning, so we find it difficult (inaudible). There is no air conditioning, so in the summertime it is difficult to attract business because they don't know, although New Hampshire is not known for (inaudible), you don't know in the middle of August if it is going to be very warm. So we sat and said, okay, what do we do. We got a lemon and we need to make this into a lemonade stand and hopefully next year we will have a convention that is not impacted by heat. In fact, they welcome heat. It's a reptile convention. It's silly, but in the northeast it is the second most attended event for consumer shows. There are more reptile collectors in the northeast. I never knew that, but we did some research and tried to find out. Yes, we go and solicit events and be creative about it. Can we guarantee you that there will be events that we automatically bring with us? No, there is no guarantee. I will tell you that our reputation kind of precedes us. People who know us, people in the association and organizations know us. They know what we do. They know how we operate and as a result they feel welcome at our doors. They feel comfortable because they have dealt with us in the past. They know where we stand. They know if we tell them something it's going to be the truth, we give them the facts and no song and dance and they respect that. They know we will work them, so we think that, yes, events will follow us, but guarantee, no. I hope that answers all your questions.

Commissioner Tuley: Yeah, you did fine. One other short question and then we'll turn over to the other two. You did a real good job of showing the number of new facilities and the ones that you opened up and some prior facilities that were already opened that you've gotten the contract with, have you ever lost an account?

Mich Sauers: No.

Commissioner Tuley: Neither one?

Lynn Singleton: Yes, politics.

Commissioner Tuley: That was the next part, why, so you explained that. It was a change in--

Lynn Singleton: Politics. It doesn't happen here, I'm sure.

Commissioner Tuley: No, I'm sure of that! Especially, I'm the minority member, I know it's not going to happen.

Commissioner Mourdock: And I'm up for election!

Commissioner Tuley: Yeah.

Commissioner Mourdock: A couple of different questions. First of all I want to understand the way you're organized. I understand Mich, that you're with Globe and you've got two other investors or two other partners and PFM is a totally separate

entity, correct? As you're working on this project, would you be forming an LLC or a joint venture or would be contracting with two separate groups?

Mich Sauers: You would be contracting with us. We will have an arm's length contractual relationship with PFM. (Inaudible.)

Commissioner Mourdock: Okay, so they are effectively a subcontractor to you?

Mich Sauers: Yes.

Commissioner Mourdock: In the listings of different facilities then that we saw in this presentation I presume that was kind of, and I don't mean to use this word in a derogatory way, but kind of a hodgepodge. Some of those were probably your customers that you are doing without PFM?

Mich Singleton: All of the ones that we presented were ours and all the ones that they presented were theirs.

Commissioner Mourdock: Okay. For those that you represented that were yours were there any where you have this relationship that you are proposing to us with PFM?

Mich Singleton: No.

Commissioner Mourdock: So this would be the first time out of the box for that type of situation?

Mich Singleton: Yes, we have worked with PFM on other projects. We've worked with them on other opportunities, but this would be the first of the kind with them being a contracted entity. Their financial incentive is what is substantial for them to perform. If they don't perform they don't get paid which is part of their incentive. So it is a contractual relationship. Their focus will be on the theater portion. In looking at this marketplace, we did some research and compared to some other facilities in town, and we want to make sure that if we were sitting in your shoes what would you want from a service provider and that is why I reached out to Lynn and Norbert and suggested this relationship.

Commissioner Mourdock: In your final slide, which was also your first slide, of course, you had that one line at the bottom about no conflict of interest. I think that is pretty clear to understand what was inferred with that in that we have a facility just down the street that has...give me your whole range of thinking. Is there any benefit to that? Is it totally detrimental for these two facilities to be this close and maybe, Norbert and Lynn, you need to get involved with that since it is more on the promotional side.

Lynn Singleton: There are two pieces to it and you want your dog that will hunt for you and not somebody else, but when it comes down to buying talent and somebody is in a purchasing position they've got to make a decision eventually where that talent plays and I would want, at least in whoever was involved in my facility, to advocate solely with my facility. Riverdance is a perfect example. Riverdance plays arenas, it plays theaters. Figure it out.

Norbert Mongeon, Jr.: With the exception...with respect to the more commercial items you're the more desirable facility because you have more seats. The industry

from a commercial standpoint is really driven by seats and also availability of time, too in terms of there isn't any orchestra in the building currently.

Lynn Singleton: What we bring is leverage because we don't just don't buy for one place, we buy for a number of places and a lot of facilities (inaudible) we make an investment in that show so we bring multiple opportunities so it is tough to ignore us regardless of whether (inaudible.)

Mich Sauers: The other part of your question, if the facilities both were owned by one entity, the same pair of pants if you will, there might be some benefits because you have two entities there is a need for financial (inaudible) of accountability. There is a potential, and I say potential, for a conflict as to where you allocate these costs versus these cost to be allocated to this facility or allocated to that facility, so there is that potential. Ogden is a fine company. We have worked with Ogden on a number of occasions. They are good people, a very solid company. We enjoy a very good relationship with them. (Inaudible) we don't have any bad history, if you will, so we enjoy a very good working relationship with them. We work very closely with them to support one another, but when it came down to decision making our focus would be for this facility and this facility alone. In terms of financial savings if you were to do an analysis of costs I think that at the end of the day you'll find that the savings are (inaudible) because if I was Ogden managing your facility I wouldn't have anybody on my staff not doing anything, so whoever is going to be needed here is going to be needed here so you are going to have expenses staffing this facility regardless. Are there savings in maybe supervisory cost? Maybe, maybe not. At the end of the day on operating costs I believe there are significant savings. On the revenue side I think there is tremendous opportunities to increase your revenues (inaudible).

President Jerrel: I have just two quick ones and then we better...if we're going to stay on schedule we better move on. You did a very fine job of answering one of my questions dealing with the doldrums of the entertainment business and that made me feel very good. The other question that you answered I had questioned whether or not your original projections on budget expenditures and revenues were accurate and you're telling me that, yes--

Mich Sauers: We believe so.

President Jerrel: --you believe so.

Mich Sauers: Can't guarantee anything.

President Jerrel: The question I had about the market. Given our draw, and I'm sure you've done some numbers around here, how far out are we likely to be able to draw for theatrical as well as...the convention is a little bit different.

Lynn Singleton: The one thing that Mich and I always agree on is a (inaudible) building. If we put Phantom in this building they'll come from Albuquerque. It doesn't matter where...it will come down...first of all, it comes down quite frankly to the type of event and that's why I call it a magnet event. What you want to do is you want to take that magnet event and put it on a series of other things that aren't so magnetic and then sell it as a series and that's the way you get in the door, so that is how you build that base. You don't have a base because when you put a show up on sale now you start from ticket one every time and that's a heart attack. That's not the business that I want to be in or you want to be in. In Providence, Providence

is 143,000 or 150,000 people and our market domination is about, eh, probably 50 miles circumference. How far is Louisville from here?

Commissioner Tuley: About 100.

Commissioner Mourdock: Yeah, 100 miles.

Lynn Singleton: Kentucky Center is up there, so you've probably go like a DMZ along about 50 miles.

President Jerrel: And St. Louis is about what, 160?

Commissioner Tuley: Yeah.

President Jerrel: Something like that.

Lynn Singleton: Yeah, and Owensboro, but I think you should be dominate within a 50 mile radius and as the media market here is very solid. Your media is not cheap, but it is inexpensive. It's not like buying time in Indianapolis or Louisville or St. Louis. Our good friends run Fox in St. Louis, so I didn't know St. Louis was that close. We can probably do some tying in within 50 miles.

President Jerrel: One other question. What about the facilities that you manage, do you manage the building in its entirety?

Mich Sauers: Yes, we do. In order to answer that I spent quite a bit of time with Steve on the phone so I could understand the relationship between the two entities. In programming our expenses we assumed that Steve would do certain things and we would do other things, but for the purpose of projection we used the high numbers that he had for expenses so that we would be on the safe side. In terms of how exactly that works out we need to spend some time with him and his people to understand--

President Jerrel: Did you bid on the alternate one?

Mich Sauers: We incorporated Steve as part of our submission. The only piece that we put below the line was, I believe, one hundred and some odd thousand dollars which is some of the equipment you're renting. There is a rental agreement, I believe, for purchasing of equipment. That's a below the line number. That's the only number we've got below the line. Everything else we've incorporated into our proposal. How it actually works, we need to have some dialogue. Our objective is to do the most cost efficient way possible because, again, at the end of the day the success of this building will be based on the events it attracts, the community service it provides and the financial performance of the building, so we estimated on the high side.

President Jerrel: Okay.

Mich Sauers: For instance, we estimated, you know, a full-time staff that was pretty comprehensive. We would start there. We would ramp up, not start out (inaudible). To answer your question about the convention business, we believe that the greenfield for the convention business would be from a tri-state area. Our challenge is to attract folks from Ft. Wayne to get them down here. We think you're going to have a great building. If the people get a value for booking their convention this far

they'll come back, so we think that there is a tri-state area. We've got a couple of national pieces of business. We've got a couple pieces of national business. We've got the International Kite Flying Convention in Clearwater because, again, the weather. We target those opportunities where we see there is a niche and go after national like that. The food side will be primarily local. We think that there is a dire need from what we've seen for some good food, good quality and good value for anything 200 people and up for a sit down, whether it's a lunch or breakfast (inaudible). We think there is a good opportunity primarily for this area. We've got the pieces of the puzzle.

Commissioner Mourdock: Too many questions, too little time.

Commissioner Tuley: Yeah.

President Jerrel: Uh-huh.

Commissioner Tuley: Just real quick on the management side of it again, the facility, you're talking about HVAC and everything. Do you take care of that or is that what you anticipate Steve is taking care of?

Mich Sauers: My answer is that we don't know yet.

Commissioner Tuley: Oh.

Mich Sauers: From what we've projected, we've projected the cost as though we were doing it.

Commissioner Tuley: Okay.

Mich Sauers: But we want to make sure the costs were fully represented. We think the cost will come down.

Commissioner Tuley: Okay.

Mich Sauers: We think that there are great opportunities to work with Steve's department. I don't know all the mechanics yet.

Commissioner Tuley: Okay.

Mich Sauers: I don't know all the pieces, so I can't say, yes, they'll do this, this or this, or he may need to go and staff up for certain areas. He may have some staff already. Hopefully, for instance, we can use the purchasing power and may use some service contracts that he utilizes for instance, escalators, if they are in the building or not, I don't know yet. If we can do those things, absolutely our objective is to do it cost efficiently. Wherever we are, in communities, for instance, we buy all of our paper goods through the public sector's purchasing department because they get great deals on paper goods. We can't match it. For instance, if we need tables and chairs we're better off negotiating ourselves, so we'll go wherever it is that we can get the best value because it's your money. We're going to be accountable.

President Jerrel: That's phase two.

Mich Sauers: Yes.

President Jerrel: Well, I think maybe we better...if we're going to get everybody else their time, but thank you very, very much. It was very informative and I know--

Mich Sauers: Thank you for the time, we appreciate it. I hope we have a chance to work with you.

Commissioner Mourdock: Sure, and I know you probably won't be here at the end of all three sessions, I presume, but--

President Jerrel: Well, we're going to do a review among ourselves and then we will make a selection.

Mich Sauers: Will this be at the end of this session?

President Jerrel: No.

Commissioner Mourdock: Not today, no.

Mich Sauers: Do you wish for us to stay around or not?

Commissioner Tuley: I don't think that's important.

Commissioner Mourdock: Yeah, I don't know that you need to. Certainly, I think we'll probably kick some questions around and may have our County Attorney, Joe Harrison, formalize some questions.

President Jerrel: And we may get back with you because I think we'll have questions as the evening proceeds. Thank you very much.

### **Tape change**

<b>Compass Facility Management</b>
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President Jerrel: Okay, I'd like to welcome you. If you'd like to introduce everybody, who is the spokesman?

Steven Peters: We're Compass Facility Management. I'm Steve Peters, the president. This is Gordon Smith, he is our associate for theatrical bookings. Jeff Kossow, he is one of our openings guy, our building openings guy. And Bruce Newmaster is local, from Vanderburgh county, the provider of Reis Foods and they are our partner, or subcontractor in terms of providing food service for the Evansville Centre. We did hear that you folks really like to see Mark Twain in these presentations...(inaudible) What we handed you is a very brief synopsis of our... Is it on?

Commissioner Tuley: I don't think so.

Steven Peters: Oh, I'm sorry. I guess you did tell me to push the button. I'm sorry. I don't have to repeat that do I?

Commissioner Mourdock: No.

Steven Peters: Okay. What we've given you is a brief synopsis of the proposal that

you've had from us for the past few weeks. Besides the highlights of ourselves, it lists about ten points that really constitutes the nuts and bolts of our presentation. Rather than take a lengthy amount of time in terms of presentation, we think that the original proposal pretty well speaks for itself. We'd be interested in hearing from you which of these points you'd have the most questions on, or if you'd like, we could walk through this whole booklet point by point just to reiterate the points that we made in the proposal. Do you have any druthers?

Commissioner Mourdock: I guess just to kind of be consistent, and maybe keep our minds working as we've just heard them, it would be consistent if you went ahead and worked through these and just...

Steven Peters: Okay.

Commissioner Mourdock: And point by point doesn't necessarily mean every line by line that's in the--

Steven Peters: We'll spare you that.

Commissioner Mourdock: Okay.

Steven Peters: What we'll do then is I'll walk through this, and Gordon and Jeff and Bruce are references. And what I'd like to do is invite your questions on a topic by topic point. So rather than wait until I'm clear through it, we'll address these point by point and have a little discussion on each one of them as you would like to do so. On pre-opening services, we've described in this page that work that we call pre-opening that deals with getting the building itself open. Working with the architects or engineers on any tweaks or adjustments, on the analysis of any change order, propositions that may come up on our review of the work at hand. You might be surprised at how, just suggesting, a door might swing from the opposite direction from what it was drawn can save you man hours, can make possible the load in of equipment and events that might have otherwise been impossible to even do into the space. We propose to do that work. We propose to work very closely with the architectural and construction team on the FF&E and help with the bid process, the writing of the specs. We have full sets of specs from these kinds of facilities. We could help with the letting of bids, the analysis of the bids as they came back, and the purchase of the equipment. As we plan and prepare for the operation we really talk in our proposal about setting up four departments, it's reflected in our organizational chart. We talk in terms of administration and finance, of booking and sales which also includes marketing and sales and booking, operations which is primarily building maintenance, custodial, event production, customer service, and then food and beverage which would be Bruce's area. We would plan and develop all of those areas. We'd plan the policies to the extent that your involvement, you'd want to have involvement, those would all come to you in the form of recommendations. You'd be receiving monthly, or even biweekly if you wanted, reports from us and have every opportunity to approve policy as we develop recommendations. We'd work through all of this and that is really what we're talking about getting us to where we actually whip open the doors and have the lights on and we're ready to go. We have opened a lot of buildings between us. Jeff and I in particular have worked together on several facility openings. Jeff, most recently, just opened the Monona Terrace, the Frank Lloyd Wright facility in Madison, Wisconsin before coming to work for Compass. He and I worked together on the opening of Target Center in Minneapolis, the FARGODOME in Fargo, North Dakota. We are engaged in a similar sort of pursuit, albeit on a much longer kind of time frame, we

are working toward an opening in 2001 for the Aurora in Grand Forks, North Dakota which is a convention center, pretty much is a convention center equal to your convention center component, and instead of having a theater it has an indoor football stadium which is 90,000 square feet of floor space, 13,000 seats for football. So those are the pre-opening services, pretty straightforward stuff. On the food and beverage we've offered you three alternatives in terms of the way this might be financed. Before I get to that I'll clarify the relationship between Compass and Newmaster Foods because in rereading this we might have left some ambiguity to that. We're actually prepared to do this whichever the way the county would prefer. We could do two separate contracts, one with Compass and one with Newmaster. We could do a joint venture between Compass and Newmaster and you have a contract with the joint venture. Or you could, and probably as you intended to do originally, you could contract with Compass and Compass will subcontract with Newmaster which is kind of the cleanest for you. What we've done is portrayed three different levels of investment and three different types of investment return. On the first one, alternative A, the county would be buying all of the equipment. Alternative two, Compass/Newmaster would buy the equipment, but you would have a guaranteed payback on a per month basis essentially making the payment back that we're experiencing on that and you're getting a higher commission, but you're making that payment. On alternative three, we make the investment and we take all the risk, but the payments, the commissions that the building would receive would be consequently less because we're absorbing the risk on that, we're buying the equipment, we're selling the service and selling the food, basically taking the risk that we're going to have enough revenue to pay off and amortize the cost of the equipment. In any case we're amortizing the cost of the equipment over ten years. This is a three year contract. If after three years or at any point where you thought that we weren't performing and you wanted to give our entity the heave-ho there would be the unamortized value of that equipment to deal with. That's something to think about, if you wanted to separate it between two contracts, you could have the continuity of Newmaster while holding Compass's feet to the fire and not have that termination expense if you wanted to. That's why we kind of wanted to offer you more than one alternative on that.

Commissioner Mourdock: Steve, may I ask you a question on that one?

Steven Peters: Yeah.

Commissioner Mourdock: On your alternative B then, did I understand it correctly that you would be buying the equipment but you would be amortizing the risk in such a way that basically your payback is incentivized, is that the way you're saying it?

Steven Peters: Well, an alternative to... we're subsidizing from profits a little bit of the payback, but your \$6,500 a month is a direct line payback that we take to the bank, perhaps get a little bit better terms, but we're setting that up so that if we didn't sell a thing we'd have the money to pay off the equipment debt that month. So you get the relatively higher commission off of sales. So on catering you're getting 20% because you've already covered our risk in terms of the payback on the equipment.

Commissioner Mourdock: Okay.

President Jerrel: Would you want to describe just a little bit your annual gross numbers and where you see those coming from? Is that what I'm looking at here, your--

Steven Peters: Yeah, the numbers at the bottom, Bruce and I both did our own analysis and came up with numbers we thought were relatively close to one another. Catering is obvious, I mean that's defined in our parlance as pre-ordered food, it's prepaid food. We're not setting up a concession stand and speculating on customers who come and buy products that are primarily served on disposable plates and cups. Concessions and bar service, that's the liquor service, that's the concession stands in the theater. Concession stands you'd set up for a home show. The vending is primarily vending machines, soda machines, anything that is automated sort of sales in that facility. Outside sales would be sales that Newmaster would do outside of the venue itself realizing that there's some crossover of equipment usage. Therefore, that \$350,000 would yield \$35,000 to the facility with virtually no wear and tear on clean up or anything else that we have there. It's just kind of a premium recognizing that we'd be mixing some Newmaster and some city equipment in the kitchens there.

Commissioner Mourdock: Do you believe that the half million dollars is a realistic number as far as what it would take for the food service side for the FF&E?

Steven Peters: Yes. Bruce can speak to that.

Bruce Newmaster: Yeah, I believe that's fairly close. I've looked at the specifications. Whenever they were building we were involved in planning some of the kitchen specifications.

Commissioner Mourdock: Okay, the only reason I ask the question is because under alternative three it has you listed as purchasing the equipment up to \$500,000 and that just kind of inferred to me that maybe you thought, in fact, there would be some additional cost above that.

Bruce Newmaster: I think it's probably... it's probably going to be closer to \$600,000.

Steven Peters: Depending on which option, again, Bruce has other equipment that mingled with this the potential savings is there. We've reviewed the equipment list that was provided as part of the bid. A lot of the numbers.... you talk about a serving cart, is it stainless steel, or is it plastic? It will have a very different price. So it's a little bit difficult for us to speculate could we get a better price. Our concern on that pricing though was that if it was bid through the contractor, you might have a contractor mark up, and two, it appeared to be bid on a per unit basis in which case you're not realizing any kind of savings by volume. That cart will cost you \$300 whether you buy one or whether you buy 20, when in reality there should be some incremental breaks where the more you buy the less it costs. So we do think that there's some potential savings in there. Okay, move on? On marketing and booking we divided into two propositions, a convention center and the theater. On the convention side I guess all four of us have got a significant amount of sales and convention bureau interaction experience. Myself, I was involved in the creation of a convention bureau in Ames, Iowa, served as the board president of that, helped pass a hotel tax that funds it to this day. Gordon is the immediate past chairman of the Greater Des Moines, Iowa Convention and Visitors Bureau, sat on the board of the convention center there, himself, was the operator, executive director of the civic center during that time, and several years ago helped create the convention bureau in Kalamazoo, Michigan. Jeff, in terms of working with the city of Madison where you've got the city, you've got the county, you've got the state legislature, and the state capital all there, all combined in one way or another participating in a parking ramp over a federal highway attached to a new city facility that was designed 60

years ago by Frank Lloyd Wright that is now being built. His sensitivity goes beyond my understanding sometimes in how to bring folks together and working through the elements of all of that. I think you'll see that what Jeff gave arise to there in terms of total service, and an unequivocal distinction of service is what we're after here as we build this. We'd look at this as every decision that we make, even going back to those pre-opening lists of things, is a marketing decision. From what color you paint the walls to how often you clean the carpet impacts how people perceive it and how they return and they rent it. So everything is a marketing plan, it all ties together. We start with a little market research, move forward with making sure that we develop as we staff up a fully functional in-house ad agency, or an in-house marketing and sales department, one of the things it would include would be an in-house ad agency. Our marketing as sales would be on multiple levels, at the local level to target those local hospitality events, conventions, bringing conventions home to Evansville. If you get somebody to go out on a limb and bid on a convention, you've got to be able to look them in the eye and guarantee them that you're not going to desert them when they're bringing all of their peers to their hometown. They've got to be darn sure that you're going to support them all of the way. That's part of bringing that convention home to Evansville. On a broader, more regional basis, working with the convention bureau toward events that we might host, regional events. Pre-opening, pre-qualified meeting planners invited to this presentation where we might have a little cocktails, maybe dinner, talk about the rebuilding of the center, hand out the materials, do a video, and start beating the drum and gathering the crowds in. We include in this all the elements of a marketing plan, direct sales, direct mail, advertising. I want to stress that we talk about being very selective with our advertising. It's very easy to start enjoying seeing your name and your building in publications. So pretty soon you're in this magazine, you're in this magazine, you're everywhere, but in fact you're talking to a lot more people than there are decision makers. There's really just some key decision makers that you want to rifle shot your money toward and your promotional dollars toward finding those people and getting your message to them. That's what we want to do. And where would we place an ad, we want it to be supported by direct mail and direct sales clause and maybe some of these outward events where we'd host people, so that they're happening as a double, triple, quadruple whammy to somebody that might be a decision maker. So that's kind of our thoughts on pre-opening marketing as sales.

Commissioner Tuley: You pretty well answered the question that I asked the other group. Basically the convention, obviously, is going to be a very important part of it, to the success of the center, I think you pretty well addressed it in the written material and then you addressed it orally just know that you will be working very closely with the Convention and Visitors Bureau in trying to attract some of these other conventions and what have you. The other question I asked, would someone from your staff, management or whatever, be able to, let's say we were making a presentation to the Association of Indiana Counties trying to lure that conference to Evansville, and we were making this presentation in South Bend, would senior staff people, at least from the local, be there on site to help the Convention and Visitors Bureau?

Steven Peters: Yes. Yes.

Gordon Smith: In one of our other accounts where I'm at, that's part of my responsibility now. We're making a presentation to an EMS group which is, in our state, is a very large convention. And I will be there, absolutely, because questions are going to come up about the building.

Commissioner Tuley: Right.

Gordon Smith: And we're going to need to be able to answer those rather than say, well, we'll get back to you. Obviously we want to be there to give an answer to those questions. Yeah, we make a habit of that.

Commissioner Tuley: And then the other question that goes along this line, since you already have other facilities that you're managing, do you see the potential or spin off where you can have a group, well I'll pick your EMS group, but it's probably a state group, but we've got another facility in Evansville, Indiana that we handle as well that we think might be a good location for your next convention, do you see that as potential?

Gordon Smith: Sure, yes, very much. Every year they make, most groups, will make a decision, usually four or five years out, and in the Midwest region they tend to want to move around the region. That certainly gives you an excellent chance to catch them on their next--

Steven Peters: Our whole business is in towns the size of Evansville and even smaller. Larger markets it's typical for a convention center to give its book to the bureau until 18 months out, or whatever the number is, and leave all the marketing to the bureau until you get up to that point and then the staff of the convention center takes over and starts to fill with local events, and balls, dances, parties, and banquets. We'll always be trying to sell that, but I think in markets like this it is much more the rule, and I think a more effective partnership to where from the beginning, regardless of what you are selling, you're working together like that. The brochure for instance that the bureau put together and helped with is great. I think there's a lot of cities where that wouldn't have happened. That shows and we're pleased as a potential operator to look at that and see the motivation that must be there to work with Ms. Kight and her staff. There are organizations like the religious conference and meeting planners that specifically target smaller, safer, homier, I don't know the right word, but communities like Evansville. We want to be a presence at those meeting planner gatherings, we want to advertise where they are going to see it, in fact, we noticed an ad in the RCMA's publication from the convention bureau here. We thought that was a very appropriate place to place one because they are very much in your market, they are the kind of group that would come to Evansville. I should have stopped with his yes, yes, and yes.

President Jerrel: Are you going to get into the marketing side a little bit more in terms of the theater, maybe?

Steven Peters: We'll do that next.

President Jerrel: Okay.

Steven Peters: The theater, we've outlined the process here just a bit. By the way, I want to say that on the convention side we try to identify marketing partners that seem to have a common goal with us. Certainly one that we would immediately identify here is the Radisson. We have some match up in that in Davenport at the River Center Outdoor Theater that we operate there, we've got a Radisson and Black Hawk hotel attached. We do what we call a convention connection with them, kind of pooled resources. It's a gaming boat community. The Black Hawk is owned by the John Connelly organization that has the President riverboat just a block away on the Mississippi, there's a lot of things in common there. But we would identify the

Radisson, I've spoken to their new GM, Mark Gomez, about their interest in working with us in pooling resources and really pooling them in together with the convention bureau to be a marketing triumvirate pushing the visitor ship and the site of downtown as a place to bring your convention. Okay, on the theater, I'll just walk through this and then the questions would probably be better directed at Gordon. We've shown a little diagram here that really demonstrates the booking process of booking whether it's David Copperfield solo artist, as an attraction, or whether it's a touring Broadway show, Les Miserables. The artist or attraction has a management, that management may represent that artist and several others or may just be central to that one artist. There are agencies, the New York agents on 57th Street in New York City, ICM, Columbia Artist, we've listed several here for you, that represent these folks. Typically there is a promoter and in some markets it's the building and in others it's an outside promoter. The promoter is the person that takes the risk, that pays the artist, that pays for the promotion, that pays for the hall, and at the end of the day hopes he or she has a little money left over to make a little profit. We do both in terms of working with promoters or self presenting. Here we would see that we certainly have promoters that are interested in the market. There's a history of promoters working in the market. Larry Aiken certainly is no stranger to any of you. In fact we did Cats with Larry in Davenport last fall. In Davenport, we happened to be working with Jam Productions out of Chicago and they are our Broadway promoter. But we enhanced that set of attractions by finding sponsorships and by finding foundation underwriting so that we had a cushion of money of a little over \$100,000. That enabled us to go out and to supplement the Broadway series that we were doing with Jam with other things that the building was the promoter of. So we were doing some star attractions: Victor Borges, Irish Rovers, Pat Boone Christmas, Paul Anka. So just getting our feet wet as we develop our presence there. We've been in that market just a little over a year now. So, these agencies work with us, they work with the buildings. We are in constant communications with them. There are a few key meetings, usually in New York. There are some other ones in the Midwest and in the west that we attend. We have the access to them. They know us. They're working in our buildings already. We've listed here major shows that are out there for '99/2000. I don't want for a minute to give you the impression that we could, nor could anybody else, call up and get you any of these shows for that grand opening period. But these shows are out there. They're on tour for '99/2000. And they would fit into this market. Gordon, let me ask you to round that out. I mean, Gordon has produced for Broadway, he was producer of State Fair. In his retirement he works with us on an ongoing basis.

Gordon Smith: Semi-retirement.

Steven Peters: Yeah, not really retirement.

Gordon Smith: Just a very quick overview. The booking process usually starts about a year before the presentation actually happens. Right now we are starting to look at the next season as it would be past where we are. So that process would begin in, actually, November or December and usually will come into some closure in February or March where at that point then you'll begin to promote the next season of activities that you're going to present. I think here because there's been a little bit of a void, you know, with the building being down that maybe some very extensive surveying and focus groups and some real market research would be in order to kind of get people back so they can express where their interests are and you can craft, you know, a well rounded program that would really display the building, kick the lights on, and yet hopefully come out with a positive side on the ledger. That's a quick sketch... One of the things that I've found that we've been very successful is

I've developed in other markets a friends group or a volunteer group or in other words a support group of sorts to kind of help with the process. That gets you a ready core of volunteers that can help you when it's season time and those type gala times. And then the other thing that I would recommend that some close attention be given is to develop kind of a member component. One market where I worked in, we had a membership where you could be member of the civic center as it would be and they range it up from \$35 up to \$500. Our revenue from that member income was between \$120,000 and \$135,000 annually, which goes, one, to support the process of a membership, and, two, it kind of helps with your programming where you may go ahead and do some programs that you know are going to be just about marginal. If you fall a little short that's some back up that you can use to, again, do that well rounded programming.

President Jerrel: It just occurred to me, when you book shows, now you're going to have a place in Kalamazoo, fairly close?

Gordon Smith: Davenport, Iowa.

President Jerrel: Davenport. But when you market though, do you try to move these shows from one of your places to the other, or do you just if you don't have any place close that's not an issue?

Gordon Smith: Theater is a little bit different type of process where usually a company can only travel about 200 miles from one day to the next. Usually, they like about 160 miles. So you don't really do a string of dates consecutively. But if you're going in buying, you have a little bit of leverage if you're dealing with several venues where you can kind of twist their arm, as it would be, a little bit of a discount off of list price.

President Jerrel: Do you see ways to... well in my question was, describe some of the techniques that your management team would use to guide us through the typical doldrums of the year. You know, there will be up times, I think Christmas time there are always things you can use a theater for, what would you do in some of the other times?

Gordon Smith: Summer time is probably a slow time.

President Jerrel: Yeah.

Gordon Smith: Although summer time can be actually a good time. I think, again, some very careful market research should be done to see if indeed there is an audience, and what that audience is for. In other words who they are, and then try to program in that vein. Again, you know, the June, July, August time, I've always felt that if you could just break even in that time period and still keep the lights on, it's a real plus because you're bringing people in to the downtown area, you know, the restaurants and those things benefit by it. September through December, again, that's prime time. That's theater time. January is kind of a down time. Then you pick up again February, March, April. Then May, it begins to fall off. The touring attractions traditionally do not tour in the same numbers in May, June, July, and August as they do during, what we call, the season. So many times you look for those summer attractions that are out there playing the sheds, the summer theaters, and if you can sandwich them in on an off week, you can usually do it very economically.

Commissioner Mourdock: I think we're ready to change tapes so we'll take just a break.

Gordon Smith: Okay.

### **Tape change**

Steven Peters: One of the things I would stress though is that we don't at point see going with an exclusive promotor because sometimes...well, I think we want to keep the options open. I think it is...that's your customer, that's your buyer. If you make an exclusive situation with anybody you're saying no to a lot of other potential customers, so we would see this as kind of an open market and try to encourage other promoters and see what we would get with promoters out there. I think there is going to be a rush to try to book some major theater and Broadway into the hall. If it does well and it sells tickets there will be others that follow those initial pioneers that will want to be more and more. There will be a point at which we'll want to restrict the number because they will start to cannibalize one another. You obviously can't play a major musical 52 weeks a year in a market the size of Evansville, but until we get to that point we would certainly encourage those promoters to be coming in. If it doesn't sell, well, then we have to roll up our sleeves and start trying to figure out why and starting to find other types kinds of attractions that we would try to put in there that might sell. Again, because we're dealing with a fairly limited audience we don't want to be coming back to the same section of the segment of the audience...the same segment of the market every week. We have to try very hard to disperse musical comedies throughout the year. Try very hard to have celebrity concerts not right piled up against each other. If nothing else for the fact that nobody can afford a ticket more than every so often, the dang things cost so much anymore.

President Jerrel: What would you consider our market? How far are we likely to attract?

Steven Peters: Well, the easy answer to that is to take half the distance to where there is another facility. Owensboro being there with a performing arts center, hopefully, I think with our additional capacity we're going to be able to bring in perhaps some bigger, splashier things than what they might, so we might overarch that, but half way to Louisville, half way to St. Louis, half way to, yeah, maybe Nashville. So that is probably the immediate market. Wherever you can drive in, see the show, drive home. Hopefully, drive in, have dinner. Maybe drive in, have dinner, spend the night. We keep giving incentives to get you to spend the night. That's another thing, very truly, that we would work very hard to work with the hotel property owners so that we could put together those packages. Do a weekend where you would see Chicago and spend the night at the Radisson and have a champaign dinner for two and brunch in the morning and be on your way by noon on Sunday. It fills up weekend nights that they might not of had filled up. If we're successful in booking the theater the way we think we could just the room nights from the performers and the crews that travel with them would add a lot of room nights to the local economy. The next one is not the wiring chart to the inside of your television set, this is the organizational chart as we see it. In fact, we've done it using titles that come directly from our facility in Davenport. I can't tell you that we always use the title Associate General Manager, but in that particular case it works, so for the case of comparability we continued that here. In the boxes to the upper left and right corners we've given you the schedule for when we would bring these folks on. As you, obviously, know you can't wait until three weeks before we're going to open the facility and bring everybody on. This is a buildup process. We have

three positions, they're actually the double ups, the second clerk, the third event supervisor and I think there is one more. Event manager, clerk and utility worker are optional that we...in terms of the proforma we put together those aren't added until the third full year. I mean, we're not going to add staff until we need them, but we would foresee an event load that would require that kind of additional staff by the time we got to the third year. Any questions on that?

Commissioner Mourdock: Do you have a specific person in mind, Steve? I mean, January '99 is not that far off.

Steven Peters: I've got about three candidates in mind, yes. I mean, from one that is calling me and we've spoken and is very eager to one who doesn't know I have him in mind. So it runs the gamut. I would tell you that we would bring even more than one candidate and invite your participation in that selection process to whatever extent you would like to participate. That person needs to fit in the community and work well with you folks and we want that to be a good fit. We have some exciting ideas for this grand opening. We call it the countdown to millennium. That's the next page. Betty in my office has gotten a little creative with the title block up there. The more people we can involve in this the better. That would start immediately. That would start in January with forming some committees and getting people involved. We want kids at the end of this process to be able to have a certificate on their room, a certificate of having played saxophone in the stage band during the opening tour weekend grand festival for The Centre and something that they'll point to and share with their grandchildren years later, 50 years from now when they are bringing them to that facility. We want as many people involved, we want to show off as many events as we can in this facility, demonstrate all the facets of the building. We've got to appeal to different audiences because there again nobody can give us three nights a week for ten weeks that we want to project as this grand opening celebration. We want it to be self supporting financially. In other words, we're not going to go out having bake sales to raise money for this. We want it to come through the door as normal business and no matter what, we don't want to just meet your expectations, we want to exceed the expectation of every single person walking in the building whether it is the quality of Bruce's food, or the cleanliness of the facility, or the design, or the nature of the show, we want everybody to walk away saying, wow, I thought it was going to be good, but boy I didn't think it was going to be that good. That is our goal and not just for that ten week period, but for every time somebody walks in. The elements of that, well, we put on our thinking cap and came up with just a few and if we sat here and went back and forth we could double the list. Getting people through the building is a must. Tours, tours, tours. One building Jeff and I opened together we called Roam the Dome. It happened to have dome in it's name and we had what, 30,000 people, I think, in the first weekend?

Jeff Kossow: Thirty thousand, yes.

Steven Peters: Just walking through. We used volunteers who each got a t-shirt and stationed them as guides. We put every band, choir, drill team that you could think of from miles around. Everybody got a slot of performing at some time and, of course, grandma and grandpa, mom and dad, and aunt and uncles came to watch them at their particular time. Everybody got a tour. Everybody got a certificate. Those are the open houses and the tours. A major Broadway show, we would really like to put a major show, one of those from that list or maybe another, that hasn't been to town before. Put it in there for a week. Do a good long run. I think that would say to the industry that, hey, here is a great new facility. It also says to the community, wow, we're getting the first run stuff. I'll tell you something that happens

in a market like this, because we're seeing it in Davenport, Roberts Stadium is a place where you go see the real McCoy. Shania Twain was there last night. It wasn't somebody pretending to be Shania Twain. It wasn't the third company, the two truck instead of the ten truck version, it was the real thing. Now that...and I was a part of getting that set up with the other company that you're going to hear from in a minute, so I won't talk too much in their favor, but they've set a standard, but they have also demonstrated there is a ticket buying audience in the market. Now to some extent we're going to compete, this facility is going to compete, with Roberts I think much more than the Victory in terms of attracting attractions and selling tickets, but it has got to be first rate, so bringing in...there are filler kinds of events, what we call the bus and truck companies where they are traveling by bus and truck. They don't have a star. They are non-equity and they come in and play a couple of nights. We'll have a certain number of those, but we need some anchor events that are the real excitement generators that go into this and that is really what we want in that grand opening period. Consumer shows, and we think it would be fun to try to event some for the grand opening. An all Hoosier show that highlights the industries of the areas or a tri-state industrial show, family shows from V Corp and Sesame Street, which by the way as a client of ours we do promote V Corp. Burt Lyman whom you would see down here at our marketing arm, we promote V Corp in five different markets, Tulsa and Kansas City, Dallas, Ft. Worth, Oklahoma City. That's the kind of show that would fit. The meetings. All kinds of incentives to get somebody to try bringing a meeting there. Maybe they have been in another place or they don't even...you know, get them to host their meeting. If they rotate across the state or the county start on them now. I mean, go on that stump and mobilize volunteers from the Bureau. Let's go out and let's be at every Rotary meeting and every Lions meetings. Wherever somebody gathers and will listen to us we'll talk about bringing your meeting here. We'll give some additional incentives for coming in. Maybe we build this up...maybe we set ourselves a number for the end of that ten weeks and everybody who helps us by bringing their meeting gets some kind of an incentive for coming in. Maybe it's a discount in price, maybe if you book in that first ten weeks to help us get our half a million, our countdown to millennium, half a million in attendance that we want to get to. That may be too high a number, but you get the idea. Then you get a discount the next year, so if you're part of our charter business then maybe the next year we'll hold your price. Maybe it is no discount at all, we just won't let it go up. I don't know, but there are all kinds of incentives. We just want something all the time in those meeting rooms. Star attractions. The singers, performers, bands, pre-show dinners and receptions that can go with any and all of this that spins off of this. We think it would be fun to do a thing for downtown primarily business folks to come over and have a box lunch or walk through a buffet and then hear somebody that might be a comic, it might be a Dave Berry kind of person one day. The next day it might be...well, we couldn't afford a Rush Limbaugh, but I mean, a current person. Somebody that is there. Maybe they are there by video tape or by satellite receiver or something, but have this on a weekly basis to where people are just dropping in. National talk show...you can go out and if you get enough money behind you, you can...what's the word I'm...incentivize shows like Kathy & Regis, the Letterman Show, which would be great, Oprah. I mean, you can get them to broadcast live from the facility for a week. I mean, I'll tell you what, that put the Rosemont Theater in Rosemont, Illinois, just up right by O'Hare there, that put that on the map when Letterman came out there for a week. You can do that and that's one of the things we would propose to try to do. Then the millennium party...I thought that was a pin. I was trying to push that back in my pocket. The millennium party is a cap for this. I mean, it's the exclamation point on the end. That's fireworks over the river or over downtown at midnight. That party is...one of the things we've talked about is having different rooms that highlight

the various eras of the 20th century so you've got ragtime in one room and you've got big bands in another room and you've got rock and roll. You know, you can just go from room to room and the waiters and the people are dressed differently and you've got family events and attractions that are going on. You may be having some films, maybe family films or things like that in the theater. We just think it could be tremendous. A laser show inside and outside. We just think there is no limit to this, but obviously that takes a lot of planning. We need to start putting that together right away, but that is just sort of the *pièce de résistance* at the end. Part of the way we project closing the gap on the financial status for the building is finding revenues that are essentially not the typical earned operating revenues. We've made a list for them here. Let me just run through those, they're on the next page. We call it generating outside revenues. Soft drink pour rights, we've just in our Mankato facility made a deal with Coke that for 11 years it's worth about \$62,500 in cash a year plus additional marketing support for up to 12 events a year. Other things they're doing for the facility when you add it all up it's millions of dollars. We're just talking about cash as it is falling to the bottom line, but that could easily be worth \$50,000 or \$60,000 a year to see who is going to have the pour rights. I hope none of you work for Coke or Pepsi because it will look like I'm trying to build a fire here. Naming rights. We are very involved in the development of naming rights in Grand Forks. If you're amenable to this we feel that this could be a significant amount of money. We do believe and we have identified types of namers that we feel would be very prime potential sponsors for this. There are some surprises in that. You might be surprised to know, and I can't say who Jeff and I are talking to in the course of the next two days about name rights for the Aurora in Grand Forks. This is easily \$150,000 to \$250,000 a year naming rights proposition for the umbrella name. From there it may go on to smaller names, naming of rooms, naming of the large halls, the theater, the exhibit hall, but it is there. It is being done and frankly we're on the verge of doing this for an existing building in Mankato and in Davenport which it is even harder once the building is already open and it's under way. For a new building to capture that excitement we think there is a definite possibility. We think there is a place...there are places we can identify and work through with your approval of not only the location, but the advertisers, the copy and the displays, but we think there are ways to tastefully do display advertising where a sponsor may have a display ad on an outdoor marquee, in a lobby. I'm not talking about something tacky. Again, subject to your approval and as we develop a policy, but I think there are those kinds of things that can be done. The Stage Door Club is the name I gave to that friends group that Gordon was talking about. That can either be that annual membership or you can join a priority club where that priority you pay a little extra, a couple of bucks extra a ticket every time you order a ticket, to generate the kind of funds that Gordon was talking about. Finally, just plain fund raising. If that were not...if you were not adverse to that and you were interested in pursuing that with us. We can do everything from selling the bricks in the plazas to putting names on the backs of the chairs in the auditorium. That could go very well hand in hand with the friends group that we are talking about creating and perhaps those funds are actually going to the nonprofit friends group, but that friends group can be established to actually absorb some of the booking costs and some of the programming costs so in essence that is a direct operating boon to the facility. The next page is our proforma for the three years. Obviously, we project that the picture will get brighter as we move forward and we get more bookings or conventions. We're starting very late now, as you well know, a year out in trying to book the hall. As we have a year almost of expense with no revenue to it we have a lot of expense and regular revenue to help offset that in the first year. I have highlighted for you, because we have included it as sort of the makeup revenue line what we would project as the county subsidy in this and you see that shrinks. We've got some ambitious goals for

ourselves in the naming sponsor, ad and pour rights there with \$250,000. That should Stage Door Club...Stag Door Club, I'm sorry. If that is the worst one we find in here I guess I'll be in good shape, \$50,000 just to hear Gordon cite an example from Des Moines, Iowa where they did \$120,000 to \$150,000 in revenue from that. If you took as a cluster of revenues our phone fees, cleaning fees, decorating commissions and electrical service commissions we would propose that as much as possible and to the extent possible we find a way to be our own telephone company with our own switch inside the facility because with data lines and telephones, if you look at doing 200 booths in the exhibit hall for consumer shows the vast majority of them are going to order a phone line. We don't want to be hiking over to the phone company to have to have that done and pay them for that. We want that in the building. We want to be able to provide that for and we want that revenue falling to the bottom line of the building. Similarly with pipe and drape and the decorating. Similarly with the electrical hookups. The more that you can capture of that for the building, and you're not dealing with a preexisting condition where you've got to honor a preexisting outfit that is in the building already, there is nothing there you are starting from scratch, and these are valuable services that if you did nothing else, if you hooked up with a service provider who gave a commission these, frankly, are based on percentages, just commission percentages off the top of what we feel those grosses would be. So it may be that if we can't afford to have all the equipment in the FF & E for the facility, we hook up with a provider and we take 15 percent as the cost of their doing business in the hall.

Commissioner Mourdock: You've got five minutes left, Steve.

Steven Peters: Okay, well, I appreciate that. We've given you a list of projected events and I think we've talked through those. Our fee, um, which certainly stands to...it is something we would negotiate if you selected us. We figure that is the starting point where we would start to get together on this. Essentially, we're proposing when we get up and running a \$100,000 a year fee. Less than that \$6,500 a month from January through September. The variables in this would be things that we would agree upon and I have given you a list of potentials here. Maybe we would decide on others, but there might be benchmarks that you say to us as Compass if you hit these benchmarks your fee could be higher and those are set annually in our common budget building. We would follow your budget process. You would tell us when you needed our numbers. We would typically provide a five year capital improvement plan and then the operating plan for the new year. It's an entire business plan. It's the marketing plan, it's everything rolled into one. We present that. You tell us, well, you've got to tighten this, do this, do that. We take that back, we work together to where we've got it. We've supplied it, you've ratified it and then we run with that. Consistent with that would be the rates that we would charge for the facility. Now I'm going to shut up because these guys are probably wondering why I brought them here and I'm doing all the talking. Do you have any questions specifically about the food? Bruce is a resident here. His company served in the building before the project was started. We feel like we're hooked up with the first class caterer in town that can do...has done the largest of the large events in town, quality first.

President Jerrel: Bruce, you've seen the plans and the facility looks like something you could handle very, very large groups in without problems?

Bruce Newmaster: As Steve said earlier they're going to want to look at the doors, the (inaudible) and things, but, yes, the facility is very well rated.

President Jerrel: What about the maintenance of the building? All of that, I'm trying to follow the numbers. You just briefly mentioned that.

Steven Peters: Well, the maintenance of it we've programmed into this budget. We would certainly be amenable to discussions with Steve about how we interface with the Building Authority folks, but the truth is that in a facility like this so much of what you do in custodial and setup is tied to the event. It doesn't happen on a typical work week cycle and when you need people you need a dozen of them and then you may not need anybody for two days. So typically event facilities like this, and I suspect most of the other companies will tell you the same thing, operate with a core of full-time people and then a lot of setup people, cleanup people, that come in and on call work those jobs. Typically, it might be their second job, actually. We would in our operations include maintenance, custodial setup, event production and then the customer service which is meeting the public, the ushers, the bartenders and that kind of thing.

Jeff Kossow: I'll be quiet, we're running out of time.

Commissioner Mourdock: Now is your chance if there was another point you wanted to make.

Jeff Kossow: Well, it is exactly what Steve said. I mean, there is such (inaudible) is a light switch. Literally, we gather folks, we turn the lights on, we have a big event, we turn the lights off and we're quiet and dark so we staff that way. That's one of the efficiencies that you can have with a private management company. After working for a city and working for private management, it is very evident that you can staff in such a way where you are having lots of hats worn by the same person and you can cross more boundaries primarily because of being an opportunity not to have to have full-time staff doing things that are only necessary 20 percent of the time. Those can be real challenges and when you try to work with full-time staffs and not having enough for them to do. There will be weeks when there will be too much for them to do, so you staff appropriately and that is where you have those hats being worn by multiple people. An operations group would be, you know, they might cover everything in one day and the next day they would be very focused in one area, but they would kind of be cross sectional.

Steven Peters: I can think of one last thing in terms of those quiet times, we're talking about booking the theater, one of the things we're hoping to do in conjunction with a national agency and another national producer of shows and I can't mention yet because it hasn't been released publicly, but we hope to rehearse and open a show that is going to be able to play both arenas and theaters so we have it sort of preseason booked for about three weeks into our facility in Mankato to do its arena shakedown and run. It will move directly from there to our facility in Davenport where it will do a week long run to do its shakedown for the theater version of it and then it will go on a national tour. We believe that we're blessed with relationships within the producing and touring industry to be able to try to bring a good deal of that kind of business to fill some of that buffer time in the dog days of July and August.

President Jerrel: Okay, well thank you very, very much. We appreciate it. We like the format that we'll be able to keep and review. We're not going to be making a decision this evening, but our attorney will be getting back with everybody and we'll have some sort of an arrangement so you'll know what our timetable is.

Steven Peters: Alright.

President Jerrel: Thank you very much for coming.

Steven Peters: Okay, thank you. You'll want to skip that last presentation!

Commissioner Mourdock: Thank you for leaving Mark Twain at home, too.

President Jerrel: Yeah, it's interesting the three of us were all in on that.

Commissioner Tuley: Once was enough.

Steven Peters: I heard about that.

### **Tape change**

<b>Ogden Entertainment</b>
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President Jerrel: We always feel better if we have first names here.

Frank Russo: Sure, ok. My name is Frank Russo and I'm the Vice President of Sales and Client Services for Ogden Entertainment. I'm based in both New York and Hartford, Connecticut where we have our regional support office and our national sales and marketing table. I believe you know Sandie Aaron. Sandie is our Executive Director for our facilities in Evansville and Sandie also holds the corporate position of booking primarily country music and routing them through most of our facilities in North America. Robin Cuneo is the Director of Meadowlands Exposition Center in Secaucus, New Jersey and she is in charge of providing our corporate support directly to all of our convention center, trade show and exposition accounts. Joe Romano is the former Executive Director of the Iowa State Center for Ogden, one of our long time accounts. Joe is not only our Director or Vice President of Operations, but he is in charge of all of our Midwest accounts. So all the managers of all the Midwest accounts report to Joe Romano. Behind Joe, to his left, is Scott Bennett, our Director of Finance for our Evansville facilities. I might point out that, just to draw a point of distinction between us and those that you've talked to before, that this is an all Ogden team. A self contained team. What you see here represents 45 years of experience just with Ogden as opposed to our background prior to coming to Ogden. So we feel that we give you a very self contained, consolidated team of good national, regional and local corporate support teams as well as a track record that I think is just superior right here in this market. If you'd like, we could start the presentation. We're going to try to be brief because I know you've heard an awful lot of presentations. We've given you a hand out which tries to summarize the high points of what we believe are the reasons, the most compelling reasons, why we hope you agree and select Ogden for this. I know that there are some questions in your mind about whether one company should have all the business, whether there are any conflicts of interest. We'd like to dig right into that, if you have any questions we're prepared to answer them fully and completely and in every way that we possibly can to give you the assurance that we think this is the right move for you. Let me start out briefly by telling you that even though we are a global company and we have some 62 facilities that we manage, individual facilities, worldwide. And that's just the management accounts. We have another 90 or so accounts for food and beverage and are growing Theme Based Attraction Division, Casino Division, and Large Screen Theater Division which have their own growing list of clients throughout the world. We consider ourselves to be a very intimate family of facilities. When you look at our growth, number one, you'll find that

a major part of the growth has come from them as a result of doing a good job in certain markets. Evansville is a classic example, Pensacola and Bakersfield, California. The facilities in North Charleston, where we started out with an arena and grew the business both arena attractions, small theater attractions in an arena into the extent that an arena is capable of conventions and trade shows, to the point where the city of North Charleston has agreed and has announced a new convention center. A 150,000 square foot convention center and performing arts center of some 1,800 seats. Ogden's contract has been extended for five years and we're managing all three facilities on the theory which I think is very valid that we provide combined management leverage. We provide the best possible programming for each of those facilities so that with the concept of yield management, if you will, we're putting the right shows in the right facilities to get the most, best and highest business use in the city each and every day of the year.

Commissioner Mourdock: If I could just ask a quick question---

Frank Russo: Yes?

Commissioner Mourdock: ---to clarify in those three facilities though, all three are owned by a common owner? By the city or...

Frank Russo: Yes, in Pensacola the answer to that is no. We work for Escambia County where we run the arena and the City of Pensacola with the Bayfront Auditorium and the Saenger Theatre.

Commissioner Mourdock: But, you were speaking of Charleston, I thought.

Frank Russo: I was giving that example, yes.

Commissioner Mourdock: And did I understand you, there are three facilities in Charleston?

Frank Russo: There is one existing and two under construction right now, about to open within the next year.

Commissioner Mourdock: Okay, and all three of those---

Frank Russo: Are owned and operated---

Commissioner Mourdock: ---will be owned by the city?

Frank Russo: ---by the city through Ogden, that's right.

Commissioner Mourdock: Okay.

Frank Russo: That's correct, yes. Also, looking at our client list you would find that we have a heavy concentration of facilities right in the Midwest. So, for Evansville, that's why you get corporate support and Sandie is always on the phone with the corporate office, and especially with Joe Romano, who is here regularly and on the phone with Sandie virtually every day, we have national convention and trade show marketing capabilities and support staff through Robin Cuneo, and of course, Sandie herself is part of the Ogden corporate team in addition to her duties right here. So she really is part of the superstructure of Ogden as well as our local on-site manager. And we think, for those reasons, what we represent to you, we coordinate

management with a coordination of the synergy and the cooperation that would reduce your overhead by combining operations where appropriate with your cooperation and the city's cooperation. We're a non-quantity. We have proven ourselves in this market. We know the market very well and we know it's potential. We have the relationships, I think, with all of the key players that will make your facility, your new facility, The Centre, successful with those relationships already in place. We're already in place, we're established and ready to go. Ogden is the food service company and that is an option to come in which your desires are there. We could do in-house, we could go through Ogden, or we could if you desire as such, that we would bid it because we do it with Roberts Stadium right now. So we are very client oriented in terms of what you think is in your best interest. We offer you the best opportunity as a result to produce the operating results that you are looking for. I think, really, if I were in your position I would want to know that you have a company that is capable, that is going to offer you a good deal, that the deal is in relation to how well you're going to do. And that's how we try to show the structure right here. To show you that if we do well, it's only because you're doing really well. You'd want a company that is capable of starting up and providing you with corporate support and has the skills necessary to be able to program the facility in a way that will meet your goals. Whether they are just simply programming or more likely to generate an indirect economic impact that you want to literally help revitalize this community and create the kinds of jobs and physical and social and economic revitalization that convention centers are typically intended to do. So with that, I am going to ask Joe Romano, our Vice President of Operations, to come up and just give a few words as to what he has done for the City of Evansville and what his relationship and role would be in respect to this new account.

Joe Romano: Good afternoon. I will, as Frank indicated, attempt to make my remarks brief because I know it's been a long day for you and you've got a long day yet to go. My name is Joe Romano and I'm Vice President of Operations, I actually handle Alaska, the central United States and Great Britain. I've been with Ogden in excess of 10 years and I've been in the public facility management field for almost 23 years. My primary responsibility with regard to Evansville is to interact directly with Sandie Aaron and her staff and the operation of our facilities here as I do with our managers in our other markets. My experiences primarily have been in the secondary markets, and by secondary I certainly don't mean in importance. I'm talking about in geographic and demographic size as is where my background of expertise is in and in particular, operations. In particular, the issues that I address for Sandie and her staff are really as a resource at the corporate level. Food and beverage, programmatic, operational, risk management, corporate support. I would say, and Sandie please correct me if I'm wrong, on the average I'm in the market once every quarter. Certainly more often as is dictated. The specific agenda for a building opening of which I have done a number on behalf of Ogden, I've been their team leader on a number of projects both nationally and internationally, require an intensified schedule. The key, I believe, to the support that we provide Sandie and our other Midwest locations and all locations in total, is that we provide an integrated comprehensive approach to full facility management and can bring to bear resources in all the areas from HVAC and preventative maintenance on the operations side through production and presentation, marketing resources, financial risk management resources, programmatic and administrative in human resource resources, as well as legal advice and development of contracts and proposals that we put together in an effort to generate sponsorships for the local operation. These elements focus on a local economy that we invest in our managers even though we are a global company and we have global resources at our disposal, but that local economy, we believe, translates into better management and a better product for our

clients based on the fact that we can manage to reach the objectives of the client in their particular locale and we can work closely with them to achieve those objectives rather than have objectives dictated by a central office. We are here, those of us on the corporate staff, truly to provide support. As such, we have created regional offices in Anaheim, California, out of our operation of the Arrowhead Pond for our operation in Bakersfield and the expanding west coast. My office in Ames, Iowa at Iowa State University where I was the executive director of a five building complex there. We have an Alaska regional office. The region manager reports to me in the central region and we have the Hartford office that Frank spoke of acting as a regional office for our northeast venues. This enables us to keep in touch at a regional level with what's going on inside the buildings that are there and making sure the necessary linkages occur and the sharing of information occurs. It also allows us to keep a handle or a better idea, if you will, of where the local trends are in those particular regions since they aren't necessarily parallel across the United States. We believe it's that support level, at the broader corporate level coupled with the atone that we provide our local managers to independently work with our clients and achieve their objectives that makes us such a compelling choice in this particular venue, this type of venue management. At this point in time I'd like to ask Sandie Aaron to speak for just a few minutes about the way that relationship works from the opposite end of the spectrum as the manager in the field.

Sandie Aaron: One of the greatest things Ogden offers is the ability to come into whatever the size market and really customize it to suit the client. I've been with this company for 14 years and it started out in my home of Pensacola and the company has afforded opportunities to grow and I believe that it is something that should be equally attractive to the clients. Not many clients will be able to have the control that you will with having us in here. We listen to what you need, we research everything that you say that you want and we do our darnedest to make it happen and if we can't, you know the reason why. We feel that in this market we have a track record. We've been here since '92, started out really with a loss the first year, frankly because the client identified to us what they wanted and when we got through that first year we increased the revenues by 11%, but then the expenses shot up, so we spent another year really getting cost efficiency in line and then going after the ultimate goal which was to expand the entertainment market in Evansville. We feel that we've done so with the Victory opening. It's busy. Really, the only problems I'm having with the Victory is finding dates to accommodate all of the folks that want to be in there and that's not just touring shows but being able to accommodate a lot of local groups that can finally be able to showcase their art. I believe that we are a good corporate citizen in Evansville and I believe that we already have established relationships and contacts here that would afford us the ability to hit the ground running and do a good job for you. Robin and her expertise is convention centers and I will have her speak for just second on that and then we'll open it up for questions.

Robin Cuneo: Good afternoon. Basically, as Sandie pointed out, my area of expertise is convention centers. Convention centers, the marketing, the sales and operations and we really believe that marketing and effective management is the key to the success of a convention center. We recognize that there are several constituencies and Ogden is particularly successful in working to develop partnerships with the CVB and the local vendors, local promoters and all other community involvement in hotels. We work very closely with the community as far as marketing, co-marketing the facilities and assist Sandie, people such as Sandie, with different campaigns. We have a very integrated communication program where we focus on advertising, public relations, trade show participation. We have a

national data base that we tap into and utilize throughout. This way we are able to shorten up the selling cycle and really focus on filling up the buildings with the appropriate business. We support the Convention and Visitors Bureau and we augment them with other types of campaigns. On a corporate level we provide the resources needed to compete on a local and national level.

President Jerrel: Before you leave, I think, are you the one that I should direct a question about the Metropolitan Entertainment Group?

Unidentified: No.

Robin Cuneo: No, I wouldn't be.

President Jerrel: No, okay.

Frank Russo: Just to react very briefly, I would say that Sandie came to Evansville from Pensacola. So Sandie is use to working in a complex government environment. Joe oversees the Pensacola account and is very analogous to this situation with the respect that you have to cooperate with two locals of government. We have to insure both of them that they are being treated fairly in terms of the shows that go into their respective facilities as belonging there, be used to the highest and best use. So I think you can't get a more experienced, hands on team, that is sensitive to those issues in which you have here. In addition, just very briefly, my own background I was the executive director of the Hartford Connecticut Civic Center, which was an arena, but also a convention center and worked on, for one year, as President of the Greater Hartford Convention and Visitors Bureau. I did a year's penance as managing the Jacob Javits Convention Center in New York City for Ogden and we have, in Robin, the convention center manager currently for us and prior to us at the World Trade Center in Boston. So our corporate team has experienced convention center management people. We have a growing convention center management list. We know what to do. We just opened three buildings in the last three weeks and we provide substantial corporate support for the management team at no extra cost. We bring them in to make sure that the buildings are properly overseen during the pre-opening phase and during the grand opening phase and then until we are really convinced that the local management team feels they are ready to go on their own. In which case, there's periodic visits and reviews by Joe Romano and we respect the people that are involved. Someone like Robin though, she might be based in New Jersey, would be working to basically route as many conventions and trade shows and meetings, especially those that have more regional and statewide chapters in this area into this building. You'd be surprised in the networking that goes on. So with that, we would be very happy to open ourselves wide open to any questions that you have and if one of them is about Metropolitan, I'll take it.

President Jerrel: Yes, we can go back to some of the others that haven't been answered, but I was just, we know that there has to be that arm that can reach out and bring in entertainment. Is this your arm?

Frank Russo: Well, we have a number of arms.

President Jerrel: Okay.

Frank Russo: We're not quite an octopus, but Metropolitan is a major concert promoter and if you read in there and in the presentation especially the addendum

you see that Metropolitan has been listed over the last several years as anywhere from number one to number ten in terms of promotion companies. They're basically regional although they were national with the Grateful Dead until Jerry Garcia's demise.

Commissioner Mourdock: But the question though, are you asking, is that a subsidiary of Ogden?

President Jerrel: Well, yes.

Frank Russo: They own 50% of it.

President Jerrel: 50% of it.

Commissioner Mourdock: Okay.

President Jerrel: So that's one of the ways that you can---

Frank Russo: So that is absolutely one of the ways. We also have Lisa Giglio in New York. Her sole job is to be in touch with artist's agents and in some cases the attractions themselves to find out when they're going on tour before anybody else does and alert our local managers to see if they can give you some of that, except for Sandie herself who is responsible for doing that same thing for country music type shows throughout the nation for us. So we have three people in addition to the building managers looking out for one another in addition to the regional office which is Joe Romano's office looking to, in some cases, to buy attractions in certain geographical areas and (inaudible). If we have either a good deal through us, through Metropolitan or in many cases the ability to promote in house or (inaudible).

President Jerrel: The one question that I know all three of us couldn't ask anyone else, but we have to ask you, is there enough business in this area or can we generate enough business in this area to support the Victory, Roberts Stadium and The Centre?

Sandie Aaron: Before I answer that, I would like a little input on the last question too. I believe that one of the reasons that Evansville is as successful as it is is because we have developed an event mix that offers stability and a foundation to build on. That way when one thing is soft the others are not. That really ensures balance with the booking. One thing that we market on a regular basis is absolute service. In a market like this you just don't wait, you don't sit and wait for the phone to ring. You can't afford to because it's easy to be overlooked. Evansville, particularly there's so much to sell about Evansville because it's so centrally located in routing wise with tours, large and small. It's just prime for rehearsals and for them going in any direction really with their tours.

Commissioner Mourdock: Let me build on Betty Lou's question.

Sandie Aaron: Okay.

Commissioner Mourdock: And I'm sure she's right, it is the key question that we have to consider with Ogden. It was mentioned earlier that you have some of the convention's dinners, the very large dinners and such at Roberts, it seems to me you're in a no win situation in that would you not be trying to push some of that business into The Centre? Maybe I'm assuming, but it seems to me that puts you

in a bind with the city.

Sandie Aaron: Not really. There are a handful of events that are at Roberts now that are already somewhat displaced because of the Vanderburgh renovation. Most of those will probably go back to the Vanderburgh and we have already been working to book things to go in their place.

Commissioner Mourdock: And I don't mean to put you on the spot---

Sandie Aaron: That's alright.

Commissioner Mourdock: ---and don't answer this if you can't, but just so we know, what events are you talking about? What is it that's displaced?

Sandie Aaron: The Farm Show, a couple of big banquets that we're actually doing on the floor and it's difficult because we really don't have the kitchen facilities. It really takes a lot for us to be able to pull these things off. Now, one event that comes to mind that I know will not go back to the Vanderburgh is the Easter services and that's---

Commissioner Mourdock: Won't go back to the Vanderburgh?

Sandie Aaron: Won't go back to The Centre that are at Roberts now and that's the Easter services and that's only because it's grown and it does 5,000 or 6,000 people now, but we're very well aware of already programming that may or may not be suitable for a smaller venue and we're already working to fill the dates. During the winter months, which is the busiest season at Roberts, I struggle. We did 137 events last year and I've really struggled to find enough dates to accommodate everyone.

Commissioner Mourdock: Have any of you on the team here been in this situation before, where you've had a city/county type arrangement that we have here? Where you've moved into one after having done business for the other?

Sandie Aaron: I have.

Commissioner Mourdock: Is that the Jacksonville situation?

Sandie Aaron: Pensacola.

Commissioner Mourdock: Pensacola.

Sandie Aaron: Ogden opened Pensacola Civic Center and it's a county facility in the city limits. They opened that in January 1984 and we actually did pre-opening services with them.

Commissioner Mourdock: And you were under contract with the city prior to that time?

Sandie Aaron: We were under contract with the county and then in 1987 we were able to bid and were awarded a city contract for an 1,800 seat restored theater and I think (inaudible) an auditorium there that was really about the same age as this one was. Not only then, but now we have a very cohesive relationship with them. That doesn't mean that the city and the county necessarily partner events or anything, but

we serve many masters and we're certainly accustomed to it.

(Several inaudible conversations.)

Frank Russo: To throw a question back at you, because we really don't know.

Commissioner Mourdock: Sure.

Frank Russo: Typically, an arena manager's nightmare would be to have a flat show which means it would be a convention/trade, show meeting or banquet booked probably on a weekend in prime time season when we're trying to have concerts that are on tour, basketball games, touring family shows and then find out that we have a flat show that doesn't generate nearly as much profit as a full house so we lose that one night major attraction because it's not the highest and best use of your (inaudible). Basically, it eats up heating and air conditioning, there isn't enough people to generate either parking revenue or the food and beverage revenue that you typically get from an arena per se. So in our view, the base here of business should increase geometrically because Roberts Stadium can now be used as an arena and the marginal effect of losing some of these kinds of shows that should go in a convention center would be relatively minimal especially even on one night that we would make up the difference with an arena show. So we can begin building a base that doesn't compete with what our main focus is at the arena, which is arena. So now we've got a facility where you can book unrestricted year round conventions, trade shows, meetings and banquets in a facility appropriate for that and really not lose, I think anything, for the city and the arena. The balance you would think would come in the difference between the new Victory Theater and the auditorium. I think Sandie can explain it, there really is a huge difference between your capacity and our capacity.

Sandie Aaron: Absolutely. The Victory, while a beautiful facility, and I think it will be well utilized, certainly has it's limitations. It will enjoy a really good Broadway season this year, but not nearly the size of the Broadway that will go into your facility simply because of the size of the stage, the technical issues. There's no way you could do large Broadway there. Not to mention the number of seats. Everything with a touring show whether it's Broadway or concerts, it's all driven by the returns. It's all driven by the bottom line and so a larger Broadway means what, more expense. So they've got to have more seats in order to be able to keep the tickets reasonable. Because that same show, if you could fit it in the Victory, you'd have ticket prices you couldn't afford. The people couldn't afford.

Commissioner Tuley: I think, Sandie, the only question, you know, that we were trying to evaluate these down to get this into a reasonable amount of companies to bring in here, the only real concern, I think, that was expressed about Ogden was the type of questioning you're getting right now. I mean, you have a track record here, I think everybody is really satisfied with Ogden and what you've been able to do for the stadium. I still don't totally understand how you have a contract with the city, you just gained another facility and I realize I don't see too much of the competition between this facility and the Victory as you just pointed out for those reasons. Whereas there's also a lot of other different things that will go in the stadium that are not suitable for either one of these facilities as well. But, when you get to that one that could go into any one of the three and they all three happen to be available, how do you juggle and justify to the city people over here saying you know we've had a contract with you for several years, you've done well, you've made us money and what have you, yet the county's looking to you for their \$35 million

expenditure to say we need revenue coming in as well. How do you juggle that and make that determination? How do you satisfy both these masters?

Sandie Aaron: I think the determination is on the promoter's side. Because the promoter is going to do what he can afford to do.

Commissioner Tuley: Does what he has to do.

Sandie Aaron: Yes, he has to do what he has to do. To put on a convention in Roberts Stadium is doable, obviously, we do a couple of them. We work very cohesively with the CVB. We've went out and got underwriting and bid and won a three thing for the Great Lakes Valley Conference, that it's going to be serious on the impact to the community, but to put on a convention in Roberts, while doable, it's not an easy feat because it wasn't designed to be a convention center in the first place.

Commissioner Tuley: Well what about communicating between the two bodies and the Convention and Visitors Bureau, do you anticipate that this is something that when we get in a situation like this that you may need to call together these bodies and say here's where we're at---

Sandie Aaron: Absolutely.

Commissioner Tuley: ---other than the most obvious ones that you just said. Conventions obviously Roberts Stadium wasn't designed to be a convention center.

Sandie Aaron: I don't believe the client should ever be the last one to know. Everything that we do, even unique situations with programming at the stadium whether it might be controversial or whether it might mean some concession here and there I always speak with the client about it and explore their wishes.

Frank Russo: We recognize the potential concern for both the City of Evansville and the (inaudible) Vanderburgh County have. What could perceived as conflict of interest. I would draw your attention to a couple of examples, currently in Anchorage, Alaska we manage the Sullivan Arena and we manage the Egan Convention Center. Both facilities are city facilities, however, our contract with the management of Sullivan Arena is with the City of Anchorage and our contract for the management for the Egan Convention Center is with the Anchorage Convention and Visitors Bureau. Effectively competing entities. Two buildings approximately the same size square footage wise, the Egan Center located more centrally downtown into the hotel corridor with a lot more breakout space. A traditional convention center. We're required to balance those needs, not only in locations like Anchorage, but we would be required to balance those needs again in Evansville. My personal experience at the Iowa State Center, excuse me, Iowa State University, that's a complex of facilities which has two performing arts theaters, 2,700 seats and 450 seats. A conference and convention facility. A 15,000 seat arena with approximately 30,000 feet of flat floor space and 56,000 seat stadium. Routinely, even though all owned by the same client, everyone of these buildings have a different programmatic agenda, and Sandie is quite right in saying that when an event occurred at either or all buildings, a portion of the buildings, or a single building, typically that decision was given by the promoter for the event sponsor because it's based quite frankly on economic decisions that they are working with. In the case of an event, what is the artist guaranteed or what are the royalty rights for a particular touring show, how many seats do they have to sell, at what point in

time do they get into what they call percentage where the revenue that they will make will exceed what the guarantee is? What is the potential for percentage? A case in point being an event that may fit in Roberts Stadium may not be the right event for Mesker Amphitheater. An event for The Centre may not be the right event for The Victory, predicated strictly on the financial aspect of the event. So there are a number of forces here, it would be very difficult for us to say that we have the wherewithal to balance what event goes where. As professional facility managers it's our job one, to maximize the event activity and rather than redistribute it our job is to grow that level of event activity so we fill all these public assembly facility spaces, not allocate events to them based on the current inventory. And two, it's our job to create an environment that incentivizes people like promoters and show producers to bring those events, their events, to the markets that we serve.

Commissioner Mourdock: Time out, we need to change tapes.

### **Tape change**

Sandie Aaron: The other thing that I see is an opportunity because of having all of the facilities, an opportunity to do bigger events, i.e. I see convention business that we've never been able to host here in this area for lack of meeting space to be able to do that in the convention center and maybe they want to have a meeting, whether the meeting is large or small it either goes in the auditorium or it goes in the Victory. Maybe it goes in the Victory with the entertainment that night at the Vanderburgh. Not taking anything away but having a bigger picture to sell to these folks that now may be going to Louisville or St. Louis or Indianapolis. So I see it as an opportunity to offer our potential clients a bigger picture.

Frank Russo: We're saying that because if you can picture your new convention center full of exhibit booths and during the course of that exhibition, that trade show, there is a desire for a general session of 2,000 or 5,000 or 10,000, we now have the facilities without having to tear down the exhibit booths and cost the client more money. We could book entertainment for the group, association, that organization at Roberts Stadium or at Victory if you require facilities. We can have a banquet in a very unique setting without tearing down all the exhibit booths, so that someone gets a concentrated experience here when you have all the facilities to serve that client as you've never had before. So we think that there is far more upside by integrating and coordinating all these facilities and there would be and putting in (inaudible) in your competition both incentives and different ways to compete with one another. That's where the competition, I think, would be more adverse for both parties because it forces both parties to really trench and really go after each other's business in order to achieve some bottom line for the county versus the city. We think we're in the unique position to really blend both and grow business as Joe said, which is the key. It's not reallocating existing business, it's growing the business way above and beyond where you currently are to meet your potential. That's why we're here and that's what we think we can do. We think we can do it better and cheaper and for a much better return for you than anybody else.

President Jerrel: I have had the opportunity several weeks back of speaking with Leslie, but are we okay on the non-competitive clause in the contract?

Sandie Aaron: I met with the mayor and had his permission to bid on the project to begin with and he said as long as we can show economies to scale and show that the city does not lose money that he has no problem with it. So, certainly we would revisit that with him.

Commissioner Mourdock: Knowing Frank, he probably said as long the city's is one penny less, right?

President Jerrel: There was some interest on Leslie's part because of the...I don't know that the economy of scale works well with human beings, but she felt like --

Sandie Aaron: It absolutely does. To have a bigger umbrella to get the job done and work more efficiently for less money, I mean, that's hard to beat.

Commissioner Tuley: On that one, still on that sub because I've got legal Joe over here whispering stuff in my ear, according to your contract, according to Joe, with the city, you must get written permission. Where is that? I mean, is that forthcoming?

Sandie Aaron: The mayor said go ahead and bid on it and if you are selected then we will address it.

President Jerrel: And I spoke to him and asked him the question.

Commissioner Tuley: Okay, he's not going to give it to you until we're ready to sign on the dotted line.

President Jerrel: Yeah.

Commissioner Mourdock: Or I would guess at least begin serious negotiations.

Sandie Aaron: Right.

Commissioner Mourdock: If I may change the subject somewhat, Mr. Russo, when you were talking, you commented about food service and obviously, Ogden does food services at other places. You suggested it could be something that would be open or something that would be subcontracted. You're the expert. What should we do?

Frank Russo: We will provide good food service. I think the question is whether or not the emphasis is going to be on catering or whether it is going to be on fast food concessions. So I think the key to this, and I don't have that answer, is whether the nature the events and how much space in a convention center is going to be devoted to concession stands for fast food and beverage service as opposed to the more expensive fine food presentations and catering. If it was primarily catering we would strongly recommend probably, and I would confer with Sandie on this, that we would open the building to local caterers so that people in the community have their preference. We would charge a case fee for usage and a clean up fee and on occasion we would be prepared to cater it and we would probably on an in-house basis in this market provide the fast food and beverage service for flat shows or public trade shows, the car show, the boat show, home show --

Commissioner Mourdock: Did I hear the plural, caterers as opposed to having one preferred or one licensed caterer for the facility? Is that the way you think?

Sandie Aaron: When we began to research what to do at the Victory, we had a lot of outcries from the community from outside local caterers that really wanted to be involved. And the city's intention was that it be a multi-use, not, they wanted it inside and out, you know, used not only by promoters but in every way. And so we sent out

letters and we developed a preferred caterers list that we send out with our contracts now and that's what I would recommend. If you've got high-end catering and a lot of it, if the bulk of it is going to do that, I would certainly offer it.

Commissioner Mourdock: What food service handling facilities are there in the Victory? I mean, do they have --

Sandie Aaron: There's not. There is a prep kitchen, but there is not a full service kitchen at all. It was designed for outside catering to come in. At The Centre, certainly you're going to turn out some...what was it? Some 1,200 meals a day, up to that, I think. And so I really think that as we get closer to it we would just look at the turnover, I mean, the volume that we're going to want to be delivering.

Joe Romano: I would add to that, catering, I think as we all know is a key component of the service provided especially at a convention center. It literally can make or break you based upon the quality and the service there. We, quite frankly, are flexible and want to typically work with the client prior to making the recommendation. Certainly we have the resources inside the company, inside our food and beverage division; however, in just about every location I can point out, we can appoint to you subtleties and specific changes. Fargo North Dakota, FARGODOME, 26,000 seat facility, indoor football stadium. Obviously given that much flat floor space it has become the FARGODOME convention center especially for the major agricultural trade shows. We do food and beverage there in-house, inside facility management inside our division. Catering, however, was specifically contracted out. It was done so intentionally by the FARGODOME Authority to provide a local business spinoff for local caterers as a business opportunity. Pensacola, Florida, Ogden Food & Beverage, our sister division actually serves as us, their client, facility management as a result of the client's desire for a separation of contracts. There are multiple methodologies and, quite frankly, we attempt to assess what best serves the market and the client's needs before we make a solid recommendation, but you have, quite frankly, with us a broad continuum of options that we can explore both from a service standpoint, from a community standpoint and from a revenue generating standpoint.

President Jerrel: What about the building itself? The care, the operation, maintenance?

Joe Romano: We are a full facility management company and that includes the maintenance of the infrastructure that we are trusted with. Certainly I am not going to propose to you that we can get in and make recommendations on structural modifications and then deliver associated blueprints. That's not our forte; however, we do put in place a comprehensive program of preventative maintenance specifically designed to meet or exceed the specifications of the manufacturer's warranties on all the equipment. There is no pat plan. We certainly have the outline and the necessary software, we work with a number of building management systems both automated in the newer facilities and literally by hand in the old facilities and establish that program. But it, quite frankly, becomes a custom program. We certainly hire technicians qualified and prepared to deal with the necessary certifications to do that work. We provide oversight from an operating standpoint at the local level and utilize our resources throughout our network of facilities to continue to check and evaluate that performance. One of the things that specifically we have been doing with convention centers is giving the preventative maintenance program that has been designed for the North Charleston facility which is not on line yet, but under construction. It has allowed us to jump ahead and

update a lot of the materials that we have for that particular area of responsibility and subsequently, we're spreading those out amongst our field operations. But literally, again, I will back up and say the answer to that is predicated on what's built and what's here because we will customize that to make sure that the equipment is maintained to the highest standards.

President Jerrel: What about the... we've had other companies speak to this, what about the setting up and taking down and the need to do that periodically or not for periods of time, how would you see that working? I mean, do you have...

Sandie Aaron: (Inaudible -- comments not made from microphone)

Joe Romano: Why don't you address that?

Sandie Aaron: That would all be done in-house. While we have this location, this locality, we had eight Ogden employees and then six city Teamsters. I have expanded that by four now for this contract, but we also have some 275 odd part-timers that are used for everything from ticket selling to ushering, ticket takers, maintenance, we use stagehand crews, whatever it takes to get the job done.

President Jerrel: So you could run this facility in its entirety?

Sandie Aaron: Absolutely, without a doubt. No problem.

Commissioner Mourdock: Changing subjects one more time, if we may, --

Frank Russo: Could I just maybe --

Commissioner Mourdock: Sure, go ahead.

Frank Russo: -- just for a second. We didn't really get into the synergy combined management. I mean, we started touching on it, but there are other areas. For example, combined box office operation. And what typically is a volume rebate that you would get from computerized ticketing companies, so if we combined those sales from all the box offices into one contract, you get a better rate per ticket transaction and a greater rebate once you get a volume that is part of the network as opposed to just your center standing on its own. Salesman marketing, we haven't really talked and you probably haven't thought about the degree to which you are going to seek commercial advertising, sponsorships or other types of messages. But typically, a convention center or auditorium is not nearly as desirable commercially (inaudible) as an arena. With an arena, we have the capability that we already know. We have the capability of delivering value added benefits to people that buy sponsorship and advertising at the arena. That would apply directly here so you are likely to benefit directly and significantly from our ability to do an oversell, if you will, at the Roberts Stadium to the benefit of the county Centre. Purchasing, volume purchasing, meaning services or supplies make a tremendous amount of sense. The (inaudible) use of full-time and part-time people so that you don't have to have as large a full-time staff when in fact we do coordinate the use of those people and keep your overhead down. The area of common financial reporting, and administration and auditing, the common source there, and I know you have to have independent books and we have to have an independent set of books for our own (inaudible) Ogden is a public company, but there are economies there. And certainly coordinated use of very, I think, good labor agreements would also be to your benefit as well as our common (inaudible). So those are areas, just very quickly, where we

think coordinated management works to your advantage.

Commissioner Tuley: Frank, this is a pretty simple question, but you guys have got listed a lot of different clients and what have you, and once you've been given a contract, have you ever lost any or at a renewal process? Let's say you had a contract with us for three years, come up for renewal, have you in the past with some of the other customers, lost them for any particular reason or have you even lost any?

Frank Russo: Yeah, we have. We have lost, although lost, I guess, in the true --

Commissioner Tuley: (Inaudible -- several speaking at once.)

Commissioner Mourdock: (Inaudible -- several speaking at once.)

Commissioner Tuley: Politics, somebody give me an excuse, well, I shouldn't say excuse, explanation, of well, there was a political change and therefore our contract went out. Has there ever been what you would call a belief by the county or city or whoever you were doing business with before that you were not performing and therefore would like to give it to somebody else?

Frank Russo: No, we have never lost a contract. There have been a couple of situations where a client has exercised an option not to renew. In one case, in Dayton, they decided to go in-house, at the Jacob Javits Convention Center, the state of New York decided that they wanted to manage it. They'd always had a parallel organization. Recently, Hartford, Connecticut, it was a managed account but when the Hartford Whalers became the Carolina Hurricanes the state of Connecticut wanted to bring in the New York Rangers owned by Madison Square Garden out of Binghamton, they wanted to manage the Hartford Civic Center. We were bought out by the state of Connecticut for more money than we would have made if we were there for the 16 years remaining on our contract. That was voluntary. I am not prepared to go into each and every one of these cases, there are about four or five like that, but we have never been terminated and we have never been in default of any contract.

Commissioner Tuley: That may have been a better question --

Frank Russo: In fact, the case being, I think you'd find much more relief if you were to look at how many of our clients have renewed over and over and over again or expanded our responsibilities.

Commissioner Tuley: Okay.

Commissioner Mourdock: Coming back to what may be the unusual question of the day, but, and maybe this one goes to Robin. From what I understand, you are part of the marketing and sales, but in putting the 35 million dollar investment in this community, obviously, we're hoping for the first time we have a lot greater presence in the convention business, are you ever incentivized in your contracts since you are a nationwide, international company? Are you ever incentivized to move an event that let's say, I am going to pick someplace, if it's in Charleston this year at one of your facilities, are you ever given an incentive to have that moved to another of your facilities, some other city the following year or within a couple of years?

Frank Russo: I can answer that. The answer to that is no.

Commissioner Mourdock: Why wouldn't you be? Why wouldn't you want to be?

Frank Russo: Well, number one, the issue has never come up. Number two, we haven't thought of it, number three, maybe not in that order, number three, what happens is, the incentive to us is to generate profitable business, if you will, that works its way to the bottom line. Even though at our proposal, we make more money than an extremely well based management fee for Ogden by virtue of producing and recruiting your net operating return. So the degree to which we can pump business in and refer business, that's part of what you pay for is a base management fee. We wouldn't expect an incentive and the incentive sometimes for business that you get may or may not be profitable business. We haven't really established a booking policy with you. We don't know whether you would rather have an activity or break even activity or a profitable activity and there's a huge difference not only booking events, but what impact they have on your bottom line versus the so-called indirect economic impact they have city and county wide. So I would say we would certainly do it, but we've not done that and we feel properly incentivized by bringing the business if it improves your bottom line.

Sandie Aaron: I'd like to add, though, now though, when it comes to the other side and other touring shows, we need to have leverage --

Commissioner Mourdock: Yeah, I understand on the show side.

Sandie Aaron: -- with routing because the easier you make the job of routing for an agent, the better off we all are and so we need to have that.

Commissioner Mourdock: Yeah.

Joe Romano: I think, if I understand where you are going, if the community looked at specific activities, and please tell me if I am heading in the wrong direction, would we ever be incentivized to bring those activities, those conventions, those meetings to this location. We are incentivized through our management contract to do that, but the reason that I don't believe, and quite frankly, Frank was right, I am not sure that we have ever thought of it in that particular way, as I look at the convention centers that we manage throughout the central region: The Egan Center in Anchorage, obviously, off the beaten path, but highly successful and highly sought after and not necessarily by virtue of location only because the fact of the matter is tourists are there during the summer, our biggest convention season is in the off season up there. The Sioux Falls Convention Center which we managed until recently and voluntarily stepped back from because the city of Sioux Falls utilized that as a negotiating element to get a brand new first-class hotel on the property. We're still involved in a consulting capacity. The convention facilities at the Iowa State Center, the Five Season Center Arena in Cedar Rapids, no convention facilities in the city of Cedar Rapids; however, the Five Season Center by design is the largest flat floor space available and it is attached literally, physically attached to the downtown's premiere hotel. It becomes Cedar Rapid's convention center; similar to the situation in Pensacola as well. Of course, we have North Charleston coming up, I've mentioned that already. In every one of these locations, including Robin's at Meadowlands, and the others where we manage arenas or convention centers or some amalgamation of the two, we are constantly out there at both the national, regional, and local levels working with the CVB's in those areas, with the tourism groups in those areas, and with business development as well as our other peer staff, looking for those events because that event, that meeting that comes to your facility this year typically needs a place to meet next year and the year after that

if they are on a three or five year rotation cycle. You can't go out and buy it because by buying them you've substantially reduced your revenue potential and there is no guarantee that this will become an annual event. Annual events of significant magnitude typically happen at the regional level where there is a motivation to be in a location year, after year, after year. So certainly, we are looking at that business as well. But at the national level, it becomes very difficult to reach out and grab one just to bring it here and develop an incentive because typically everything that you have to give away works to your detriment from the client's standpoint from the bottom line.

Commissioner Mourdock: You started your comment by just kind of hypothesizing where I was coming from with a question, and the question, the goal that I see for us in this facility is, as I said, is just to have more of a national presence and I realize we're not going to get any major political party, national every four year type convention here, but maybe it is something to think about down the road, too. We just want to have...it's like any retail business, getting them in the door the first time is the hardest part. If you do it and do it right, bringing them back the second time --

Joe Romano: You're absolutely right --

Robin Cuneo: -- as far as what you were talking about, under the umbrella, when we go to these trade shows and we are (inaudible -- microphone not turned on) there is a greater presence with Ogden and then all of our facilities in that booth than if you were to stand along or even (inaudible) you are definitely getting greater ability and awareness with Ogden. And when they look at our facility it may not fit, they may look at something else. All we sell is the destination but you can absolutely sell the service because we have customers that come back to us time and time again when they learn of another facility, especially our consumer shows, where they're looking to enter in new markets (inaudible) take the home show, the boat show, RV show, those are all shows that are looking for new markets where associations, they decide where they want to go and those are based on different decisions. But clearly the consumer type show wants to go to an Ogden building (inaudible) relationship with us and they're able to get the services they need and (inaudible).

Joe Romano: I think, back to your comment about the national convention, certainly you have to look outside the box, if you will, break the periderm. I know from personal experience as a president of a convention and visitors bureau and being a board member that it is not too far fetched to believe that a national convention is within reach because that allows you to establish the goals and objectives to move forward. We certainly wouldn't propose nor would we allow ourselves to draw a box around the facilities in the community and say this is the only type of event that may fit here because that defeats the purpose of the synergies generated by bringing all these buildings and all these resources together in the community of Evansville.

President Jerrel: Well, I want to thank all of you for coming and we certainly, it's been very informative and I hope that the presentation you've made...what we're planning on doing is being able to discuss and review these and we're not going to make any decisions this evening, but we'll have our attorney get back with you hopefully in a short period of time because we'd like to get this moved ahead and settled...in November? In November. Thank you all very much.

Joe Romano: Thank you very much and good luck.

Commissioner Mourdock: Thank you.

**Vanderburgh County  
Special Commissioners Meeting  
October 19, 1998**

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President Jerrel: Is there a motion to adjourn?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Meeting adjourned at 6:45 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Mich Sauers  
Lynn Singleton  
Norbert Mongeon  
Steven Peters  
Bruce Newmaster  
Gordon Smith  
Jeff Kossow  
Frank Russo  
Joe Romano  
Sandie Aaron  
Robin Cuneo  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

Recorded: Charlene Timmons  
Transcribed: Charlene Timmons, Teri Lukeman,  
Todd Hochstetler and Kathy Sartore

**Vanderburgh County  
Board of Commissioners  
October 26, 1998**

The Vanderburgh County Board of Commissioners met in session this 26th day of October at 5:42 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I would like to call the Vanderburgh County Commissioners' meeting to order. The first item, I would like to introduce the people in the front of the room. On my right is Tony Greubel, the Administrative Assistant; next to him is Joe Harrison, Jr, the County Attorney; and Pat Tuley, Commissioner; to my far left is B. J. Farrell, who is the Recording Secretary; next to her is Suzanne Crouch, the County Auditor; and Richard Mourdock, County Commissioner is to my left; and my name is Bettye Lou Jerrel, and I ask you to join me in the Pledge of Allegiance.

(Pledge of Allegiance was given)

President Jerrel: Thank you very much.

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes from the special meeting on October 19th of the Vanderburgh County Commission and also the regular meeting of the Vanderburgh County Commission on October 19th.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Certification of Executive Session**

President Jerrel: The next item is the certification of the Executive Session. It was advertised and we did discuss county personnel matters and litigation.

Commissioner Mourdock: I'll move approval of the summary minutes as noted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Open bids - Raze structure at 412 North Elm Street**

President Jerrel: The next item on the agenda is the opening of bids to raze a structure at 412 North Elm Street. Is there a motion to approve that?

Commissioner Mourdock: I'll move approval as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered. We'll go on and come back to those.

**Cost estimate  
Evergreen Heights Subdivision Barrett Law project**

President Jerrel: The County Engineer.

John Stoll: That letter is the maximum estimated cost for the Evergreen Heights Barrett Law Sewer. The cost estimate remains at \$225,000. The plans and specs remain unchanged as well.

Commissioner Mourdock: Do you need a motion for approval?

Joe Harrison, Jr: Yeah, a motion to accept the recommendation.

Commissioner Mourdock: I'll move acceptance of the recommendation of the County Engineer for the Barrett Law project for Evergreen Heights Subdivision in the amount of \$225,000.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Do we each get a copy or --

President Jerrel: No, that's the only one. Let me show Pat, he hasn't seen it either.

**Preliminary Resolution  
Evergreen Heights Subdivision Barrett Law project**

President Jerrel: Okay, the next item on the agenda is the County Attorney with a preliminary resolution for Evergreen Heights Subdivision Barrett Law Project.

Joe Harrison, Jr: Again, this is relating to what John just submitted to you all with regard to the Evergreen Heights project. This is a preliminary resolution for consideration by the board. This was done once before and it's back again. There were some changes to Exhibit A reflecting that all of the homeowners listed apparently only have one lot now or one parcel. Also, there was a change, I think number ten in the list there, they are new owners of the particular tract, so that's happened since the last time we were here and I have also with me a notice of public hearing that would be scheduled with respect to consideration of the preliminary resolution and a final resolution should this board go ahead and approve the preliminary resolution tonight, and that is scheduled for November 16th at 5:30 p.m. So if you all would consider this resolution at this time we could start the process where we would notify all the homeowners out there and publish notice in the paper and I have a copy of that notice as well.

President Jerrel: What is the pleasure?

Commissioner Mourdock: I think there may be a couple of people here who might want to comment.

President Jerrel: Is there anyone that would like to speak to this issue? Hearing none, is there a motion from the board?

Commissioner Mourdock: Seeing none, I would move approval of the preliminary resolution for the Evergreen Heights Subdivision Barrett Law Project with the final hearing to be scheduled on the night of November 16th.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

Joe Harrison, Jr: And then I have a notice to that effect setting forth that hearing if you would approve that and I'll have you sign that as well. I think you have the original preliminary resolution.

President Jerrel: Alright, let me put it in the file.

Joe Harrison, Jr: Here is an original and copies of the notice that needs to be approved and signed.

Commissioner Mourdock: And just as a formality then, I'll move approval of the notice as well.

Commissioner Tuley: Second.

President Jerrel: So ordered. Are the bids open yet?

Joe Harrison, Jr: No, not yet.

**Any group or individual wishing to address the Commission**

President Jerrel: Alright, is there anyone here that wishes to speak to the board about any item? We'll have to come back to the opening of the bids but if there is no one, then I move back to the County Engineer for department head reports.

**John Stoll - County Engineer**

John Stoll: Two weeks ago when the Ward Road drainage issue was brought up there were several questions that we were asked to check into and we've got some answers I believe on most of those issues. The cost to put pipes in from Knob Hill all the way down St. George Road is estimated to be --

President Jerrel: I don't think they can hear you back there.

John Stoll: The cost estimates for that project is projected to be \$100,000. This would consist of installing pipe from Knob Hill and the way down to St. George Road and we would expect that we would install thirteen inlets at various locations along that run of pipe. It would take approximately two weeks to get the plans revised and submitted to the utility so that way we could determine whether or not there were any conflicts that they would need to move out of our way in order to proceed with the project. There was also some discussion about an asphalt overlay, resurfacing the road to put a greater crown in the road and that cost is estimated to be \$16,000. There were questions regarding

the inlets that the county had constructed a couple of years ago on the height of the inlets and the water not being able to get into the inlets. While nobody went out and shot any elevations on those grades, it appears that two of the inlets were definitely too high and quite a few others might be able to be corrected by shoulder work. The shoulders were definitely too high to allow the water to get to the inlets and it looked like that would probably involve lowering, grading the shoulders down four to six inches for about a six foot or so path along the west side of Ward Road.

Commissioner Mourdock: Do you have a cost on that, John?

John Stoll: That would be something to be done with the county crews, so we didn't estimate the number of hours they might spend on that.

President Jerrel: Have you had a chance to discuss this with them?

John Stoll: Yeah. Stan and Eric and Valerie and I all met out there one day and we were looking over it, so they know what the work would involve, but as far as estimating any hours, we did not do that. The other issue that was discussed was the Knob Hill retention basin and that basin currently has an 18" and a 12" concrete pipe going into the basin and a 12" concrete pipe going out. So if either of those -- if both of those pipes were flowing full, then the 12" pipe should regulate the flow and detain the water. I believe that's all the questions there were.

President Jerrel: Okay, now let me get this straight. We're going to -- it'll take an additional \$25,000 to do the piping along that way on the east side of the road and then are you recommending the \$16,000 -- see, we'll have to go back to Council for this because we didn't have this much set aside.

John Stoll: The \$16,000, I would still be reluctant to do at this time simply because the pavement is still in real good shape out there and if we were going to pursue either pipes or open ditches along the east side, we can see how well that works and then potentially come back for the resurfacing when the pavement is more in need of resurfacing.

President Jerrel: Right.

Commissioner Mourdock: But, I understand that, John, but just let's assume for a moment that the paving was to be done this year, that the current asphalt was in poor enough shape that we were going to replace it, if we went ahead and replaced it now, would any of these other costs on the east side of the road change? In other words, if we spend that \$16,000, might we not need to put in as much of the hundred -- I mean, obviously, we'd still have money going in there.

John Stoll: I doubt it. I don't think it would change it that much. It may change some pipe sizes, but I don't know that it would make a substantial cost difference because ultimately, it would all either be piped or ditched in some way or another. I don't know exactly what flows are crossing the road, but I've heard everything from it barely crosses the pavement to being ankle deep and as far as that goes, I mean, I've seen it cross but it's only been a couple of inches deep, so as far as what volume of water that is, I really don't know at this time.

Commissioner Tuley: John, is it possible -- I guess anything is possible -- but, I mean, is it reasonable to maybe expect that if you did get it ditched and piped on the east side, the grading, shoulder work, and the inlets on the other two that need to be redone, that

we may not even need this? This could maybe be something maybe we could look at down the road if the others don't seem to quite work or if those don't work --

John Stoll: Are you talking about the resurfacing?

Commissioner Tuley: The resurfacing. To me it seems like we could spend, if we have it, the hundred thousand. Go ahead and do that and then look and see what happens and then maybe just the extra sixteen a year or two down the road may be the icing on the cake that just finishes the project if that's what it takes.

John Stoll: I think that could be a possibility mainly because the pavement still is in good shape and it doesn't really look like it's bad enough that it's going to need resurfaced next year --

Commissioner Tuley: I didn't ask it very well, but if you've got the ability to capture the water on that west side of the road maybe there won't be as much going over the road is what I am trying to get at. I didn't say it very clearly but that's what I was trying to get at. If we could get that water staying on the west side by virtue of the fact that there is a place for it to go into and drain off, there may not be a need to even do that later, but we can always come back to it.

John Stoll: Right. Yeah, that's bound to help.

President Jerrel: And that work can be done now. I mean, the bridge crew when they get into the winter mode they can still do that work at that time of the year.

John Stoll: They can do it, the only problem we might be seeing is erosion throughout the winter. As far as once they strip those shoulders of all the grass, then we could have a problem with erosion throughout the winter. But beyond that, yeah, it's definitely work they could do.

Commissioner Mourdock: The one thing, if we're going to have the county crews doing some of that, that we didn't do very well before, unfortunately, is to have your office coordinate with them every elevation that they are working with. I mean, we don't want them to go out there and do something again that doesn't fit what it's supposed to be doing. And we need to make sure everybody understands before anybody gets in the truck what that is all about.

John Stoll: Yeah, we can work with them on that.

President Jerrel: Is there, -- I'll need a motion to go on Council call.

Commissioner Tuley: I'd be willing to move at this time that Commissioner Jerrel be given permission to go before the Council call for an additional \$25,000 so that we can begin the work on this project.

Commissioner Mourdock: Second.

President Jerrel: And I'll say so ordered. You can go ahead, if we -- we need to act on the going ahead anyway. We can go ahead with what we've got on hand and get started now. I think there's \$75,000 in place, so --

Commissioner Tuley: You can't do much of anything rather than redo the plans right

now, can we?

Commissioner Mourdock: Right.

John Stoll: Yeah, that will be the first thing we'll have to do is redo the plans.

Joe Harrison, Jr: And by the time he gets that done it will be time to let it out, won't it? Oh, you're not going to let anything out, are you?

Commissioner Tuley: Yeah, that was being done by someone else, was it not?

John Stoll: East side was bid out --

Commissioner Tuley: East side was, the west side we'll do it ourselves.

John Stoll: Correct.

Commissioner Mourdock: I'll be most curious to see what kind of cooperation we get from the other utilities given that it was one of those other utilities that put its pumping station right down at the bottom of the road that was a big part of this mess to begin with.

John Stoll: Yep, and it's all in right-of-way. There's no easements that I am aware of, so it should not be reimbursable, it should not be at our expense.

Commissioner Tuley: Well, that's what I was getting ready to say given the fact that we've just kind of let them keep it, the other one. They ought to be wanting to work with us on this, so we just go back and revisit the whole thing.

President Jerrel: Okay, so we don't need any kind of motions, we want you to begin.

John Stoll: Redesign with the pipes.

President Jerrel: Redesign, get it going, and move as quickly as you can.

John Stoll: Okay.

Commissioner Mourdock: And report back in two weeks as to what the progress is with the utilities.

John Stoll: Okay.

President Jerrel: And I'll go on Council call, so that will be done.

John Stoll: Okay.

President Jerrel: Is there anything else?

Commissioner Mourdock: Well, we've got Ward Road people here, is that -- I mean, we've kind of made the decisions and they're here, but I just -- are you comfortable with that?

President Jerrel: Is there anyone here that wishes to say anything from the Ward Road group? Okay. If not, okay. Thank you very much.

Commissioner Tuley: Thanks.

President Jerrel: Did you have anything else, John?

John Stoll: Also on Barrett Law projects I have a request from Andy Easley on behalf of the residents out in the Oak Hill Road/Rode Road/Bexley Court area. They are requesting that we proceed with the scheduling of a hearing and a preliminary resolution for that Barrett Law sewer out there as well. The maximum estimated cost of that project is projected to be \$500,000. I also have a letter from the Evansville Water & Sewer Utility that states that the plans were ready to go as far as the preliminary resolution but they do state that there are some easement issues that need to be resolved prior to putting the project out for bid.

President Jerrel: Does this project have a name, too? We're getting so many of these Barrett Law projects that, what do we call this one?

Commissioner Mourdock: This one had a subdivision name when it came up before.

Joe Harrison, Jr: Just Oak Hill Road.

John Stoll: That's usually how I have been referring to it.

Joe Harrison, Jr: Barrett Law Project.

John Stoll: Oak Hill Barrett Law.

President Jerrel: Okay, Oak Hill Barrett Law.

Joe Harrison, Jr: It will have the preliminary resolution for consideration on the 9th on this one.

President Jerrel: November 9th?

Joe Harrison, Jr: Yes, November 9th.

John Stoll: I do have the preliminary plans and specifications in my office for review if anybody wants to see them and here's the letters and the cost estimate.

President Jerrel: Okay, thank you very much. Is there a motion to proceed?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next, I've got a letter from Bernardin Lochmueller for the right-of-way acquisition for phase two of Lynch Road. There is a lake that in one of the right-of-way parcels and because of that lake they had to get another person, Mr. Jerry Aigner, to do some additional appraisals to assess the damage associated with the pond. So the additional fee associated with that work is \$150 and I need an authorization to go ahead and increase that right-of-way contract by that amount.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next, I've got a change order on the Daylight sewer, this would increase that project by \$508.80 and this is due to the casing pipe that was required in the contract was the wrong diameter. We need a larger pipe. They need to increase from a 14 to a 16" casing pipe.

Commissioner Mourdock: I'll move approval of the change order.

President Jerrel: Is there a second?

Commissioner Tuley: Before a roll call, yes. Remember, this is a --

President Jerrel: Yeah, right. Okay, at this time I'll call for the Commissioners vote on the change order for \$508.

Commissioner Tuley: No. Before you call my name, no.

President Jerrel: You vote no?

Commissioner Tuley: I vote no. I'm sorry.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

Commissioner Tuley: It's just that consistent word, that's all that is.

Commissioner Mourdock: I was going to say, be consistent.

John Stoll: Next I've got a request for an acceptance of a street, Equestrian Hills Subdivision. This entails the acceptance of 1,450 linear feet of Steeple Chase Drive. The street was constructed as shown on the plans; it's recommended that this street be accepted.

Commissioner Mourdock: I'll move acceptance of the street in Equestrian Hills.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next, I'd like to recommend that we award the Old Henderson Road culvert replacement to Deig Brothers in the amount of \$65,892. This is contract #VC-98-10-02.

Commissioner Mourdock: Were they the low bid?

President Jerrel: Yes, we took it under advisement last week.

Commissioner Mourdock: Right, I --

President Jerrel: What is it, 65-what?

John Stoll: \$65,892.

Commissioner Mourdock: Yeah, I was thinking they were not low for some reason, but --

John Stoll: They were \$126 lower than Koberstein.

Commissioner Mourdock: I'll move approval of the Old Henderson Road culvert replacement to Deig Brothers.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: And finally, on the Burkhardt Road project, the contractor has been placing surface asphalt on the west half of the road today and tomorrow and striping will follow. The surface and striping should be completed next week on the east half of the road, the seeding and sodding has been completed on most of the project and the traffic signal work is continuing with the completion of that sometime next week as well. On Burkhardt phase two, the storm sewer installation on the west half of the road has been completed. They were installing median curbs today and the asphalt base should be started either tomorrow or Wednesday and here again, they have been continuing with traffic signal work and they have done the seeding on the east side of the road. And on Cross Pointe and 62, the railroad work has been completed, the paving has been done on the I-164 ramp and the base asphalt has been placed between Morgan Avenue and the railroad crossing.

President Jerrel: Any other questions of John about the ongoing projects?

Commissioner Mourdock: None on the ongoing projects, but I do have one request. Tony, have you put out the notice on the infrastructure committee meeting for, is it this week or next week?

Tony Greubel: It's this week, Wednesday from 2:45 to 3:30.

Commissioner Mourdock: Will you be available, John? I've got to be out of town on Wednesday. Could you kind of lead that meeting and make sure everybody is contributing to the meeting and not just sitting back?

John Stoll: Sure.

Commissioner Mourdock: You smiled. You know what I am saying. You need to get everybody's full attention and participation.

John Stoll: Usually they have a hard time finding the meeting the way those things have been going as of late.

Commissioner Mourdock: Take names, please.

President Jerrel: It also is time to update our projects and we're about to complete all the

paving, that should be right at 100% and the auditorium report...Tony, would you mind contacting the project manager so that we know where that project is in terms of schedule and then we've got a December 1...

John Stoll: Phase two of Burkhardt?

President Jerrel: Yes, on phase two of Burkhardt, so we want to keep track of where we are on that one, too.

John Stoll: They have been having weekly progress meetings on the project and with the weather that we've had, they won't have any excuses.

President Jerrel: Right. Thanks. Alright, thank you very much.

John Stoll: You're welcome.

**County Garage**

President Jerrel: We don't have anyone here now from the County Garage, they were here earlier and they left. At this time, County Attorney?

Commissioner Mourdock: Just one question on the County Garage report, I did not get the forecast in my packet, I don't know if you got one as far as what they are going to be working on, so you might remind them of that.

President Jerrel: Okay.

Commissioner Tuley: Yeah, I don't have one, either.

President Jerrel: I don't either.

Commissioner Mourdock: I will move acceptance of the Garage report as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Joe Harrison, Jr. - County Attorney**

Joe Harrison, Jr: There were three bids submitted on the raze matter involving a structure at 412 North Elm. The three bids are as follows:

Company name	Amount bid
Crowe Wrecking Company, Inc. Evansville, IN	\$5,600.00
Floyd Staub, Inc. Evansville, IN	\$6,485.00
Ray Stradtner Excavating, Inc. Boonville, IN	\$5,800.00

I would ask that you take these under advisement and review the same for their responsiveness.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr: That's all I have.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Superintendent of County Buildings.

Tony Greubel: At last week's insurance meeting on Tuesday, Jack Crawford mentioned that he would like to have maybe Tony Flittner do an informational meeting for all county employees regarding health insurance options and the enrollment period is coming up soon, so maybe if we can just reserve this room maybe for an hour, then any county employees that want to come in with questions can come in.

President Jerrel: Okay, that's a good idea. He's willing to do that, too. And we might, depending upon whether -- Madam Auditor, have we put notices in payroll checks before?

Suzanne Crouch: That's normally how we communicate --

President Jerrel: Okay, so that's a good way for us to alert everybody. Okay. Yes.

Joe Harrison, Jr: I'm sorry, I have one other matter on the decision with respect to the management company for the auditorium and convention center, would you like for me to send a letter to the three remaining companies: Globe, Compass and Ogden, and notify them as to when this board might be making a decision? If you do, I would be glad to send them a letter and if you can tell me what date you intend to make that decision I'll add that in the letter along with a copy of the minutes from the meeting last week.

Commissioner Mourdock: Just one thought, knowing that we're not going to be meeting next week, and the following week our schedule is always very busy with Solid Waste, perhaps we could aim for the 16th to take a vote at that point to direct the County Attorney to notify the selected company.

President Jerrel: I want to ask you a question just on procedures. Do you think that the people, that they will come back that night or will they not come back that night?

Joe Harrison, Jr: They probably won't, but I gathered from the meeting that we had last week that they wanted to know what day you all were going to make a decision and I guess if they want to come back, that's up to them. But I wanted to send them a copy of the minutes and I thought when I did that I would tell them when you would plan on making a decision. So if it's November 16th, if that's what you want me to go ahead and tell them, that's what I'll do.

Commissioner Mourdock: And I guess again, just thinking of the procedure. If we, at

that point, direct you to go negotiate with company A, we need to also define a time period and if at the end of the time period you come back and for whatever reason we can't work it out, then we go to company B.

Joe Harrison, Jr: Yeah, I think it would be prudent to have it negotiated within 30 days after selection and you might want to make that motion whenever you select a company.

Commissioner Mourdock: Right, at the time, right.

Commissioner Tuley: If there's any additional questions do we submit them to Joe for his contact or should we try to contact them directly, or how do you guys want to handle that?

President Jerrel: I guess maybe we do need to clarify that. There are a few things that I would want to ask of the company that we're going to use, but I think they probably fall more in the realm of negotiations than they do... a question I'd want to ask each one of them.

Commissioner Mourdock: I guess what I envision is when that negotiations process begins, certainly Joe will be the main character in that, but --

President Jerrel: Barney might be, too.

Commissioner Mourdock: And perhaps Barney as well, and then any one of us or any pair of us sit in on those negotiations as we're available because I think all of us have got questions on specific areas and we need to make sure we get those questions to Joe.

President Jerrel: Right. Did you still have some more?

Commissioner Tuley: I am just thinking off the top of my head and I don't have a question that comes to mind, but if between now and the 16th when it is time to cast a vote, if I want to go back and review the minutes and say well, I really wasn't comfortable with that answer, I am not really sure they answered my question or your question or your question, should we go through Joe then and let him make the contact or just contact them directly ourselves?

Commissioner Mourdock: I think that you could go directly, I don't see any need to go through Joe.

Commissioner Tuley: Well, that's fine.

Joe Harrison, Jr: No, I don't see any problem.

President Jerrel: I am going to do just what you're suggesting. I think it's a good idea. I want to go back and I tried to ask the same --

Commissioner Tuley: Of each one.

President Jerrel: -- questions of each group, so I want to go back and review those, too.

Commissioner Tuley: Yeah, just compare notes because there was an awful lot of

information thrown at us in a short period of time that night.

President Jerrel: Right.

Commissioner Mourdock: Well, I will formalize what I said earlier. I think -- I hear it's acceptable that we direct the County Attorney to notify the companies that we will be selecting a company for negotiations at our November 16th meeting.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr: Thank you.

President Jerrel: Okay, next -- anything else?

Joe Harrison, Jr: No.

President Jerrel: Burdette Park.

**Steve Craig - Burdette Park**

Steve Craig: Good evening. I guess one of the things I do have is I wondered if you have any questions on the '97 - '98 income breakdown for the first three quarters. It should have been in last --

President Jerrel: No. It was in last week's. If the weather had held in the beginning, we would have been in good shape. It looks like all the revenues are up except when the pool was shut down because of the rain.

Steve Craig: That's correct.

Commissioner Tuley: How did we do overall, though? I mean, that's one half of the equation. What's the other half? Is that forthcoming?

Steve Craig: Overall, we're about \$21,000 above last year, but the pool is \$51,000 down from last year.

Commissioner Tuley: Okay.

Steve Craig: So if the pool would have ran at the same --

Commissioner Tuley: Which we understand why it didn't, yeah.

President Jerrel: Well, we've got a problem with school starting.

Commissioner Tuley: That's what I am trying to --

President Jerrel: Yeah, it's just --

Commissioner Tuley: Because it's still cold when it opens or when school ends it's still too cold and --

Steve Craig: Yeah, from August 12th until September 7th it's 90 degrees plus every day and sunny and we were closed every day except for the weekends. It's always going to be something. I mean, it's changed the structure of the way it was. August used to be our best month; if not, tied with July. But it was usually the best month and we've all but eliminated it from our --

Commissioner Tuley: I guess, is our deficit around the same as it's been?

Steve Craig: It's less.

Commissioner Tuley: Okay, that's what I was trying to get. We were provided with the income and I understand with the pool, the season, and all that, that income is going to be down I would think consequently, expenses associated with it would be down equally.

President Jerrel: Revenues are up and the deficit is down considerably because they did a lot of in-house advertising this year. I have to give Steve and his people credit.

Commissioner Tuley: Working with the radio stations and stuff.

President Jerrel: Right.

Steve Craig: Trading off --

Commissioner Tuley: Good. That's good.

President Jerrel: Is there a motion to accept the Burdette Park report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Don't forget the letters.

Steve Craig: I didn't, I've got one or two in and I've probably got ten more that's --

President Jerrel: Okay, I am doing the same thing, so we'll get together.

Steve Craig: But they're not coming in as quick as what I would like but everybody that --

President Jerrel: Well, we've got a little time.

Steve Craig: Yeah, we're working on them. We've got several of them. I am going to be on vacation for two weeks. I know there is not a meeting next week, but I may not be at the meeting after, it depends on if I come back in time or not, but Gary will be here if I am not.

President Jerrel: Okay, any other questions? Thank you very much.

Commissioner Tuley: Thank you, Steve.

### Weekly reports

President Jerrel: Okay, you have your report from the Soil & Water District. Is there a

motion to accept that?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. And you also have a report from the Ozone Officer.

Commissioner Mourdock: I'll move acceptance of that report.

Commissioner Tuley: Second.

President Jerrel: So ordered. I'll go back now, is there anyone that wishes to speak to the group?

Commissioner Mourdock: Maybe they're here for Drainage?

### **Consent items**

President Jerrel: Okay, at this time, let's go to the Consent Items. Is there a motion to approve the consent items?

Commissioner Mourdock: I'll move the consent items be approved as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered. There is a schedule of the future meetings attached.

### **Old business**

President Jerrel: Is there any old business that needs to come before this body?

Commissioner Mourdock: Just one bit of schedule. We had scheduled, originally the Jail Commission was going to meet this coming Wednesday, but a number of folks are out of town or otherwise have not yet submitted their report, so we put that meeting off until November 11th.

President Jerrel: It will be November 11th?

Commissioner Mourdock: Right.

President Jerrel: Okay.

Commissioner Tuley: That's not a county holiday by chance is it, for Veterans Day?

Tony Greubel: That's not a county holiday.

Commissioner Tuley: I just wanted to make sure.

Commissioner Mourdock: Good question.

Tony Greubel: I'll double check.

President Jerrel: Okay. Any other old business?

Commissioner Tuley: That may be, I think I heard the explanation that when we trade off for that Friday after Thanksgiving or Election Day or something.

President Jerrel: Yeah, I think it is.

**New business**

President Jerrel: Any new business to come before the board?

Commissioner Mourdock: None. Motion for adjournment.

Commissioner Tuley: Second.

President Jerrel: So ordered. There will be a brief break and then we will go on to the Drainage Board.

The meeting was adjourned at 6:15 p.m.

***Those in attendance:***

- Betty Lou Jerrel
- Richard E. Mourdock
- Patrick Tuley
- Joe Harrison, Jr.
- Suzanne M. Crouch
- B. J. Farrell
- Tony Greubel
- John Stoll
- Steve Craig
- Others unidentified
- Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
November 9, 1998**

The Vanderburgh County Board of Commissioners met in session this 9th day of November at 5:32 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Board of Commissioners' November 9th meeting to order. The first item on the agenda, I'd like introduce to you those of us up in the front of the room. On my right is Tony Greubel, our Administrative Assistant; next to him is Joe Harrison, Jr., our County Attorney; Pat Tuley, County Commissioner, is next to me; and on my far left is Charlene Timmons, the Recording Secretary; Suzanne Crouch, County Auditor; Richard Mourdock, County Commissioner; and my name is Bettye Lou Jerrel and I would like to ask you now to join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Thank you very much. The first item on our agenda is the approval of the minutes of the October 26th meeting. Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Bill Cottun - SCT Amendment 6**

President Jerrel: The next item on the agenda is the approval of Amendment 6. That's our contract with SCT and Bill Cottun is here.

Bill Cottun: Thank you very much. I'm Bill Cottun with SCT. We have before you our Amendment 6. The city and the county have requested that SCT provide services to support the Fire Department, the Water Department and also the additional users that are coming on or I should say the additional PC's that are coming on with the Court's project. We made a proposal and it was accepted to add on two additional what we call FTE's, or full-time employment positions. One is for a network administrator. Specifically that person will work mostly with the Fire Department and/or the Fire One application. He will also assist the Fire Department in networking their 15 fire stations to a central network sometime next year and the system development. The desktop support person will provide half of his time with the Water Utility and half of his time with the Court's project. In case the Water Utility is fully privatized and that position is not needed to support the Water Utility it would be used to support public safety.

President Jerrel: The only other change in the original contract is that we did reduce the cost of living to the actual.

Bill Cottun: Yes, ma'am. I don't know if I'll ever get that past you.

President Jerrel: No.

Bill Cottun: We did request a three percent annual cost of living. We agreed to reduce that to whatever the actual cost of living is each year instead of a minimum of three percent.

President Jerrel: And the total cost to us in terms of the employees will be one half of an individual.

Bill Cottun: That is correct, yes, ma'am.

President Jerrel: Okay, the PC person. Are there any other questions? Is there a motion?

Commissioner Mourdock: I'll move approval of Amendment 6 to the SCT contract as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you very much, Bill.

Bill Cottun: Thank you very much.

### **Jerry Bryan - Award of annual price agreements**

President Jerrel: The next item on the agenda is the Purchasing Department and I would like to introduce to you Jerry Bryan. Jerry is the new Purchasing Director. I've known him and his family all of my life and we welcome you. You know the day that you walked in the other office I thought you were here on some other kind of business. That went right over my head.

Jerry Bryan: You were one of my...my dad is a dentist here in Evansville and you were one of his--

President Jerrel: Patients.

Jerry Bryan: --patients.

President Jerrel: Well, he was a nice...they're both wonderful guys.

Jerry Bryan: Thank you.

President Jerrel: We welcome you and Jerry brings to this some 30 years of experience in purchasing, so we're very fortunate to have him and he has some items on the agenda for us.

Jerry Bryan: How do I present these? Do you just want me to go through them or...?

President Jerrel: Well, usually you might take them by numbers. For instance, the first one APA001-99. We have copies up here. You might just want to comment on the low ones--

Jerry Bryan: Sure.

President Jerrel: --and who you recommend.

Jerry Bryan: Okay, we've gone through this bid tabulation. I will say there were quite a few people who did not bid on it. We found the First Avenue Car Wash & Detailing Center was the low bidder and that is who we would recommend.

President Jerrel: There are the...oh, you've got them?

Commissioner Tuley: Yeah, I've got them.

President Jerrel: Okay. Is there a motion regarding that?

Commissioner Mourdock: I'll move approval as submitted.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

Jerry Bryan: The second one I would like you to consider would be APA002-99, to Mulzer Crushed Stone. As you see on the second page there were no bids received from quite a few people. IMI, Irving Materials, but they do not supply crushed stone so we recommend Mulzer.

President Jerrel: Is there a motion?

Commissioner Mourdock: I'll move--

Commissioner Tuley: So--

Commissioner Mourdock: --approval as submitted.

Commissioner Tuley: Second.

President Jerrel: Okay, sand and gravel.

Jerry Bryan: Sand and gravel, okay. Here again, Mulzer was the outstanding bidder and we bid quite a few people and, again, IMI did not bid because they did not supply sand and gravel, so we recommend Mulzer.

President Jerrel: Is there a motion?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: The last one to be considered is Evansville Battery. We bid them against Holderfield Battery and as it said on the last page the low bidder was \$18,000, a little over that, and the bid is awarded to Evansville Battery with a two percent discount at \$17,702 so that is how we got that.

President Jerrel: You're recommending--

Commissioner Tuley: Evansville Battery.

President Jerrel: --Evansville Battery?

Commissioner Mourdock: I'll move approval of APA008-99 for batteries.

Commissioner Tuley: Second.

President Jerrel: So ordered. Thank you very much.

Jerry Bryan: Thank you. I'm looking forward to working with the Board.

President Jerrel: Thank you.

Joe Harrison, Jr.: Jerry, I sent you a letter today regarding a surfacing materials bid that needs to be sent out within the next couple of weeks and I sent you a letter on that. After you get that just give me a call if you have any questions.

Jerry Bryan: Okay, there are a couple of other things I wanted to go over with you.

Joe Harrison, Jr.: Okay, thank you.

<p style="text-align: center;"><b>First reading</b> <b>Ordinance amending the Vanderburgh County Building Code</b></p>
--

President Jerrel: The next item on the agenda is the first reading for the ordinance amending the Building Code.

Roger Lehman: We have basically two items, the Building Code amendments and also the County Home Inspector Licensing ordinance. I believe you all have a copy of that and hopefully have reviewed it. I'd be happy to go through it item by item. I would be happy to summarize it or I would be happy to do anything the Commissioners desire relative to presenting it.

President Jerrel: Very quickly could you share with us what sort of research went into this licensing process?

Commissioner Tuley: Which one are we going to talk about first?

Commissioner Mourdock: Let's do the ordinance. That's the one that makes most sense.

President Jerrel: Okay, the ordinance first.

Roger Lehman: You want to talk about the building code? Are you talking about the professional licensing?

President Jerrel: Well, I was talking about the professional licensing, but let's do them in order instead.

Roger Lehman: If I could just maybe do a quick summary. Several things in the building code changes were not exactly editorial but they were things that were deemed necessary by either the way we actually performed operations or by the way the state reviewed or the federal government reviewed the way we did operations. I'm referring to Section 1...I'm sorry, Section 2 which is the state building rules and regulations. We

did things a little bit differently in our previous ordinance from the way the state law is so we changed that and made ours in agreement with that. Section 3 was the same. We had an existing code dealing with electrical services, but the state didn't approve of the way it written so we rewrote it so they would approve it. It basically says the same thing only it's worded differently, I guess you would say.

President Jerrel: Right.

Roger Lehman: The other things, temporary use of electric and gas and limited licensing and fences and a lot of these other things are really editorial in nature. Security fences we added a description on razor wire because the old ordinance only address barbed wire. Basically, razor wire was unregulated, so we added a regulation for that. We added some tightening of the site requirements on submittals for building permits again in response to review by the federal and state government on flooding and we recently have had a CRS review. The gentleman that was here reviewed all of our ordinances and has said that we now probably have one of the more restrictive ordinances from their standpoint which is good relative to floodplains in other places, so that part is good. The general context of the changes is in licensing and it creates a subcontractor license category. The current ordinance requires that everyone working on a job must either be an employee of the permit holder or hold a license and there were a vast majority of the people that were doing subcontract type of work for buildings that were neither an employee of the permit holder nor licensed of their own, so we created these licensing categories to help stop that problem of illegal working because technically these folks were all in violation. Now there has been several questions. We did have hearings at the City Council on this. I think we got most of the issues clarified in City Council. One of the primary things to remember though is if someone has a current license in the residential contractor end or the building contracting end they don't need most of these. There are a few exceptions to that, swimming pools, underground tanks and elevator and escalators. In other words, if you had residential building contractor license you don't need brick and masonry if your employees are doing the work. You don't need the framing if your employee is doing the work, you don't need all these others. However, the people doing that seldom were licensed and almost never were employees of the permit holder, so now we provide a method of getting these people licensed and can grandfather in without taking the test until July of next year by providing proof of previous business of three years and having three letters of reference of people they have done work for and providing the required insurance bonding. So that is kind of taking care of it. We've had our continuing education classes this year already and people who obtain subcontractor licenses will be required to go to continuing education three hours per year per license as we go on. Are there any questions?

Commissioner Tuley: Yeah, there are some questions in this particular area.

Roger Lehman: Okay.

Commissioner Tuley: I know there are some people in the audience that may or may not wish to talk about it. What is the magic about July of next year in terms of testing?

Roger Lehman: When we proposed this we proposed the grandfathering period close at the end of the year because we wanted to get the grandfathering behind us because it tends to haunt you over the years. City Council amended our proposal to say July 1st of '99 so that is the end of the grandfather period. After July 1st of '99, even if you have been in business and can provide letters of reference, you would not be eligible to obtain a license without taking the test. After July 1st you have to take a test to get a

license.

Commissioner Tuley: State...state designed and administered or who is going to give the test?

Roger Lehman: We give the test through our subcontractor, PTI. Block & Associates is the location of--

Commissioner Tuley: Out there on St. Joe or wherever?

Roger Lehman: Right, PTI out on St. Joe is the one that administers the test for us.  
Commissioner Tuley: Roger, and the reason I'm asking the question is because I spent three hours getting my ears peeled back last Thursday night by some contractors here in town.

Roger Lehman: Been there done that.

Commissioner Tuley: Yeah. Except you could probably answer the questions.

Roger Lehman: Yeah, right.

Commissioner Tuley: I don't mean it negatively. I mean, they had some concerns and they called me so I met with them and it was, it was a three hour meeting and that's what we went over. Some of the concerns, and hopefully they won't feel like they can't get up and speak for themselves, but I want to go back over it. They have a general contractor license...

Roger Lehman: Right, they have a residential contractor license they can perform all these activities except for the ones I named on houses. If they have a building contractor license they can perform all these activities--

Commissioner Tuley: Let's just cut...okay, let's go back.

Roger Lehman: --on commercial ones.

Commissioner Tuley: If I'm a pool builder what license do I have to have?

Roger Lehman: A swimming pool builder?

Commissioner Tuley: Yeah, in ground, above ground.

Roger Lehman: Prior to this ordinance you had to have a residential contractor license to build residential pools and a building contractor license to build commercial pools. Under this ordinance there is a limited and unlimited swimming pool license. The limited for above ground only and unlimited for all swimming pools in ground and above ground. If you had a building contractor license or a residential contractor license prior to this ordinance we would transfer that name to a swimming pool contractor if they wanted to do that.

Commissioner Tuley: Okay, and what other license--

Roger Lehman: You still can build swimming pools...or is that one I said you couldn't do?

Commissioner Tuley: I think that is one of the ones you said you couldn't do.

Roger Lehman: Yeah, let me rephrase that. If you have been doing that in the past under one of those license you could continue to do that, but anyone coming in new would have to have that specific license to do it. We wouldn't--

Commissioner Tuley: Okay, so when I take my test next July 1 what do I take? I take the general...if I have residential--

Joe Harrison, Jr.: No, it's grandfathered.

Roger Lehman: No, you don't need the test.

Commissioner Tuley: I don't have to test at all?

Joe Harrison, Jr.: No.

Roger Lehman: No, no.

Commissioner Tuley: What about the continuing ed because that was a concern, too? The three hours per license per year. Scheduling, where is the money going, what does this amount do in terms of this three hours of continuing ed? I mean, is it...and where is it required by? Is it just by us? Is there somewhere in the state that says we ought to be doing this?

Roger Lehman: No, the ordinance...and actually this was a reaction to when we made our original license proposals back in 1993 to the City Council. The City Council was inclined to have everybody test within two years that wanted their license whether they had one before or not. They were going to say, okay, if you're doing this business in Evansville at this time building houses on this they said that within two years in order to get this residential contractor license you would have to take the residential contractor license's test, okay, even if (inaudible). I suggested that the better way would be to provide educational opportunities for the contractors where they could receive, hopefully, information on code upgrades and all that. Actually this was a compromise or fall back position from everybody having to take the test, period, within two years. They said, okay, if you're going to have continuing education requirements every year that would be to us equivalent to taking a test.

Commissioner Tuley: Okay, but is that...there is nothing in the state that requires them to take this continuing ed? I mean, this is just part of this ordinance?

Roger Lehman: No, the local ordinance says that the License Board for each trade has the authority to issue the requirements for the continuing education, the amount of time and the content.

Commissioner Tuley: Is there a cost associated with taking the continuing ed?

Roger Lehman: It is usually \$30. This year it was \$30. It has ranged...when we first started we charged \$10 and did it all in-house and we just about went bankrupt, and then the next year we charged \$20 and had PTI do part of what we did. The third year we had PTI do it all and they charged, I think, \$30. And then last year they had a thing where you went for one day and you could go for...I can't remember, \$30 or two days for \$40 and they offered two different classes or two day classes last year. This year it was \$30 for however many days you went or how many courses you took. You could

take a course every hour for three days for \$30. Right now, the total cost of continuing ed is \$30.

Commissioner Tuley: And that money all goes to PTI or whoever you said?

Roger Lehman: Yeah, that offsets all the costs of the thing. The city does not get that money.

Commissioner Tuley: Okay, the thing I asked the other day with licensing and checking on people and having cars that are supposed to be marked so we have the license--

Roger Lehman: Right.

Commissioner Tuley: --are you going to have enough staff to--

Roger Lehman: Well, you never have enough staff to do the job perfectly. We have...you know, and I am in a Catch-22 position. If I say, no, I don't have enough staff then, you know, we have to do certain things and if I say, yes, we have enough people are looking to see how we can get rid of one of them. The bottom line is we don't have enough staff, however, with what we've got we do a relatively good job of monitoring this. We do not have staff to go around looking for problems. They don't drive around town looking for people who are unlicensed, looking for jobs (inaudible). The only time you catch them basically is if we're going from Job A to Job B and somebody is doing something wrong in between and we catch them or if somebody calls and complains and we do check out all the complaints.

Commissioner Tuley: Okay, and I don't mean to...I understand, as the attorney just reminded me, this is the first reading so there will be a public hearing, but I did have a few people who came up here to hear us tonight and that's the only reason. I just didn't want to pass it on first reading and say we'll get to all these questions in the public hearing.

Roger Lehman: We had discussions with the Homebuilders. I went to their organization, once to their Executive Board and once to the membership at large. We met with the Association of General Contractors. We've had input...this has been going on for about four years, this licensing...ever since the other one in 1994. When we instituted that licensing process we knew there were going to be things we had to do in the future, so this has been going on about four years.

President Jerrel: Is it appropriate...do any of you have questions that have not been asked?

Unidentified: Yes, I believe I do. Can I ask them?

President Jerrel: Do you want to come up to the mike and give your name? We will have a public hearing. This is a first reading tonight, but if you want to ask that might just help.

Joe Harrison, Jr.: State your name.

Unidentified: First of all, I think Roger has got a good idea.

Commissioner Tuley: We got...Joe, state your name for the record if you would.

Joe Schenk: Joe Schenk.

Commissioner Tuley: And where do you live?

Joe Schenk: Evansville. I have Schenk Construction Company. My problem is there is probably five or six problems. Roger has a good idea, license everybody, that's fine. Keep track of what they're doing, that's fine. My problem is you're sending people down to continuing education, I don't have to go. I own a company, I own a license, I don't have to go. I can send an employee, a moron, down there, a representative of my company.

Roger Lehman: No, you can't.

Joe Schenk: Then why is it being done?

Roger Lehman: It is not being done to my knowledge. The one person that we were aware of that did that this year has been caught. Now, I'm not saying that it is impossible to do. We've got 2,000 people going through there. Until we get a key card or some kind of, you know, we don't check license, drivers license or so on.

Joe Schenk: I would suggest you start doing that.

Roger Lehman: Well, we'll look at that.

Joe Schenk: You have too many people going down and representing Industrial Contractors. Is the president of Industrial Contractors going through your school?

Roger Lehman: He doesn't have a license.

Joe Schenk: Then how is he working?

Roger Lehman: Because he has employees that have licenses and his employee's license cover the company.

Joe Schenk: I understand that, okay. My other thought is you're basically pulling \$30 per contractor per license to go to continuing ed.

Roger Lehman: Well, this year it is only \$30 per contractor because it doesn't matter how many licenses you've got.

Joe Schenk: So roughly you're talking you're bringing in \$100,000.

Commissioner Mourdock: But wait a minute, let's clear that up. In the future is Mr. Schenk right? Forget this year for a minute.

Roger Lehman: Okay.

Commissioner Mourdock: In the future each license someone has you said they have to have three hours of CEU?

Roger Lehman: Correct.

Commissioner Mourdock: And at that point for each license they'll pay \$30 for that?

Roger Lehman: No, no. The \$30, and this is the first year and I believe it will continue that way, the \$30 covers all continuing education classes offered, so you can take 10, 12, 15 to 25 hours, however many hours you can get in, for the \$30.

Commissioner Mourdock: Okay, that's this year.

Roger Lehman: There is between 2,000 and 3,000 contractors, I don't have an exact count on that, so we're talking between--

Joe Schenk: That's \$100,000.

Roger Lehman: Well, \$60,000 or \$70,000.

Joe Schenk: Give or take.

Commissioner Mourdock: But, again, that is this year.

Roger Lehman: Yes.

Joe Schenk: Would that not be--

Commissioner Mourdock: Just a second, Mr. Schenk. Five years from now if this happens how will it be done, Roger?

Roger Lehman: Until, you know, we have a cooperative agreement or contract with PTI and until we agree to change it it will stay that way.

Commissioner Mourdock: Okay.

Joe Schenk: Other than one class that I sat through in the four years I've been going to it which was a code update class, everything else...and other than I'm the only contractor down here because everyone is scared to death of Roger's department, okay, it's like going against the Police here.

Roger Lehman: I disagree with that totally.

Joe Schenk: Well, I talked to ten contractors last night and they all had the same opinion. The school for continuing ed is worthless. They would rather see the county tack \$30 on the license fee and hire four new inspectors.

Roger Lehman: Well, I would too.

Joe Schenk: Because it is absolutely more or less worthless to sit down there for four...well, I sat down there for eight hours. There was an hour break in between two classes, okay. Now, you're saying \$30 is not that much money to pay to sit through this.

Roger Lehman: Correct.

Joe Schenk: Okay, let's break it down a little bit differently.

Roger Lehman: Okay.

Joe Schenk: The average pool I sell is \$30,000 and it takes me six days to build it. I spend a day sitting in your class. Do the math. I lost \$5,000.

Roger Lehman: Well, we offer classes in the evenings, we offer classes on Saturday. We can't offer them, you know, from midnight to 6:00 a.m., I guess.

Joe Schenk: But that is what I am saying, Roger, is if you took the money instead of spending time at...if you surveyed and got an honest answer from the contractors about that it is they don't want to be there.

Roger Lehman: Oh, I agree with that.

Joe Schenk: They would rather spend...I would rather send you a check for \$30 every month and get two more or three more building inspectors where I don't have to wait two days to get an inspection.

Roger Lehman: You don't have to wait two days very often.

Joe Schenk: Well, not very often, but still you've expanded that to 48 hours because you don't have the staff to cover Vanderburgh County.

Roger Lehman: Sixteen working hours--

Joe Schenk: Two days, but if you had four more inspectors that the \$100,000 would pay for and I honestly believe if you surveyed the contractors...if you stood at the door...well, not you, one of these people stood at the door because they're not going to give you an honest answer.

Roger Lehman: See, I don't agree with you.

Commissioner Mourdock: Let me ask the question that Mr. Schenk started to ask, I think, a minute ago which is somewhere we're saying between \$60,000, \$80,000 or \$100,000 more is going to be coming in from this each year, Roger, where is that money going to go?

Roger Lehman: You're talking about the continuing education?

Commissioner Mourdock: Uh-huh.

Roger Lehman: Okay, that goes to PTI. They're the ones that put on the--

Commissioner Mourdock: Okay, so 100% of the fees that you're taking in are simply for CEU?

Roger Lehman: Yeah, we don't take them in. PTI takes them in, so there is no bookkeeping. It's solely privatized.

Joe Schenk: What I am saying, why should they make the money?

Roger Lehman: Well, if they weren't making the money it would be either us doing the work and we don't have the manpower to do it.

Commissioner Tuley: I still don't think that is his point. His point is what he said a minute

ago.

Joe Schenk: My point is--

Commissioner Tuley: He would rather pay \$30 a year and give it directly to the county or city and let us hire additional contractors.

President Jerrel: There is no value to continuing education?

Joe Schenk: None.

President Jerrel: I just sent the Auditor in to call an electrical contractor who has a general contractor license and sat through two days last week. What did he think?

Suzanne Crouch: Beneficial.

President Jerrel: He thought it was beneficial?

Suzanne Crouch: Uh-huh.

Roger Lehman: We don't do a swimming pool class. We have not had a swimming pool class yet, but it will be coming because now we have a license that covers it. I'm not pretending that we have a class for everybody and every area of this that is something that they'll feel is beneficial. I do feel like the majority of people that go to the classes, particularly the code change classes...I've had people go to the computerizing your business class and they've said it was one of the greatest things they've ever seen. They go to the legal class that talks about how you can improve employee relations and how you hire and fire and all that.

Commissioner Mourdock: Do they do, Roger, at the end of the class do they have an appraisal form so that people can without signing their name on a form state their--

Roger Lehman: I don't know if they did this year or not to be honest with you. They have in the past.

Joe Schenk: You sign your name (inaudible).

Commissioner Mourdock: Yeah, it sounds...just as a self improvement thing it sounds like it ought to be something they routinely provide.

Roger Lehman: Right. It's not perfect, but I think it has gotten better every year.

President Jerrel: So you don't think there will be any comments made by anyone but yourself?

Joe Schenk: Well, basically what it boils down to, I talked to ten contractors last night. Pat will tell you, he sat and talked to four of us...three of us.

Commissioner Tuley: Counting me there was four, yeah.

Joe Schenk: We've all sat through them for four years. You actually learn more talking to other contractors and working than you actually learn down there. I mean, that's bottom line. That's bottom line. I would rather spend my \$30 and have them hire three

or four new inspectors and police the action that way. It's just like I'm going to pick up three licenses. One is a swimming pool contractor license; one is a concrete contractor license; and one is a excavator license, okay. In my business I probably move more dirt than most excavating contractors do. I probably lay more concrete than half of the concrete companies, but yet I'm going to be subjected to...I have to produce three letters stating I'm qualified for the job. Evansville Concrete doesn't have a problem taking a quarter of a million dollar check from me every year. Why should I have to be reviewed whether I am qualified for the job or not? That's like taking a hunting dog out hunting and killing him before he has a chance to prove himself.

President Jerrel: Do you know who you sound just like?

Joe Schenk: It should be--

President Jerrel: I'm going to tell you. I'm going to tell you. You sound exactly like my father. He is dead now. He was a master plumber and worked longer than anyone else. He felt just like you, but everybody isn't just like you, Joe.

Joe Schenk: Exactly, I know, but you should be given the opportunity to prove yourself. Yeah, if Roger has to write a guy six citations and he has to call him down four times then pull his license, but don't take every person that just because they didn't get grandfathered in and say we don't think you're qualified, you can't do that job. That's wrong. I mean, that is like saying, you know, we don't think you could do it. I mean, you've got kids from North High School that built a house. Five years from now or four years from now you're going to have another set of kids graduate school. With today's education some of those kids can actually pass a test, some of them can't, but there will probably be a few in there that have the ability to build a house and they will have the family support to start their own business, but they couldn't pass the written test to do it. But you're saying by saying that you have to be reviewed that's backwards.

President Jerrel: It's sort of...it's like every profession. I know it's disgusting to go through things when you feel you're truly competent, but doctors have to do it, teachers have to do, every profession has to do it. I mean, it's not--

Joe Schenk: Exactly, a doctor goes in for schooling every two years. A nurse goes in every two years.

President Jerrel: No, the doctors have to get continuing education credits every year. In the case of teachers, they have to do the same thing. That is just the way it is. At any rate, let's agree to something. This is first reading and I'm glad you came because we don't want to have ordinances passed when there truly is disagreement and I think it will give us an opportunity between the first reading and the second reading to talk to some other people. Maybe you could suggest some of them call us. Well, that's right. I mean--

Commissioner Tuley: In essence, that is what I told you the other night. I said one of us can't lead the charge on this. I understand there are some people--

President Jerrel: I'd like to hear from some of them.

Joe Harrison, Jr.: You've got to understand the city has already passed this.

President Jerrel: Right, it's going to be within the city limits.

Joe Harrison, Jr.: It has already passed.

President Jerrel: The only thing we control is the perimeter of the county, so it's anything...of course, a lot of building is going on in the county now.

Joe Schenk: Exactly.

Joe Harrison, Jr.: Now you would be grandfathered in though for taking the test if you take the CLE.

Joe Schenk: On three licenses. I still have to be reviewed, do I not?

Roger Lehman: You have to provide letters of--

President Jerrel: Three letters.

Roger Lehman: Three letters of recommendation, proof of being in business for three years. I know you've been in business for three years, but I can't put in the file I know he has been in business for three years. I need something that says you've been in business for three years. We'll put it in the file with an insurance bond. The same insurance will cover all the same bond that will cover all of them. You're looking at three \$50 fees per year, insurance and everything, (inaudible). Every contractor has to have a bond.

Joe Schenk: And you carry a bond for each license?

Roger Lehman: One will cover all of them. It should, but that's up to your insurance company but most of them will cover them all.

Joe Schenk: The bond I pay at the city...down at your office?

Roger Lehman: The bond you pay your insurance company.

Joe Schenk: No, I am talking about the performance bond that you get when you pay for your license.

Roger Lehman: That's what you pay your insurance company for. It's on our form, but the insurance company puts that bond into effect by putting their name on it and seal. The only fee we get out of the whole thing is the 50 bucks.

Joe Schenk: Okay, my other question is, and this is directed to Roger, okay. If you already have a residential license, you have a commercial license, okay, the reason I am picking up these other three licenses and it affects a lot of other people, now you're getting a lot of general contractors that are building big houses.

Roger Lehman: Right.

Joe Schenk: I no longer go through the homeowner. The minute I set foot in that yard I'm no longer a residential contractor or a commercial contractor, I'm a sub. Is that not correct?

Roger Lehman: Okay, I think I agree with you, go ahead.

Joe Schenk: So that is the reason I need three more licenses.

Roger Lehman: Right, because you are not an employee of the permit holder and you're not a licensed--

Joe Schenk: Now let's flip it around.

Roger Lehman: Okay.

Joe Schenk: Now I need 15 hours of continuing education.

Roger Lehman: Nine, three times three.

Joe Schenk: Five licenses. The original two, my residential and my commercial.

Roger Lehman: No, if you've got a residential license you can trade that in on a swimming pool license or the building contractor for that matter. I mean, you can--

Joe Schenk: But if I want to build a house I can't build a house. I'm carrying five licenses now I have 15 hours.

Roger Lehman: No, you don't--

Commissioner Mourdock: Let me deal with that question if I may just to hone in on it a bit because it's a very good point. I heard you say a moment ago, Roger, that one of the classes you offered was using the computer in your business.

Roger Lehman: Right.

Commissioner Mourdock: That class...which that was a CEU type class, correct?

Roger Lehman: I don't know if it was formally a CEU for other purposes. For our purposes it definitely is.

Commissioner Mourdock: Okay, regardless which of the licenses that you have on this list, regardless which of those license holders took that class it would help them?

Roger Lehman: Yes.

Commissioner Mourdock: So if someone had four licenses wouldn't it make sense that they only took that class one time if it is going to help them instead of having to get 12 hours that they would only have it three hours?

Roger Lehman: They don't have to take that...that three hour class--

Commissioner Mourdock: I know, but I'm saying if they hold multiple licenses it doesn't necessarily mean they are in multiple businesses--

Roger Lehman: Well, it kind of does.

Commissioner Mourdock: --and that one class could have more than one application.

Roger Lehman: Okay, I'll say it kind of does indicate multiple businesses that you have.

The residential contractor and the building contractor license, you're residential and commercial.

Commissioner Mourdock: But the class has application to both?

Roger Lehman: Right, and it would count for both...it counts for either.

Commissioner Mourdock: So, in fact...okay, it would count for either?

Roger Lehman: Right.

Commissioner Mourdock: So if you had, let's just use a simple example, if you only had two licenses if you took that one class and it applied to both licenses instead of taking six hours you only have to take three.

Commissioner Tuley: No, that is not what he is saying.

Joe Schenk: No, because now you're breaking it down to per contractor not per license.

Commissioner Tuley: So it is still six hours.

Roger Lehman: Yeah, six hours if you have two licenses.

Joe Schenk: You're saying the same contractor holds two licenses why should he take two classes?

Commissioner Mourdock: Right, and if...I'm not sure every class would apply that way, but in the example I heard used which was a pretty broad example of a computer class it would seem to me there ought to be some classes that you could take them to meet this requirement, this requirement and that requirement. You know, if there is an electrician's upgrade class that might have nothing whatsoever to do with building a swimming pool that is something different, but where there is a broad application it seems to me it ought to count for multiple classes.

Roger Lehman: Well, the License Board--

President Jerrel: Are these hour for hour?

Roger Lehman: Pardon?

President Jerrel: Are they hour for hour?

Roger Lehman: Yes, and actually we go beyond that. If you go to a three hour class it usually only lasts two and a half hours.

Joe Schenk: So next year instead of me taking six hours I take 15. Instead of that day costing me \$5,000 it is going to cost me \$10,000.

Roger Lehman: I'm still not sure you need the other three licenses. You've got a residential contractor and a building contractor license.

Joe Schenk: I've got two pools going right now that the general contractors are writing me the checks.

President Jerrel: You're the sub.

Joe Schenk: So that actually makes me a sub.

Roger Lehman: Right, but what I am saying is if you...okay, let's get out of the swimming pool business for just a minute to help me out. Say you're a residential framer, you frame houses.

Joe Schenk: Uh-huh.

Roger Lehman: Okay. If you are working for a contractor as a framer then you need a license. Okay, if you hold a residential contractor license and you're doing the framing for a contractor you are covered. You don't need a framing license, you have the residential contractor license.

Joe Schenk: But then next week you go do work for yourself.

Joe Harrison, Jr.: You've already got it.

Roger Lehman: Then you have the residential contractor license. You can do framing, or drywall, or concrete, or brick, or anything you want to under that one license. You're in kind of a special situation with the swimming pools and I probably said you can trade your license in or you needed the additional license, but the more I think about this the way we look at that is we put the swimming pool contractor in there for a person who only wants to build swimming pools because we have people come in say I want to build swimming pools. Okay, get a residential or a building contractor license which means you need to know about how to frame a house, how to pour the footing for the foundation, how to insulate it, how to drywall, how to estimate how much roofing you need on it, so we really put that in to help a swimming pool contractor that didn't want to do anything else. You've already got the license that covers all this stuff. I would say at this point that you don't need a swimming pool license per se. You don't need...you definitely don't need an excavating license, and what was the third one? Concrete? You can go in and do any of those three things for a person on your residential contractor license.

Joe Schenk: If I am working for a general contractor I can do that?

Roger Lehman: Yes, absolutely. Yeah, the word subcontractor license is a little misleading because you really have all the benefits of a contractor. We call it subcontractor because that is what the majority of people are that do that, but you can go in...let's say a person that is going to be (inaudible) and he does not have any other license and he gets a bricklayer license. He can come in and pull a permit to lay brick on a house if that is all you're having done. I think it's a communications deal here. I don't think we really have a big problem other than there (inaudible).

Joe Schenk: Well, we're having a communications problem on that, but I'm serious and I have talked to enough people and Pat sat and listened to two that the continuing education, granted you may have one or two classes that are worth going to, I admit I went to one in four years, but I would rather see you collect the money in your own office and put more people on the street.

Roger Lehman: Like I said, I think that is a very good suggestion.

Joe Schenk: Do away with the continuing ed and put the money in your own pocket.

President Jerrel: Well, if we're...I mean, I would like to talk to some people. I just heard him talking too. Now you have to do continuing ed, do you not?

Joe Harrison, Jr.: A minimum of six a year, 36 hours over three years.

President Jerrel: It's just the nature of the--

Joe Schenk: Okay, it may be the nature of it. The State of Indiana...you can go anywhere in this state except Vanderburgh County, get a license and you are not required by the state to have continuing education. In Vanderburgh County it's you come to continuing education, you pay us the \$30 or you don't have a license, you don't work, in layman's term, and I believe there is another word for that.

Joe Harrison, Jr.: But that is the way the ordinances are now. I mean, what you're saying now is the way it has been for a number of years in both the city and county and I think from what he just told you your circumstance would not be any different with this new ordinance. Is that what you're saying, Roger?

Roger Lehman: Yes.

Joe Schenk: What I am still trying to get across to you is that you're actually forcing the contractors to go to something that is not required.

Joe Harrison, Jr.: But, again, that's the ordinance as it is now. I mean, that has been that way for years. I mean, assuming your argument is true this ordinance is not changing that requirement. There has been a requirement for continuing education up to this point and there has been a licensing requirement.

Joe Schenk: But it is expanding it.

Joe Harrison, Jr.: I understand that.

Joe Schenk: It's expanding it. Yeah, okay, you're not changing it, but you're adding to it. I just went from six hours to 15.

Joe Harrison, Jr.: I don't think so.

President Jerrel: I think you just went back.

Joe Harrison, Jr.: I think you just went back.

Roger Lehman: You definitely went back to six. Keep talking!

President Jerrel: Well, Joe, at any rate we'll...I mean, this process tonight is just the initial--

Commissioner Tuley: To introduce the ordinance.

President Jerrel: Introduce it and we have a public hearing then in two weeks.

Joe Harrison, Jr.: It will probably be three.

President Jerrel: Three weeks.

Joe Harrison, Jr.: It's got to be advertised twice.

President Jerrel: You want us to let you know?

Joe Schenk: Yes.

Joe Harrison, Jr.: I think it will...what I was going to ask is November 30th would be the date of the final reading.

President Jerrel: Okay, do you mind...give me a number.

Joe Schenk: 422-3382.

Commissioner Tuley: He's got my number.

President Jerrel: Okay, alright, we'll call you. This is just a formality with our initial reading. Is there anyone else that wishes to--

Joe Schenk: Thank you.

President Jerrel: Okay, yes.

Mary Biggerstaff: My name is Mary Biggerstaff. I am president and owner of BMB. I have been in business in Evansville, Vanderburgh County since 1984 at which time was prior to the new licensing, but I've had a license that long. When the new licensing went into effect I contacted Mr. Lehman's office and was told that I could send any representative from my company for the continuing education. At that time I sent both my husband and my son, Bruce, Sr. and Bruce, Jr. Licenses came in for the first two or three years with their names on it. I don't have a problem with that, but I was told that anyone could represent the company. This last year when I tried to...I had paid and I went down to pick up the licenses I was informed that there is only one license and that was issued to Bruce, Sr. and not Bruce, Jr. I think that what we are trying to get across to you to consider with continuing education is the fact that Bruce, Sr. is basically an administrative member of BMB. He goes and he attends a three hour class, what good is that doing?

President Jerrel: Junior?

Mary Biggerstaff: Senior or Junior. They are basically administrative. They are not the ones that are actually doing work. They're not the framers, they're not the excavators on the machines, so they're getting an education, yes, but what is that doing? I think that if you really look into Koester Contracting, SIGECO, Peyronnin, they are doing in-house safety OSHA requested training and they are getting their training in-house and not from your licensing classes. I would like you to consider that as far as amending the ordinance or going through with it.

Roger Lehman: Yeah, I might comment and this hasn't come up before so I didn't mention it. We encourage and accept continuing education from (inaudible) that is relative to whatever your license is. We have probably, I would guess, 15% of contractors who don't come to our classes but they have conventions and continuing education for their remodelers, homebuilders and electricians and several other places.

We have accepted routinely OSHA training in-house as long as there was proof people who had a license attended the class.

Commissioner Mourdock: And those who taught it were certified?

Roger Lehman: Well, we haven't even required that in the past. That's a good idea. In other words, actually we've encouraged as much as we can people to get education where they can get it and when we were in the business we were really pushing that because, like I said, it was such a hardship on us to put this on. Again, it is a response to City Council's suggestion. It was put in the ordinance, the boards have enforced it and agreed on the three hours per year since then and the board is the only one that can change that.

Commissioner Mourdock: Let me go back to Mrs. Biggerstaff's point though, because I think it's a very good question and I could give an answer to the question, but I am curious as to what you'll give. As far as the fact that someone in an administrative position is required to do this, they do show up, they get the training, but they're not the person out there on the job sites day in and day out, how do you deal with that?

Roger Lehman: In a company there is only one license required (inaudible). There is only one person in that company who has to carry that license. They are the license holder for that company. We don't know who the rest of the company is for one thing. The second thing is the assumption is made that the person holding the license, which granted maybe the president or administrative type person, will be able to take that information back to the employees. The other side of the coin is the employees are more than welcome to come to the classes. They'll have to pay for it because expenses are still incurred, but very few people pay to have employees come separate from themselves. So the assumption is, one that the administrator or the head of the company will pass the information down to the employees because there may be...Koester, how many employees do you got? One hundred or 500 or somewhere in between.

Commissioner Mourdock: Depends on the time of year.

Roger Lehman: Yeah. So to require 100 employees to come to the class is going to really make this thing balloon out of proportion, so our assumption is that we would say the administrator license holder would be the one who would come to the classes. That's the only person we know who they are. Is that not working?

Charlene Timmons: I don't think so.

Commissioner Tuley: It means we have to start all over again!

President Jerrel: Oh, no, no. No.

Roger Lehman: I don't know if that answers your question.

Commissioner Mourdock: It wasn't the answer I expected and I'm not sure it answered Mrs. Biggerstaff's point at all. I mean, the underlying philosophy of all of these licensing requirements is, I think, so that the people of Vanderburgh County who buy houses, who move into commercial buildings, have a better opportunity to move into a quality house that meets codes for plumbing, foundation work, safety, fire, what have you.

Roger Lehman: Correct.

Commissioner Mourdock: And as a philosophical question the point she raises if the guy who has got the license never comes on the site how are we gaining anything?

Roger Lehman: Okay, well that, of course, is a philosophical question. The guy who holds the license (inaudible). The inspectors are the ones that pick up the slack between the two and as Mr. Schenk said, my feeling is without continuing education where we at least educate the contractor as to the proper way things are to be done, the changes in the code and so on our alternative is to take that to the employees. (Inaudible.)

President Jerrel: Okay, is there anyone else?

Bart Schutz: The only thing I question is...my name is Bart Schutz, 3100 Ridgewood Drive. The money for the new licenses when we did this several years ago we split everybody up in separate categories and divided it into four licenses and where that money has went and where this money, because the new license for the contractor or concrete construction is \$125 for the first one and then \$50 renewal--

Roger Lehman: Let me comment on that.

Bart Schutz: Well, and we don't...we're not getting any more inspectors and, you know, if this money was going towards that that's great because I feel that is what we need. (Inaudible.)

Roger Lehman: People who grandfather (inaudible). People coming in taking the test--

Bart Schutz: Where is the money going?

Roger Lehman: It goes to the General Fund of the city and the county. It always has.

Bart Schutz: So the Building Commission doesn't get it any way?

Roger Lehman: Our budget comes out of the General Fund, but it's not a user fee (inaudible).

President Jerrel: I don't know. I'm going to ask the Auditor and I'm not going to put her on the spot, but she can think about it over night and tell me tomorrow. Do we receive...the county, to my understanding, does not receive any fees from the Building Commission.

Suzanne Crouch: Sure we do.

President Jerrel: Do we?

Roger Lehman: Fifty percent of the license fees and you get the permit fees in the county and the city gets the permit fees in the city.

President Jerrel: Okay.

Roger Lehman: The license fees is split.

Suzanne Crouch: It's a couple hundred thousand.

Roger Lehman: Yeah, it's several hundred thousand.

Suzanne Crouch: Yes.

Roger Lehman: Our revenue is probably over \$700,000 a year.

President Jerrel: Okay, good.

Suzanne Crouch: It wasn't plugged in?

President Jerrel: Oh, well. You're just going to have to wing it. Okay, on the basis of first reading is there a motion?

Commissioner Mourdock: On first reading I'll move approval of the ordinance amending the Vanderburgh County Building Code as submitted by the Building Commission.

Commissioner Tuley: Just for the purpose of moving this forward so that we can have a public hearing I'll second on first reading only.

President Jerrel: I'll say so ordered and I'll call Mr. Schenk to verify if it is the 30th and he can kind of pass the word around.

**First reading - Home Inspector Licensing ordinance**

President Jerrel: Okay, the next item on the agenda is the Home Inspector Licensing ordinance.

Roger Lehman: Actually, this is the ordinance that we had the long discussion in City Council on, so maybe we just flip-flop here, I hope. But, anyway, there has been pressure from the real estate industry, mainly, and from the banking industry to some degree to provide some kind of regulation for professional home inspectors, the ones who go out and check your house before you sell it or before you buy it. This was not initiated by my office as far as the idea or the desire or anything else, however, logic would dictate it would go through our operations. So I was asked to prepare an ordinance. We met with the current home inspectors and the realtors a half a dozen times. We've changed this thing 50 times and got to a point where the city accepted the draft that you've been provided on home inspectors. It basically provides a grandfathering period for them and, I don't know, I guess if there are any questions or is there anybody that wants to talk about home inspectors? Seeing none...Carl does. I would ask that the Commissioners approve first reading of the Vanderburgh County Home Inspector Licensing ordinance.

Commissioner Mourdock: I heard you say, Roger, that these are the people who before you buy a house would go out and inspect it. Does that also include during the construction phase or are these different inspectors than those who are actually building inspectors while the house is being built?

Roger Lehman: Yeah, this does not include the public building inspectors. There are some private inspectors that do inspect in process construction for certain builders at the builder's desire for the purchasers.

Commissioner Tuley: Right.

Roger Lehman: But that is in addition to what we do.

Commissioner Tuley: Carl, you really don't have anything to say?

Unidentified: Pardon?

Commissioner Tuley: I mean, you really don't have anything to add or comment on this particular aspect?

Unidentified: I co-authored the ordinance.

Commissioner Tuley: I didn't say anything against it, I just said do you have anything to say one way or the other?

Carl Sheperd: Carl Sheperd, 6321 Oak Hill Road in Evansville. Roger is correct, this was a labor of about four months. It was modeled after a couple of other states, primarily New Jersey. The home inspector group in town...there is a Southwest Indiana Home Inspectors Group, is in favor of this ordinance. This is also the model for the state ordinance that is going to be introduced in the next legislature, so I think it is a pretty comprehensive ordinance and I think it is a fair ordinance. Thank you.

Commissioner Mourdock: Carl, were you involved in the drafting of the other ordinance as well or just this one?

Carl Sheperd: Uh, I was involved in this one and I am the primary drafter of the state ordinance.

Commissioner Mourdock: I didn't mean the state one. I meant the one we talked about a moment ago.

Carl Sheperd: Oh, the subcontractor? Yeah, I happen to sit on the Contract and Roofing License Board which is one of the steps to appeal to, past president of the local Homebuilders Association, president of the state Homebuilders Association this year. Roger worked very closely with the local Homebuilders Association and the commercial contractors, so, yeah, I was involved with this from day one also.

Commissioner Mourdock: Okay.

Carl Sheperd: I think it's a fair ordinance. I understand it doesn't...it's hard to treat such a diverse group of people from Joe's skill to somebody who just the first time they saw a concrete trowel, but you've got to strike somewhere a happy medium in that to say we're trying to treat everybody somewhat fair. On the flip side in the home inspection business when I drive up to a new home to inspect it if I know who the contractor is I can tell you whether I am going to have a short list or a long list. Some of it is pride of work. A lot of it is just lack of education that people don't know what the current code is and I think continuing education really goes a long way allowing to upgrade the standards in the county and the city.

Commissioner Mourdock: Okay, so just, again, we did hear kind of one or three folk's opinion regarding the other one. I just wanted to get it on the record you're supportive of both?

Carl Sheperd: I think most of the local Homebuilders Association is in support of it also. I mean, we've talked about it and read through it.

Commissioner Mourdock: Okay.

Carl Sheperd: Thank you.

Commissioner Mourdock: Thanks. On first reading I'll move approval of the Vanderburgh County Home Inspector Licensing ordinance as submitted.

Commissioner Tuley: On first reading, second.

President Jerrel: So ordered. Moving on, we now have--

Charlene Timmons: Excuse me, can I get permission to advertise both of those?

Commissioner Tuley: Probably a good idea.

President Jerrel: Is there a motion?

Joe Harrison, Jr.: For November 30th.

President Jerrel: Okay, are you approving both of them?

Commissioner Tuley: I so move on both of them for November 30th public hearings.

President Jerrel: Second?

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Charlene Timmons: Thank you.

**First reading - Highway 41 corridor impacted drainage area**

President Jerrel: We have first reading also the amendment to Storm Water Drainage Control ordinance.

Joe Harrison, Jr.: This is the same ordinance that was considered by the Drainage Board at our...at your October 26th meeting.

President Jerrel: Right.

Joe Harrison, Jr.: The prudent thing to do would be to have the Commissioners also approve the same ordinance and this would be a first reading by the Commissioners this evening and a final reading by the Commissioners would take place after the Drainage Board actually approves it on final reading.

Commissioner Mourdock: I'll move approval of the amendment to the county Storm Water Drainage Control ordinance to create an impacted drainage area along the US 41 corridor as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: As an amendment, do we need to do that as roll call?

Joe Harrison, Jr.: The final reading we'll do as a roll call in November. I'm sorry, it will be in...when is the final reading of this one going to be? It will probably be November 30th.

**Any group or individual wishing to address the Commission**

President Jerrel: Okay, is there anyone else that wishes to speak to the Board?

**John Stoll - County Engineer**

President Jerrel: Okay, let's go to the County Engineer.

Commissioner Tuley: Did you guys vote on that letter already while I was out in the hallway?

President Jerrel: No.

Commissioner Tuley: Don't need to?

President Jerrel: We're going to.

Commissioner Tuley: Oh, we just haven't done it yet?

President Jerrel: I was just waiting.

Commissioner Tuley: I'm sorry.

President Jerrel: I was just going to go on. You were out there.

Commissioner Tuley: That's fine.

John Stoll: The first two items I've got pertain to Vogel Plaza Subdivision. One is a sidewalk waiver request. This subdivision is a four lot subdivision. It's on Vogel Road. It is immediately west of the Bernardin Lochmueller building. The road was originally planned...the subdivision was not originally planned. In response to a request by the Area Plan Commission rather than lease multiple buildings on a single lot the developer has decided to subdivide it and because of that it is kind of a retro fit. The street is kind of a retro fit to match into the parking lot that he already had installed and because of that the street doesn't necessarily conform to a typical section you would see on other county streets, so for that reason the developer is requesting approval of the street plan, but it will not be a county maintained street. It will be privately maintained and they'll assign the maintenance of the street to a specific lot in that subdivision. In conjunction with that they're requesting a sidewalk waiver because there are no other sidewalks out there for this to tie into and the sidewalks really wouldn't fit into the way they have already developed a portion of their site, so on that basis it is recommended that the street plan be approved conditioned on it being a privately maintained street and that the sidewalk waiver request be also approved.

President Jerrel: Motion?

Commissioner Mourdock: I'll move approval of the street plan and the sidewalk waiver request.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: They didn't provide a mylar, so if you just want to sign that sheet anywhere that would be fine. The next item I've got is a request for Bernardin Lochmueller to increase the right-of-way acquisition agreement for Lynch Road phase two by \$500. These additional fees are associated with the appraisal of the E & B paving parcel and since these costs will be passed through to Warrick County I contacted the Warrick County Engineer and I've attached a letter that they state they will agree to pay the additional \$500 fee.

President Jerrel: Is there a motion to approve?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. Just...do you want us to initial it or just...?

John Stoll: That would be fine. Next, I've got a request for the acceptance of 1,075 linear feet of Indiana Street. This is the portion of Indiana Street that runs west off of Cross Pointe Boulevard out behind Old Charley's, the Drury Inn and Outback Restaurant. This street was built many years ago, but it has been maintained as a private street for all this time and now the developer has come back and requested that we accept it. We had requested that in conjunction with them doing that they had to do a substantial amount of repairs to the street, and resurface the street, and restripe the street correctly. All that has been done, so it is recommended that the street be accepted by the county.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next, I've got a change order on the Cross Pointe and 62 project. This results in an increase of \$6,282. This is a portion of the additional costs associated with the changes that were made to this project between the time that it was originally out for bid in late '96 and when the time it was finally awarded in September of '97. All these items are signal related items. There were additional signal heads added, additional signal cable and things of that nature and it is recommended that this be approved.

Commissioner Mourdock: So moved.

Commissioner Tuley: How much was it?

President Jerrel: Six thousand two eighty two.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next, I've got a list of proposed culvert and bridge replacement projects we'll be doing in '99. This is the list that we passed out at the last infrastructure meeting.

Commissioner Mourdock: How did that go, by the way, John?

John Stoll: Pretty good.

Commissioner Mourdock: Was there a general sense of cooperation at that meeting and some focus on what the real problems are?

John Stoll: Yeah, well, I wanted to outline to them what we had in mind to do. We know we've got some utility conflicts on at least one of those bridges. Broadway has a 12 inch water main on one side, a gas line on the other and a large utility pole on one corner of the bridge, so I wanted them to know that is coming and they'll see that as soon as the plans come about. A few other issues were brought up.

Commissioner Mourdock: Given that utilities are utilities, do we need to follow-up, I mean, something more in writing as far as confirming what was discussed at the infrastructure meeting to make sure they're aware of all those things?

John Stoll: What I thought I would do is wait until we've got at least a draft set of plans so that way we can say this is what we're going to do and you need to make the appropriate plans to relocate your facilities.

Commissioner Mourdock: Okay. Let's just not give them an excuse to be, well, gee, we didn't know it was coming.

John Stoll: Right. An update on ongoing projects, on Burkhardt phase one the road was opened up to Virginia Street on Saturday, October 31st. The work remaining consists of striping on the northbound lanes, the right-of-way along Lloyd and the signs, but other than that that project is complete. Burkhardt Road phase two, the contractor has been working on getting all the curb work done and that is basically done now. The asphalt has been placed. It was being placed today. They were up to the binder in most areas, so they're finally making some good progress on that. The plan is that they will place surface next week and they will still get the project done by the completion date on the basis of what they're saying right now. We should get the Vogel Road approach at Burkhardt closed this week and in conjunction with that Columbia will be opened up so we won't be shutting off all the access out in that area. They have been continuing on installing the driveways along the west side of the road. On Burkhardt phase three, I have talked to the consultant today and they said that they have completed the right-of-way engineering and they have submitted the right-of-way parcel information to the appraisers and they said the appraisals should be back in about a month, so maybe by mid-December we can get some offers out on that. On Cross Pointe and 62, the contractor started the median work today out on Morgan Avenue. They have placed asphalt surface on the west half of the road. They still have to complete it on the east half of the road. One thing we have encountered today in regard to the median barrier that is being relocated, a few sections are cracked and the contractor doesn't want to pay the cost to fix it up to relocate it and it falls apart and it is not the county's responsibility either so we were trying to get in touch with INDOT to find out what they might say about that, but it's something that is already cracked. It wasn't anything associated with the contractor or the county, so as soon as I hear back from INDOT on

that I'll let you know where things stand on that issue. That's all I've got.

Commissioner Tuley: Where are we on plans with Ward Road.

John Stoll: Ward, I was going to mention that. I was talking to Valerie about that right before I came over here. She has the plans. She started revising the plans. They'll go out Wednesday. She reran all the hydraulics on it and that is what is taking a little extra time. By piping the whole thing it doesn't result in any increased pipe sizes anywhere and that is what she was checking for, but that will be done...the plans will be done by Wednesday. We'll go to the utilities then.

President Jerrel: Did you get a call from someone from the garage, either Rick Dickinson or someone about that east side? No, pardon me, the west side of Ward Road. There was a lady that had some trees growing in the ditch down near St. George, but when they looked at the slope that would have to be prepared and the rock that would go in he was...was it Rick talking to us?

Erik Bente: Yeah, he was out there looking at it. It's the only home on that side that doesn't have it filled in yet. There are tree stumps in there. If we get in there to dig that out it's going to create a bigger problem than what we had when we started.

John Stoll: I see.

President Jerrel: Well, the point is just make sure that you look at it or Valerie looks at it and you tie in with the garage so we all know what we're doing.

John Stoll: Okay.

Erik Bente: Yeah, (inaudible comments made away from mike).

President Jerrel: Right.

Commissioner Tuley: John, you said that plans will go out Wednesday?

John Stoll: Right.

Commissioner Tuley: They go where?

John Stoll: To the utilities, that is the next step. I've been talking with the City Engineer. He told me about the problem they had with all the water surface lines for their ditch project that they had done and they had a change order that ran...it was over \$10,000. They were paying for the surface lines to be relocated and to me that is not the city or county's responsibility, but they're paying for it as part of their contract, but no reason for us, so that is the main thing we want to see is the utility departments to find where their service lines are and then be prepared to lower them.

Commissioner Tuley: Okay, have we got our request into the Auditor's Office for the Council Call for the additional money?

President Jerrel: Uh-huh.

Commissioner Mourdock: We did that some time ago.

Commissioner Tuley: Well, I know we voted on it a couple of weeks ago, I just wanted to...I knew we were too late for November.

Commissioner Mourdock: John, excuse me, go ahead. Did you have something else?

President Jerrel: No, that's alright. Go on.

Commissioner Mourdock: Have you gotten any calls, and I know it is state, but at the intersection of 41 and Mount Pleasant Road, have you gotten any calls regarding the way the road is painted or striped?

John Stoll: Out in the median area?

Commissioner Mourdock: Yeah, crossing the median. The state has done a crazy thing in that when you pull into the left...you're heading north on 41, you pull into the left turn lane there is then a dotted line that as you swing to the left would stay on your right except as you do that it puts you directly in the oncoming traffic and it's from both directions. I've gotten two calls from people who have nearly been in accidents there they said because they were staying in their lane. It is...I went out there and looked and it is the goofiest thing I've ever seen.

John Stoll: It looked to me like they tried to stripe it because the median doesn't appear to be wide enough to run opposing left simultaneously with trucks is what I was guessing, but I know what you're saying. I haven't talked...nobody has called and complained to me about it and I haven't talked to anybody at INDOT about it, but I can get in touch with them.

Commissioner Mourdock: As drafted or drawn on the pavement it is going to encourage a head on collision out there, so maybe you can just pass that on to them.

John Stoll: Sure. I was out there once when a semi was heading...making a southbound left and I was making a northbound left and I had to make an unusual swerve to not be going right at him.

Commissioner Mourdock: Sure.

John Stoll: So I know what you're talking about.

President Jerrel: Is that it?

John Stoll: For me it is, yeah.

**Erik Bentle - County Garage**

President Jerrel: I'm just moving right along here. Erik, County Garage.

Erik Bentle: The only thing I have tonight is the issue on our tandem truck that Miller Trucking has. We had two new ones that we bought from them, we were having suspension trouble. Miller was going to take it back to International in Springfield, Illinois on a flatbed truck. Well, instead they drove it and had an accident and flipped it three times.

Commissioner Tuley: Oh, wonderful.

Erik Bentle: This has been going on now for over a month. I keep getting the runaround between Miller and the insurance company, so if I could I would like to get with Joe about it here one day this week and get him involved in it because I don't seem to be getting anywhere with them.

Commissioner Mourdock: Well, it's time to call Joe "hacksaw" Harrison!

Erik Bentle: We're getting at the time now where we're going to need that truck for snow removal.

Joe Harrison, Jr.: Sure, I'll talk to you. Now, I have talked to our insurance agent, Bob Dillow, about it and he was, you know, looking into it several weeks ago when it first happened, but I'll give you a call tomorrow or else give me a call and we can get him on the line and find out what he has learned in the last couple of weeks.

Erik Bentle: Okay, because I keep getting Miller saying the insurance company is holding it up and they're saying Miller is holding it up.

Joe Harrison, Jr.: Well, obviously, the insurance companies are...that's what is going on. They are all pointing fingers at each other, but it is not our problem.

Erik Bentle: The truck is...we don't want it back. I mean, it has been flipped three times.

Joe Harrison, Jr.: And I indicated that to Mr. Dillow, but why don't we talk tomorrow and we'll find out what is going on. Thanks.

Erik Bentle: That's all I have.

President Jerrel: Okay, is there a motion to--

Commissioner Tuley: Go ahead and do the motion, I just want--

President Jerrel: Okay, is there a motion to accept the report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: Are you guys still able to do any patching?

Erik Bentle: Yeah, we're still doing some patching.

Commissioner Tuley: Boehne Camp, I guess that would be south of Upper Mount Vernon right by the railroad tracks, right dead center in the striping there is a big pothole. If you go up further north, I think, on the left-hand side you'll see another spot that needs it. If you get somebody on that side of town--

Erik Bentle: Sure, thanks.

Commissioner Mourdock: One last one, Erik, were you able to get rid of any more of that contaminated soil pile out there?

Erik Bentle: Uh, not yet.

Commissioner Mourdock: Okay, how is the cleanup for the whole yard doing?

Erik Bentle: We're coming along good out there. Everything is shaping up.

President Jerrel: It looks good.

Erik Bentle: We're ready to pave. We should....well, it rained today, but it's going to hold us up, but we're ready to pave where the old salt barn was.

Commissioner Mourdock: Uh-huh.

Erik Bentle: So that whole area right in there which is probably 90 feet by 200 foot or so we'll be paving here any time now as soon as the weather gives us a chance to.

President Jerrel: It really does look nice.

Erik Bentle: As far as that dirt we're still on a day-to-day basis on that.

President Jerrel: We're not going to be able to do much in the cold weather.

Commissioner Mourdock: Yeah, right. That's my polling place as well, so when I was there last Tuesday it did look good.

President Jerrel: Yeah.

Erik Bentle: Now we did have some piles that were up, but we went ahead and leveled them off because Jack was afraid since the weather was going to change we might as well just till it back up.

Commissioner Mourdock: Okay.

Erik Bentle: So he could mess with it for a while.

Commissioner Mourdock: Okay.

Erik Bentle: Other than that it is still sitting there.

Commissioner Mourdock: Very good.

President Jerrel: Okay, thank you.

### **Burdette Park**

President Jerrel: Just a motion...Steve will not be here this evening, but he did come down and they were successful in getting a \$6,203.02 grant from Visitors & Convention to do their brochures.

Commissioner Tuley: Oh, yeah?

President Jerrel: So, anyway, that is just an informational item. Is there a motion to accept Burdette?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: Okay, County Attorney.

Joe Harrison, Jr.: I don't have anything tonight.

President Jerrel: Okay.

Joe Harrison, Jr.: I'm sorry, I do, except for the Oak Hill Road preliminary resolution will be considered next week, there was information that we just go in today and John is still taking a look at that as well, so that will be considered next Monday and then they'll have the final reading on that probably in December. Also, the Commissioners are to consider the management contract vendor for The Centre next Monday. I just wanted to make sure you guys are looking at all your materials. That's it.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Okay, thank you. Superintendent of County Buildings.

Tony Greubel: Two weeks ago we opened bids for razing and demolishing a house and garage at 412 North Elm and the next day I took those bids to Roger Lehman and he recommended that we award it to Crowe Wrecking Company, the low bid for \$5,600.

President Jerrel: Okay, so that needs to go through the meeting? Okay, is there a motion?

Commissioner Mourdock: Move to accept the bid.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: At the Solid Waste District meeting we were talking about the fact they just received notice to close their construction and demolition landfill, so I trust they'll find a place to put that stuff.

President Jerrel: I hope.

**Weekly reports**

President Jerrel: Okay, the reports for Soil & Water and the Ozone Officer are in your packets. Is there a motion to accept these?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Consent items

President Jerrel: You have all of the travel requests and any employment changes are in your packet. Is there a motion to approve those?

Commissioner Mourdock: I move approval of the consent items as filed.

Commissioner Tuley: Second, and I see we got a new County Assistant Engineer.

President Jerrel: Uh-huh, yes we do.

Commissioner Tuley: Good.

President Jerrel: Yes, he is a very nice gentleman.

Commissioner Tuley: Is that the one that was in the private sector?

President Jerrel: Yes.

Commissioner Tuley: Yeah, good.

President Jerrel: I'll say so ordered on these.

### Old business

President Jerrel: If you'll go back under new business...well, no, let's just stay with it. Is there any old business?

### New business

President Jerrel: Okay, any new business? We do have a request from the Water & Sewer Utility. They have put together a grant request to the federal government for funding assistance in the amount of right at \$36 million and they're asking that we include a letter of recommendation with this. It would be specifically for a wastewater treatment plant on the north side of town which is in a growth area and also for certain Pigeon Creek enhancement projects. So it's, you know, I don't know that it is a longshot, but it's an opportunity so we want to support them, so there is a letter if I could have a motion to approve.

Commissioner Mourdock: I'll move approval and signing of the letter.

Commissioner Tuley: Second.

President Jerrel: So ordered. Is there any other business to come before this Board? Hearing none, is there a motion--

Commissioner Mourdock: To adjourn, so moved.

President Jerrel: --to adjourn.

Commissioner Tuley: Second.

The meeting was adjourned at 6:50 p.m.

***Those in attendance:***

Bettye Lou Jerrel	Roger Lehman
Richard E. Mourdock	Joe Schenk
Patrick Tuley	Mary Biggerstaff
Joe Harrison, Jr.	Bart Schutz
Suzanne M. Crouch	Gary Sheperd
Charlene Timmons	John Stoll
Tony Greubel	Erik Bentle
Bill Cottun	Others unidentified
Jerry Bryan	Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
November 16, 1998**

The Vanderburgh County Board of Commissioners met in session this 16th day of November at 5:34 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to welcome all of you here. The first order of business, I would like to introduce to you the people at the front of the room so you'll kind of know who the parties are. On my far right, Tony Greubel, our Administrative Assistant; next to him, Joe Harrison, Jr., our County Attorney; to my right is Pat Tuley, County Commissioner; on the left, the lady that is back here walking around is our Recording Secretary, Charlene Timmons; next to her, Suzanne Crouch, County Auditor; and to my left is Richard Mourdock, County Commissioner; and my name is Bettye Lou Jerrel. I would like to ask you to join me in the Pledge of Allegiance now.

**Approval of minutes**

President Jerrel: Thank you very much. Is there a motion to approve the minutes of the previous meeting?

Commissioner Tuley: So moved.

Commissioner Mourdock: Second.

President Jerrel: I'll say so ordered.

**Certification of Executive Session**

President Jerrel: The next item on the agenda is the certification. We did have an Executive Session. Commissioner Mourdock was not there and we had two items on our agenda.

Commissioner Tuley: I move for approval the certification of Executive Session in which the two of us attended as pointed out and items discussed were personnel and litigation.

President Jerrel: And I'll say second and so ordered.

**Open bids - Raze house at 4425 Huebner Road**

President Jerrel: The next item on the agenda is to open the bids for the razing of the house at 4425 Huebner Road.

Commissioner Mourdock: I'll move approval of the opening of those bids.

Commissioner Tuley: Second.

President Jerrel: So ordered. Okay, we'll just go on and come back to that.

**Jerry Bryan - Purchasing Department**

President Jerrel: The next item on the agenda is Jerry Bryan, our Purchasing Director, and he has some bids to discuss.

Jerry Bryan: Okay, I would like approval to bid and advertise APA013-99, which is tires and tubes. I would like approval to bid and advertise APA025-99, commercial fueling and approval to bid and advertise computer and copy paper, APA022-99.

President Jerrel: Is there a motion or any questions regarding that item?

Commissioner Mourdock: I'll move approval as requested.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered. Thank you very much.

**The Center - Selection of management firm**

President Jerrel: Now, the next item on the agenda is probably the reason many of you are here. We had a meeting, just to refresh your memory those of you who haven't been here before, we have been evaluating and meeting with a number of companies and we did reduce that to three. At this time I would like to express the Commissioners' appreciation to Compass, to Globe and Ogden for their proposals. This selection is the first in a very long process because the tough part will be the contract negotiations that will follow. I thought before we do any actual motions or voting I would like to give each Commissioner an opportunity to say anything that they may want to say concerning this issue and I either can go first or I can go last.

Commissioner Tuley: Doesn't matter.

Commissioner Mourdock: Go ahead.

President Jerrel: I mean, if someone wants--

Commissioner Mourdock: Ladies first, go ahead.

President Jerrel: Alright. I just sat down over the weekend and tried to list what would be most important to me in this issue because we're talking about three very, very fine companies, three strong contenders. What do I care about the most, so there were four, about The Centre's management that really meant a lot to me? The first one was a strong commitment to financial and the administrative expectations of the county. Not that I don't care about everything else, but the money and the details and recording of that are number one concern of mine. The second thing was a very vigorous programming and scheduling of events. Very vigorous approach to that. Third, dedicated management and maintenance of the facility and last, but not least, skillful public relations because this is the public's new center and I want everyone to feel comfortable when they use the building and I want them to be treated with that kind of skillful approach. Okay.

Commissioner Tuley: Those are all good and I don't have much more to add to that other than, you know, I tried to look in addition to some of the things you were talking about, maybe the actual forecast for what they figured the income and the expenditure or deficit

would be or the amount of surplus that would be generated from there and tried to compare that to what our history has been in the past and see if my feelings were in line with what was being forecasted. I too think all three are very reputable companies. Probably all three could do the job. I don't think there is a "bad choice" amongst the three that we've got to select from. That all added together is how I arrived at my decision.

Commissioner Mourdock: Well, the advantage of speaking third is probably all the good stuff has already been said so I don't have to say much! All of those items certainly are valid. I guess as I looked them over again yesterday afternoon the thing that struck me was, yes, we clearly have three companies that met what we had originally laid out in our Request for Proposal which was the ability to come into this new facility before it's opened and help with that final bit of construction, if you will, and management to get it to be something we can truly use and that this community will benefit from. Secondly, as Pat mentioned a moment ago, I'm very concerned about what the forecasts are, but even as I am concerned about them I have to say I take them a little bit with a grain salt because I think each of those three companies would achieve different things just based on their experience, their connections in the marketplace and what they have to offer. The last thing I looked at was how the company that we would choose would fit into this thing as a total package with the community. All those things, I don't know that I can say one is any greater than another. They were all equal links in a chain that will lead to success or something else. It also occurred to me as I was rushing in here tonight, I have been on this Board now four years and this is the fourth critical vote on the Vanderburgh Auditorium that has come up. Pat, you and I were here for the one on whether or not we should buy the Green Convention Center. That was rather contentious. After we got past that one it was a discussion of how we should go about the contracting for the facility and then, of course, the actual decision to put it out for bid and go forward. I mean, those have been four big decisions and I see this one also as being equal to those. Having done that and gone through that process I ranked the three companies and I am prepared to vote.

President Jerrel: Okay, again, I want to remind everybody that is here that is interested in this selection to remember that this is the first step. The negotiations will be the finalization of a contract. That would include all facets of the contract including not only the promotional end...the inclusive part of the contract would be evaluated and negotiations for that. We plan to use Barney Levensgood, who manages the RCA Hoosier Dome, and our County Attorney, Joe Harrison, Jr., in the negotiations so that the contract represents something that will benefit the community as well. Okay, now--

Commissioner Mourdock: If I may just clarify one thing.

President Jerrel: Uh-huh.

Commissioner Mourdock: Obviously, what we're...I think obviously, and that's what I want to clarify, what we're sending the County Attorney out to do with this vote is to negotiate to the terms of the RFP as was issued in whenever it was issued, back in August, I guess, or July.

President Jerrel: Right.

Commissioner Mourdock: Therefore, the terms that he is going to work from are fundamentally those that were put in the RFP.

President Jerrel: Right.

Commissioner Mourdock: Okay.

President Jerrel: Okay, now at this point we talked about all sorts of ways that we could do this and I guess the easiest way and probably the simplest is simply to say is there a motion?

Commissioner Mourdock: I will make a motion. I would make a request for the purposes of clarity that we do this with a roll call vote, but in making my selections, and again I can talk to this at length if you like, but as I weighed the three candidates I think how this project plays into the community as a whole is of critical importance. I think the track record of Ogden has been very good in this community. I recognize that there is always a place for competition, but I also recognize a time when competition can be less than perfect. Having reviewed the total package I would move that we place Ogden...place the name of Ogden before the County Attorney to negotiate with their officials to see if we can arrive at a contract.

Commissioner Tuley: Okay, for the purposes of bringing it to a vote I'll second.

President Jerrel: Thank you. And now I will ask for a roll call vote. Commissioner Tuley?

Commissioner Tuley: I vote no.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: I'll vote yes.

President Jerrel: And I'll vote yes. Now if there is anyone that wishes to make any inquiries we would be happy to answer them or in the case of Mr. Tuley if he has any comments to make.

Commissioner Tuley: You know, there were just...again, I said all three of them and I truly believe any one of the three. I do not think there is "a loser" in terms of the county on the outcome of this vote. I'm just a little bit uncomfortable, as I was in the beginning, about the lack of competition. I'm not sure that's a good thing. Hopefully, since Ogden has been the one that has been selected that I'll be wrong on that issue and that with their presence in here they will be able to do...serve two masters. That's been my biggest hang-up, and the fact that I did like the idea of Compass being in the midwest region, the facilities that they do have are comparable in size and in composition as what we're doing and that was the reason for my vote. I would have voted for Compass, but having said that, you know, I am willing to work with the Commissioners, or Joe, or Ogden, or whoever we need to sit down with to make it successful. That's more important than anything to me is that we have a successful venture here. We spent a lot of the taxpayer's money and we've got to make it work.

Commissioner Mourdock: I appreciate all those things. You're right, we do have a lot of money at stake here. In the course of the negotiations I think what is absolutely critical is to maintain the balance between the city and the county. I'm convinced that can be done contractually so that Ogden does not have any reason to go towards the city facility any more than they would a county facility. Obviously, if contractually that's not possible, I guess we would be talking about this again in the near future.

Contracts...I'm not an attorney as I have proven many times, but one thing that is important as an essential element to any contract is a time period. Obviously, there is going to be a time period on this contract by which they must perform and we'll keep using the benchmarks to see that does happen.

Commissioner Tuley: There is one thing that I would like to add. What I would like to see happen, we've been assured it will not be a problem, but before we get very far down the road, and I am thinking within the next week or two, I mean whatever is a reasonable expectation, they should provide Joe with a release from the city to enter into the negotiation process. If that needs to be put into the form of a motion I'd be glad to do that.

President Jerrel: I think we did vote on that.

Commissioner Tuley: Did we?

President Jerrel: Yeah, I think we did.

Commissioner Mourdock: I think we did, but I don't know that we have received anything at this point. I think I agree with Pat, as a follow-up that would be a wise thing to do.

Joe Harrison, Jr.: I think we ought to have it within a week.

President Jerrel: Okay.

Commissioner Tuley: I'll so move then.

Commissioner Mourdock: I'll second.

President Jerrel: And I'll say so ordered. I did have the opportunity to speak with the Mayor a little bit about that just to make sure this last week and I think what we're setting in motion is an opportunity for a company that is recognized and I did call references from all three companies and, again, I repeat they were all three just fine. There is no question in my mind that Sandie Aaron has done a remarkable job at Roberts Stadium. I would expect that as much as anything influenced my selection because you can have names of companies, but their person that does it is the one that makes the significant difference and I have the utmost respect that she is going make a significant difference in our center, and so with that I'll say that the selection of Vanderburgh County to operate the new center will be Ogden and the negotiations shall begin immediately.

Commissioner Mourdock: Again, just to formalize that let's put some time periods out here. I know it is not always possible to put a hard date to say we will have a contract by, but I would by way of suggestion...go ahead, Joe.

Joe Harrison, Jr.: We had originally said within a month.

President Jerrel: Yeah, one month.

Joe Harrison, Jr.: From today.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: Which I think would be the...I think I indicated the 17th of December.

Let me check. Is that a Monday?

Commissioner Tuley: The 21st or the 14th.

Joe Harrison, Jr.: I would say either the 14th or the 21st of December.

Commissioner Mourdock: I would move that we try to conclude by the 14th. Also, along with that, I would ask so that this begins promptly that we have three Executive Sessions between now and then and that we be given a status report on those negotiations. Tell me if that is inappropriate, Joe, but those are contract negotiations and I think that's fully appropriate for those sessions.

Joe Harrison, Jr.: I'll get back with you on that.

Commissioner Mourdock: If it's not appropriate as an Executive Session item--

Joe Harrison, Jr.: You will know.

Commissioner Mourdock: We still need to know, that's right.

President Jerrel: Okay, then I am going to move on the agenda if there are no further questions.

### **Oak Hill Road Barrett Law project - Preliminary resolution**

President Jerrel: F on the agenda is the Oak Hill Road Barrett Law project and we do have representatives, I believe, here, the preliminary resolution and notice of a public hearing.

Joe Harrison, Jr.: I believe Mr. Schwenker is here this evening and I'm sure he'll want to say a few words here in just a minute. He has been instrumental in trying to extend, I guess is the proper word, the city sewer that is out in that area to about 85 or so homeowners out in the Oak Hill Road/Rode Road area/Bexley Court. There are a number of streets out in that area that are in dire need of sewer service. I believe he came here at least a year ago and it was probably a year and a half ago and probably before that on several occasions seeking Barrett Law assistance from the county. After many months of research and discussions with his engineer, or the group's engineer, Andy Easley, they have come up with plans and specs with respect to the proposed development. John Stoll, the County Engineer, has reviewed the plans and specs and has submitted the plans and specs to this Board as well as a project cost estimate with respect to the project. In front of you this evening is a preliminary resolution for the Board of Commissioners to consider concerning this project. The estimated cost by the County Commissioners...or by the County Engineer is \$499,577. That cost estimate was submitted to the Commissioners on October 26th. That is a maximum estimated cost estimate. In the past we've had several projects and the cost of the projects has been below the cost estimate, but it is better to side on the side of caution as opposed to giving an estimate that is too low because that would force the project to start over again. But, again, this evening the preliminary resolution is in front of you. Attached as Exhibit A is a listing of all the homeowners to be benefitted by the proposed project. Again, there are 85 homeowners listed as well as a boundary description setting forth the legal boundary description of the project. Mr. Schwenker is here and I don't know if anyone from Andy Easley's office is here, but Mr. Schwenker is here and may want to say a few words with respect to the proposal.

Eric Schwenker: Thank you very much, Mr. Harrison. I have been working on this project for three years and one month, not initially as a Barrett Law project, so it has only taken about two years to get from where we started with the Barrett Law to this point and I am ecstatic that we are here. Andy Easley is our engineer on the project and he could not be with us tonight, but I know that he has reviewed the design very closely with Mr. Stoll, the County Engineer, and Mr. Harrison, the County Attorney. It has also been reviewed by the people with the Evansville Water & Sewer Utility so they are very familiar with the design and they too feel that it is a workable arrangement. I stand ready to be of any assistance to the County Attorney that he might need in any further follow-up and detail work concerning this project, so thank you very much. I would appreciate it hugely if you did sign and pass such a resolution tonight. Are there any questions from the Commissioner which I can answer?

Commissioner Mourdock: Just one, Mr. Schwenker. The 85 property owners that we have listed here, do you have a good feel for support among those 85? I know we've been down this road a little bit before.

Eric Schwenker: Yes, sir, we have over 90% support for the project and the folks who do not support the project we do not have to impinge on their property in order to accomplish the design.

Commissioner Mourdock: So all those that are interested...or all those who are willing...well, you made the statement. Those who don't want to do it will not be affected by this project.

Joe Harrison, Jr.: They will be--

President Jerrel: They'll be part of it, assessed.

Joe Harrison, Jr.: --assessed, but as far as the engineering work that was done they went around their property.

Eric Schwenker: That is correct. We do not impinge on their property.

Joe Harrison, Jr.: There could certainly be more objections than he is aware of. Someone could change their mind which has happened in the past, but that process will, as far as objections, will take place in a few more weeks after we address the second issue which we'll bring up after the consideration of this preliminary resolution.

President Jerrel: I want to make just one observation, and I don't know if any of the people here are here for this project or for another one, but it has been my observation for almost two years that the success of these projects...now Barrett Law is a marvelous instrument to help neighborhoods, particularly in situations just like this. It takes one person who is willing to put in the time to get the ball rolling and I just want to say thank you to you, you're that one person.

Eric Schwenker: Thank you very much, ma'am.

President Jerrel: Okay, is there a motion?

Commissioner Mourdock: I will move the notice of a public hearing concerning the resolution approving a certain Barrett Law sewer project...I'm sorry, I read the wrong title. I will move the preliminary resolution of the Board of Commissioners of

Vanderburgh County approving the construction of the Oak Hill Road Barrett Law project and the issuance of bonds to finance such project and addressing matters related thereto.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: And in connection therewith if you could also approve the notice of public hearing concerning this and that notice is there with you in front of you and the public hearing would be on November 16, 1998 at 5:30 p.m.

President Jerrel: No.

Commissioner Tuley: No, that's tonight.

President Jerrel: That's tonight, December 7th.

Joe Harrison, Jr.: I'm sorry, December 7th.

President Jerrel: Pearl Harbor day.

Joe Harrison, Jr.: I don't know what I'm doing. Okay.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: At that time, again, there will be a public hearing with respect to this matter and if there are any other issues at that time they'll be addressed.

Eric Schwenker: And I will be here.

Joe Harrison, Jr.: I would think you would!

Commissioner Mourdock: I have no doubt about that, Mr. Schwenker.

**Evergreen Heights Barrett Law project - Final resolution**

President Jerrel: Okay, the next item on the agenda is the public hearing for the Evergreen Heights Subdivision Barrett Law project.

Joe Harrison, Jr.: This is the second time that this has come back before this Board. It started over again as a preliminary resolution and on October 26th this Board approved the preliminary resolution with respect to this matter and at this time the Board is to consider a final resolution but prior to doing so with respect to the Evergreen Heights project there is the need for a public hearing. One of the reasons this project started over was to get a better handle on the affected property owners. There are 27 listed and the properties of those individuals are listed on Exhibit A as well as tax code numbers and I think for the most part as far as I am aware those matters have been resolved at this time. There certainly still could be a few people that may be opposed to

the project, but this is the time and place for comments on this matter.

President Jerrel: Is there anyone that would like to speak to the issue of the Evergreen Heights Barrett Law? Yes, sir.

Brian Housman: Brian Housman, 110 Evergreen Road. I just wanted to make sure that with the project that we're just under one tax assessment. We're the ones that restarted the vote and everything.

President Jerrel: We show you as just one.

Joe Harrison, Jr.: That's correct.

President Jerrel: 2-374-027.

Joe Harrison, Jr.: That's correct.

Brian Housman: That's the only question I have. Thank you.

Commissioner Mourdock: We're glad you clarified that for us last time.

President Jerrel: Yes, sir.

Harry Hanft: I'm Harry Hanft, 5 East Evergreen Road. I understand how people with four lots would be assessed a lot of money to get those lots in there and now it's all been down to one lot which is fine. The only problem with that is what happens if three years or five years from now he decides to put those lots back to single lots? We've already...we are at the point...and I can understand what he is trying to do and I don't blame him, but by the same token the way it works out from the five lots that are not...that are either four for him and two for two other people, and it's going to end up costing the rest of us property owners between \$800 and \$1,000 a piece and with no way of ever claiming that money and he doesn't have to worry about it. If he has to subdivide it any of the money that he spends doing all that will never to come us, it will come to you, the county. I just wanted to make that statement. I know we need it. I know...where I'm on the hill it is not a real problem for me, but for people like Mims Poole and down there it's a problem. Mims couldn't be here tonight, he is in the hospital. He's coming along pretty well, thank you.

President Jerrel: Anybody else?

Joe Harrison, Jr.: Again, as far as his question is concerned it is possible that someone could subdivide at some point and spend some money doing that and, again, your concern is a valid concern, so that's about all I can say at this point.

Commissioner Mourdock: To clarify one point though, the money isn't really coming to us. It would be going to the Utility Board.

Harry Hanft: Do what?

Commissioner Mourdock: The money you said that wouldn't be going to you and you said it would be going to the county, as a matter of fact it really wouldn't be going to the county.

Harry Hanft: (Inaudible comments made from audience.)

Joe Harrison, Jr.: That's correct.

Harry Hanft: (Inaudible comments made from audience.)

Joe Harrison, Jr.: No, and I don't have that figure. I don't know if it's...I don't know if the engineer for the project knows at this point, Mr. Kipling? John, do you know?

John Stoll: I believe that tap in fee is \$450.

President Jerrel: Four hundred and fifty? Is there a motion regarding the public hearing for Evergreen Heights Subdivision Barrett Law project?

Commissioner Mourdock: I'll move approval of the final resolution of the Board of Commissioners of Vanderburgh County approving the construction of the Evergreen Heights Subdivision Barrett Law project, the issuance of bonds to finance such project and addressing matters related thereto.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Building Authority - Approval to award bid for cellblock painting**

President Jerrel: The next item on the agenda is approval simply of...we have in a public meeting in the past indicated that authorization for the Building Authority to go ahead with the jail cellblock painting and that particular...they did some work and we authorized it and they have now come back with a proposal that we paint the remainder of the jail and that the figure is in the neighborhood of \$98,000. It will be probably over a two year period. We would like to just simply give that authorization that we do intend to go on with it.

Commissioner Mourdock: Just as a point of reference, I placed a called to a member of the Board of Building Authority today, Andy Goebel, and he did not return my call. He was in a meeting most of the afternoon, but this one kind of sticks in my craw a little bit in that we have been paying a lot of rent to the Building Authority. I'm willing to go ahead and approve this, but I think before this is over next year when we negotiate our rent we may ask for a deduction of about \$98,574. I mean, what do we pay rent for?

Commissioner Tuley: That's a very good question. I don't think we can keep from this in lieu of everything else that is going on and I know that is not what you're advocating.

Commissioner Mourdock: That's right.

Commissioner Tuley: But I think you are absolutely right. We should not be paying for this.

Commissioner Mourdock: That's right.

Commissioner Tuley: But right now we have no choice but to negotiate it back out.

Commissioner Mourdock: Right, and I think we can stand pretty firm to get that done.

I think we've got a lot of leverage.

President Jerrel: It would help probably though if you would keep calling until you get through.

Commissioner Mourdock: I will.

President Jerrel: Because I think it's the Board that needs to be aware of this. So is there a motion?

Commissioner Mourdock: Yeah, I'll move approval of the award to the lowest bidder.

Joe Harrison, Jr.: What it would be is they're going to award the contract.

Commissioner Mourdock: Yeah, you're right.

Joe Harrison, Jr.: We would just approve the concept of going forward with this.

President Jerrel: The concept.

Commissioner Mourdock: Yeah, move approval of the acceptance of the bids.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Contract - Raze house at 412 North Elm Street**

President Jerrel: The next item on the agenda is the contract we need to sign for the demolition of the...I just need an approval of the signing of this. This is the demolition of a house at 412 North Elm.

Commissioner Mourdock: I'll move approval of the contract as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Any group or individual wishing to address the Commission**

President Jerrel: The next item is the one we reserve for anyone that wished to come before the Board to speak about any issue.

### **John Stoll - County Engineer**

President Jerrel: Hearing none, I'll move to the County Engineer.

John Stoll: What I just passed out is the final costs on the Old State Road Barrett Law sewer. The final cost is the maximum cost estimate of \$115,000. The punch list has been prepared by the sewer department. The contractor has addressed about 90% of those items, so it is going to be accepted by the sewer department within the next couple

of weeks is the time table, so it is ready to go for all practical purposes.

President Jerrel: Good.

John Stoll: I guess Joe can get started on all the assessment procedures. The only other item I've got is I wanted to let you know we'll bring a notice to bidders on the Ward Road project next Monday.

Commissioner Tuley: Oh, good.

President Jerrel: The money is in place.

John Stoll: Right.

Commissioner Tuley: All of it?

President Jerrel: Uh-huh, all of it.

Commissioner Tuley: Oh, good.

President Jerrel: I have to say this to you, John has been doing a good job. Him, and JP, and Tony down there because I have been worrying with an adding machine and pencils and talking to them about every nickel in every line item we've got and they have been on the ball and we're ready, aren't we, for the end of the year?

John Stoll: I believe so.

President Jerrel: Okay.

Commissioner Mourdock: John, before you get away from the microphone I got a very unusual call the other day where a local resident out in the vicinity of Bergdolt and Oak Hill Road actually asked for a stop light which is--

Commissioner Tuley: That's a first.

Commissioner Mourdock: That may be a first. I told him I would bring it to your attention and look for some direction from you and perhaps Erik. Do we need to do a traffic count?

John Stoll: Right, I was going to say I'll need to get in touch with EUTS and have them do some traffic studies and see what the traffic counts are and see whether or not it is warranted according to the manual on uniform traffic control devices, but I can request that. I'm not sure how soon they can get it. I don't know what kind of backlog they've got on their other counts, but I can request that.

Commissioner Mourdock: Okay. I fear what they may find, but in the interest of safety I think it is something we have to consider.

John Stoll: And there is that new subdivision coming in at the end of Bergdolt down there, it's Arrowwood Sub, so it's just going to add more traffic to it. That's all I've got.

President Jerrel: Thank you.

Commissioner Tuley: Thanks, John.

**Erik Bentle - County Garage**

President Jerrel: County Garage, Erik.

Erik Bentle: The only thing I have tonight is we went ahead and made the change with our night shift bringing them onto the day shift and so far it has went over pretty well. They really didn't have much complaints about it, so that's really all I have tonight.

President Jerrel: I have another item.

Erik Bentle: Okay.

President Jerrel: We need to get approval, it will be a bid. There is just two companies that provide this 800 system for the radios. We need to replace the radios.

Erik Bentle: Yes, ma'am.

President Jerrel: It will probably be in the neighborhood of \$45,000 to \$50,000.

Commissioner Tuley: Why do we need to replace them? They just wore out or we changed--

Erik Bentle: Well, the system we have now is a 100 amp service to all of our trucks that are running snow routes and all that there in the county and it's just...it's terrible. If they get in the far reaches of the county they're on their own.

Commissioner Tuley: You can't touch them?

Erik Bentle: Yeah.

Commissioner Tuley: Okay.

Erik Bentle: With them being out there on their own at midnight or late hours of the evening plowing snow if they get off in a ditch they're there.

Commissioner Tuley: Yeah.

Erik Bentle: So we really need to go to an upgraded system. What we've been trying to do is talk with the people over at Central Dispatch, since the county does already have that system in, just putting us right into that system. If that's the case, then all we would have to do is purchase the radios ourselves.

President Jerrel: So it might not be that.

Commissioner Tuley: Okay.

President Jerrel: What we're going to have to do, Erik is going to get with Jerry Bryan--

Commissioner Tuley: Okay.

President Jerrel: To make sure we follow the purchasing--

Erik Bentle: I've already done that.

President Jerrel: Oh, okay, good.

Erik Bentle: And I have sent a letter to Central Dispatch, to the Chief Deputy there, which she has to take it to the Safety Board, I believe, to get the approval to put us on that system.

President Jerrel: That would be good.

Erik Bentle: It would be real good and as a safety factor it would be great because these guys are out there all by themselves in the wee hours of the night. Nobody is going to find them unless the Sheriff just happens to run by there.

President Jerrel: Well, this will be in the works. The money is in place. We don't need to make an approval on that, but I think we need to approve the purchasing so that we can get moving with the Purchasing Department.

Commissioner Tuley: I'd be willing to move at this time then for the purchasing.

President Jerrel: Okay.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

Erik Bentle: Thank you.

Commissioner Mourdock: Erik.

Commissioner Tuley: Wait a minute.

Commissioner Mourdock: You said something about when the Sheriff Department goes running by, well, for what it is worth I went jogging by the garage on Saturday morning. The yard out there and everything looks really good with that building gone out of there.

Erik Bentle: We started to pave that back lot today, too.

Commissioner Mourdock: Oh, did you?

Erik Bentle: So we've got the first base coat on it, so we've got to put all together three inches of base down there to seal that lot.

Commissioner Mourdock: Right, yeah.

Erik Bentle: It's coming along pretty good.

Commissioner Mourdock: Good. The fencing and everything looks better than it used to and that's an improvement too, so I just wanted to compliment you.

Erik Bentle: We've got a lot of work yet to do, I'll tell you.

Commissioner Mourdock: Yeah, you do in the yard. I did notice in your reports though,

again, we've got progress of what has been done, are you still making a forecast as far as what work is going?

Erik Bentle: Yeah, this week it just totally slipped my mind to get it in this week and I apologize, but yes we have been doing it every week.

Commissioner Mourdock: Okay, alright.

Erik Bentle: It has really been hectic this week.

Commissioner Tuley: Okay, Commissioner Jerrel told me earlier that with the shifting of people that you're able to put out more patch crews again?

Erik Bentle: Yes, and your request that you gave me the other day, they was out there today and they didn't get to all of them.

Commissioner Tuley: Okay.

Erik Bentle: They should get on it tomorrow.

Commissioner Tuley: That's okay. I asked her earlier about it and she told me that, so that is fine. I just wanted to let you know I appreciate it.

Erik Bentle: No problem.

Commissioner Tuley: There are a lot of buses up and down that road.

Erik Bentle: Yeah.

President Jerrel: Before you leave, Erik, I had...you know, we've been talking about doing an in service with our administrative people and Lewis Smith and the steward out there and our County Attorney and he said if...you all need to check your schedules, but December 10th, that's a Thursday...is that the date you...you gave me two dates.

Joe Harrison, Jr.: I had said the 3rd, but if you--

President Jerrel: Okay, well we can go back to the 3rd.

Joe Harrison, Jr.: Uh-huh.

President Jerrel: Okay, the 3rd at...oh, yeah, I did. I marked that. You're right. At 9:00 down here.

Erik Bentle: Okay.

President Jerrel: We'll have an in service for all of them--

Joe Harrison, Jr.: And if you can't do it we can set it some other time.

President Jerrel: But I thought that would get you enough notice.

Erik Bentle: Okay.

Joe Harrison, Jr.: Just call me if you can work that out, is that okay?

Erik Bentle: Sure, that's fine.

Joe Harrison, Jr.: If you can't we'll just set it up some other time.

Erik Bentle: No problem.

Commissioner Mourdock: Pardon my lack of background here, but that must be a term from the education world. What does in service really mean?

President Jerrel: Okay, in service means if we're going to pick a topic and in this particular case it's a better understanding of the union contract--

Commissioner Mourdock: Ah, okay.

President Jerrel: --and a review of each facet of it and I thought--

Commissioner Mourdock: Great.

President Jerrel: --you know, our attorney and Lewis Smith from the Teamsters and the steward and the people that administer it should get together and I call it an in service because that is what it is.

Commissioner Mourdock: Okay.

Erik Bentle: It is now anyway!

President Jerrel: Okay.

Commissioner Mourdock: The words are henceforth defined!

President Jerrel: Alright, the 3rd at 9:00 and if it isn't okay then you guys need to work it out.

Erik Bentle: Okay, I'll get hold of him and make sure. Okay, thank you.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: Okay, County Attorney.

Joe Harrison, Jr.: There was a bid submitted with regard to 4425 Huebner Road. I guess it was to raze a house there. The bid that was submitted:

Company name	Amount bid
Floyd Staub	\$4,385.00

You can take it under advisement or you can award the same this evening. You might want to take it under advisement. Maybe we ought to let Roger Lehman, at the Building Commissioner's Office take a look at it to see if it complies with the specs that were submitted and you can make the award next week.

Commissioner Mourdock: I'll move we take it under advisement.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: That's all I have.

President Jerrel: Okay, thank you. Superintendent of County Buildings.

Joe Harrison, Jr.: I'm sorry, I did have one more thing. I've got a set of papers here with me. It's a document titled Signature and No Litigation Certificate relating to the issuance of the Series B Bonds relating to Burkhardt Road. If you could execute those this evening following the meeting, if there could be a motion to that effect. This is the second phase of the funding of the project out on Burkhardt Road and this essentially is paying off the BAN that has been out there, the \$3 million BAN which was roughly half the project. The project, I think, was about \$7 million or so and this is to pay off \$3 million. The bonds are to be issued hopefully later this week on the 19th of November. If there could be a motion to sign this that will enable this process to move forward. The other documents have been signed by the Redevelopment Commission who is the actual issuer of the bonds.

Commissioner Mourdock: I'll move approval of the signing of the document labeled Redevelopment District Tax Increment Revenue Bonds of 1998 Series B Purchase Contract dated November 11, 1998.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: Essentially that is...that's not the correct title, I'm sorry. The title is on there.

Commissioner Mourdock: That's the title I have.

Joe Harrison, Jr.: You had the right Series B, but it's call a Signature and No Litigation Certificate is what that document is called.

Commissioner Mourdock: I'll amend the motion then with that wording.

President Jerrel: Will you accept that?

Commissioner Tuley: I will accept that, yes.

President Jerrel: Okay, and I'll say so ordered to the correct motion. Is there anything else?

Joe Harrison, Jr.: That's all, thank you.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Burdette Park. Oh, wait a minute. I skipped...I started with Superintendent of County Buildings and then you stopped me.

Tony Greubel: I don't have anything anyway.

President Jerrel: Okay, thank you. Are we ready to close out our United Way campaign and get everything in? Is there any...have you talked to our representative? Is there anything hanging still?

Tony Greubel: I've got two departments that I still have to turn over.

President Jerrel: Okay.

Tony Greubel: They've given us their certificate...their vouchers.

President Jerrel: Okay.

Tony Greubel: And I have to turn those in to the United Way.

President Jerrel: So that will pretty well wrap it up?

Tony Greubel: Yeah.

President Jerrel: Okay, thank you very much. Tony has done a good job with that and we've had some good help, so we appreciate it.

**Steve Craig - Burdette Park**

President Jerrel: Okay, now Burdette Park.

Steve Craig: I have one thing. I had contacted Bill Jeffers about doing the preliminary drainage work and the building layout and the sewer layout for the Discover Lodge because at this time we don't have any of that done and he had suggested that John Stoll, and he...or Bill, and I meet so that we can get this thing ready to go in case or if and when some money would come in from the Build Indiana Fund. Even if the money doesn't, down the road when we do this this work will still need to be done, so we want to proceed with that. I haven't tied John down and I didn't get a response out of him. I contacted Chuck Whobrey about writing us a letter from the Teamster and he said he would be more than happy to because he had worked with us through--

President Jerrel: Good. We're going to do our cover. Steve brought these. I've got a...we're going to do a montage of these beautiful pictures, front and back cover that we're going to include with our...not that it will win us any points, but it certainly is a beautiful...it will make a beautiful cover. I appreciate it. I'll be very careful with them.

Steve Craig: Yeah, well we have the negatives, but I told everybody if they had any more pictures because that is just what I got the day when I had talked to you.

President Jerrel: Well, I'm going to do...it's going to be a solid montage, both sides. It will be a little bit unusual and then the title of it right in the center.

Commissioner Mourdock: Do we have any feel for what the Build Indiana Fund... when we're going to hear from that?

President Jerrel: You won't hear anything until later in the session. They probably will have some new membership on the committee when they reorganize next week and that

is why we're going to wait until we get settled in before we send this final --

Commissioner Mourdock: But do you think we'll even know something constructive by the end of the session?

President Jerrel: Oh, yes.

Commissioner Mourdock: It won't be the end of the year?

President Jerrel: No, it will be the session.

Commissioner Mourdock: So probably April?

President Jerrel: Yeah, I would say April.

Steve Craig: I was even thinking before that.

President Jerrel: If they get on with.

Steve Craig: When I originally talked to them they said maybe the end of January or February that they would--

Commissioner Mourdock: Sounds like April to me!

President Jerrel: They likely will put off the tougher, you know, budget issues and the restructuring of the taxes and all that, they'll do that the last two days, so we might get finished early.

Steve Craig: The sooner the better.

President Jerrel: Okay, and another issue that Steve and I talked about today and he faxed some prices to me. We've got to look at our money situation to get some of the pumps replaced and perhaps get a couple more or a few more bumper boats so we'll bring that back to you in a more formal presentation next week. Okay, thank you. Are you going to talk to those guys?

Steve Craig: Yeah, if I can get his attention.

### **Weekly reports**

President Jerrel: Okay. You do have a report from Soil & Water and the Ozone Officer if you would like to make a motion to accept those.

Commissioner Mourdock: I'll move acceptance of both of those reports.

Commissioner Tuley: Second.

Commissioner Tuley: So ordered.

### **Consent items**

President Jerrel: Under the consent items there are a number of items for travel and

most of them are out of their budgets, but if you would like to make a motion to approve the consent items.

Commissioner Mourdock: I'll move approval of the consent items.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Scheduled meetings

President Jerrel: The meeting schedule is listed.

### Old business

President Jerrel: Are there any questions or any issues to be brought up under old business?

Commissioner Mourdock: I have one and I was at a, oh, one of the church breakfast type things on Saturday morning, a little fundraiser out in Darmstadt, and I had several people come up and say kind things about the action that the Board took regarding Azteca and it occurs to me it would probably be appropriate for this Board to draft a letter and send it to the people at Azteca. Obviously, we don't know that the problem is resolved forever, but I don't know about either of you, but I haven't gotten any negative calls for months and months and to have people to actually come forward and make positive comments, I think as much pressure as we put on Azteca it is fully appropriate that we also send them a letter saying thank you for what you've done. They kept us informed exactly as we asked them to. Every week we got a report on the progress they were making, so I just move that we--

President Jerrel: Let's make that in the form of a motion so we'll move--

Commissioner Mourdock: I'll move that Tony, that silver tongue devil that he is, draft a well worded letter to say what we just discussed.

Commissioner Tuley: You know, I'm going to second but I've got to make a comment. You know, it's amazing that we would do that because it is the very thing we would like for people to do for us that we don't get, so it's good that you thought about doing it because it never occurred to me that we should do that and that's a very good suggestion and I'll second your motion.

President Jerrel: I'll say so ordered. It is ironic. Tony and I came in here today and we went through everything on our board over there to see where we stand on everything and the Azteca had just stopped.

Commissioner Mourdock: Oh, really.

President Jerrel: No reports because, you know, of course they invested a half million dollars, but I think that's a good point and we were talking about that one and we also want to get The Center...someone, what's that man's name again, Tony?

Tony Greubel: Which man at The Centre?

Commissioner Mourdock: Oh, Hoefling?

Commissioner Tuley: Oh, Dan.

Tony Greubel: Oh, Dan Hoefling.

President Jerrel: Okay, we want to make arrangements for him to come in and make a little update.

Commissioner Tuley: A little update, yeah.

President Jerrel: At our meeting, so we need to do that and in terms of what we said we were going to do we've finished almost everything except future projections and I'm working on it. Financial implications for future road projects. So other than that we've about wiped it out.

**New business**

President Jerrel: Okay, any new business? Hearing none, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:25 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Jerry Bryan  
Eric Schwenker  
Brian Housman  
Harry Hanft  
John Stoll  
Erik Bentle  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Commissioners Meeting  
November 23, 1998**

The Board of Commissioners of Vanderburgh County met in session this 23rd day of November at 5:32 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Betty Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. The first item on the agenda, I'd like to introduce to you the people that are here before you this evening. To my right is Tony Greubel, our Administrative Assistant; next to him is Joe Harrison, Jr., our County Attorney; Pat Tuley, Commissioner, is to my right; far left, Charlene Timmons, the Recording Secretary; Suzanne Crouch, County Auditor, is next to her; Richard Mourdock, Commissioner, is next to me. I would like to ask you to join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of the minutes of the previous meeting.

Commissioner Mourdock: I'll move approval of the minutes from November 16, 1998 as submitted.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Certification of Executive Session**

President Jerrel: The next item is the certification of the Executive Session and we did meet and we did discuss litigation and pending litigation and county personnel matters. Is there a motion to accept these summary minutes?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Jerry Bryan - Purchasing Department**

President Jerrel: Next item on the agenda is the Purchasing Department, Jerry Bryan.

Jerry Bryan: Okay, the first item of business is the approval for the gasoline and fuel oil products. The bidders were Petroleum Traders Corporation, Gabe's Oil, Busler, Goedde Oil and Posey County Co-Op. We split this into tank wagon deliveries. We recommend that Posey County Co-Op be awarded the tank wagon deliveries at the low bid and the transport deliveries we recommend Petroleum Traders Corporation as the successful bidder.

President Jerrel: Are both of those low bids?

Jerry Bryan: Yes. Posey County Co-Op will also be able to do the LP cylinders which gives us an added bonus there.

Commissioner Mourdock: I'm curious, where do we have LP cylinders? Do you know, Jerry?

Jerry Bryan: I would have to find out.

Commissioner Tuley: Steve has some.

Commissioner Mourdock: Burdette Park, I see Steve waving his hand.

Jerry Bryan: Burdette is one.

Commissioner Mourdock: I'll move approval of the recommendations as submitted by Purchasing.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: The next one is towing. Admittedly, 95% of this is for the city and 5% is for the county. The bids were submitted. Mike's Towing was low on towing of abandoned vehicles and Wolfe's was for the storage and sale of abandoned vehicles. We met with these people, Joe, last Friday and Rebecca Dixon and Kevin and the vendors and we drew up some contracts for that, so I'll have to give you copies of everything on the county side when we come to that.

Joe Harrison, Jr.: So what's your recommendation?

Jerry Bryan: My recommendation is we follow through with Mike's Towing for the towing of abandoned vehicles and Wolfe's for the storage.

Joe Harrison, Jr.: Is that what the city did at their Public Works meeting?

Jerry Bryan: Yes.

President Jerrel: Well, they're the low bid anyway.

Jerry Bryan: Right. Liberty Auto Salvage, I have a letter from them. They said that they had to either have the total package or none at all and Kevin Winternheimer said none at all.

Commissioner Mourdock: I'll move approval of the towing package then as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: The last item for me is the batteries. We had two bidders, Evansville

Battery and Holderfield Battery. As you can see, we recommend that Evansville Battery be awarded the low bid at \$17,702.

Commissioner Mourdock: Again, I'll move approval as recommended by Jerry Bryan.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

President Jerrel: Thank you.

<p style="text-align: center;"><b>Welfare to Work Local Planning Council Permission to transfer funds</b></p>
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President Jerrel: The next item on the agenda is the Welfare to Work Local Planning Council. I know that is not the official name anymore, but...well, correct me and tell us what our--

Tim Suenram: I really don't know. That's news to me. I thought we were still the Local Planning Council.

Commissioner Mourdock: Yeah, I think that is still correct. It's the Local Planning Council for the Advisory Board, but the program itself is the Initiative Based Assistance Program, a.k.a. the Gatekeeper Program.

President Jerrel: Say that again so that I can write it down. Initiation Based--

Commissioner Mourdock: Initiative Based--

President Jerrel: Initiative--

Commissioner Mourdock: --Assistance Program.

President Jerrel: Assistance Program.

Commissioner Mourdock: Or IBAP, as known to some.

President Jerrel: Okay.

Tim Suenram: It's one of those FLA's.

President Jerrel: That's right.

Tim Suenram: Four letter acronyms.

Commissioner Mourdock: I haven't heard that, that's good.

Tim Suenram: I us a TLA to describe that.

President Jerrel: You want to give us your name?

Tim Suenram: I'm here representing the Local Welfare to Work Planning Council. My name is Tim Suenram, I'm the Chairman of that Council. We are asking approval to move \$100,000 from employment to child care. I can give you a little bit of information about that, but I'm not sure how much you already have. Does everyone have the letter that was--

Commissioner Mourdock: Right, that letter is in everyone's packet, so it has been read. Just a quick question, and I understand a little bit as far as what has happened here. The state basically came out with some funding initially and we thought they would be taking care of a lot of the funding for the child care so we shifted some things from...shifted things around. The \$100,000 that we're using now we're going to reassign to child care was originally set up to be in the job training provision.

Tim Suenram: Right.

Commissioner Mourdock: Have we seen much increase at all in that? I continue to be mystified that we're not getting any call for that money at all.

Tim Suenram: So are we. I don't think there has been much of an increase in expending that money, but we are in the process, as you know, of addressing that in a planning grant that we got from the state so hopefully that will change by next year, but right now we're in the process of this.

President Jerrel: Does your planning grant include interaction with companies in town to see about the needs of the training?

Tim Suenram: I don't think we're...the problem...to answer your question, yes, but our supposition is that the problem really more lies with the people that really are not applying for it. It's not because of the employers so much as far as we can tell, but rather the people are not coming and seeking those kinds of funds, so we're addressing whether the parameters are too narrow. We're also meeting...or the applicant for the grant is meeting with focus groups that are recipients or former recipients and trying to determine why they're not using those funds. We should have a report on that, I believe, on the 16th of December.

Commissioner Mourdock: Okay, is that the next meeting? Is that a Wednesday?

Tim Suenram: Well, I was hoping there would be a few other people here tonight to discuss that with them because normally we would meet on the first Wednesday of the month which would be the 2nd, but it seems logical to postpone it for two weeks and get that, so that's probably what will happen, but I can't say at this moment.

Commissioner Mourdock: Okay, well, I do have another question, but just for the purpose of business here I will move approval of the transfer request from the job training provision to the child care account as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: The other point of business, we're at the point now where as we've set these funds up people were...it's a very limited type thing. If you come to us for assistance on your behalf those funds will only last a certain period of time or up to

a certain dollar amount.

Tim Suenram: Right.

Commissioner Mourdock: I would be interested in seeing how many people have used up their benefits through this process and I know, Tim, that is not so much for you as it is for Phil Lieberman back there, but I would like to get that report from Gary Heck as well. It gives us a lot of statistics as to who is using the benefits. I just want to see that we aren't, in fact, having somehow the same folks come back through the system because that's not what it was designed to be.

Tim Suenram: Right.

Commissioner Mourdock: I have no reason to think that has happened, but I just want to see how many people have used up benefits.

Tim Suenram: Okay, I will certainly take that back. I'm sure Phil already has it. Thank you.

President Jerrel: Thank you.

### **Simms Painting Company - Contract for Burdette Park pool**

President Jerrel: The next item on the agenda is Simms Painting Company, approval of the contract for Burdette olympic pool liner. Is there a motion concerning this contract agreement?

Commissioner Mourdock: I'll move approval of the Simms Painting contract. That's for doing certain areas of the jail.

President Jerrel: No, this is--

Commissioner Tuley: This is Burdette Park.

President Jerrel: --the fiberglass, the pool.

Tony Greubel: Actually, they have already started the work, but we just did the contract so that they can get paid on a weekly basis instead of--

Commissioner Mourdock: Thank you for correcting me. I was just checking to see if you were all paying attention! I'll move approval of the Simms Painting contract for Burdette.

Commissioner Tuley: I'll second with the comment I'm not sure who wasn't paying attention!

President Jerrel: So ordered.

### **DMG Maximus - Professional consulting services**

President Jerrel: The next item is County Auditor wants approval of contract with DMG Maximus professional consulting. For your information that appears in our budget as

David M. Griffith contract. You want to real quick tell us the purpose of this, Madam Auditor?

Suzanne Crouch: This firm is a consulting firm and they assist Vanderburgh County in recouping administrative costs for federally sponsored programs such as food stamps, Medicaid, child support. The cost is \$15,750, I believe. Is that correct? Last year we receipted into the General Fund a little over \$121,000 and hope to do the same this year, so it is a very cost effective program for Vanderburgh County to have. It has been reviewed by the County Attorney.

President Jerrel: The fee is based on population. From between 100,000 and 400,000 the fee is \$15,750.

Commissioner Mourdock: As Suzanne said, this one is one that is a good one that pays for itself, so I'll move approval of the contract with DMG Maximus for professional consulting services.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Any group or individual wishing to address the Commission**

President Jerrel: At this point on our agenda if there is anyone here that wishes to speak to us prior to some other part of the agenda they're welcome to speak now.

Commissioner Mourdock: Just a quick question. We have in our packets, it's not at this point in the agenda, but the amendment to the County Storm Water Drainage, so it was just in the wrong package?

Commissioner Tuley: Yeah.

Tony Greubel: It's supposed to be for the Drainage Board meeting. I made a mistake on the draft agenda.

Commissioner Mourdock: Okay, as an ordinance, though, does it not get acted on by the Commission?

Joe Harrison, Jr.: Yes, we'll approve it next Monday.

Commissioner Mourdock: Okay.

Joe Harrison, Jr.: It will be at...the Commissioners' final reading will be next Monday, but the final reading for the Drainage Board will be tonight.

Commissioner Tuley: Okay.

**John Stoll - County Engineer**

President Jerrel: We'll go to our department heads, County Engineer.

John Stoll: The first item I've got I wanted to bring to your attention was the fact that

we're going to have another change order on the Daylight Sewer project. INDOT has provisions on their driveway permits that stated in order for us to open cut a driveway we have to have the property owner sign off on the permit saying that we can open cut it and we've got one property owner who will not sign off on that so we're going to have to bore underneath his driveway as opposed to open cut.

Commissioner Mourdock: Are you kidding me?

President Jerrel: Is he going to benefit from this sewer?

John Stoll: Yes. There is another one that remains to be seen whether or not they'll sign off on it as of yet, but we're working under the terms of INDOT permits and that is what they say we have to have done, so as it stands now we'll have a change order coming for several thousand dollars for the casing pipe and the bore for that driveway.

Commissioner Mourdock: Joe, do you know if there is any way we would have any other alternative? I mean, boring under somebody's driveway is expensive and ridiculous.

Joe Harrison, Jr.: Let me take a look at it. I've never heard of that before.

Commissioner Mourdock: I presume it is a paved driveway.

John Stoll: Yes, and that is part of the problem. They just paved it between the time that the plans were started and now and they don't want an open cut again, so it's all because they've just recently done that work that they won't sign off on the basis of what Don Adler told me, Don Adler from Three I.

President Jerrel: There is nothing for us to vote on today anyway though.

John Stoll: No.

Commissioner Mourdock: Right.

President Jerrel: So that gives him the opportunity to check for us.

John Stoll: Right, I just wanted to let you know that is coming up here soon. The next item I've got I would like to go before Council to appropriate \$375,000 for the Heckel Road bridge and \$2.7 million for the Fulton Avenue bridge. This is just to reappropriate the money in '99 that is currently in those accounts. It looks like Heckel will be put out for bid some time in early January and right now everything is on target for a March letting for Fulton Avenue. Since we don't have a current contract we can't encumber it, we just need to reappropriate.

Commissioner Mourdock: I'll move approval of the Council Call for reappropriation.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a Notice to Bidders and a mylar for the Ward Road project that needs signatures.

Commissioner Mourdock: Ward Road. Before you walk away let me move approval of

the Ward Road drainage project engineering plans.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: Did we approve the advertising as well?

President Jerrel: Yes, we already did that.

Commissioner Tuley: I guess I went to sleep.

Joe Harrison, Jr.: What was that?

Commissioner Tuley: That was the ditching plan there and we approved the Notice to Bidders.

Joe Harrison, Jr.: Is that in there?

John Stoll: I'm sorry, I didn't hear the question.

Commissioner Mourdock: Did the advertising notice for the Ward Road ditching plans, was that included in the Notice to Bidders or do we need to do it separate?

John Stoll: I think in the past typically we've done it separately if I remember right, so we need a separate...I guess, separate approval for advertising.

Commissioner Mourdock: I'll move approval of the advertisement of VC98-12-01 for the Ward Road project.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a Notice to Bidders for VC98-12-02, the St. Joe/Allens Lane traffic signal. This was...I've got a revised plan that has been recently drawn. This had a few modifications from the plan that was signed off on a few months ago. By getting this signed off on tonight we can get this under contract before the end of the year as well.

Commissioner Mourdock: So this is the county's fourth stop light?

John Stoll: More than that.

Commissioner Mourdock: Fourth or fifth. I'll move approval of the St. Joe/Allens Lane traffic signal Notice to Bidders.

Commissioner Tuley: Second.

President Jerrel: How many is it?

John Stoll: I think seven.

Commissioner Mourdock: Are we up to seven?

John Stoll: We will be as soon as the next two are turned on out on Burkhardt.

Commissioner Mourdock: Right, so seven, six, so this would be the fifth.

President Jerrel: Did we have a motion and a second?

Commissioner Tuley: Yeah, we did.

President Jerrel: So ordered.

John Stoll: I don't know if you want to see these plans, it's basically the same thing we signed off on previously. There are no signature lines or anything, but if you want to look at them so you can move approval, I guess.

Commissioner Mourdock: Yeah, we did, for the traffic signal.

John Stoll: Yes.

Commissioner Mourdock: Yeah, we did.

John Stoll: Oh, I thought it was just the Notice to Bidders, I'm sorry. Okay.

President Jerrel: We did it.

John Stoll: Next I would like to request that a time extension be granted on VC98-10-01, the Cemetery Road culvert. This original completion date was November 20th and we would like to request that it be extended to November 25th. This is due to delays in delivery schedules for the pipe that we needed on the project. We didn't order that in advance like we had on some of these other projects and the time frames that when the contractor could order it we didn't have enough time in the contract to make it possible for them to get it finished, so that is why we recommend that be approved.

President Jerrel: Is there a motion to that effect?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next, on an update on the projects, on Burkhardt phase one the only two items that remain are the right-of-way fence installation and the sign installation and we should get a final inspection on that scheduled some time next week. On Burkhardt phase two Vogel was closed and Columbia Street was opened since the last update and the surface asphalt was placed in the southbound lanes and those lanes were opened with temporary striping on Saturday evening. The northbound lanes had the asphalt placed today and all this is just on the main line, this does not include the turn lanes. They're supposed to pave the turn lanes tomorrow. There will still be the permanent striping that still has to be installed and there still is signal work that remains. Vogel should be opened up again later this week. They've got the concrete poured on Vogel again, it's just a matter of getting it striped properly and getting that back opened up

again. All the surface asphalt on Burkhardt should be placed by this week as long as the temperatures hold and so far it looks like they should. There will still be some asphalt work remaining on the west approach of the Oak Grove intersection. Right now it looks like they'll get at least the remainder of the base and the binder placed on that approach yet this week, but they won't have the surface on that the way it looks right now, so it is getting closer.

Commissioner Mourdock: Is that all E & B's work?

John Stoll: Yes. There are still some other items like grading behind the curbs and seeding and things like that, some other minor items, but the main things were the temperature dependent ones like the surface asphalt and the thermoplastic striping.

Commissioner Mourdock: Are they working on Friday of this week?

John Stoll: I haven't gotten any word back on that as of yet. I don't think so mainly because they were concerned about the amount of traffic that would be out there. I guess that will be subject to change. I know the rain is now forecast to be in on Wednesday rather than Thursday like it was originally forecast, so that might change their schedule somewhat.

President Jerrel: They have three days then.

John Stoll: Correct. If they keep getting temperatures like they've had the past week--

President Jerrel: There is no excuse for the work not being finished.

John Stoll: Right.

President Jerrel: Okay.

John Stoll: On Cross Pointe and 62 the median barriers have been reset and they're paving out in that median out on 62, so that one is making progress as well. Signal work has been continuing out there as well and all the striping still remains to be placed out there, so there again we've got some temperature dependent work that has to be completed before that job can be opened up.

President Jerrel: Have all of you driven out there?

Commissioner Tuley: Uh-huh.

Commissioner Mourdock: Uh-huh.

Commissioner Tuley: It's nice.

President Jerrel: Big difference.

Commissioner Tuley: Oh, yeah.

Commissioner Mourdock: In fact, I was surprised going through there the other day to see that Dog N' Suds in there.

Commissioner Tuley: Already?

Commissioner Mourdock: Yeah.

President Jerrel: I just think that guy on the corner in whatever that station is, he has got to be breathing a sigh of relief. Is there anything else?

John Stoll: Just one other thing, I would like to introduce Dan Farvardin. He has been here a week now and I think we've got him thoroughly confused with a lot of stuff, but we'll get that straightened out.

President Jerrel: Well, welcome anyway.

Commissioner Mourdock: Welcome aboard.

President Jerrel: Okay. Thank you.

John Stoll: Thanks.

**Erik Bentle - County Garage**

President Jerrel: County Garage.

Erik Bentle: The only thing I've got this week is we've finished sealing our back lot where our salt barn was. We've got three inches of base down back there now so we're in pretty good shape. Do you have anything for me?

President Jerrel: It really does look nice.

Commissioner Tuley: I'll have to go by there. I haven't been by there.

President Jerrel: It really has been cleaned up and looks great.

Erik Bentle: We've also paved underneath our lean-to where we keep our salt trucks, so come spring we'll be ready to base the whole lot.

Commissioner Mourdock: Very good.

Commissioner Tuley: Good.

President Jerrel: Any other questions? There is a report before you.

Commissioner Mourdock: I'll move approval of the County Highway Garage report.

Commissioner Tuley: I will second.

President Jerrel: So ordered. Thank you.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: I've got two items. The first is an agreement for consideration by the Commissioners. It was signed by the Health Board I believe at their meeting last

Monday. It's a grant that will be given to the Commissioners in the sum of \$124,045.63 in connection with the cleanup of the Futrell Landfill site. Currently bid documents are being prepared by the county to be sent out with respect to the cleanup of that project. There has been \$180,000 plus dollars provided by the Solid Waste Board to the county in connection with the project. I would ask that you consider, I'm sorry, approving this agreement. Again, the Health Board did execute that document on Monday and it is set up in a fashion where an invoice would be provided after the contract is let for whatever the sum is for the cleanup of the project.

Commissioner Mourdock: I'll move acceptance of the agreement between the Board of Commissioners and the Vanderburgh County Board of Health in the sum of \$124,045.63 and those funds to be used for the Futrell Landfill cleanup.

Commissioner Tuley: Second.

President Jerrel: So ordered and we have already received the \$186,000 check from the Solid Waste District.

Joe Harrison, Jr.: In connection with that it might be appropriate at this time even though the Notice to Bidders won't go out for a while, but just to get permission to advertise when everything is set, so hopefully that could be bid out yet this year, so if there can be a motion made to that effect for cleanup of the Futrell Landfill site.

President Jerrel: Is there a motion to approve going out for bids for the Futrell dump site?

Joe Harrison, Jr.: Publication.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: I'll get you a publication notice after we get all the documents completed by...I'm working with Joe Ballard on the final document, Notice to Bidder document. The next item involves the Hamilton Golf Course. On March 18, 1998 the Bob Hamilton Charitable Golf Foundation and June Hamilton exercise their option to renew the lease agreement relating to the golf course facility there on Petersburg Road. This relates to the lease entered into between the Commissioners and the Hamiltons back on September 7th of 1971. They're looking to renew the term for an additional five years which would extend the term out to May 1, 2004. The current lease term expires May 1, 1999, but they have exercised their option which they have a right to pursuant to the lease and I ask that you accept this notice to renew.

Commissioner Mourdock: Just to ask the question, that is clearly a renewal at their option?

Joe Harrison, Jr.: That's correct.

Commissioner Mourdock: Okay, I'll move acceptance of the lease renewal.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: That's all I have, thanks.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Okay, Superintendent of County Buildings.

Tony Greubel: Related to the Futrell dump land site cleanup, the Common Wage Committee met this morning and they established the wages for that.

President Jerrel: Okay.

Tony Greubel: On December 7...at our meeting of December 7th, Dan Hoefling, Steve Utley and Mike Buente will be here to give an auditorium renovation update.

President Jerrel: Okay, good.

Commissioner Mourdock: Let's hope it won't be a day of infamy.

Tony Greubel: At the last minute tonight I was able to write the letter to Azteca. With your approval maybe we can bring it up under old business or something. That's all I have.

President Jerrel: Just to remind everyone, we had requested that a letter be prepared thanking Azteca for meeting the goals that were established.

Commissioner Mourdock: Yeah, I'll just go ahead and bring it up now. I would move approval of the letter. Again, as I said last week, I think they've done a good job in fulfilling the plan that they laid out before us, so I'll move acceptance of the letter.

Commissioner Tuley: I'll second just with the comment that they stated from the beginning that they wanted to be good neighbors. It took a little pushing, but apparently they did come through, so that is good.

Commissioner Mourdock: Yeah.

**Steve Craig - Burdette Park**

President Jerrel: I'll say so ordered. One other item at this time because it does deal with the building, in effect, I would like permission to go back on Council Call in December to reappropriate the Burdette Park half million dollars that unless you have a PO or something you can't encumber money, so I would like approval to go back so that will stay in that fund.

Commissioner Mourdock: I will so move and note that we had promised the folks over there we would continue to work on the building and we're fulfilling our word by doing that.

President Jerrel: Right, in fact we...well, that's a motion, right?

Commissioner Tuley: Second.

President Jerrel: So ordered. We developed some really nice...Steve, where are you?

Commissioner Tuley: Straight behind the podium.

President Jerrel: We did the covers today in color scanning and they're being bound and so when we get the grant bound with that cover they're really pretty, then we'll get copies to you, but we have enough so that we can distribute them. It takes 27, I think, for the committee.

Commissioner Tuley: Twenty-seven just for the committee?

President Jerrel: Uh-huh. So anyway that is being done. We're ready for you, too.

Steve Craig: I would like to thank you for transferring the money in, for the input and the continuation of us trying to get this building. I've got a couple of things. John Stoll, his new assistant, Daniel Farvardin, and I met today at Burdette and we walked the ground and that and we just did a preliminary, but we're going to be working with John and his assistant and we're going to get it laid out so that we're ready to go when they're ready to go.

President Jerrel: Okay.

Steve Craig: We're still waiting on a couple of letters of support.

President Jerrel: You need to...I need to...write down this number, 8432, Jane.

Steve Craig: Jane?

President Jerrel: Jane or you can call Phil if you want to, but you can put Jane as the doer of the deed. If you want her to hold off you need to call her real quick because we were going to go ahead and bind them.

Steve Craig: Okay, well, we're still waiting for the Teamsters and that. They told me last week it was on its way, but I didn't know if it got to you.

President Jerrel: I haven't received it. You know, a letter of recommendation.

Commissioner Tuley: Oh.

President Jerrel: Will you call Jane first thing in the morning and then call them and if they could just walk it over there to her or come over here to us we can include it, but we've got to get it off because that committee is going to start business and I sure don't want us not to be--

Steve Craig: No, I mean, it would be better to be one or two letters short.

President Jerrel: Right, we can always send a letter and they can slide it inside.

Commissioner Tuley: I can call tomorrow and find out where it is at.

President Jerrel: Okay.

Commissioner Tuley: I'll call.

Steve Craig: You'll call Chuck?

Commissioner Tuley: I'll call Chuck and then I'll call you.

Steve Craig: I had talked to Chuck earlier.

President Jerrel: But you need to call Jane because knowing her it may already be done.

Commissioner Tuley: Do you want to call Jane first and then call me?

Steve Craig: Okay.

Commissioner Tuley: And then I'll call Chuck.

Steve Craig: That's all I've got.

President Jerrel: Okay, is there a motion to accept the Burdette Park report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Steve Craig: Thank you.

President Jerrel: Thank you.

### **Weekly reports**

Commissioner Mourdock: I'll also move acceptance of the Soil & Water Conservation District and the Ozone Officer's report.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Consent items**

President Jerrel: Under the consent items are there any questions or any...otherwise I'll entertain a motion.

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Old business**

President Jerrel: Is there any old business to come before the Board?

**New business**

President Jerrel: Any new business to come before the Board? Hearing none, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:07 p.m.

***Those in attendance:***

Bettye Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Jerry Bryan  
Tim Suenram  
John Stoll  
Erik Bentle  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons.

**Vanderburgh County  
Board of Commissioners  
November 30, 1998**

The Vanderburgh County Board of Commissioners met in session this 30th day of November at 5:30 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. At this time I would like to introduce Joe Harrison, Jr., on my right, our County Attorney; Pat Tuley, County Commissioner; on the far left, Charlene Timmons, our Recording Secretary; Auditor, Suzanne Crouch; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. I would like for you to join me now in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Under the action items, the first item is the approval of the minutes of the November 23rd meeting.

Commissioner Mourdock: I'll move approval of the minutes as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered

**Certification of Executive Session**

President Jerrel: The next is the certification of our Executive Session. We did have a meeting and we did discuss litigation.

Commissioner Mourdock: I'll move approval of the summary minutes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Open bids - Printing of 1999 tax bills**

President Jerrel: The next item on the agenda is the opening of bids for the Treasurer's Office. Is there a motion to proceed?

Commissioner Mourdock: I'll move that we open those bids and have the report later from the County Attorney.

Commissioner Tuley: Second.

President Jerrel: Okay, so ordered.

**DMD - Permission to advertise bids on flood mitigation project**

President Jerrel: The next item on the agenda is the DMD, permission to advertise for bids for flood mitigation project.

Commissioner Mourdock: I'll move approval of the advertisement for the bids.

Commissioner Tuley: Second.

President Jerrel: So ordered. Are you here for the flood mitigation?

Roger Lehman: Yes, ma'am, and the building--

President Jerrel: Okay, we have just...I have just said so ordered on the permission to advertise for flood mitigation.

**Final reading - Home Inspector Licensing Ordinance**

President Jerrel: Okay, the next item on the agenda is the final reading for the Home Inspector License. At this time--

Joe Harrison, Jr.: Ordinance.

President Jerrel: Excuse me, ordinance. At this time is there anyone that would like to speak to this? Roger, would you like to come up?

Roger Lehman: We have basically two ordinances. One for Home Inspector Licensing and one for the Building Code changes dealing mainly with subcontractor licensing.

President Jerrel: Okay, we'll take the Home Inspector Licensing Ordinance first. If there is no one that wishes to speak to that is there a motion?

Commissioner Mourdock: Just looking to make sure no one did raise their hand. We did discuss this, of course, several meetings ago, so I will move approval as always with a roll call vote because this is an ordinance for the approval of the Vanderburgh County Home Inspector License Ordinance.

Commissioner Tuley: Second.

President Jerrel: I'll call for the voice vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

**Final reading - Ordinance amending the Building Code**

President Jerrel: The next item on the agenda is the amendment...pardon me, the ordinance amending the Building Code.

Roger Lehman: This was again something we discussed a few weeks ago. There were some communication problems, some understanding problems. I think we got all of those worked out.

Commissioner Tuley: I've not heard from him since the last meeting, so I think you might be right.

Roger Lehman: Okay, I think there was basically just a misunderstanding on what was required and so on, so I think that once we got those clarified.

President Jerrel: The letter you wrote to Mrs. Biggerstaff was very good. That was a good letter and I sent some materials out, Tony mailed them, to Eric Baylor at one of the...I think, Heating and Air Conditioning and he called me back and said it was fine. Is there anyone here that would like to speak to the ordinance amending the Building Code?

Commissioner Mourdock: I'll move approval on final reading of the ordinance amending the Vanderburgh County Building Code as submitted.

Commissioner Tuley: Second.

President Jerrel: I'll say...I'll call now for the voice vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

**Resolution regarding Project Impact**

Roger Lehman: If I might back up to the flood mitigation project. That's from DMD, okay. I sent down a proposed resolution for a meeting we're having tomorrow, did you all get that?

President Jerrel: Tony, is that resolution...I didn't know anything about it. Is it in our file?

Joe Harrison, Jr.: I had a chance to look at it and it looked fine, but I didn't know when it was coming up. I didn't know if it was to be considered this evening.

Roger Lehman: This is relative to the news conference on Wednesday.

President Jerrel: It's a resolution authorizing the--

Roger Lehman: It's just kind of a recognition of the Project Impact and the Disaster Resistant--

President Jerrel: Well, I brought materials here. Would it be appropriate, Joe, for us to authorize my reading of that resolution tomorrow at 11:00?

Joe Harrison, Jr.: Yes, that's fine. What you may want to do, do you have a copy of it with you down in your office?

Roger Lehman: Uh, yes.

Joe Harrison, Jr.: Maybe you could run down there and come back in a few minutes and they can consider it at that time.

Roger Lehman: Yes, okay.

Joe Harrison, Jr.: And then she can read it tomorrow.

Roger Lehman: I'd be glad to do that.

Joe Harrison, Jr.: But I would prefer you do that.

Roger Lehman: Okay, I'll be glad to do that. I think that is all we've got.

President Jerrel: That way we'll have it for the record.

Roger Lehman: Oh, that's good. I'll be right back.

President Jerrel: And, Joe, maybe you could get the copy to me tomorrow so we can do it with a seal.

Joe Harrison, Jr.: We'll just make a couple of copies and have you sign maybe two this evening.

President Jerrel: Okay. Alright, moving on. Have you opened the bids yet?

Joe Harrison, Jr.: I'm still doing it.

<p style="text-align: center;"><b>Permission to advertise vacation of easement 9009 Darmstadt Road</b></p>
--

President Jerrel: Charlene Timmons, permission to advertise vacation of easement and set hearing date.

Commissioner Mourdock: I think we skipped one.

Commissioner Tuley: We skipped the storm water--

President Jerrel: Oh, we did.

Commissioner Mourdock: While we're on that one, though, Charlene, did you start to say something? Okay, I'll move that we advertise the vacation of easement and hearing date for the address as established in the packet this evening.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Final reading**  
**Amendment to county Storm Water Drainage Ordinance**  
**US Highway 41 North corridor impacted drainage area**

President Jerrel: Okay, going back to the final reading for the amendment to the county Storm Water Drainage Control Ordinance.

Commissioner Mourdock: I'll move approval, and this is for US 41 North to have the area out there that is looked at for development to be designated as an impacted drainage area. We've discussed this in the Drainage Board and voted on it last time and, again, I compliment Commissioner Tuley who came up with this one. I think it is the right thing. So having said that, I'll move approval of the final reading for the amendment to the county Storm Water Drainage Control Ordinance.

Commissioner Tuley: I'll second.

President Jerrel: Okay, and since this is a change in the ordinance I'll call for a voice vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes.

**Any group or individual wishing to address the Commission**

President Jerrel: Is there anyone here that would like to address the Board at this time?

**Cancellation of upcoming Commissioner meetings**

President Jerrel: Before we move on and while we're waiting for the Attorney to open those, if we could have a motion so that we're clear in the minutes that we will not have a meeting on December 28th. We will also in January on Martin Luther King Day, the 18th, there will be no meeting that week. And on January 25th will have both drainage and zoning. There will be no meeting of February 15th, that is a holiday, President's Day, or any day that week and zoning and drainage will be heard together on February 22nd. So could we have that in the form of a motion?

Joe Harrison, Jr.: Also, there will be--

President Jerrel: A special drainage meeting on January 4th.

Commissioner Mourdock: Okay, first I'll move that we have a special Drainage Board meeting on January 4th.

Commissioner Tuley: Second.

Commissioner Mourdock: Second, I'll move the advertisement of cancellations for December 28, 1998; January 18, 1999; and--

President Jerrel: Well, the 18th is a holiday, so it would be all that...there would be no meeting that week.

Commissioner Mourdock: Okay, there will be no meeting the week of January 18th and also no meeting on the week of February 15, 1999.

Commissioner Tuley: Second.

President Jerrel: And I'll say so ordered.

Joe Harrison, Jr.: As far as your meeting times and dates next year has that already gone out?

President Jerrel: No, that's in the form...that's what is here and I just went through and changed...the resolution is okay to do it just like we did last year, that we would have a meeting every Monday, and the difference will be rezonings will be heard at 6:30 p.m., so that will be a change for that time. It would help if we had a motion to approve the change of time. We did it in the zoning meeting, but--

Commissioner Mourdock: I'll move the change of times as in the resolution before us.

Commissioner Tuley: Second.

President Jerrel: So ordered. And then I'll give that to you to have for next week.

Charlene Timmons: Actually, the resolution is the first meeting in January.

President Jerrel: Yeah, but so you've got it ready.

Charlene Timmons: Yeah, and I'll make all the corrections.

President Jerrel: Okay, thank you.

Joe Harrison, Jr.: And Drainage Board meetings, will they be immediately following the Commissioners' meeting?

President Jerrel: Yes, if the meetings are short we'll go right into drainage, otherwise zonings will come first.

Joe Harrison, Jr.: Okay.

President Jerrel: At 6:30 and then drainage. I had talked to Bill Jeffers and he said that, you know, when the cold weather begins you don't have as many meetings, so it would work well to put them together.

Commissioner Mourdock: The key thing there is on the advertisements for the zonings to make sure they have the right time on them.

Joe Harrison, Jr.: That's correct.

President Jerrel: Right. Okay, going back to the bids, are you still working?

Joe Harrison, Jr.: Yes.

### Resolution regarding Project Impact

President Jerrel: Let's go to the resolution. You have before you a memorandum of understanding. Would you want to go through this very briefly even though I have passed out this material?

Roger Lehman: I also have a report from the Disaster Resistant Community Corporation which was formed as a result of a resolution made by the County Commissioners and the City Council back in July of 1997 dealing with Disaster Resistant Community initiatives. I would like to make that a part of the minutes and I would like the Commissioners at their leisure to review that. It's kind of lengthy to go through tonight, but it is a list of what has taken place since July 7th, which as you can see is a whole lot. We have a whole lot of things coming up in the near future also. Also, just for the Commissioners' information I do have a copy of the agenda for the signing ceremony on Wednesday. This signing ceremony on Wednesday basically is just formalizing another partnership. When we did the resolution in July of '97 that was with the insurance...The Institute for Business and Home Safety relative to the Showcase Community initiative. This resolution deals kind of a continuation of that and also with the Project Impact initiative and also with the function of the Disaster Resistant Community Corporation which is a committee made up of multiple entities in the community that have taken on the responsibility to promote disaster resistant initiatives throughout the community. As you look through that report you'll see that has been done, is being done. We are looking at a \$500,000 grant which will be forthcoming in the next week or two. I will be going to Washington, DC in a couple of weeks with the possibility of obtaining another \$500,000 grant. We are recognized as the Project Impact Community of the Year for which we've been nominated by the insurance industry. That's just kind of an update. What we're doing on Wednesday is we're going to go...we have the Director of FEMA, Region 5 Director of FEMA will be in, as well as the State Director of SEMA, the State Emergency Management Agency, we'll be going to the Enterprise Zone Child Development Center to review a non structural hazard mitigation project we did earlier this year so they can see what we've actually done there, strengthened light fixtures, tying down water heaters, securing shelves to the wall and doing those types of things. Then we'll be coming back to the Evansville Chamber of Commerce office for the actual signing. The signing will be a Memorandum of Understanding which basically is what your resolution says except we're calling it a Memorandum of Understanding when we have multiple parties sign it. That's what you have before you today which basically recognizes the potential for disaster in our area, the methods that those disasters can be lessened and Project Impact Disaster Resistant Community, Disaster Recovery Business Alliance and a few others are primary in that focus right now. So this resolution we've asked the President of the Board to participate in the signing ceremony. Everybody is welcome to come if you can make it, but the signing itself will be at 11:00 on Wednesday and we would just like this to be the county's indication of their willingness for continued participation in this program that we started.

Commissioner Mourdock: Given Evansville and Vanderburgh County's involvement as a Showcase Community and also for all the activities involved in the Disaster Resistant Community Corporation I would move approval of the Memorandum of Understanding as submitted and participation by the President of the Board in the events related thereto.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Roger Lehman: I appreciate that and I apologize for the signature block. The rest of the lines were on the next page which I didn't have a copy of. Sorry.

President Jerrel: Okay, we'll do it.

Roger Lehman: Thank you very much. I appreciate it.

**Bid recap - Printing of 1999 tax bills**

Joe Harrison, Jr.: At this point I will read the bids that were received on the 1999...or for printing the 1999 tax bills, Treasurer's tax bills.

Company name	Amount bid
Standard Register Evansville, Indiana	\$39,336.00
Components Imaging Evansville, Indiana	\$41,575.59
Moore Business Communication Svcs. Evansville, Indiana	\$27,000.00
Rainbow Printing Bedford, Indiana	No bid

I would ask that you take these three under advisement and have the Treasurer get back with you and with Mr. Bryan to review the same and make a recommendation as soon as possible.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**John Stoll - County Engineer**

President Jerrel: Okay, John Stoll.

John Stoll: First I've got a change order on contract number VC98-04-02. This was the paving contract where we resurfaced Cross Pointe, St. Joe, Lexington, Olivia, Kirchoff, the Elmhurst and Rode intersection, Twickingham Drive and Wimberg Road. This change order is for an increase of \$21,554.14. It's the result of overruns and underruns on all the projects, but the main reason for the increase is due to substantial amount more patching required on Lexington Drive. Basically, whenever they milled the asphalt off of that street they found even worse asphalt, so we had a substantial overrun on patching on that road. I've got some pictures of that one if you would like to see it.

Commissioner Mourdock: Just for the record, John, who is the vendor here? Is it E & B or Rudolph?

John Stoll: Rudolph.

President Jerrel: How many times has this been paved?

John Stoll: I'm not sure. Didn't have any records of it, but once they milled the surface off that is what they found.

Commissioner Mourdock: You've reviewed it, obviously you're recommending?

John Stoll: I recommend approval.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is a letter from IDEM they sent regarding the Notice of Termination of Construction on the Ohio Street Bridge. This is a letter that I must of overlooked and not sent once that bridge project was completed, but now that it is completed they've sent this letter in the Commissioners' name I need Bettye Lou to sign off on this letter stating that all construction activity is complete on the Ohio Street Bridge.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I have unless you've got any questions.

Commissioner Mourdock: I have a letter, John. If you would, would you...I'll just give this to you and rather than read it in the record we've got a request there. You've got a copy of that? Okay. Would you verify that the plaque is out there and let us know if there is any precedent for doing something like this.

President Jerrel: Is that on Fulton Street?

Commissioner Mourdock: Uh, yes. Or Kratzville and Diamond.

President Jerrel: Oh, okay. I've had a request for the plaque on the old Fulton Street Bridge. When that comes down will you save it?

John Stoll: Yeah. The plaque, I believe, is on the northwest corner of that bridge. I can't remember what all it says, but it's the same. You're both talking about the same bridge.

President Jerrel: Oh, okay.

Commissioner Mourdock: Is that an incredible coincidence? I've never seen us get those kind of requests in and all of a sudden we get these.

John Stoll: The only other one that we've gotten a request on that I knew of was whenever there was plans to take the old Ohio Street Bridge down before it was turned

over to the Greenway. There were requests to get the plaques taken off of it up there on the top of that bridge taken off before it was demolished, but since it never happened that wasn't done, but I do remember that on that bridge. The other bridges where there have been plaques like Franklin Street and Columbia/Delaware, the plaques that were out there were reset once the bridge was rehabed.

Commissioner Mourdock: Okay.

President Jerrel: Is there anything else?

John Stoll: No.

Commissioner Mourdock: Report back next week on that one if you would.

John Stoll: Sure.

**Erik Bentle - County Garage**

President Jerrel: County Garage.

Erik Bentle: As of right now we have four trucks that are snow ready. The rest of the fleet we have sort of been holding off on trying to get other stuff done, but by the end of next week all trucks out there will be snow ready and we should be ready to go.

President Jerrel: Hopefully you won't have any place to go, but this isn't going to keep up, I know.

Commissioner Mourdock: Yeah.

Erik Bentle: That's what I'm afraid of.

Commissioner Mourdock: I'll just note for the record that as requested two weeks ago you do have for us the schedule as well as the report as to what was done, so I appreciate that.

President Jerrel: Is there a motion to accept?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Before we go on, and that's alright, Erik, this one isn't yours, it's John's. Do you have anything to report new on Ward Road? I guess I'm going blank here.

John Stoll: No, the project was advertised last week and we've had some contractors come in and pick up plans.

Commissioner Mourdock: Okay, very good.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: I don't have anything.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Okay, Superintendent of County Buildings.

Tony Greubel: I've got two issues. In today's mail the Family of...Indiana Family of Social Services Administration contacted us. It has to do with the Local Planning Council's agreement for \$50,000. Originally that was supposed to be all spent by the end of this year, but they sent us an amendment so that we can delay it until June 30, 1999 so they are extending it for six months, so they sent an amendment for the agreement for that if you would like to approve that tonight we can sign that.

The other issue was to approve a contract with Floyd L. Staub, Incorporated to raze the structure at 4425 Huebner for \$4,385. We opened bids for that two weeks ago.

President Jerrel: Okay.

Commissioner Mourdock: On the first one I'll move that we...is it a resolution or a letter?

Joe Harrison, Jr.: It's an agreement.

Commissioner Mourdock: I move that we approve the agreement to allow us to carry funds from the FSSA into next year in relationship to the Local Planning Council's activities.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: On the second one I would move that we make the bid award as recommended by Tony regarding the demolition of the home on Huebner Road.

President Jerrel: To Floyd Staub.

Commissioner Mourdock: To Floyd Staub.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Weekly reports**

President Jerrel: You have in your packet Burdette Park's materials, they are not here this evening, and the Soil & Water and the Ozone Officer. Is there a motion to approve those?

Commissioner Mourdock: I'll move approval of those reports.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Consent items**

President Jerrel: Under consent items anybody have any questions? Is there a motion to approve?

Commissioner Mourdock: I'll move approval as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Old business**

President Jerrel: Under old business, I've tried to think of things that we still have hanging out there this year and I would like to ask Joe Harrison if he would take a look at the no smoking ordinance so that we can review that in our meeting sometime, maybe either before the month is over with.

Joe Harrison, Jr.: Okay, you want me to draft one for the county?

President Jerrel: Yes.

Commissioner Mourdock: We won't get it before this month is over with, obviously.

Joe Harrison, Jr.: Okay, thanks.

Commissioner Mourdock: If you do you're good, Joe!

President Jerrel: Well, it's a short one.

Commissioner Mourdock: Is there a time table we can expect to get that on? I mean, I would like to get that one, too.

Joe Harrison, Jr.: What I'll do is I'll see if I can get something to you next week to review first and then you can get back with me and then we can at least get it advertised in December and either consider it probably the first meeting in January, probably.

Commissioner Mourdock: Okay.

President Jerrel: Also, the Green River Road--

Commissioner Mourdock: Yes, I sent a little bit of correspondence to Rose Zigenfus requesting that we take a look at what we might want to do with the northern part of Green River Road as far as access. I know I have an envelope from her on my desk, I haven't opened it yet. It may be a response, but we do need to keep going on that. Tony, do you know, have you heard anything more about that?

Tony Greubel: I haven't heard anything more on that issue.

Commissioner Mourdock: Okay.

President Jerrel: Do you think maybe tomorrow...I'll be down here, but I am going to be going to those meetings, so maybe you could call and ask Rose if she could get together

with Barbara and that we need to be thinking. We would like for it to be similar to the Burkhardt and Highway 41 corridors. Tell her it's on our agenda and we'll finish it up in December maybe.

Commissioner Mourdock: On that subject, not for finishing up before this month...before December, but with the new year coming I think we do need to start thinking about what we want to set as goals for next year as well.

President Jerrel: Right.

Commissioner Mourdock: I don't know...yeah, our board is still up there.

President Jerrel: Yeah, we have just about finished everything on that board, so we've got to...maybe we could...let's see. We've got a meeting on the...what is next...December the what?

Commissioner Tuley: Seventh.

Commissioner Mourdock: Seventh.

President Jerrel: December the 7th. Maybe on December the 14th we could talk about things that maybe we would like to include.

Commissioner Tuley: Okay.

Commissioner Mourdock: Okay.

President Jerrel: For 1999. Is there any other business to come before the Board? Yes.

John Blair: It's a little old and a little new. I wanted to give you a report. This is John Blair. ACORN met a couple of weeks ago and we had kind of an interesting discussion and I don't know how much of it was covered in your packet, but one of the things that has come to our attention and I think really needs due consideration from this Board is our quest for money over the last couple of years to get this Pollution Prevention Task Force off the ground has a new wrinkle kind of and it kind of relates to the three of yours position on the Solid Waste Management Board, too. The \$100,000 that was part of the settlement that came from the Indiana Department of Environmental Management in the settlement with Jerry Fruth on the asbestos dumping has been earmarked officially to go to the Futrell property cleanup which we're all aware has no characteristic hazardous waste or anything. There are no toxins in that facility. We came almost to a consensus. A consensus of everybody there but two people and I guess that is not a consensus, but we came almost to a consensus to come and ask you to...I know the Board of Health, I think, has given that money back to you now and we were pretty much in agreement that maybe that money should be used, instead of trying to do something we really don't know where the cost is going to lead us with something that doesn't have any hazardous waste characterized in it to maybe providing the seed money that we could use to get grants and donations and all kinds of things for the Pollution Prevention Task Force. I checked with the Deputy Commissioner of IDEM and she did some checking and she said that IDEM would approve of such a measure if that is what the community decided to do with the money. That their intent on putting in the original order for the settlement with Jerry Fruth was to do something in the Evansville community with that money and they wouldn't have any objections in redirecting that money towards something that the community might want. So I wanted to let you know that except for the Ozone Officer

and one other person we had agreement on that. Because we didn't have a consensus I can't speak officially for the ACORN group, but I still feel that before...you know, maybe there should be some discussion of this issue. As Solid Waste District members you've heard me talk about the fact that, you know, we need to really assess what our priorities might be in the expenditure of funds and spending money on something that doesn't present a health hazard when we have lots of things in the community that do present a health hazard seems to me like it could be an easy subject to redirect our priorities on. The second one, and boy I'll tell you what, this is going to be charting new ground and I am going to be asking you to have some faith here. I talked to the Mayor this morning only briefly for, you know, a minute and a half about this and he reacted somewhat positively. I can't really characterize anything in a 30 or 40 second conversation as being positive or negative, but he didn't throw me out of his office. He indicated a willingness to look a little further, too, so as you're well aware--

Commissioner Mourdock: Is that in relation to the first issue you're talking about, John?

President Jerrel: No, this is a contract.

John Blair: No, this is the new issue.

President Jerrel: The contract?

John Blair: This is the new issue now, number two. When you had old business I thought, well I need to talk about that other thing under old business, but I need to talk about this under new business. As you're aware Koch Label has just decided to go out of business. Well, Koch Label is our biggest VOC emitter. Vanderburgh County's biggest VOC emitter. Now what kind of scenario does that paint for you? We have a company that is out there looking for offsets and we have the biggest VOC emitter in the county going out of business. I think that this provides us uniquely in Vanderburgh County that could get approval from the state, from the federal government and everybody else to somehow declare those emissions our Vanderburgh County community property. That we would have some determination about how those emissions might be traded off. Possibilities include cleaner air, number one. Improved health as a result of the cleaner air, that's number one. Number two, the possibilities include future economic growth for Vanderburgh County. If we have somebody that is coming in that needs 100 tons that's a major source. It's going to be a problem to locate a major source in a community that has been nonattainment and is likely to be nonattainment again. That would give us some leverage, economic incentives, economic development incentives, if you will, for some sort of industry to locate in Vanderburgh County which would increase our tax base which would do things for our people in Vanderburgh County versus some decision that is going to be made by corporate boards some place in Michigan and some place in Nebraska that will have direct impact on us, if not cleaning up our air but just leaving everything exactly the same. I don't know how to go about this. Like I said, it is new territory, but in this period of innovation and paradigm breaking and collaboration that we have amongst government officials at all levels on trying to deal with this air pollution issue in reasonable ways as to effect the least dislocation economically and that sort of thing, you know, it seems like it might be a very wise thing for us to jump into this issue and make sure that Vanderburgh County's interests are protected because--

President Jerrel: John, let me ask you a question.

John Blair: Sure.

President Jerrel: Just so I'm following you. Koch Label is out of business and we can document exactly what the VOC emission of Koch Label was?

John Blair: The most recent they had over in the EPA Office was 915 tons a year.

Commissioner Mourdock: Or said a little bit differently, what they're permitted to emit.

President Jerrel: Right, okay, so what you're saying is...let me back up. What if Koch Label wanted to sell that to somebody? What you're saying is we should explore the idea of us taking control over the banked 900 and some odd thousand VOCs?

John Blair: However many it is. The last year that they had records was 915 tons a year. Now, as far as the permitted amount I don't know that's...you know, our baseline on ACORN was 1994, you know, it probably has to do with baselines more than what they've been permitted to do in the past. But the whole thing about...the only thing the Clean Air Act addresses on emissions trading and that sort of thing is sulfur dioxide. It set up a marketplace to do that. On VOCs and nitrogen oxide and things like that there is nothing there, but that is something that is being looked at across the country as a way to deal with some of these issues. Now we have a situation where the community stands to gain. You know, the 110 people or however many people that are working at Koch Label don't stand to gain, I'll admit that, and the community is going to lose something as a result of those jobs being lost, but the community...we don't have any control over that and that's going to happen and here we have a situation where we can either control the outcome of those emissions perhaps because of community desire to do so or we can just let it go out of our control and let somebody build their tax base out of Vanderburgh County that will have the basic impact of keeping our air quality exactly the same. So we have a lot of possibilities here.

President Jerrel: What would be our way of keeping Koch Label in a court action?

Joe Harrison, Jr.: I don't think it matters about that. I mean, as long as they go through with their bankruptcy proceeding...didn't they file...I don't know.

President Jerrel: I'm not sure what they filed.

John Blair: I know that they were in some kind of bankruptcy, Chapter Seven.

Joe Harrison, Jr.: But assuming it never operates again you're saying we need to...the city or county needs to, for economic development purposes, needs to--

John Blair: For clean air purposes first.

Joe Harrison, Jr.: Well, I understand, but as far as negotiating or as far as dealing with the state or EPA when permitting time comes around they have to take into consideration the fact that there is 900,000 fewer VOCs.

John Blair: It's 915 tons, just for assumption purposes.

Joe Harrison, Jr.: Down the road in this area where they may have forgotten if no one brings it up, so as far as a bargaining chip with other communities I would think that would be very helpful and it certainly needs to be impressed upon the state and the federal government that this will be a reduction in our emissions in the future.

John Blair: I don't know...for instance, I'm not sure that Koch Label owns those

emissions.

Joe Harrison, Jr.: Who knows?

John Blair: I don't know that they have a market that they can sell the emissions to ConAgra, but this is exactly the scenario that we were talking about--

Commissioner Mourdock: Exactly.

John Blair: --whenever we were talking about being able to buy their way in. You know, they could buy a company out and lose jobs and so forth, but the key here is that we have a Vanderburgh industry that is shutting down. We're the affected county more than anybody else and we're going to continue to be. Our infrastructure and all that is going to be stressed more than the counties around us that are dealing with the problem and we have an opportunity here perhaps, again, within the context of new territory. You know, this is not something that anybody has ever thought of in the United States as far as I know.

President Jerrel: What would happen if Koch Label sold this to another company.

Commissioner Mourdock: Right now they don't have anything to sell. As John said, the only thing right now where there is a government established entity which is emission credits are for sulfur dioxide and the way that works is let's say a power plant, and I'll just make up numbers here too, but let's say a power plant emits 10,000 tons per year of sulfur dioxide. They're licensed to do that, if you will. If they go from 10,000 to 8,000 they have just created 2,000 tons of credits that they can then sell to other entities who want to increase their amount of emissions. That way it is sort of balanced. You know, if you take them away here you've got something of value that gives you an incentive to reduce emissions and also if someone on the other side just absolutely cannot do it they can buy your credits from you and there is a market...system market.

President Jerrel: At this point there is no market for VOCs?

Commissioner Mourdock: That's right, but I very much am intrigued with the idea of trying to either A, start that locally to get something established through IDEM where we might have our own credits or even a step further than that dealing with the EPA to see if that can happen. You know, the thought that is going through my mind, John, is if you did something like that would that, in fact, then become part of the state's SIP or at least part of the State's Implementation Plan in dealing with air quality or at least would that become part of Vanderburgh County's plan that somehow gets included in the SIP?

John Blair: We would probably have to make a determination about how we wanted to divide it up in relation to clean air versus having something that we could bank on in the future to allow an industry to come in and use.

Commissioner Mourdock: It's...I'm certainly willing to discuss the idea at length, I like it. The thing I like most about it is it tries to deal with what is truly a local issue locally.

President Jerrel: Reality.

Commissioner Mourdock: Yeah. Now, in reality, too, if this happened I can guarantee you that at some point three or four years down the road when some business comes here and we try to offer them that credit as an inducement John will probably be here telling us why we ought not do that because we improved the--

John Blair: You know, if we could come to a reasonable agreement as far as the amount we used to make the air better versus the amount that we used to foster some kind of economic development I would be happy to participate in a discussion like that and, you know, I can't speak for everybody else that is involved in the clean air issue, but, you know, I've never and I think if you look back seriously at the things that I have proposed over the years to you I don't think that I have ever been here with anything but reasonable approach, but, you know, I'm sure that opinion is not shared by everybody. You know, there is reality to this and the reality of the situation the way I see it breaking down if you guys don't take some kind of action is that we're going to win our legal challenge of the ConAgra deal. I'm confident as could be of that unless we get procedured out and we've got two law firms that are trying to keep that from happening for at least one of the parties, so I don't think that is going to happen. Assuming I'm confident that we can win that what is going to happen is that they'll send that permit back to the agency, back to IDEM, to be redone and one of the things that is going to have to be redone in all likelihood..two of the issues that we're dealing with are preconstruction monitoring which would mean that they would have to have a year's worth of preconstruction monitoring for PM particularly out there before they could do anything because the way they did it was all screwy, but the real significant issue de jure is the modeling and I think that you've heard somewhat about the modeling and boy did they ever screw up on the model. They used a model and their whole case, their response to my petition was we used an EPA approved model, but it's not an EPA approved model. It's not an EPA approved model and they didn't use it the way it was supposed to be used to make the determination that they determined, so I think that we're going to win. So assuming that goes back to the agency we're then in a situation where the agency is going to say if we don't act here it is going to say it's a moot issue because we're getting 915 tons reduction from Koch Label shutting down.

Commissioner Mourdock: Let me ask the question specific to the VOC type emissions. Joe, is there any...if we knew today that we wanted to establish some sort of emission limitations within the county so that we could have such credits established, under state law does the county have the authority to do that?

Joe Harrison, Jr.: No.

Commissioner Mourdock: Why wouldn't we?

Joe Harrison, Jr.: We would only have what the state has and what the state would permit by its--

Commissioner Mourdock: But if the state does not have anything now, which they don't have. I mean, that's a given.

Joe Harrison, Jr.: Well, that's the thing. I mean, we're a creature of the state and we can only have what the state would have or what the state would by legislation permit us to have and if there is nothing going on there now...I mean, it's an issue that hasn't been...they haven't arrived at a decision yet.

John Blair: It's fresh.

Joe Harrison, Jr.: I mean, it's going to happen.

Commissioner Mourdock: It's a new one, I'll give you that one, John.

President Jerrel: Let me suggest something just so that we...because it is something that-

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Joe Harrison, Jr.: It's going to happen.

President Jerrel: Why don't you call your buddy up there in Indy.

Joe Harrison, Jr.: Sure.

President Jerrel: The attorney that does this sort of thing and see if...because I'm going to be going up there this week and we need to get some legislative input. Who did you talk to today?

John Blair: I haven't talked to anybody today. At IDEM? Patti Yount.

Commissioner Mourdock: But that was on the other issue?

Commissioner Tuley: That was on the other issue.

President Jerrel: Yeah, it was on the other issue. This would be the best thing is to have him talk to John Hamilton and then EPA needs to be involved.

John Blair: I think it would ultimately be EPA's call more than the states.

Joe Harrison, Jr.: That's right.

Commissioner Mourdock: I think so, too.

President Jerrel: But the regional EPA does regional activities more and the regional aspect of that...remember when we were trying to move things across county lines and state lines IDEM was taking the position, and that's a different agency, that if it was something that flowed reasonably between those we couldn't regulate them, but because this has never been done this would be very intriguing to the legal friends of yours up there. Why don't you see if they could check with EPA and see if there is a possibility. Back on the other issue, John, we've authorized going out for bids on Futrell and have to have a certain...we don't have to accept the bids, but we can't give away the money upon which the bids are based or it would be illegal.

John Blair: Well, I--

Joe Harrison, Jr.: The bidding documents, I think, it's going to be in the paper Friday, isn't it?

President Jerrel: That process--

John Blair: You know, if something happens, I mean, I've seen a lot of things happen in politics. You know, it just depends, you know, if you buy my idea or you don't. I'm just really concerned that we're...well, once you see the bids you might very well may see that--

President Jerrel: That's going to happen. You know, I mean that is progressing and we can't legally remove the funding base from advertising or we won't be in compliance with the law.

John Blair: Unless you decide to drop the project at some point in the future.

President Jerrel: But I think we want to see what the bids come in at.

John Blair: That's reasonable, I just, you know, the one point that I would make on that is that in one situation we have something that is affecting our health almost on a daily basis and something that appears to be of no threat to our health of the residents of this area at all. You know, I said almost on a daily basis today this is the worst fall I've ever experienced air pollution wise. Particulate level in the air around here is phenomenally high for December or near December. I always used to complain that I couldn't shoot pictures from about the middle of...aerial photos from about the middle of March through the end of September because of the haze. This year I went up on Halloween day and my pictures were so lackluster because of the haze every direction you shot that it just amazed me and I've never seen it that late in the year before. I drove to Tell City yesterday, it was the same thing. The haze level this wintertime is phenomenal. You know, I can't wait to get those PM monitors up so we'll have some real idea about what is happening because we are in trouble. You know, I can't emphasize that enough.

President Jerrel: Well, on that note though we'll proceed with the bidding process as is, but on the other why don't you...you know, why don't you try to commit some of your thoughts to writing on that.

Commissioner Mourdock: You're speaking on the VOCs?

President Jerrel: The VOCs.

John Blair: If I can quit being motioned to death by the Babst, Calland, Clements & Zomnir Law Firm of Pittsburgh on this ConAgra, I will probably be happy to do that.

President Jerrel: Well--

Commissioner Mourdock: And I'll be glad to talk to you about it, John. Maybe we can get together and talk about it. It is an intriguing idea and I compliment you for the idea. It is out of the box.

President Jerrel: We've got some people that are out of the box up in Indy that are very involved in this that might have some ideas, too.

John Blair: We've got people out of their minds up in Indy.

President Jerrel: But these aren't.

John Blair: Thank you.

President Jerrel: Okay, is there any other business to come before the Board? Is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:17 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Roger Lehman  
John Stoll  
Erik Bentle  
John Blair  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
December 7, 1998**

The Vanderburgh County Commissioners met in session this 7th day of December at 5:34 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners to order. At this time I would like to introduce you to the people before you. On my far right is Tony Greubel, Superintendent of County Buildings; next to him is Joe Harrison, Jr., our County Attorney; Pat Tuley, Commissioner, to my right; far left, Charlene Timmons, our Recording Secretary; Bill Fluty, Deputy Auditor; Richard Mourdock, County Commissioner; and my name is Bettye Lou Jerrel. I would like for you to join me in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Do you have the minute book? The first item on the agenda is the approval of the minutes of the previous meeting. Is there a motion regarding those?

Commissioner Mourdock: I'll move approval of the minutes of November 30, 1998.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Certification of Executive Session**

President Jerrel: The next item on the agenda is the certification of our Executive Session. We did meet and we discussed personnel matters and litigation.

Commissioner Mourdock: I'll move acceptance of those summary minutes.

President Jerrel: I'll second and say so ordered.

**Jerry Bryan - Purchasing Department**

President Jerrel: The next item on the agenda is Purchasing, Jerry Bryan.

Jerry Bryan: I'm Jerry Bryan, the Purchasing Director for the City, and County, of Evansville. The first bid opening is surfacing materials, APA005-99.

President Jerrel: If we may take these...if you would like to mention all three of those and we'll need a motion to--

Joe Harrison, Jr.: You might want to take this one separately maybe.

President Jerrel: Oh, okay.

Joe Harrison, Jr.: Since we've got the bids here.

President Jerrel: Okay, the first one.

Commissioner Mourdock: I'm sorry, Jerry, I was writing as you said that. Were you dealing with the one on liquid asphalt first?

Jerry Bryan: Yeah, that's the one, Mr. Mourdock, we had to rebid.

Commissioner Mourdock: Right. I'll move approval to award liquid asphalt, which was bid APA016-99.

Joe Harrison, Jr.: Open.

President Jerrel: Open.

Commissioner Mourdock: I'm sorry, approval to open those bids.

Commissioner Tuley: I'll second.

President Jerrel: And I'll say so ordered.

Jerry Bryan: Actually, Bettye, the one that Joe is opening now is APA005-99.

President Jerrel: Right.

Jerry Bryan: Right, okay.

President Jerrel: Then we can move on to the others.

Jerry Bryan: Do you want me to go ahead and go on?

President Jerrel: If you would.

Jerry Bryan: Sure, okay. The first one is APA016-99. We bid this out to a number of suppliers. As you can see on page 2, J.H. Rudolph was the only one to supply a viable bid. It's the same price and quantity as we had last year and I recommend that we award Rudolph the bid for \$46,950. That's bid APA016-99.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Next item is the timber materials, bid APA018-99. We bid a considerable number of people on this and they all declined. Once again American Timber is the winner and that bid is for \$285,159 and I recommend that they be awarded this bid for 1999.

Commissioner Mourdock: Just a question on that, Jerry.

Jerry Bryan: Yes.

Commissioner Mourdock: Is that for specific materials or are those basically unit prices

so that if we need them they then supply them?

Jerry Bryan: Yeah.

Commissioner Mourdock: The latter?

Jerry Bryan: Right.

Commissioner Mourdock: With that understanding, I'll move the award as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: There is one item that we forgot. I put on the agenda, but it did not get on your agenda and I would like to talk about that one after we do the printing of the tax bills, please. I would like to address the bid tabulation for VC99-01, the printing of the 1999 Vanderburgh County tax bills. That was bid out to Rainbow Printing, Standard Register, Reynolds & Reynolds and Moore Business. I have a letter of recommendation from Jayne Berry-Bland that this award be given to Standard Register. This is the one, Joe, that the person worked very, very hard and the bid bond company did not get their bid bond in and asked you if we could exercise that page 2, right of rejection. That is the county reserves the right to reject any or all bids or any part of the bid or to waive any informality in any bid. Bettye, this person worked very, very hard. She came up to my office in a cold sweat. The bid bond company did not get their bid bond out by Federal Express. She ran it up to me so it was there, it was a little late, and Joe said we could waive that requirement. She immediately went down to work with Jayne Berry-Bland and we'll have our tax bills out on time. I would like to give Joe, for his records, a copy of that that is in our bid package, the right of rejection.

Commissioner Mourdock: That being the case, I'll move approval of VC99-01 for the tax bill printing to Standard Register.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: What I would also do is mention that you're waiving that requirement.

Commissioner Mourdock: Okay, I'll move that we waive the bid bond requirement as far as the timing of when that was submitted.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered with that addition.

Jerry Bryan: I think you have a copy also in your folder of the summary of bids for oil products, APA006-99, do you not?

President Jerrel: Is that the commercial fueling?

Jerry Bryan: No, it's oil products. I had it on my agenda, Tony, did it--

Commissioner Tuley: We've got it.

Jerry Bryan: Okay. Last year this bid was awarded to Marathon Fuels for most of the oil products and the antifreeze was to Ulrich Chemical. This year we got some excellent, excellent pricing from Home Oil & Gas in Henderson. Busler supplied some prices and Ulrich, but as you can see on the last page...or if you want to summarize through the low bidder was Home Oil Company at \$28,634. They also capture the best price for antifreeze, so it is my recommendation that it be given to Home because the savings would be like \$8,488.70 over Busler. If this award is split awarding the line item to the low bidder for that line a savings of only \$360 would result and the confusion that would result from splitting this award for the city...for the county and the low savings in my opinion does not outweigh the additional cost to award the entire contract to one bidder. I would like to recommend that, please.

Commissioner Mourdock: Just to clarify, Joe, we don't have any problem with that do we?

Joe Harrison, Jr.: You're saying the--

Jerry Bryan: Not all the prices were competitive. A few minor prices with very, very low usage from Busler where if we use those we would only save \$360.

Joe Harrison, Jr.: What did the city do at the Public Works meeting?

Jerry Bryan: I haven't been to them yet.

Joe Harrison, Jr.: Why don't you wait. I would prefer that you hold off and wait until...as we discussed, I think it is prudent to go to them first. This is a joint bid, correct?

Jerry Bryan: Yes, okay.

Joe Harrison, Jr.: When do they meet, this week?

Jerry Bryan: Thursday, right.

Joe Harrison, Jr.: Why don't you wait and come back.

Jerry Bryan: Table that one?

Joe Harrison, Jr.: Right.

Jerry Bryan: Okay.

Commissioner Mourdock: So we'll table APA006-99. I think we did not mention the bids for commercial fueling earlier.

Jerry Bryan: Right, that is still to be opened.

Commissioner Mourdock: Okay, well just formally then we need to make the motion to open the bid for APA025-99 to open bids for commercial fueling.

Commissioner Tuley: Second.

President Jerrel: So ordered. Then we'll come back to that so we can proceed with the meeting.

Jerry Bryan: That would be fine. Thank you.

### **The Centre - Auditorium update**

President Jerrel: The next item on the agenda is the Industrial Contractor's representative and the auditorium/convention...Mike, Steve.

Commissioner Tuley: Dan, everybody.

President Jerrel: Everybody. Do you want to give us your name for the record when we start?

Dan Hoefling: My name is Dan Hoefling with Industrial Contractors; and Mike Buente with Veazey Parrott & Shoulders; and Steve Utley with the Building Authority. Thanks for inviting us here tonight. It has been some months since we last met and we've made some good progress. We've got some information here for you. Last time we presented a schedule to show you our start date, our milestones. We've given you a little bit more detail with a number of activities happening on the job site. We'll leave that here with you. Mr. Mourdock, I know you're familiar with that detailed schedule and that is an updated copy for your review and distribution. We tried to give you just a representative sample of the activities going on at the job site and what is happening out there right now is we're trying to beat old man winter and get the project closed in so we can create some work for the wintertime inside. This schedule, just by the colors of the chart, shows you that we're about 60 percent through the time frame of the project. We still are looking for a final completion by the middle of October, substantial completion by the first of October. We're well on our way to doing that with the good weather we've had this fall and just recently completing the structural steel we're closing the building in and, hopefully, we'll continue the drywall work and the painting work in various areas of the project. I'll leave this with you. It shows you that we're starting to paint in Area A, the exhibit halls or the ballrooms. We're pouring concrete on the decks in Area B, the auditorium, and we're setting precast and trying to close the building in the exhibit hall. This rendering prepared by Veazey Parrott & Shoulders shows you that the ballroom section down by Martin Luther King, that area there, is nearly complete on the exterior. If you drive down Martin Luther King you see the glass panels. We'll be putting the metal panels and enclosing that in. Inside we're putting drywall in. The finish taping of mud and painting, begin the finish operations in there. The ballroom...I'm sorry, the auditorium, that area long there which we call Area B, we're closing it in for the wintertime. We're pouring our concrete slabs and our decks and trying to prepare that for drywall work during the winter. Area C, the exhibit hall, which is the large area right here, you'll notice the precast panels that are being set right now. The precast panels are defined by this column line right here. We still have structural steel to set out towards the street, so once the precast panels are up we'll brick those with brick veneer and we'll complete the structural steel in this lobby pre-function area. So we've made some good progress. We reached a major milestone this week. We set our last structural steel truss and you'll notice the Christmas tree up there, that is tradition, so we're happy to do that before the winter hit. As I said, we're about 60 percent through the time frame and well pleased with the progress and look forward to working inside during the winter. We don't see any problems with meeting the October completion dates. Any questions?

President Jerrel: No, but it can really deter your work progress here to look out that window and see those big pieces being moved over and put in. That's the most fascinating thing I've ever seen.

Commissioner Mourdock: Yeah, we didn't budget lost productivity costs inside this building or the School Corporation, I suppose.

President Jerrel: My office, I can see it. You've been working down on that end down there and it is a major operation.

Dan Hoefling: We've got a lot of sidewalk superintendents.

President Jerrel: I bet.

Dan Hoefling: We've got about 130 people on the job site. We've been fortunate, we have no lost time accidents up to this point.

Commissioner Mourdock: Really, that is good.

Dan Hoefling: So I'm very happy. Steve is going to review some of the financial points of the project.

Commissioner Mourdock: Before we do that let me ask you this question. You've just told us the good news, what is the bad news? What's the biggest problems you've had or face?

Dan Hoefling: Well, we haven't had many problems. We struggled a little bit with some material deliveries with the structural steel, but we overcame that through communicating with them and trying to have them improve their schedules and I think we just through communications and working together we got through that. We don't foresee any problems with deliveries. It's really been fairly smooth sailing up until now.

Commissioner Mourdock: Between now and the opening dates what is the most likely thing that could occur to screw up your meeting the dates?

Dan Hoefling: Well, if we had a real quick winter here and we couldn't enclose this Area C, we're going to start our roofing over this Area C next week, and if we got a real quick wet, you know, snow and it persisted through the months of December, January and February that would hurt us, but normally, you know, the hard weather doesn't hit until mid January, knock on wood.

Commissioner Mourdock: But engineering-wise, supply-wise, you don't see anything that is really threatening out there to get in the way of meeting the deadlines?

Dan Hoefling: No, sir.

Commissioner Mourdock: Good. Before you leave the mike, too, when can I get with you and Steve and Mike and show up with hard toed shoes and hard hat and get a tour? Maybe you guys would like to do that as well.

Commissioner Tuley: Definitely.

Dan Hoefling: Any time. I think you'll find all the activity inside is very interesting.

President Jerrel: We would like to take a look.

Dan Hoefling: Okay.

Commissioner Mourdock: I've got my calendar here with me tonight.

Commissioner Tuley: I just want to make just a real brief comment, Dan, to you and to everybody else involved with Industrial and what have you, it's amazing. I'm on the other side of that building and get to watch and it just amazes me the amount of work. You look over there and go by there several times a day and those people are working.

Dan Hoefling: Thanks.

Commissioner Tuley: Just pass that along, they're doing a super job over there. They are working.

Dan Hoefling: And very important being safe, too.

Commissioner Mourdock: Uh-huh.

Commissioner Tuley: Oh, yeah, no accidents.

Dan Hoefling: No lost time accidents, so it's great. Thanks a lot.

Steve Utey: I'm Steve Utey with the Building Authority and I just have some brief numbers to share with you, but first I would like to say that I think that Dan Hoefling and his crews on the project and Mike Buente and the people with Veazey Parrott & Shoulders are doing an excellent job of following this project. They have certainly made it a priority. They wouldn't be in the shape that they're in right now had they not been focused on the project. To date the total contract sum comes to \$35,905,539 and you may remember that the project started at \$34,250,000. Those changes were...the additions were...I might say that we've invoiced...or the invoices from Industrial Contractors has been right at \$15 million so the invoices are on schedule with the rest of the project. One of the biggest boosts in the project sum is \$1.5 million that was given to us by the Convention & Visitors Bureau, that was the biggest boost, and we also have expenses from contingencies of \$165,000. Additional expenses from contingencies which are not done by change order which would be \$67,000 so the total charges against the contingency fund is \$233,000 plus or minus to date. Hoping that we can get her closed in like Dan said things are moving along fine.

Commissioner Mourdock: At the final signing of the contract what were we looking at contingency-wise? We started at nine percent but it got whittled away from the first bid to the second. Something less than nine.

Steve Utey: Just a little bit above \$1 million.

Commissioner Mourdock: Contingency.

Commissioner Tuley: So if we hold true to completion we'll be doing pretty good.

Commissioner Mourdock: Yeah. Okay, so that was 2.8 percent is what we ended up with, contingencies. You said we're at what now? Two thirty-three?

Steve Utley: Two thirty-three. We have a little bit of an unknown out there in getting it under roof in that this area has to have some pretty extensive excavation done in it just as what we call Area A, which is from about here over, we had to take out, I think it was about three or three and a half feet of soil and compact gravel back up to the elevation. The whole area was tested but the soil test didn't show the kind of things that we ran into once we started digging holes.

Commissioner Mourdock: But wasn't that taken care of out of a budget other than the \$35 million? Wasn't the early part of that done separately?

Steve Utley: The testing?

Commissioner Mourdock: No, that part of the soil work. There was part of that that was set up under a different procedure because of the liability issue.

Mike Buente: You're thinking of the tanks.

Commissioner Tuley: Yeah, the tanks.

Commissioner Mourdock: Okay.

Steve Utley: The excavation of the controlled elements. Right, that was done separately. That was necessary right here. I guess it was just that corner along with the asbestos abatement, that was the same project.

President Jerrel: You know, it would be nice if we could borrow that, you know...is this something that we could borrow for a little while?

Steve Utley: Sure.

President Jerrel: It would be nice because we have people that come in here and ask questions particularly all the sidewalk superintendents and I think it would be nice if people could see a rendering that would be a little more explanatory.

Mike Buente: (Inaudible comments made away from mike.)

President Jerrel: Yeah, if we could just--

Steve Utley: They're always there.

President Jerrel: Just to borrow it for a week or two so that people could have an opportunity.

Steve Utley: You want them in your office?

President Jerrel: Yeah, in the larger office in there.

Steve Utley: I don't own them.

Mike Buente: That would be no problem.

President Jerrel: Okay, well just--

Mike Buente: The only thing you need to realize is those are the schematic plans--

President Jerrel: Sure.

Mike Buente: --and if anybody started looking at them with a critical eye there have been some changes.

Steve Utley: Certain things are missing off of these plans and some things are shown that don't end up there either.

President Jerrel: Right, but it would be nice.

Commissioner Mourdock: Not full rooms or anything like that I trust.

Steve Utley: No.

Mike Buente: The administration area, there are a lot of changes in administration and the kitchen. This has got a lot more administration area and a lot more kitchen--

Commissioner Mourdock: Right.

Mike Buente: This area is actually a lot smaller.

Commissioner Mourdock: Let me ask...excuse me, let me ask the same question I asked of Dan. From your part of the program or the project at this part, Steve, what is your biggest concern, what is your biggest worry?

Steve Utley: My biggest concern? I guess that everything on the tail end comes together so that the convention can take place October 2nd. What I am looking at is the coordination of the seating contractor to be able to come in and have enough time to put his seating in. I don't really have a concern, I guess I'm just kind of waiting for that to start. You know, that kind of thing to happen.

Commissioner Mourdock: Will that October 2nd convention use the auditorium as well as the exhibit halls?

Steve Utley: I think that is their plan, at least for a keynote. They had talked about using it. Maybe the full PA wouldn't be completely checked out, but there would be a PA that would be adequate for that convention.

Commissioner Mourdock: Okay.

President Jerrel: Any other questions? We thank you very much.

Steve Utley: Thank you.

President Jerrel: And we'll--

Steve Utley: I'll bring them down tomorrow.

President Jerrel: Okay, thank you. Mike,--

Commissioner Mourdock: Mike, do you have anything to add?

President Jerrel: You can just smile now!

Mike Buente: They did just fine. No, I don't have anything to add. I think the project is going very well. Industrial and Steve have both been a joy to work with. It has been a hectic pace. You see the activity over here. We've got as much activity that takes place, paperwork. Everything that goes in over there has a submittal, shop drawing submittal that has to be reviewed by numerous people so there is an ongoing paperwork turnover. We have to keep pace with their construction schedule. That has been our biggest challenge is to be able to keep up pace with all that. There are a lot of times when we get, you know, dumped on at one time a lot of paperwork. That has been our biggest challenge.

President Jerrel: The nicest thing as far as we're concerned is that the time table is on schedule.

Mike Buente: We've had...Industrial is the one that takes all the credit for that.

Commissioner Mourdock: Same question, again, the theory being none of us like to get blind sided, is there anything that you see coming up from the architect's point of view that is going to slow the project or otherwise be particularly burdensome? I guess particularly I am thinking of as built drawings and those types of things. Are you--

Mike Buente: I'm not concerned about as built. I mean, that doesn't have anything to do with opening the building. That has to do with closing down the project.

Commissioner Mourdock: Right.

Mike Buente: Historically that does drag on sometimes. I guess my concern sort of parallels Steve's, is all the things coming together at the end. You know, we've got signage contracts, we've got furnishings contracts and all these other entities have to come into play. Now they all work under his schedule. He is still the one that is orchestrating the whole thing. You know, with the management issue that is coming in now that all this get worked out. That I think is the key. The biggest concern I have is that when we open the doors that we give the best presentation to Evansville and the county that we can and that we have our act together because what our consultants that we've dealt with both in the theatrical end and the convention end have told us that if a facility gets a bad reputation based on opening day or one or two events it is very difficult to overcome. That's my concern, it's not necessarily architectural.

President Jerrel: For \$35 or \$36 million we don't plan on any bad openings.

Mike Buente: It's not an architectural concern, it's more of a community citizen concern.

Commissioner Mourdock: It's a valid one. That old line, the one thing you never get a second chance at is a good first impression and I'm sure opening the facility up that is an issue.

Steve Utley: I might say that all the people involved on this project seemed to have made it...at least I know the three of us have made this their first priority. There is nothing...I told Mike early on I said, you won't wait any longer than what is absolutely necessary to get an answer and that's the same way that Dan and Mike have operated, too. There is no procrastination. I mentioned the seating, you know, knowing that is the first place that we have to put someone that is the anticipated...you know, when I see that going in I'll

feel very comfortable.

Commissioner Mourdock: Okay.

Mike Buente: One thing we have done, and you were instrumental in this, is the liquidated damages. We have kept all of those in place on all of these other contracts because Industrial could do, you know, the best job possible meeting the schedule and we don't have the furnishings, we don't have the signage or the fixed seating it would have been all for naught, so we kept those in place to let them know we're serious about getting it here on time.

Commissioner Mourdock: Okay, very good. One day next week and who should I call?

Mike Buente: Why don't you set up with Steve.

Commissioner Mourdock: Call Steve? Okay.

Mike Buente: We've already anticipated that we would be doing it soon.

Commissioner Mourdock: Okay, maybe the three of us can all do it at the same time.

Commissioner Tuley: Yeah.

President Jerrel: Yeah.

Commissioner Mourdock: And I look forward to it.

President Jerrel: Thank you very much.

Mike Buente: Thank you.

Steve Utle: You'll call me in the morning?

Commissioner Mourdock: I'll do my best, yeah. I did try to get back to you this afternoon.

Steve Utle: I know.

**Final resolution - Oak Hill Road/Rode Road Barrett Law project**

President Jerrel: Okay, moving on, the next item on the agenda is the public hearing. A resolution approving Oak Hill/Rode Road's Barrett Law sewer project. John, do you want to begin and then we'll have the spokesman for the facility?

Joe Harrison, Jr.: Or I can.

President Jerrel: Do you want to? He is right here.

John Stoll: I don't have too much to say other than the fact that the estimate was right under half a million dollars. I've got the plans, preliminary plans, for the sewer here for anybody that wants to see them. If this project does proceed one issue we'll still have to resolve before we can put it out for bid will be the easements. I know right of entry has been signed off on by all property owners...not all property owners, but most

property owners, but actual easement documents have not been signed as of yet.

Joe Harrison, Jr.: Again, before the project will be able to go for bid those documents will have to be executed just so everyone realizes that. Again, this is the second go around with respect to the project. Several weeks ago this Board considered a preliminary resolution with respect to consideration of this Barrett Law project. I'm trying to look here in front of me what day that appeared before us. I think it was October...I'm sorry, November 16th the preliminary resolution was approved by this Board. I think on October 26th you filed the plans and specifications with respect to the project with the Commissioners. The preliminary resolution was adopted on November 16th and then notice was sent out to all the homeowners regarding the public hearing that is going to be held here in just a few minutes with respect to this project. I know that Mr. Schwenker is here and Mr. Easley and many homeowners and that will be the time for discussion. Again, this is a public hearing that will take place and all those who wish to speak will have the opportunity to come to the mike and speak with regard to the project. This Board has considered several Barrett Law projects in the past. I think this is the third contemplated sanitary sewer project to be considered by the Board and it's important to keep in mind that the county is not in the sewer...sanitary sewer business. The city is and the county merely is a facilitator for the homeowners for this project and assists with the facilitating. If the project goes forward and it is built it will then be accepted briefly by the county and then taken over by the city, the Evansville Sewer Department. As far as the costs, John has indicated the estimated maximum cost of the project to be \$499,577. Again, that is the maximum estimated cost. Hopefully, the cost will be substantially below that and that means that the homeowners' proportionate share will be diminished from the amount that is projected at this point. I won't say anything else, but, again, this is a public hearing. You may want to mention that and then let the others speak.

President Jerrel: Okay, at this time is there anyone that would like to speak for or against this project?

Eric Schwenker: Yes, ma'am.

President Jerrel: Come on up, Mr. Schwenker.

Eric Schwenker: I brought my little show-and-tell information along in case you folks have any question about the project or in case anyone else who wants to speak to the project can refer to it. Of course, I have it upside down, but if everyone will stand on their heads it will make it easier to see! Once again, Oak Hill Road running up and down. Bexley Court off to one side. St. George and Rode Road is off to the other side. I would ask all of the folks who are here concerning the Oak Hill Road project if you would please stand. We would appreciate it so that you can be somewhat identified.

Commissioner Mourdock: Okay. Just to clarify, are all those standing standing in support? Let me state it the other way, if any of you are standing here as a remonstrator adverse to this project would you please stand. Okay, just for the record no one stood at that call. Just wanted to clarify.

Eric Schwenker: There are several folks who are...oh, thank you. There are some several folks who are out of town as we speak who could not be here. Those folks did indicate that I could have their "power of attorney" with respect to the action on this project. One is my next door neighbor, another is a neighbor across the road. The third one is an owner of this property on Rode Road who lives in Elgin, Illinois and the fourth

is my son-in-law who has been undergoing cancer treatment and unfortunately does not feel like being here. We had a meeting on this project last Tuesday night. A couple of minor problems were brought up which we have been able to overcome. One is the location of a manhole which we can shift 100 feet without causing any additional cost because there were two down here that were well under the 400 foot maximum distance apart, so we can just shift the two of them. Another one was a sewer line in here which the folks want to use part of this property down here for storage of some recreational vehicles and there are also some trees in here, so we can drop the line down and go south of the trees and that will also miss the recreational vehicle storage on their property so that can be overcome. It was those kinds of things that were discussed at the meeting last Tuesday. Other than that I'm glad we're here. Sometimes I thought we would never get here, but we are here. I'll leave this up in case anyone wants to refer to it. Thank you very much.

President Jerrel: Is there anyone else that would like to speak to the project? You have a very good spokesman. He has been very dedicated. Are there any questions from Commissioners?

Commissioner Mourdock: Just one last chance just to be sure, if I have put anyone on the spot. Is there anyone who wishes to speak against the project? I would just echo your comment. Mr. Schwenker has been very persistent in this whole matter and we are pleased the Barrett Law projects that we have done elsewhere have worked as well as they have and we're glad that this kind of mechanism is in place and that we're able to employ it, so, hopefully, we can deal with this situation and cause some improvement.

President Jerrel: This is really grass roots government at work and I compliment all of you for helping to make it happen. Is there a motion?

Commissioner Mourdock: I'll move the approval of the resolution for the Oak Hill/Rode Road Barrett Law project as submitted to us.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

Commissioner Mourdock: I think we need a roll call.

President Jerrel: Do we need any other individual votes?

Commissioner Mourdock: Just go ahead--

President Jerrel: Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: And I vote yes. Congratulations to all of you.

Commissioner Mourdock: Now get those easements signed!

President Jerrel: Yeah, we've got to move ahead.

Joe Harrison, Jr.: Just as a formality, just so you don't know for sure or think for sure that this thing is absolutely going forward. There is a period of time, there is five days from today's date that those who are opposed have the opportunity to file written objections with this Board. It would take at least 40 percent of the affected homeowners to file such objections to throw this thing into another area which would be to the Vanderburgh Superior Court and let a judge figure out if it is going to continue forward or not, but I just thought I would...sometimes you need to know the worst scenario. Hopefully, with the people that are here today it appears that you have a good showing and that probably is not likely, but I at least wanted to point that out that is always a possibility. I can tell you the last one we had there wasn't one objection. As a matter of fact, we've had two out of, I think, three previous ones where we didn't have any objections at all, but there was one where we happened to have a couple. Other than that, hopefully, you'll be following the lead of the others that didn't have any objections. Thank you.

President Jerrel: Thank you very much.

Commissioner Tuley: Thanks.

Eric Schwenker: We may be excused?

President Jerrel: You may.

Commissioner Mourdock: You should all take Mr. Schwenker to lunch!

Joe Harrison, Jr.: Or dinner.

### **Roger Lehman - GIS contract**

President Jerrel: The next item on the agenda, I don't believe there is anyone here. Tony, would you want to speak to that? It's listed in here Building Commissioner, ratify GIS contract for services approved by the Board of Public Works.

Tony Greubel: On December 3rd, yeah.

President Jerrel: On December 3rd.

Tony Greubel: Roger Lehman just...this is a Board of Public Works' contract. The Commissioners don't have to sign it, but since the position will be jointly funded by the county Roger was just wanting us to ratify the approval of the contract.

Commissioner Mourdock: Do you know, has the Data Board worked with that issue at all?

President Jerrel: I've been working with it for almost two years, so it is--

Commissioner Mourdock: Data Board is okay with this?

President Jerrel: Yeah, everybody is okay with it. It is not really a position in the sense it's not an employee. It's more of a grant and the \$40,000 is a limited time period and the purpose of the...I don't even know what this says, but the purpose is to seek and

receive grants to hopefully fund a much, much larger project in terms of implementing GIS throughout the city and county. So that is really the background on it, but we have been--

Commissioner Mourdock: I'll move approval then of the ratification of the contract for GIS as submitted by the Building Authority.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: The Building Commissioner I should have said.

**Any group or individual wishing to address the Commission**

President Jerrel: Okay, is there anyone that wishes to appear before the Board now? This is the time when...any questions from the back of the room?

**John Stoll - County Engineer**

President Jerrel: Alright, at this point we'll move to the County Engineer.

John Stoll: First I've got a change order on contract number VC98-04-03. This was on our paving contract that we surfaced Hedden Road, Baumgart Road and Browning Road. On that contract we had an overrun of \$5,594.61 on Hedden Road, an overrun of \$3,005.37 on Baumgart and an underrun of \$2,119.92 on Browning Road for a net increase of \$6,480.06. The primary reason...the biggest overrun was on Hedden Road and that was to place additional surface to try to get a better crown in the road to help make it drain a little bit better than what it had done in the past. It's recommended that the change order be approved.

Commissioner Mourdock: I'll move approval as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The front page of that is the only thing that needs signed. It's a summary of the other remaining pages. Next I've got an acceptance form for Virginia Street. This is for 1,792 feet of Virginia Street east of Burkhardt Road. It's complete. The only thing that remains to be done out there is to install a permanent barricade at the end of the road, but we need to get our road mileage submitted by the end of the year, so it is recommended that this road be accepted for maintenance.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a Notice to Bidders for contract number VC98-12-03, the Evergreen Heights sanitary sewer. The bid opening on this project would be January

4, 1999. It's recommended that this be signed.

Commissioner Mourdock: That was the advertisement?

John Stoll: Yes.

Commissioner Mourdock: I'll move approval of the advertisement for the Evergreen Heights sanitary sewer project.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The next item I've got is a time extension request on contract number VC98-08-02.

Commissioner Mourdock: Which is?

John Stoll: It's the replacement of the culvert out on Denzer Road. Back on September 28th I came before you with a request to extend that completion date because a water line was in the way. It has taken until just recently for the Water Department to get the water line out of the way and because of that the contractor wasn't able to get the project moving nearly as fast as they wanted to. The original completion date was October 9th and that has long since passed. Because of all of the delays associated with the water line it is recommended that the contract have a revised completion date of December 8, 1998 as was requested by CCC of Evansville who is the contractor on the job.

Commissioner Mourdock: Move approval as requested.

Commissioner Tuley: Second.

President Jerrel: So ordered. Could I interrupt you real quick?

John Stoll: Sure.

President Jerrel: I was out at the Garage today and they were talking about wanting to finish the ditching, you know, and they were at a certain point. They said there was a four inch gas line running right down the middle of one of those ditches.

John Stoll: Did they say which one it was on?

President Jerrel: I just want you to call Erik and talk to him because, you know, that could obviously be a major problem. You know, I listen to those commercials, you know, don't dig unless you call or whatever it is.

Commissioner Mourdock: A novel way of cleaning the ditch, though.

Commissioner Tuley: Yeah.

President Jerrel: Blow it up. But Erik said they discovered this and the lady keeps insisting she wants it cleaned out.

John Stoll: But they can't do it because of the gas line.

President Jerrel: Yeah, so would you check on that so that we don't--

John Stoll: Sure.

President Jerrel: --get into a problem.

John Stoll: Next I've got a cost estimate from Three I Engineering for right-of-way easements for the Daylight sewer, the gravity sewer extension work currently under design. Their cost estimate is \$1,600 to provide the descriptions for the three easements needed for the gravity sewer extension. This isn't an agreement. I would end up bringing the agreement back at a later date, but the cost was relatively inexpensive and on that basis I would recommend that we go ahead and pursue getting an agreement with Three I for these services as outlined in this letter.

Commissioner Mourdock: I'll move that the County Engineer continue discussions with Three I along that basis.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got a letter from Peters Contracting on the Daylight sewer. A couple of weeks ago I brought up the issue of the driveway that had to be bored because of INDOT's policies on no open cuts unless the property owner allows the open cut. The cost of this bore is \$22,525.

Commissioner Mourdock: Could we repave their total driveway instead?

John Stoll: We could pave a lot more than that for that cost.

Commissioner Mourdock: I know, I'm not being flippant when I say that. I'm wondering if we had such discussions with them if that would be a possibility?

John Stoll: Based on what Don Adler at Three I told me, no, it's not. They had resurfaced their driveway this past year and they were talking about repaving everything to the right-of-way line or whatever it took to match it in real nicely and none of that was acceptable.

Joe Harrison, Jr.: Unfortunately, the problem is it is state right-of-way and this is their policy.

John Stoll: Until Don Adler told me that I didn't know it was their policy.

Commissioner Mourdock: Can it be their money then?

Joe Harrison, Jr.: Well, some of it is their money.

Commissioner Mourdock: Can 100 percent of it be their money?

Joe Harrison, Jr.: No. It's kind of like with Burkhardt, we're stuck with the state's requirements.

President Jerrel: We are paying for the Daylight sewer and we are paying for the

second phase of it. I mean, all this is our nickel, but they have final...their rules govern what we do.

Joe Harrison, Jr.: Just like Fulton and everything else.

Commissioner Mourdock: But I understand what both of you are saying. Joe, you're saying they're paying for part of it through their grant at the other end of the sewer.

Joe Harrison, Jr.: Even if they weren't paying for it, it's their right-of-way and their rules.

Commissioner Mourdock: Right.

Joe Harrison, Jr.: Just like Lynch, and Fulton, and Burkhardt, and Lloyd.

Commissioner Mourdock: I had a guy that worked for me one time and under our expense policy you were required to buy your own safety equipment and he had to buy his own boots and he didn't like that. He turned in his expense account and it had boots on there. I struck it out and said we can't pay that. He said, well, I'll put it back on next month. I said, you can do that, but we're still not going to pay it. He said, no, no it will be there you just won't see it. He would find some other way to do it. Is there some other way that we can get the state to pay \$22,000 to bore underneath this driveway that is totally on their rules? I mean, that is crazy.

Joe Harrison, Jr.: Now that is another issue. That's another issue. As far whether we can or can't do it, we don't have a choice, but as far as maybe we can secure some more funds from them.

President Jerrel: Be sure you study those drawings I gave you so I can work on them. Yes, I would like to--

Joe Harrison, Jr.: That's another issue.

Commissioner Mourdock: I mean, this is a case of bureaucracy run amuck to the detriment of the taxpayers. There is no excuse for having to do this.

President Jerrel: Okay, let's hold our nose and move ahead. Is there a motion?

Commissioner Mourdock: I don't know that you needed a motion or did you?

John Stoll: Yeah, even though it is not in change order form what we'll do is change order the purchase order that currently exists on it if you okay this, so I would need a vote.

Commissioner Mourdock: Before I make that motion just let me ask you this question. As soon as this happens are we going to have ten other driveways to bore under?

John Stoll: There is only one other one that is potentially--

Commissioner Mourdock: And why is that.

John Stoll: It's the same situation. The property owner has not signed off on an open cut on their driveway.

Commissioner Mourdock: Okay, all the others have already signed off?

John Stoll: Right, or the other driveways are already being bored. The problem with it, too, is the--

Commissioner Mourdock: Who is paying for those?

John Stoll: It's already included in the contract. This one was proposed to be cut as part of the contract and since the driveway was resurfaced in the interim that is why they don't want it open cut now. Another problem, the thing was bid lump sum so we don't have any verification of what the other bores on the remaining driveways are for comparison purposes on where the cost of this stands relative to the other driveway costs.

Commissioner Mourdock: I've got to ask the question, John. When the original one was done then and the others were contracted or signed off on the boring, was the state doing that?

John Stoll: No, the state is not involved. INDOT is not involved in this at all other than issuing a permit.

Commissioner Mourdock: When the other landowners that have the driveways that are being bored under were initially contacted was that presented to them as here it is, this is how we're going to do it or was that an option that they had was to select that?

John Stoll: That I don't know because when this project was originally started it was more in Mike Robling's hands than it was in mine, so I'm not sure how that came to be.

Commissioner Mourdock: Well, I'll--

President Jerrel: Maybe, let me--

Commissioner Mourdock: Sure.

President Jerrel: --help you out here a minute. I think maybe on this you and I need to work up a letter to DMD, to Mike Robling, expressing the Commission's concern about this just for the record.

Commissioner Mourdock: Sure, and at the very least if we didn't have any other option the question you raised as how is this price versus those others is a very pertinent question. I mean, if we had known all these were coming at one time maybe we would have done something different here, I don't know.

John Stoll: Put unit prices in.

Commissioner Mourdock: Yeah, yeah, sure.

John Stoll: On the basis of some of the boring costs that I've seen this seemed a little high. On the basis of what Don Adler at Three I came up with in talking with some contractors this was a little less.

Commissioner Mourdock: Well, by way of reference we bored underneath US 41 in front of our building, from one side of 41 to the other side of 41, for an eight inch line, and I

don't know what this is.

John Stoll: Twenty-four.

Commissioner Mourdock: Oh, this is 24 inch line? That makes a difference. We did all of 41 for \$8,000.

President Jerrel: This is 120 lineal feet of 24 inch.

John Stoll: Most of the bores that I had seen were in the neighborhood of 125 to--

Commissioner Mourdock: How wide is this driveway?

John Stoll: Huge.

Commissioner Mourdock: One hundred and twenty feet? This is the only guy that has basketball courts at each end of the driveway.

John Stoll: Full court.

Commissioner Mourdock: Yeah.

President Jerrel: Okay, is there a motion?

Commissioner Mourdock: I'm trying.

Commissioner Tuley: I'm not going to...I'm mean, I'll second it for purposes of a vote, but it's just because who...it's all part of that same project.

Commissioner Mourdock: Right, yeah. I'll move approval of the request as submitted.

Commissioner Tuley: For purpose of a vote and a request for roll call I'll second.

President Jerrel: Okay, you want a roll call vote?

Commissioner Tuley: Please.

President Jerrel: Okay, Commissioner Tuley?

Commissioner Tuley: No, being consistent with my other votes on this contract.

President Jerrel: Okay.

Commissioner Mourdock: I understand what you're saying. I vote yes.

President Jerrel: And I'll vote yes.

Commissioner Mourdock: You had the easy way there, Pat!

President Jerrel: You get to do what we wanted to.

Commissioner Tuley: I knew before we got into the discussion. You're doing it because we don't have a choice, I understand that.

Commissioner Mourdock: Right.

President Jerrel: Yeah, we can't leave Daylight sewer sitting out there.

Commissioner Tuley: I just haven't agreed with the contract from the beginning, but that's another different story.

President Jerrel: Okay.

John Stoll: Next in regard to Fulton Avenue Bridge, the plaque that was discussed last week there are the names of three Commissioners, County Auditor, County Attorney, County Engineer and seven County Councilmen all listed on that plaque. I know the one family was asking about the Rauschers wanted the plaque, but I don't know if that was the same family that Commissioner Jerrel had spoken with or not.

Commissioner Mourdock: Is that the letter I gave you? Was that the name on that one?

John Stoll: Yes.

President Jerrel: Well, let me find out because I don't know.

John Stoll: Okay.

President Jerrel: I mean, I just got the call and I guess I just thought it was. Betty Knight-Smith called me and she was requesting for the family and I just said, okay, I'll turn it in.

Commissioner Mourdock: It's probably the same family and if it is I don't know that I have a problem with it. I don't know that we've ever done that.

Commissioner Tuley: What was the request, to take the plaque?

Commissioner Mourdock: Yeah, the old bridge is being demolished and some members of the family whose name was on the plaque wanted the plaque and from what John e-mailed me there used to be one on the other end and somebody lifted it.

John Stoll: It looks like one has already been taken. It was at the southeast corner of the bridge.

President Jerrel: I'll call her and ask her to make sure it's the same family so we don't get two of them getting into an argument.

John Stoll: That's the only thing I could see with that many people's names on it whether or not multiple families would come and want it.

President Jerrel: I kind of think it's the same family.

John Stoll: Okay.

Joe Harrison, Jr.: Do you need a motion?

Commissioner Mourdock: I don't think we do.

President Jerrel: No, I'm going to get back with him on this...yeah.

Commissioner Tuley: Double-check the names?

President Jerrel: Yeah.

John Stoll: Next, an update on Burkhardt and on Cross Pointe. On Burkhardt, phase one, we had a final inspection last Thursday. There are two signal loops that need to be installed. All the signs remain to be installed. We need to backfill the curbs at one driveway location. The barricades need to be installed at the end of Virginia Street and there is other miscellaneous cleanup working like picking up the barrels and things like that that need to be done, but other than that phase one is done. On phase two all the lanes got opened up on November 25th. The work that remains out there is seeding, some striping work and some signal work. We're trying to get a final inspection set up for that next week some time. On Cross Pointe and 62 all the paving work has been completed. The striping work has been started and the signal work has been continuing, but there is still some of that that needs to be done. All the signs remain to be installed on that one.

President Jerrel: Okay, is there anything else?

John Stoll: That's all I've got.

President Jerrel: Oh, by the way, brought the plans.

John Stoll: Yeah, I hear Darrell Veach came and picked them up today.

President Jerrel: Yeah.

John Stoll: I was getting phone calls. I got two phone calls from him today. I said as soon as I hear from you I would let him know.

President Jerrel: Well, the plans have returned.

John Stoll: Now as long as they make the revisions we can stay on the March letting.

President Jerrel: Right.

**County Garage**

President Jerrel: Okay, you do have your reports from the County Garage, is there a motion to accept those?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: I have the bid recaps on the two sets of bids that were opened. The first is for surfacing materials and that was bid number APA005-99. Unit prices were requested with respect to these bids, but I am going to give you the total bid costs.

Company name	Amount bid
E & B Paving Evansville, Indiana	\$540,000.00
J.H. Rudolph & Co., Inc. Evansville, Indiana	\$548,960.00
Jerry David Enterprises, Inc. Evansville, Indiana	\$589,050.00
Gohmann Asphalt and Construction, Inc. Clarksville, Indiana	\$552,650.00

I would ask that you take all these responses, bid responses, under advisement and review them for their responsiveness at a later date.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The next set of bid responses is for commercial fueling. That bid number was APA025-99. Again, unit pricing was requested, but I'll be reading the total bid cost on these responses.

Company name	Amount bid
Posey County Farm Bureau	No bid
Gabe's Oil, Inc. Evansville, Indiana	\$145,490.00
CE Taylor Oil, Inc. Washington, Indiana	\$220,083.00
Thornton Oil Corporation Louisville, Kentucky	\$238,256.00
Busler Enterprises, Inc. Evansville, Indiana	\$406,108.00*

\*The fifth response is from Busler Enterprises, Inc. of Evansville. The total bid cost that they submitted, it says \$406,108, but it appears what they meant to say was \$203,054. They doubled...for some reason they put \$203,054 down twice in their bid response, so anyway, what is submitted on the total bid cost line says \$406,108. I would ask that you take these five under advisement, or four, there were four responses and take those under advisement and review them for their responsiveness and consider final action at a later date.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The only other item I have I provided you all with a copy of the Roth Safe House decision from the Court of Appeals and provided that for your review. Hopefully that case is over, but you never know. That's all I have.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Okay, Superintendent of County Buildings.

Tony Greubel: No.

**Weekly reports**

President Jerrel: Okay, you have Burdette, Soil & Water and Ozone in your packet. Is there a motion to approve?

Commissioner Mourdock: I'll move acceptance of those reports.

Commissioner Tuley: I'm sorry?

Commissioner Mourdock: I just moved acceptance of the Ozone report, the Soil & Water and Burdette.

Commissioner Tuley: Oh, I'll second.

President Jerrel: So ordered.

**Consent items**

President Jerrel: Is there a motion concerning consent items?

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Scheduled meetings**

President Jerrel: You have your scheduled meeting list.

**Old business**

President Jerrel: Is there anything under old business?

Commissioner Mourdock: Just to revisit the air quality issue for a minute. The IDEM Steering Committee, the three county Steering Committee meeting will be this

Wednesday night at 7:00 at the Old Courthouse and I plan on attending.

President Jerrel: I did ask Joe Harrison, Jr. to do a letter and he has sent a letter to Janet McCabe and that is for your information. Today I spoke to Greg Kissel who is the environmental engineer at Whirlpool. He is very interested in this and he was saying that he thought perhaps the 950 tons really are in the possession of Koch Label until such time as that facility is completely closed and he was questioning whether or not they would remain with the facility if it were sold to someone else. You know, I guess we talked a little bit about that last week that it's new territory to be covered.

Commissioner Mourdock: It is and as I mentioned last week I wanted to try to make contact with a couple of folks in DC about that to see what the county might be able to do as far as either setting an emissions ceiling or in some way have at least some mechanism to trade those emission licenses and while I have not yet succeeded in dealing with the right people in DC I did have occasion on Friday to meet with the US EPA Director of Region 5, which is the area of basically the midwest, Indiana, Illinois, Iowa, Wisconsin, Minnesota and just laid a little groundwork to talk to him about this further in the future, so I can't say it was productive specific to this. In fact, I was meeting with him on some business outside county business, but I think we got a little...I think building on John's idea of last week, I think it may be a unique opportunity and just we'll have to see where it goes.

President Jerrel: You know, just one thing and I think we need to pursue the idea that, you know, if in fact IDEM at this time permits companies to purchase an excess of their agreed upon emissions, and they do at this time...in other words, if you wanted to buy an additional half million dollars worth of emissions you can and then typically the Commissioners have the opportunity, the IDEM Commissioners, to try to mitigate something locally with that.

Commissioner Mourdock: Right.

President Jerrel: Well, if they can do that, if you take a step further if they can let someone buy them then why can't we take possession to utilize them for the greater good of this community?

Commissioner Tuley: That's only valuable to us.

Commissioner Mourdock: Right, and where it gets complicated, and I know this came up at one point during some of the licensing discussions with ConAgra and I am using this as a hypothetical example, but at one point when the amount of their emissions came up the suggestion was made as an offset to reduce emissions elsewhere a company the size of ConAgra could buy an existing business in Evansville and close it down so they could then get the emissions they needed. Well, that may be great for air quality, but it is tough on employment. I mean, I don't think any of us want to see that happen, but you're right. At that point IDEM was saying in fact that was a mechanism that might be out there for them to use. The flip side of that is if as Vanderburgh County we act, and I'm not saying we shouldn't, but if we were to act to set our own limits on what the total VOC emissions within the county should be, then it begs the question what happens when you have somebody who is across the county line? How do we deal with that issue? Again, I'm not saying let's rush forward to this, but I am saying let's rush forward to investigate it because I think it is an interesting proposal.

President Jerrel: Well, anyway, we had a week and some things have happened, so I

just wanted to bring you up to date on that. Is there any other old business?

Commissioner Mourdock: Yeah, one bit of old business. I don't know if you received this as well?

President Jerrel: Yes.

Commissioner Mourdock: Today I got the Casino Aztar report on what they're doing on their third anniversary and just for the record city, county and state at the \$1 a head tax as of October 31st I note that they have paid \$6.36 million to the county which we've divided it up into our three accounts of infrastructure, the Welfare to Work--

Commissioner Tuley: Economic development.

Commissioner Mourdock: --issue and economic development. That's \$2.1 million for each of those, so real money.

President Jerrel: It's just a shame, I repeat, the three of us didn't know when we were listening to all of that that we were all three going to be sitting here.

Commissioner Tuley: At the same time.

Commissioner Mourdock: On the Riverboat Committee. Yeah, we might have negotiated a different kind of deal!

President Jerrel: We would have negotiated, so anyway. You know, that is kind of funny when you think about it.

Commissioner Tuley: It is.

Commissioner Mourdock: Who else was on that Board and where will they be in a couple of years?

President Jerrel: I don't know.

### **New business**

President Jerrel: Okay, under new business.

Commissioner Tuley: I've only got one item and it's basically for discussion at this point. We, the Commissioners, through the advice of the Burdette Advisory Board have put a stop to giving away rentals out there to not-for-profits and what have you. Currently the manager...not the manager, but the supervisor or the coordinator for the Day Care Program has approached the School Corporation about the possibility of getting a donation of a bus or two for that program. The School Corporation, through their Athletic Department, has had a function at the Bishea Building, I think it's a Sport's Appreciation Dinner, that over the years we were able to provide that for free and I guess I would like to try to get the ball rolling if possible that one, if we determine that we do, in fact, need a bus or two for Burdette that maybe we could work out a trade for rentals in keeping with our policy and at the same time getting something that we need if we determine it. I guess what we need to do first is determine if we need any buses, how many we need, how many we can get and then put a value to those buses and then basically trade them off dollar for dollar if we can.

President Jerrel: See what kind of shape they're in.

Commissioner Tuley: Yeah, in talking with Gary Staley, who is the Executive Director over Sport Services, I think the last time they had an auction they went from as little as \$900 up to maybe \$2,000 was the value of the buses based on an auction that they did. Some way we would have to be able to figure out number one, do we want them and need them and then establish a value and then basically I guess what we could do is just write them a letter and tell them that we would be interested in doing this, they being the School Board, if they would give us good consideration for what we need and at that time then we would just basically negotiate what that value and trade-off is.

Commissioner Mourdock: Okay. When you started I was hearing something a little bit different. I thought you were saying the use of the buses during the summer for the program.

Commissioner Tuley: No, I'm sorry. They would actually become our buses. They are surplus buses that they're going to get rid of because of purchases of new buses. Joyce apparently has approached them about the possibility of them donating.

President Jerrel: But for that they would want one day a year.

Commissioner Tuley: Yeah, I think right now the rent is \$250 so if we had a bus that was worth \$1,000 and we would give them like four years worth of free rent.

Commissioner Mourdock: Yeah, as the former owner of an old school bus I'll tell you that those buses are fairly affordable on used items.

Commissioner Tuley: Is that right?

Commissioner Mourdock: Yeah, they're not real expensive.

Commissioner Tuley: Yeah, I would just soon put in a motion basically that number one, we determine through the Burdette Manager that we do need them. Number two, then I would like to have a letter written to the School Board that says we've determined that we need one or two buses and would request one or two buses. After the value of that has been established what we would do then is provide them with free rental on a dollar for dollar basis for the one rental, the Bishea Building each year or whatever.

Commissioner Mourdock: I'll second that.

President Jerrel: Okay, and with that authorize me to go ahead and get the letter written?

Commissioner Tuley: Yeah, that would be great if we could go ahead and do that. You want to write it or do you want to have Tony to write it? He is a pretty good letter writer!

President Jerrel: Okay. I'll say so ordered and we'll get the letter ready.

Commissioner Tuley: Okay, that would be nice.

President Jerrel: Any other words of wisdom? Hearing none, is there a motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:40 p.m.

***Those in attendance:***

Bettye Lou Jerrel	Steve Utle
Richard E. Mourdock	Mike Buente
Patrick Tuley	Eric Schwenker
Joe Harrison, Jr.	John Stoll
Bill Fluty	Jerry Bryan
Charlene Timmons	Dan Hoefling
Tony Greubel	Members of the media
Others unidentified	

**Vanderburgh County  
Board of Commissioners**

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Bettye Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
December 14, 1998**

The Vanderburgh County Board of Commissioners met in session this 14th day of December at 5:38 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Board of Commissioners meeting to order. At this time I would like to introduce to you the people before you. On my far right is Tony Greubel, who is the Superintendent of County Buildings; Joe Harrison, Jr., County Attorney, is next to him; Pat Tuley, Commissioner, to my right; far left is Charlene Timmons, the Recording Secretary; Suzanne Crouch, the County Auditor; Commissioner Richard Mourdock; and my name is Bettye Lou Jerrel. I would like to ask you to join me in the Pledge of Allegiance now.

**Approval of minutes**

President Jerrel: The first item on the agenda is the approval of the minutes of the previous meeting of December 7th.

Commissioner Mourdock: I'll move approval of the minutes as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Open bids - VC98-12-02, St. Joseph/Allens Lane traffic signal**

President Jerrel: The next item is the opening of bids for traffic signals and Ward Road. Is there a motion to have the attorney--

Commissioner Mourdock: I'll move approval for the opening of bids, VC98-12-02 to be reported later.

Commissioner Tuley: Second.

President Jerrel: I'll say so ordered.

**Open bids - VC98-12-01, Ward Road improvements**

President Jerrel: The next item is the Purchasing Department.

Commissioner Mourdock: There was another bid there.

President Jerrel: I see that one.

Commissioner Mourdock: No, I did this one.

President Jerrel: Okay, wait a minute. I had included both, but we need to adjust--

Commissioner Mourdock: Yeah, just for the record I move that we open bid VC98-12-01, Ward Road project to be discussed later.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Jerry Bryan - Purchasing Department**

President Jerrel: Okay, Jerry, sorry.

Jerry Bryan: Okay, the first item I have is the surfacing materials. This is one that Joe assisted me on that had to be rebid and the rebids have come back. I submit my summary to you. The way we have done this in the past is to award at unit costs to all vendors on here and the reason is because the main cost in this thing, the prices are the same except for Rudolph is cheaper on the hot patch. Last year for some reason or another Rudolph did not bid. I don't know why, but during the rebid they came back with their prices. Erik can attest to this, they call the vendor that is cheapest to the job site so obviously if we have an east side job we want to call an east side paving contractor to cut down on the mileage because the mileage is where a lot of the cost is. I recommend that we use these vendors for county business for 1999.

Commissioner Mourdock: I'll move approval of the recommendation.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: The second item I have is the oil products. This is mainly a city bid. The city approved this at their last meeting of the BPW and there is only about ten percent of the county products on this bid. Home Oil Company in Henderson was the low bidder and we recommend that they be awarded the entire bid. There is an \$8,000 savings if we go with them versus, Bettye, cherry picking the whole thing where we can only save \$360 and there would be so much confusion out there as to who to order it from, I recommend that we give it to Home Oil Company.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Okay, the last one is the guard rail and pipe. This has already been awarded by the BPW and CPI was the low bidder. As you'll notice on my spreadsheet on the back there are a lot of blanks from the galvanized steel culvert pipe on down. I talked with Stan Lutz at the County Garage, Bettye, and they have so much material left over from the Burkhardt one that it's not prudent for us to buy any material now. Use all that up and then come back at a later date and reorder.

President Jerrel: Yeah, that is what he told me. That's a good idea, too.

Jerry Bryan: I had worked with Stan Lutz at our Garage and he concurred that CPI is an excellent supplier and that he was just pleased with the results here.

Commissioner Mourdock: I'll move the approval of the award to CPI for guard rail.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: The last item of business that I have is to give to the Board my recommendation on extending the pager contract through 1999. Joe, on this one we just sent an award letter to them. It's \$12,000 so it doesn't have to be a sealed bid and you can see the results would be a nice savings for us to continue. They're going to give us the same prices next year. They are only two or three blocks away from us and they have been giving us excellent service and I would recommend that we extend this contract for another year.

Commissioner Mourdock: I move the award of the paging to Arch as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

**Petition to vacate easement - 9009 Darmstadt Road**

Shannon Frank: Hi. I'm here on the petition to vacate the easement at 9009 Darmstadt.

President Jerrel: Okay, would you want to give us your name?

Shannon Frank: Yeah, it's Shannon Frank. I'm an attorney with Lavallo & Frank and I represent Richard and Lara Schapker, the homeowners.

President Jerrel: Okay, as you see the next item on your agenda, this is a public hearing and it is a petition to vacate an easement. If there is anyone here that would like to speak to this? You have in your packet the information.

Commissioner Mourdock: I have a question. I'm just curious, does anyone know what the origin of the old easement was? It seems kind of odd.

Shannon Frank: Well, the homeowners subdivided the property themselves and they aren't certain as to why there was an easement put on there when it was subdivided. I think it was the habit of the engineer is the reason for the easement.

Commissioner Mourdock: Oh, okay. I know when I ran by there the other day I was looking to see why it was there and it didn't make any sense to me.

Shannon Frank: We're not sure either.

Commissioner Mourdock: Makes your argument much easier!

Shannon Frank: That it does. Especially with no abutting property owners having any objections to it.

President Jerrel: If there are no further questions or there is no one that wishes to

appear before the Board and speak to this issue--

Commissioner Mourdock: On first reading I move approval of the ordinance to vacate certain platted easements within Vanderburgh County commonly known as 9009 Darmstadt Road.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: This can be the final if it is unanimous.

President Jerrel: Okay, well then we'll take a--

Commissioner Tuley: Roll call.

President Jerrel: --roll call vote for the unanimous vote since that will keep this from coming back a second time. Commissioner Tuley?

Commissioner Tuley: Yes.

President Jerrel: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Jerrel: I vote yes.

Shannon Frank: Great, thank you.

### **Veterans Services - Lease agreement with Old Courthouse**

President Jerrel: The next item on our agenda is the Veterans Services. There is a lease agreement in your packet. We don't have anyone here from Veterans Services, but if there are any questions...I think it is pretty well self-explanatory. It's a renewal.

Commissioner Tuley: A renewal to go at the same rate as it was.

Joe Harrison, Jr.: Uh-huh.

Commissioner Mourdock: I'll move approval of the office space lease agreement between the Veterans Services Office and the Old Courthouse Preservation Society.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Any group or individual wishing to address the Commission**

President Jerrel: At this time is there anyone that is here that would like to come before the Board to speak about any other issue?

**John Stoll - County Engineer**

President Jerrel: Okay, hearing none we'll go on with our department heads. County Engineer.

John Stoll: The first item I've got is the agreements with Three I Engineering for \$1,600 for the preparation of the easement descriptions for the gravity sewer extension of the Daylight sewer. It's the easement...the agreements for the easements that I discussed last week.

Commissioner Mourdock: I'll move approval of those easements.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got three appraisals that need to be signed so we can make offers on Lynch Road right-of-way for phase two. This would be for the interchange. These are parcels number two, three and four for a grand total of 28.308 acres of permanent right-of-way, 1.714 acres of temporary right-of-way and the appraisal amounts are for \$157,700.

Commissioner Mourdock: Is it appropriate to ask the owner of the property? No? I'm just thinking when we did a zoning there was, I thought, a pledge made on some of that property.

Joe Harrison, Jr.: It doesn't matter.

John Stoll: These aren't associated with the Woodward property.

Commissioner Mourdock: Okay.

John Stoll: They're...is it a problem to say the names?

Joe Harrison, Jr.: No, that's fine.

John Stoll: Parcel 2 is Hartig, parcel 3 is Thompson and parcel 4 is Durcholz.

Commissioner Mourdock: Okay. I guess my brain got working a little overtime there, so you're asking us simply for the approval to offer those appraised prices to the landowners?

John Stoll: Correct, and then they'll have a time period where they can review the offers and either accept or reject it and then we can pursue condemnation if they reject it.

Commissioner Mourdock: Okay, well I move that we do that.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next I've got our office lease agreement for the space between the County Engineer and the Old Courthouse Preservation Society.

President Jerrel: Okay, and this a renewal at the same rate as the Veterans?

John Stoll: It's for \$8,175. I'm not sure what their rate is.

President Jerrel: No, I meant--

Commissioner Tuley: Is this the same as last year for you?

President Jerrel: Is this the same as last year?

John Stoll: Ours has increased mainly because when we first moved in there they gave us a credit for the amount of money we spent to renovate the office space when we did the plaster work and the painting and the carpet and things like that, so it has gone up since last year because the \$20,000 or so that we had used when we first moved in has been used as an offset.

President Jerrel: Okay, okay, let's halt. I want to see that in writing. I mean, if we get something done I would like to look at it. You know, I don't want to object to us renewing it, but if there has been some kind of a deal, if you don't mind.

Commissioner Mourdock: When did you move in over there, John?

President Jerrel: Thank you.

John Stoll: In '93.

Commissioner Mourdock: So that credit had been carrying up until this year?

John Stoll: Correct. They have been giving us half price rent for the past five years.  
Joe Harrison, Jr.: He did show that to me.

President Jerrel: Okay, well I just wanted to see it.

Joe Harrison, Jr.: Okay, I understand. I think that was the amount...the amount that they're going to be charging for next year would have been the amount that they would have charged from day one.

Commissioner Tuley: All along, yeah.

Joe Harrison, Jr.: But for the credit.

John Stoll: Right.

Joe Harrison, Jr.: Okay.

Commissioner Tuley: That's my--

John Stoll: Right, they gave us a reduction off their usual rate because of the money we spent to renovate the space.

Commissioner Mourdock: Just doing the math real quickly in my head that works out. If you put in \$22,000 and it was five years ago, so I figured \$4,000 a year would have been half and this is \$8,000.

President Jerrel: Did you include this in your budget--

John Stoll: Yes.

President Jerrel: --during budget time? Okay, just so that we don't get faced with an improper amount. Is there a motion then?

Commissioner Mourdock: I'll move approval of the lease agreement between the County Engineer and the Old Courthouse Preservation Society as submitted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: The final item I've got is a street plan approval request for Camden Farms Subdivision. This subdivision is off Kansas Road just east of Windemere Farms Subdivision and will have a connection to Windemere Farms. We've reviewed the street plans and would recommend they be approved subject to two conditions. One, they need to provide handicap accessible ramps for the sidewalks at all intersections and the second condition is they've made a couple of drainage changes so they need to have Bill Jeffers review and approve those drainage changes, but beyond that the plans are recommended for approval.

Commissioner Mourdock: Will they have sidewalks out there?

John Stoll: Yes, they have not requested a waiver. The Subdivision Review Committee recommended sidewalks.

Commissioner Mourdock: That's kind of a change from past practice.

John Stoll: On residential on those size lots they have typically been requesting that sidewalks be included.

Commissioner Mourdock: Well, at this point they have not requested a waiver so in a sense that could be a moot point. The handicap accessibility condition, if they came in and got the waiver, would be a moot point anyway.

John Stoll: Right. To my knowledge they don't plan to request a waiver.

Commissioner Mourdock: Right. Well, with the two conditions as listed by the County Engineer I'll move approval of the street plans for Camden Farms.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: That's all I've got unless you've got any questions.

President Jerrel: Thank you very much.

**Erik Bentle - County Garage**

President Jerrel: County Garage.

Erik Bentle: The work schedule I gave you three for this week are basically just work orders where we are trying to tie up loose ends for the end of the year. Right now we're running with a skeleton crew because most of the guys take their vacations towards the end of the year. I know it doesn't look like a whole lot on there, but it is just basically work orders.

President Jerrel: By the way, have you rescheduled your meeting, Joe, the in-service that we were going to do?

Joe Harrison, Jr.: I've had...no, I don't have a definitive date, but we've been trading phone calls.

President Jerrel: I would love to see that done during this slow time.

Joe Harrison, Jr.: No, we'll do it.

Erik Bentle: Yeah, it would be a good time right now.

Joe Harrison, Jr.: No, we'll do it. Hopefully I'll hear from them tomorrow. I should have heard today, but I just didn't hear back from them.

President Jerrel: You might want to include Steve Craig. I spoke to him today about this and it might be a good opportunity for him to sit in also.

Erik Bentle: Sure.

President Jerrel: And maybe want to bring somebody along.

Erik Bentle: Sure.

President Jerrel: I would really like for you all to get that done before the end of the year. Anything else?

Commissioner Tuley: Not from me.

President Jerrel: Thank you.

Erik Bentle: Thanks.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: County Attorney.

Joe Harrison, Jr.: Can you go--

President Jerrel: Go back up, sure. Superintendent of County Buildings.

Tony Greubel: I talked to Mike Wathen while you were in the Solid Waste meeting and the main thing he wanted to say was the weather has been so good this year, this fall, that he has been busy and actually has been able to do a lot of work and he hasn't been able to take any vacation days like he had planned. He said that tomorrow he is going to work and that may be the last day that he works until the end of the year.

President Jerrel: I spoke to him about that. I mean, that is difficult when you're in his role and the fact that the weather has been nice, but the weather has been good for all of us that are interested in things moving along. Did you get those...I mean, the copies of the erosion...you have a copy of the erosion ordinance?

Tony Greubel: Yeah, I have a copy. I'm going to mail out about ten copies of the erosion control ordinance to people around the country that you made contact with last week.

President Jerrel: Yeah.

Tony Greubel: And I have been tying up a lot of our financial loose ends also in our budget.

### **Steve Craig - Burdette Park**

President Jerrel: Burdette Park.

Steve Craig: I don't have much, but I wanted to report that our rentals are doing extremely well. We're staying...last weekend on Friday, Saturday and Sunday every building that had a heater in it was rented, so apparently we are doing something right. We got started on our new chemical building. We're going to do most of the work ourselves and we've got it framed up and we're getting ready to put it under roof. With our skeleton crew that's doing pretty good because we don't have any people working either except for a couple of part-timers.

President Jerrel: Thank you.

### **Weekly reports**

President Jerrel: We also have included the Soil & Water and our Ozone Officer, I believe, is going to be next door making a presentation at City Council.

Commissioner Mourdock: Oh, City Council tonight.

President Jerrel: Right, but we do have the report.

Tony Greubel: I do have one thing that I should have brought to your attention. With the pink slips one of them under Circuit Court, it's Valerie Idleman, on the pink slip it says that she has been released and whenever Sandie Deig checked that out we found out we don't have that employee so the problem was she was supposed to have been appointments made, so she is actually being appointed not released. The Safe House put that on the wrong part of the form.

President Jerrel: Sandie did speak to...it is signed by a former student of mine, you cannot read the name, but I have his title, he is a judge.

Tony Greubel: Magistrate Kiely.

Commissioner Tuley: So this is an appointment, not a release.

President Jerrel: This one.

Commissioner Mourdock: That's Judge Dietsch.

President Jerrel: No it isn't.

Commissioner Tuley: Is that supposed to be Carl, the judge?

President Jerrel: No. She told you who it is.

Joe Harrison, Jr.: Heldt.

President Jerrel: No.

Commissioner Tuley: Yeah. Well, who is it?

Joe Harrison, Jr.: Oh, Kiely?

President Jerrel: See, that's important, you know.

Commissioner Mourdock: That's why people end up serving 15 years and they were thinking six months.

President Jerrel: Okay, back to the...are you ready yet? We can go if you want.

Joe Harrison, Jr.: Why don't you go on.

President Jerrel: Okay, we'll just go on.

Commissioner Mourdock: We need to accept the Ozone Officer's report into the record.

President Jerrel: Right, and the Soil & Water.

Commissioner Mourdock: And so moved.

Commissioner Tuley: Second, I'm sorry. Second.

President Jerrel: Okay, I'll say so ordered.

### Consent items

President Jerrel: Is there a...with the understanding of the discrepancy in the way the one slip is written, is there a motion to accept the consent items?

Commissioner Mourdock: So moved with that one correction noted.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Scheduled meetings

President Jerrel: The meeting list is attached. Just a reminder, we won't meet on the 28th, so we just have one more meeting this year.

**Old business**

President Jerrel: Is there any old business?

Commissioner Mourdock: One quick bit of old business. Betty Lou, you had passed on to me, and I don't know if you did this with Pat also, but these--

President Jerrel: No, I just had gotten them.

Commissioner Mourdock: --summary sheets that the Department of Highways or the Department of Transportation gave you regarding spending from each district and they go back as far as 1988 and as you indicated they are kind of fascinating to see where the state has been spending its money. There are seven districts in the state and just going through them I made a quick graph. The southwest district has only been top in funding once since 1988 and that was in 1988. With two exceptions since 1988 we have only been in the top three districts for funding three times which is to say 70% of the time we are in the bottom half of funding.

President Jerrel: I met with Rose today about this and I told her that you had these. Remember, I asked you the question how many MPOs are there in the state of Indiana? There are 12. If you look at MPO funding, which is 12 areas, I don't know where this seven...I told her I hope Phil Schermerhorn didn't think that I could be fooled so easily. She said it could be that they have...I mean, she was (inaudible) how he arrived at seven districts.

Commissioner Tuley: With 12 MPOs.

President Jerrel: Because if you had 12 this would likely be considerably smaller, see what I am saying? Anyway, take these with you and look at them. I asked him when they were down here, we had a meeting in the Mayor's Office one time on Fulton Street Bridge. Dennis Faulkenberg, I asked him to give me a review of the dollars spent and he did not define what those seven districts represented. Are they level two districts?

Commissioner Mourdock: I think what those--

President Jerrel: Are they level--

Commissioner Mourdock: I think what those are are just literally the districts under which the state has divided the Department of Transportation.

President Jerrel: That's what I met with Rose about. I said, how are they divided? She said, well, three or four different ways. There are 12 MPOs. Could these be level one areas that, you know, have the larger metropolitan areas with the 200 plus population and this is what went to the level two or is this the way they define the money at INDOT?

Commissioner Mourdock: Yeah, the way I read that, and I could be totally wrong, but I assumed those were the seven districts by way of just what they have for maintenance offices. You know, they have district maintenance offices. That's what I guessed them to be, but I could be totally wrong. Any way you look at it, however they divided them when you see of seven districts the last time we were significantly towards the top of the state's list was when I-164 was being completed. Since then we are always hugging the bottom of the list.

President Jerrel: Right.

Commissioner Mourdock: That's the point that our legislators, I hope, come to realize, too, that it's not a fair shake any way you look at it.

President Jerrel: We're going to hang onto these because they sent them to us and we're going to not forget them. We'll put them in a book.

<b>Joe Harrison, Jr. - County Attorney</b>
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President Jerrel: Okay, are you ready now?

Joe Harrison, Jr.: I'm all ready. The first thing we'll do is read the bids regarding the two projects. The first project would be VC98-12-02. That's the St. Joseph Avenue/Allens Lane traffic signal installation. Three bids came in, they are as follows:

Company name	Amount bid
Mounts Electric, Inc. Evansville, Indiana	\$45,331.75
Hummel Electric, Inc. Evansville, Indiana	\$47,587.95
Trans Tech Electric, Inc. South Bend, Indiana	\$50,362.50

I would ask that you take these under advisement and review the same for their responsiveness.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The next set of bids is VC98-12-01. It's the Ward Road project. There were eight bids that came in.

Company name	Amount bid
Koberstein Trucking, Inc. Princeton, Indiana	\$89,093.50
CCC of Evansville Evansville, Indiana	\$94,543.34
Blankenberger Brothers, Inc. Cynthiana, Indiana	\$93,309.62
Deig Bros Lumber & Construction Co. Evansville, Indiana	\$108,570.00
Phoenix Construction Company Evansville, Indiana	\$98,650.24

Company name	Amount bid
Koester Equipment Inc. & Subsidiaries Evansville, Indiana	\$120,450.00
B.M.B., Inc. Evansville, Indiana	\$85,358.75
NFH, Inc. Evansville, Indiana	\$111,359.00

I would ask that you take these bids under advisement and review them for their responsiveness.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Joe Harrison, Jr.: The only other item I had this evening is, Richard, I sent a letter to you regarding the Jail Assessment and Recommendation Committee regarding the question you had regarding whether those meetings are all open, all the meetings that they have are open to the public or whether closed meetings can be held. My opinion is that, no, you can't have any closed meetings. I'll read the letter if you want me to:

"Dear Richard,

I have been asked to give you an opinion whether the County Jail Assessment and Recommendation Committee established by the County Commissioners on January 5, 1998 may hold a closed door meeting for the purpose of discussing its business. The answer to your question is no. Generally the Indiana Open Door Law requires that all meetings of governing bodies of public agencies must be open to the public at all times pursuant to I.C. 5-14-1.5-1. The term public agency is broadly defined by the Indiana Open Door Law and includes any advisory committee like the Jail Assessment and Recommendation Committee which was specifically organized by the County Commissioners to advise and/or make recommendations to it concerning Vanderburgh County jail conditions and matters relating to inmate overcrowding in the county jail. Thus, it is my opinion that all meetings of the Jail Assessment and Recommendation Committee must be open to the public at all times. Should you have any further questions regarding this matter, please do not hesitate to contact me."

Commissioner Mourdock: Okay, thank you. That was the answer I needed to know.

Joe Harrison, Jr.: That's all I've got.

### **New business**

President Jerrel: The next item is the item we kind of set aside today for and that is to describe our goals and I don't know how you all want to do it. I don't...

Commissioner Tuley: Doesn't matter to me.

Commissioner Mourdock: Go.

President Jerrel: I wanted to put my down so I could check them off in case we had anything.

Commissioner Tuley: I imagine there will be some duplication here. With the opening of Lynch Road, and, John, I'm not sure, you might be able to enlighten me on some of this stuff, where we're at, but we need to start the process of continuing the Burkhardt extension north of Morgan Avenue to the connection with Lynch. I did talk to one of the primary developers out there and I think most of that ground that has been rezoned out there between Morgan Avenue and Burkhardt Road, more than 50% of those lots are sold already. I think we need to look at right-of-way acquisitions or getting the plan in motion and figuring out a funding mechanism to complete that project. Much like how you came up with the idea to complete the Burkhardt that is being done right now.

President Jerrel: Right, there it is.

Commissioner Tuley: Okay.

President Jerrel: I've even got...I just gave us a date of February 1st to have that in place.

Commissioner Tuley: Okay. The other thing that I had in my notes was quite honestly we need to look at the Eickhoff/Koressel, moving forward on the right-of-way acquisition or getting a contract to start that process. I know there has been some maybe comments made by some other people who thought I-69 might take care of that in the future, but that is still iffy and much like Lynch may very well be a very limited access road, so I think Eickhoff/Koressel is something that we need to continue to pursue. The Jail Committee, we've been going now for close to a year so hopefully it will be coming forth with some recommendations. I don't know that I ever want to disband that committee per se. I think one of the things we talked about early on was a monitoring process and I think it seems like every time we mention them or put them in action it suddenly seems like our focus and attention goes on the crowding and all of a sudden it goes down, so I think it is important that we keep them together, but I would like to see some closure, so to speak, at least with this initial evaluation.

Commissioner Mourdock: Just for your information, there will be presented, I think it's the January 26th meeting, something like that, the 24th or 26th at the County Council, they have also requested an interim report. That report has been written in draft form. The members of the committee are reviewing it now. The final form will go to them at the meeting on January 6th, I believe. I think that is a Thursday. January 7th, I guess, and then the final report, and I kind of put the word final in italics, I guess, but that will go in April to the County Council, but the discussion on that Board has been as well let's keep together as a group and continue to review it because you're right, we break up we all know what is going to happen.

Commissioner Tuley: Those were the two key items. Continuing, the only other thing I would ask is that we continue to monitor the progress and development on the west side out there, what's known as the Hahn Development in terms of roads that are in the county in that area that will be affected by this. It looks like that has taken a while to get off the ground, but for once it would be nice for us to be in a active mode as opposed

to reactive mode as we often get accused of being in. This here is a very thorough complete listing here.

President Jerrel: No, I just--

Commissioner Tuley: A lot more thorough and complete than what I am giving you, but those were the ideas of the areas that I thought were--

President Jerrel: Well, but they are on there.

Commissioner Tuley: They are already there.

President Jerrel: We're all thinking the same.

Commissioner Tuley: The same way.

Commissioner Mourdock: Where there is overlap with the Eickhoff/Koressel and Lynch Road your comment, Bettye, of having a funding plan in place by February 1st, is that for both?

President Jerrel: That's for both. Could I digress just a minute?

Commissioner Mourdock: Sure.

President Jerrel: I asked Rose to come down today because, you know, I have never been comfortable with the books that we get, the TIP, you know that says between the year such and such and so on you're going to have this much money. We get this newsletter from EUTS and it says in here that the TIP program funds for \$278 million and we did get 198 program for the last TIP, but the truth of the matter is this is all...I said, what does the word programmed mean and Rose said that it means that if you plan this is what...you know, you have to have a plan and in order to be...to give justice to what Rose indicated to me in order for the ISTEA before, now TEA-21, to give money from the federal government to the state a planning process must be in place. Those 12 MPOs do that planning. What happens is everything that you want gets put in, but the actual money you get and what you're able to accomplish is a far cry from what the best of everything is. I asked Rose to come down and I asked her to start coming to our meetings on a monthly basis and making a report because one of the things, one of the goals I had is to become much more active with EUTS. I'm going to ask the two of you to let me serve on that Board this next year. The reason I would like to serve is I think we need to have better feedback on priority projects both here and with the other counties that are involved. The realistic side of government is the money we really get in our hands or our control to take recommendations and I told Rose, and John knows this too, I've told him enough, I'm not an authority on anything like this. I want to hear what our professional staff recommends, but it has to be something that is going to happen. It can't always be these long 20 year plans that never come to fruition. Eickhoff/Koressel, I was a very, very, very young woman when that first was appearing in those TIPs and nothing has happened to date, so I'm--

Commissioner Tuley: You were a very, very, very young woman as opposed to what now?

President Jerrel: Well, I'm going to tell you that. More mature.

Commissioner Mourdock: More mature.

President Jerrel: More mature. I want something done in our lifetime. So, at any rate, Rose and I had a very good meeting and I'll just be very honest with you I don't think she always could read me exactly maybe because I ask, you know, a lot of employees...but I think she understands we want her help.

Commissioner Tuley: Right, and you know I think at one time for some reason we had her reporting down here on a monthly basis and somehow it has just kind of got off to the side again. I think in your conversation with her if you could maybe just plan for the first, second or whatever and just make it consistent, using Richard's word there, each month so she can plan her schedule.

President Jerrel: Well, anyway, that...and in the conversation I asked, you know, what about right-of-way purchasing and, you know, we're already planning on the Lynch Road. Okay, what about Burkhardt and then what about Eickhoff/Koressel and, you know, there is money that we have in various places and I was going to prepare a report for you all to let you see exactly where it is and kind of what we can do and get it to you by the first of February. John has been helping me already. I mean, we have started working on it, but then that gives them something to shoot for and we know we're going to get these projects completed.

Commissioner Mourdock: Okay, may I add one? Just in general discussion of road plans and although I don't have this on my specific list it would seem to be right in there, what could we do for a goal for planning purposes regarding an east/west corridor across the northern part of the county?

President Jerrel: That's good.

Commissioner Mourdock: You know, EUTS came to us in the year and said let's widen Boonville-New Harmony which I think was probably...we reached greater unanimous agreement on that than anything that has come before us in the past two years saying that was not what we wanted to do. Should we somehow have as a goal along with those other highway issues to formalize what this Commission would see as a plan for that east/west corridor?

President Jerrel: I asked her that today. I told her to think about that issue and to come to us with some sort of a recommendation. She was saying, well, Commissioner Mourdock wanted to extend Green River Road. I said, no, I don't think Commissioner Mourdock wanted to do anything more than have a plan in place.

Commissioner Mourdock: Exactly.

President Jerrel: Like we do on 41 and Burkhardt about the turns, so we're not buying right-of-way right now on Green River.

Commissioner Mourdock: Exactly.

President Jerrel: So this all just happened about 3:30 this afternoon, so I kind of knew how you felt and kind of knew how you felt.

Commissioner Tuley: Yeah, there is no question we need something across that northern part. Another road across that northern part of the county.

President Jerrel: Well, she is going to come too so that we can accomplish what we want to. Now, one other little small issue, it isn't real small, but when I was in Washington, DC last week I discovered that there is \$700 million in a fund for foreign trade corridor people and border crossings and the legislation is very vague. It occurred to me that we ought to submit an application for at least some money to do some studies, some professional...a professional study that would...you know, we've talked about which way or where do we go first? West, north or east? And, you know, we need some help. So I asked Rose to contact the state as well as the federal government and get an application and see if we can qualify.

Commissioner Mourdock: Is that money...how did you define it? A foreign corridor?

President Jerrel: Foreign trade corridor and border crossings, but it is not defined as what borders are crossed and the trade zone we're in it.

Commissioner Mourdock: From here to Henderson, I mean, that could be called a border?

President Jerrel: I don't know, Richard, but I'm willing to give it a shot. She said that...she did come back down again and told me that Ohio has their INDOT, whatever they are called over there in Ohio--

Commissioner Mourdock: OHDOT.

President Jerrel: --they have...some of theirs have applied and the man was sort of surprised, but he said there was no reason why you can't. He said you would be probably the first one to do it.

Commissioner Mourdock: They ought to put you on a commission, Bettye Lou. You go out and find money and you get one percent of it!

President Jerrel: Anyway, I just wanted you to know that we're...nothing may come of it, but something may come of it so we're doing it anyway.

Commissioner Mourdock: Okay.

President Jerrel: Do you want to...

Commissioner Mourdock: You want to keep working through your list there?

President Jerrel: No, go ahead. I'll just bring up the tail end if you don't--

Commissioner Mourdock: I've got a list of seven here and we've already hit several of them. Let me mention the ones we've hit. One of them was the Solid Waste District planning which we talked about in the earlier meeting. I'm tired of spinning wheels there and not seeing progress made with that one. One of them was the Jail Committee report which Pat has mentioned. I had the east/west corridor for the northern part of the county, which again, it sounds like we've got a nice little package there with three projects with Burkhardt, Eickhoff and that one. I do have a question in my mind as far as what we see as realistic goals for 1999. Maybe it is funding for those first two or for Eickhoff or something. I think we just need to be real specific for a goal.

President Jerrel: Right.

Commissioner Mourdock: One of them that I have which is kind of out of the box a little bit is I want this group and probably I lay this burden at my own feet, I feel it is so important for us to do something regionally that I would like us as a goal this year to form a permanent standing committee with at least one other Commissioner from each of the surrounding counties so that we meet no less than quarterly just to talk about whatever the issues are. Maybe they are county roads, maybe they are air quality issues. We keep running into more and more of those and I think this Commission can lead the way with the other counties to help that kind of regional development. I think that one is critical and I will be glad to be involved with that one. The goal I'll set myself is to contact the other Commissioners at least once a month with the idea that we would be meeting at least quarterly. Another one that I have on my list is to review and develop a plan for the Carpenter Creek drainage issues. We hear about that on the west side all the time. I know there is great question as to what jurisdiction we have because it is not a legal drain and it may well be that all we can find out by looking at it is that we have no jurisdiction, but that one comes to us so often at both the Drainage Board level and the Commission level I would like to see that one added to the list.

President Jerrel: That's good.

Commissioner Mourdock: Another one that will cause some to cringe, but I am hoping that we can find one effort, and I'll define it as perhaps a department, a group or something under our jurisdiction that we can find a way to better integrate what we do with some department the city has. I'll use as an example, example only, the air quality issue. Can we somehow have the Ozone Officer and the city EPA meld together in some way? I'm using that solely as an example. Maybe County Engineering and City Engineering, is there a way that we can put those two groups together and recognize some savings? I know that has not always been well envisioned, but I think there are things that are duplications and I think we should try to have a goal to find just one of them in 1999 that we might resolve. The last one, and I wished I had mentioned this when Erik was here, or Steve, but I think we ought to challenge Burdette and the County Garage to do exactly what we're doing here. Have them report to us in one of the early meetings in January what the heck the goals are for their department. We have a good track record now with the Highway for two years of what they have been doing as far as miles of paving, miles of ditch work. Can we increase that by three percent this coming year? You know, what can Steve Craig do out there? I'm not going to impose what I think they might do. I think it is up to them to form their own goal and get back to us. So those are the seven that I had.

President Jerrel: I'm going to read mine and you guys--

Commissioner Mourdock: Yeah, some of them have already overlapped.

President Jerrel: --have already got them in there so we'll be...they're not in the order of importance. They are just in the order that I put them down. I think we need to stay on The Centre so that it's completed on time. I've got continue the jail, that's yours. Also raise the community awareness about ozone and support the Ozone Officer's mission which in effect I had a visit with Taylor Payne this afternoon over ACORN appearing before the City Council and those were the things that I talked to him about that, you know, we need to share...we need to either share the information or in some way utilize that process so that, you know, what they hear and what we hear and what we can do together results in something. So, anyway, that was a good point you made. Upgrade the 911 infrastructure. This is not my idea, but it is going to take a lot of money and it is already in the works. I put it there to remind myself that we must have that money in

place. Then take a more proactive role with EUTS both with high priority projects and with cooperative regional projects. Your idea is better than mine and I just said and with cooperative regional projects, but that's exactly what I had in mind and you said it better than I did. Initiate a better means of tracking INDOT funding by requesting EUTS Director to report monthly to the Commission. Complete the new Fulton Street Bridge by the end of 1999. I met with the engineering firm this afternoon and the approval is in. John, I guess we're on schedule right? He said the plans had been approved.

John Stoll: Yeah, I heard from Darrell Veach today, too, and he said that they had submitted everything and everything should be on target for the March bid letting.

President Jerrel: I asked him the end of December, new bridge. Improve the Vanderburgh County's bridge ranking statewide to the top ten percent by the year 2000.

Commissioner Mourdock: Now that is a great goal. I mean, it's stated perfectly. You know what the goal is, you know how to measure it, that's an excellent goal.

President Jerrel: Okay, well, I have some material. This is the administration, this is for you, but I go through and read everything that comes across my desk.

John Stoll: If that data is off the same information I just got from HERPICC a couple of weeks ago I have some concerns about that as well because they still have the old Ohio Street bridge in and things like that.

President Jerrel: Right.

John Stoll: So it didn't reflect what we really have today.

President Jerrel: Okay, but we're going to work toward it.

Commissioner Mourdock: Where are we ranked now?

President Jerrel: We're 23rd out of 92.

John Stoll: It should be higher than that.

President Jerrel: Yeah, so I thought that would be a good goal for us to strive to that--

Commissioner Mourdock: I guess I should have asked that question before I said it was a great goal because we might have already been in the top five percent!

President Jerrel: No, we weren't or I wouldn't have put it down there. It's something we need to do. And then, of course, Pat's plan, the right-of-way purchasing on Lynch, I-164, Burkhardt corridor and west side Eickhoff/Koressel. I mean, I want us to get that one lined up. Review county highway equipment needs to better facilitate ditching in farm areas. I've got them looking at a new piece of equipment, and I don't know as much as you do so I'm...but I do know that it takes too long with a gradall. They've got this new ditching equipment, you know, where the farmers put the dirt down every year and cover up the ditches. But I told Erik, don't listen to the salesman, call some people that have used it. Did it work, is it maintenance--

Commissioner Mourdock: Yeah, I would like to talk to him about that one.

President Jerrel: Yeah, but the idea is that we increase our ditching. The other one is initiate a work force training program for county departments. I have already talked to Tony about this a little bit. He is a professor at USI. I think we could do some partnerships with the universities in Evansville and I think we've probably got employees that would like to do that. I think we've got an opportunity to help our employees if they are interested and also to improve our work force. I guess in my own mind what I would say is we would get a small group together and define this so that--

Commissioner Mourdock: What type of training is available.

President Jerrel: Yes, and what we want to achieve by it, but I thought it was something that we should include. And then ask for a review of the area's ISTEAF funding and then the anticipated TEA-21 and if we don't see that we are getting our fair share start doing something about it. That means all three of us. We're just going to take to the road.

Commissioner Mourdock: Yeah, and we need to make sure every one of our state legislators--

President Jerrel: See that.

Commissioner Mourdock: Not just ours.

Commissioner Tuley: No.

Commissioner Mourdock: Which we typically think of. Anybody that is in that white area--

Commissioner Tuley: Right, that white area.

Commissioner Mourdock: --which would include interestingly enough the Majority Leader in the House.

President Jerrel: Right. He sent it to me and he didn't have any idea. I guess he thought it was going to make me happy or whatever, but it just supports what we're saying. Okay, develop a funding allocation plan for this effort by February 1. I would like to get together all of our--

Commissioner Mourdock: This effort meaning everything above?

President Jerrel: This effort up here. All of the above.

Commissioner Mourdock: Okay.

President Jerrel: And then continue Y2K oversight. I spelled oversight...that g-h-t. That lowers the grade by at least one grade point.

Commissioner Mourdock: That's sort of like a website so we'll give you half credit.

President Jerrel: Half? Anyway, we're in pretty good shape there. There is a book out on the table. It's really SCT's protection. It's a nice, big, thick book written by their attorneys and we need to stay on top of this because I don't think we truly know exactly what is going to happen.

Commissioner Mourdock: No one does.

President Jerrel: But anyway, I think we've all got, you know, pretty much the same general ideas.

Commissioner Mourdock: So in going forward with this, just by way of suggestion, we've got many more here and that's good. Many more than we've had in the past years when we've done this. I guess the logical question is can we do this many realistically and if we can should we prioritize them?

President Jerrel: I think we probably need to prioritize them, but I think we can do them.

Commissioner Mourdock: That being the case for the moment, maybe, Tony, next week when we get together you can have all these put on one list so that we can go over them. Maybe at that point assign out specific tasks. Does that make sense?

Commissioner Tuley: Kind of group these by--

President Jerrel: Yeah--

Commissioner Mourdock: Because there are several of them that almost overlap. For instance, the one with the INDOT funding goes right along with, at least in my way of thinking, the purchasing for Lynch Road, Eickhoff--

President Jerrel: Sure, it does. A lot of these are ongoing.

Commissioner Mourdock: Right.

President Jerrel: They may not want to be...I put them in there because I thought they were important.

Commissioner Mourdock: Yeah, they are definitely important. Again, just by my definition a goal is something you can say, yep, it's going to get done. It's a good list.

Commissioner Tuley: Good list.

President Jerrel: Okay, well we can just...we'll work on it. Tony can--

Commissioner Tuley: Professor Tony.

President Jerrel: Professor Greubel can tell us how this ought to be handled.

Commissioner Mourdock: Oh, one other item of other business, if I may. I have set up a tour through the new center with the architects on Friday and the time is 11:00 a.m. if you care to join us.

Commissioner Tuley: Yeah, I won't be...I told Tony I won't be able to make it this week just by virtue we're taking our secretary to lunch for Christmas. Something else that probably comes under...I don't know if it is new business or old business, or whatever it is, but since we're not meeting the 28th we need to review how many appointments we have that expire December 31 and--

President Jerrel: Do them next week.

Commissioner Tuley: --bring those to the Board next week for reappointment or new

appointments or whatever.

President Jerrel: Right. I think we've got the list of those. We don't have as many this year.

Commissioner Tuley: We may not. I saw that one letter on...was it the Library Board?

President Jerrel: Uh-huh.

Commissioner Tuley: It just made me think there may be others.

President Jerrel: Right. Okay, is there any other business to come before this Board?

Commissioner Mourdock: Move for adjournment.

Commissioner Tuley: Second.

President Jerrel: So ordered.

The meeting was adjourned at 6:32 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Jerry Bryan  
Shannon Frank  
John Stoll  
Erik Bentle  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
December 21, 1998**

The Board of Commissioners of Vanderburgh County met in session this 21st day of December at 5:35 p.m. in the Commissioners' Hearing Room of the Civic Center Complex with President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

President Jerrel: I'd like to call the Vanderburgh County Commissioners' meeting to order. I'm going to dispense with the first order of business, the introductions, since most of you are here and you're familiar with those at this end. If you would join me now in the Pledge of Allegiance.

**Approval of minutes**

President Jerrel: Okay, the first item on the agenda is the approval of the minutes.

Commissioner Mourdock: I'll move approval of the minutes of the December 14th meeting of the County Commission.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Certification of Executive Session**

President Jerrel: There was an Executive Session that doesn't show and it was advertised. We did discuss the purchase or lease of real property. Is there a motion?

Commissioner Mourdock: I'll move approval of the summary minutes.

Commissioner Tuley: Second.

President Jerrel: So ordered.

**Jerry Bryan - Purchasing Department**

President Jerrel: The next item on the agenda is Purchasing, Jerry.

Jerry Bryan: Okay, the first item that I have is to recommend that we continue for another year the Yellow Cab Service for the Division of Family and Children of Vanderburgh County. I have a letter from Derek where he will continue the same prices for another year. Virginia Combs has written a letter to Gary Alderson and Gary gave it to me, they are very satisfied with the service and we recommend another year for Yellow Cab.

President Jerrel: Okay, is there a motion?

Commissioner Mourdock: I'll move approval.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Joe, I've got...you've got a copy of the contract or I'll send it to you, the one that needs to be extended.

Joe Harrison, Jr.: I saw it.

Jerry Bryan: You saw it?

Joe Harrison, Jr.: And saw the renewal provision in there, so that is fine.

Jerry Bryan: Okay, that's fine. Thank you. Next item on the agenda is commercial fueling. We bid this to several suppliers and Taylor, Gabe's, Thornton Oil and Busler was the ones that responded with bid information. We recommend that Busler be given the award again. They have provided good service to us now. They have 1,200...or they will provide the credit cards now that are in place and from what I can tell they have done a good job for the city and I recommend that they be awarded another year for this commercial fueling for both the county...I have to go to the city yet, Joe.

President Jerrel: Were they the low bidder?

Jerry Bryan: Yes.

Joe Harrison, Jr.: We opened the bid, right?

Jerry Bryan: Right, you guys opened the bid and per our agreement you want...I'll start with you then, right. Bettye, on the last page they were the low bid and if we do business with Thornton it is plus 35. The other supplier, Gabe's, was not full line and Taylor was \$17,000, so we would pay a premium to do business with other people other than Busler.

Commissioner Mourdock: I'll move approval of the commercial fueling request as recommended.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Jerry Bryan: Thank you.

President Jerrel: Thank you.

### **Pigeon Township Trustee - Return of poor relief fund loan**

President Jerrel: Next on the agenda is Pigeon Trustee, Mary. You got here just in time.

Mary Hart: Yeah, through the rain and all. I'm actually here just to answer any questions if you have any on the return of the loan. We were denied additional appropriation approval from State Board of Tax Commissioners therefore we can't spend--

President Jerrel: Say that again.

Mary Hart: We were denied additional appropriation expenditures from State Board of

Tax Commissioners therefore we cannot spend the loan and we're going to carry that debt over until the 1999 budget.

President Jerrel: Okay.

Mary Hart: So we're just really returning the \$120,000 that you so graciously loaned to us and we thank you for that, but we can't spend it.

President Jerrel: Okay, alright, thank you.

Commissioner Mourdock: Can we charge them interest?

Mary Hart: Interest free!

Commissioner Mourdock: I'll move acceptance of the returned loan from Pigeon Township Poor Relief.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Building Authority Trustee - Board appointment**

President Jerrel: The next item on the agenda is the board appointment for the Building Authority Trustee. That's the individual that goes to one meeting the beginning of each year.

Commissioner Mourdock: I'll nominate local attorney Chris Lee for that position.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### **Willard Library - Local government archives service agreement**

President Jerrel: The next item on the agenda is the Willard Library contract. Before we do anything on that, my Auditor friend down here helped do a little math for me and we may need to ask a couple of questions because that budget...the overall budget went up 8.3% for the employees. Now, we need to ask the question, and maybe, Tony, if we just defer this a minute you could go ask...call Greg at home. Call him at home and ask him what salary they gave them because the PERF and...see, the PERF and FICA would run it up. It won't be three percent because of that, but ask him why it was this much last year and now this much this year, then we'll come back to that.

### **Any group or individual that wishes to address the Commission**

President Jerrel: Any group that wishes to speak to this body? Mary, you don't have to stay unless you want to.

Mary Hart: No, I'm fixing to leave. I just didn't want to interrupt your conversation. Goodnight.

President Jerrel: Goodnight.

Commissioner Tuley: Merry Christmas.

**John Stoll - County Engineer**

President Jerrel: Let's begin with our department reports.

John Stoll: First I would like to recommend that we award contract number VC98-12-01, the Ward Road project, to B.M.B., Incorporated in the amount of \$85,358.75. They were the low bidder on the project.

Commissioner Mourdock: Just before I make the motion have you met with them, talked to them, they've clarified their bid or any questions?

John Stoll: The only thing that we've got to get resolved is there is a water line that runs to that pump station there on the west side of Ward Road just north of St. George that we've got to resolve. They're supposed to...the Water Department is supposed to verify the depth of that water line and we think we can go under it or over it, but that is the only thing really we've got to resolve in order for B.M.B. to be ready to start.

Commissioner Mourdock: I'll move approval of the award for the Ward Road project to B.M.B., Incorporated.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: They have how many days to get started? I know we talked a little bit about them getting started in the middle of winter.

John Stoll: Yeah, and if we can get all the stuff resolved with the water line I think we can probably get them started some time in January and that ought to let them get to the point where they can do their grading and seeding towards March when it should take hold.

President Jerrel: Well, it's in the ballpark figure that we had anticipated.

John Stoll: Right. The second contract I would like to recommend that we award tonight is the St. Joe/Allens Lane traffic signal installation. It is recommend that this be awarded to Mounts Electric for the amount of \$45,331.75.

Commissioner Mourdock: I'll move approval of the award to Mounts Electric for the traffic signal at St. Joe and Allens Lane.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Next, I've got a sidewalk waiver request and street plan approval request for Elpers Industrial Subdivision. This is an extension of Rusher Creek Road out off of 41. It's the street that runs in front of McDonald's and Arby's.

Commissioner Mourdock: That's the McDonald's and Arby's just south of I-64? That doesn't seem like a good place for a sidewalk, so I think I've got to agree with that one. I'll move approval of the sidewalk waiver for the Elpers Industrial Subdivision.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: I've also got street plans, too.

Commissioner Mourdock: And you're looking for approval on the street plans?

John Stoll: Yes, subject to two conditions. One, there is a small segment of curb that they don't show that needs to be installed out there on the east end of that street. There is a gap as it stands right now coming out of McDonald's driveway for their truck parking lot, so we want them to extend that curb to tie into the remainder of the curb that is in that parking lot. The second condition would be subject to any revisions or modifications that would be required by the County Surveyor's Office when this subdivision gets its final drainage approval because it does not have final drainage approval as of yet.

President Jerrel: Okay, is the record of these minutes with you describing that to us...if we make the motion is that binding enough to make sure those things happen?

John Stoll: The engineer is aware of it. He didn't have any problem with these conditions and I told him I would send a letter stating that...a letter to him stating that was the approval...the approval was conditioned on those two items.

Commissioner Mourdock: The engineer meaning the owner's engineer or employee of the owner?

John Stoll: Correct.

Commissioner Mourdock: Is the owner aware of it is what I am asking?

John Stoll: That I am not aware of. I am assuming he is. We've asked for the curb issue, that went back last week and there was supposed to be a note on the plans and I didn't find out about the final drainage approval until this morning, so he is going to have to come back before the Drainage Board anyway. So he will be made aware of at least the drainage issues and the segment of curb that we are talking about is...I don't know, 20 or 30 feet. It's fairly insignificant relative to the remainder of the road.

Commissioner Mourdock: I just want to make sure we're not making whoever the owner is jump through hoops needlessly. Is the owner aware or will there be anything different given we have just designated this as an impacted drainage area? Will that affect those plans?

John Stoll: I asked Bill Jeffers about that and he said he would check on that. He said it was possible that this would be one of them that would be subject to the 10/100 requirements and it would also be subject to the installation of the drainage improvements up front rather than lot by lot.

Commissioner Mourdock: But that's my question. Will any of those improvements affect those plans? I mean, granted he may have to have a bigger basin, but is he going to

have to have a bigger culvert under one of the roads on that plan?

John Stoll: It's unlikely because the way that is drawn up he has got a 21 inch pipe going underneath the road on the west end of the road and that's substantially larger than what it needs to be just to handle the street drainage, so that is sized to take the drainage on the lot south of there and then the eastern pipe is a 42 inch pipe, so it is quite a bit larger than what it needs to be just to handle street drainage as well.

Commissioner Mourdock: Okay. I'll move approval then of the street plans for the Elpers Industrial Subdivision.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Tuley: But on this...you know, I'm looking at these plans where we sign and what have you. Is there any need to comment right on here subject to--

President Jerrel: I really almost wish we would of had the caveat in the minutes. You know...I mean, in the motion.

Commissioner Mourdock: The caveat that they...that these plans are coordinated with any special requirements of the impacted drainage area?

President Jerrel: And that they connect the curb that is in the two areas.

Commissioner Mourdock: Okay, I'll amend the motion to include those two provisions.

Commissioner Tuley: Yeah, and I'll second. That's what I am just wondering, down the road maybe or maybe you can start with this one, but somewhere on here since this is, I assume, the permanent record there should be something on here that makes reference to the--

President Jerrel: The minutes.

Commissioner Tuley: --minutes of this meeting. Something along those lines.

John Stoll: I can put that on there.

President Jerrel: Yeah, I think that is a good point because--

Commissioner Tuley: Right now it just says, "Recommended for Approval By" and it probably has not been a problem and probably won't be a problem, but it would just be nice since there are some additional comments that we make reference to them on the plans.

John Stoll: They'll still have to come back, like I said, for drainage approval and they'll still have to come back to us for acceptance of the street, so if they are made aware of those conditions, if they want the street accepted they are going to have to follow that.

Commissioner Tuley: Okay.

John Stoll: We've got them coming back a couple more times, but I agree it probably

wouldn't hurt to be on the street plan. The next item I've got is a deed for the drainage easements in front of the Williamsburg Apartments. These are the easements that we made offers on some time ago and we've finally gotten documents on this so the easement just needs to be accepted by the Commissioners and then we'll get it recorded and then we'll turn around and transfer ownership of that easement to INDOT.

Commissioner Mourdock: So moved that we accept.

President Jerrel: Is there a second?

Commissioner Tuley: Second, I'm sorry.

President Jerrel: So ordered.

John Stoll: Next I've got a travel request to go to Vincennes INDOT office on January 7, 1999 for a meeting to discuss the program development process for INDOT highway projects.

Commissioner Mourdock: Move approval of the travel request.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: Finally, I would like to request to go before County Council to appropriate \$1,231 to the Mount Pleasant Railroad Account. This would cover the county's ten percent share of the interconnect between the railroad flasher and the traffic signal. This was not originally included in the plans for the railroad flashers because there was no signal at that time and since it was added in it had to be interconnected. The federal funding on that is split ninety percent federal and ten percent local.

Commissioner Mourdock: Move approval of the Council Call.

Commissioner Tuley: Second.

President Jerrel: So ordered.

John Stoll: An update on the projects, on Burkhardt Road phase one the only remaining item is the installation of the signs. On Burkhardt phase two we had a pre-final inspection on Tuesday the 15th. They have some striping removal to do. They've got some grading and seeding work required at the Oak Grove and Vogel intersections. There are some additional signs that are still needing to be installed. The joints in the box culvert need a final inspection and the dirt stockpiled on the right-of-way needs to be removed. Once those are all done then that job will be finalized. We thought it should have been done by the end of last week, but for some reason the contractor didn't get it finished, but we still are holding the retainage so in the event it drags on too long and it gets back into a damage situation in April, then we've got that to take the damages out of. The retainage can be reduced by the damage amount.

President Jerrel: It sure is nice, the traveling pattern, though.

John Stoll: Much better.

Commissioner Tuley: Oh, yeah.

President Jerrel: It's amazing.

John Stoll: The final project, Cross Pointe and 62, the signal work is continuing and that is the only item that remains. There is some striping work, but the signal work is the main item that is required before we get that opened to traffic. There will be some signs that will still have to be installed on that after the signal and striping work is done, but as long as INDOT is okay with it as soon as the signal work is done we'll get it opened.

President Jerrel: Any other questions?

Commissioner Mourdock: I've got two questions, John. First, you mentioned Mount Pleasant. Did you ever get any response back from the state on those striping they have put in there for the turn lanes? Remember, we spoke of that once before? It is inducing a head-on collision out there. I say it now from personal experience. Before I had gotten a complaint, but I almost did it the other day. It is stupid the way they have drawn the lines.

John Stoll: The only reason I was given was the fact that the median is...the length of the median opening is not enough to provide a nice long radius turn, so that is why they've got it striped so abruptly through the intersection. They were supposed to do some patching on the intersection where the potholes have formed out there right in the median and they were going to try and maybe move the stop bars back to provide a more gradual radius through there.

Commissioner Mourdock: But are they planning on leaving those dotted lines there forever?

John Stoll: That I didn't ask them, but I assume they would.

President Jerrel: I would feel more comfortable if you would put that concern in writing to them from Commissioner Mourdock.

John Stoll: Okay.

President Jerrel: I think that's--

Commissioner Mourdock: Have you experienced it out there? Do you know what I am saying?

President Jerrel: Yes, and I think that we want it on the record. That will make them take a look at it and if it is, you know, the only thing they can do that is one thing, but if we don't--

Commissioner Tuley: Address it in writing, yeah.

President Jerrel: Yeah, right.

John Stoll: Okay.

Commissioner Mourdock: The second question, John, do you have in place any kind of plan in working with county right-of-ways for any type of emergency situation,

emergency planning? Let me just give you a quick horror story. I was involved with the warehouse fire over in Mount Vernon and our company was called in. We were given approval to work in the state's right-of-way along 62 to put in an emergency basin to hold back water. That was Friday night. Saturday IDEM is dealing with water quality issues through the ditch and they show up and they say we've got to stop because we don't have written authority from INDOT. We go back on the phone to get hold of INDOT and to make a long story short after they spoke with Frank O'Bannon they finally sent it back down to us and it was finally...we were given the go ahead in what was an emergency situation about three and a half hours after a simple question was asked. Have we ever had any experience with something like that where there is an emergency, somebody needs to do something on our right-of-way and we've either not been able to deal with it or get answer to them?

John Stoll: What was the specific question? They just wanted some authorization from someone to allow you to be on the right-of-way?

Commissioner Mourdock: Yeah, right. We had one part of the state telling us we couldn't be out there doing the work even though we had received a verbal approval on an emergency basis from somebody else. Yeah, they were basically saying it was trespassing and it was going to create some kind of unsafe hazard. I can't fully deny that there is always that risk when you've got to put a basin in in an emergency situation, a car could drive off the road, dah, dah, dah, but it just made me think for all the things we're doing here with our local emergency planning and all those types of events we're trying to look forward to we saw several instances where we were left wondering if that big earthquake that Ivan Browning used to talk about, I mean, if that happened how many little things would get in the way of making some progress?

President Jerrel: Well, in that particular case there would be very little communication, so we would just do what was the right thing to do.

Commissioner Mourdock: That's probably very true, yeah, yeah. We did the right thing when we first went through and cut down the fence and did what we had to do, but then it's kind of in that second stage when everybody is trying to communicate and they're trying to do things right that it all kind of got bottled up there and we had to wait and wait and wait.

President Jerrel: In our master plan there are certain...and we don't know what is going to be hit, but in our master plan there are certain thoroughfares that are designated if they're available to be open. There are the ones the Garage would be responsible for if they're in the county, the local group here. The housing of patients, all that is designated, but I don't recall in that master plan seeing anything about right-of-way. I don't think that is in the master plan.

John Stoll: The one major problem we would have is there are plenty of roads out there where we don't have any idea what the right-of-way is. Like we saw last year with Eickhoff Road there was no right-of-way even though we had a street there, so that's a problem we would encounter.

Commissioner Mourdock: Well, maybe I'll turn it back to Joe for a second. Maybe to prevent a situation like this what we need to be able to do is grant to someone on an emergency basis, and in the case the Governor clearly had declared an emergency over there, that's how they rerouted 62. Maybe if we had something in paper that somebody can execute like this, okay, this is identified as an emergency and therefore you have

free use of this right-of-way for 72 hours unless otherwise authorized by the County Commission or something like that. It just seems to me...and in the situation we were dealing with, was it a life threatening emergency? No. Was there somewhat of an environmental emergency? Potentially. The system, I think, failed in that instead of causing a quick answer that could have helped reduce the potential for the emergency it was making it worse. If we can adopt something at the county level just as a record keeping piece of paperwork, whatever, we need to do that and make sure that the Garage has access to it and make sure that you have access to it.

President Jerrel: We need to get a copy, an updated copy of that--

Joe Harrison, Jr.: Yeah, I want to see that plan or whatever.

President Jerrel: --emergency plan from Sherman. He needs to send a copy of that to the Garage and to--

Joe Harrison, Jr.: I'll take a look at it and talk to you all and I'll talk to John.

President Jerrel: --them and then we could just put a statement in there. If it is on county roads and there is an emergency--

Joe Harrison, Jr.: Yeah, we could put something in.

President Jerrel: --the Commissioners authorize temporary--

Commissioner Mourdock: Even maybe that the County Engineer or the Superintendent of County Highways is authorize to sign it in an emergency situation.

John Stoll: The only thing that comes even close to that, and it really wasn't an emergency, but last year when the farmers wanted to put the dirt out there on Old Henderson Road.

Commissioner Mourdock: Yeah, on the flooding.

John Stoll: On Waterworks Road to keep their fields from flooding, that's the only time really that I can think of off the top of my head where I have been contacted about doing anything somewhat unusual on county right-of-way.

President Jerrel: It wouldn't hurt though to take a look at that plan.

Commissioner Mourdock: Food for thought if nothing else. If you can take a look at it and see.

President Jerrel: Is that all?

John Stoll: Yep.

President Jerrel: Thank you.

John Stoll: Thanks.

**Erik Bentle - County Garage**

President Jerrel: County Garage.

Erik Bentle: First of all I would like to apologize for not getting my work schedule to you today, but you will have it tomorrow and for next week too since they are short weeks. As far as the weather goes tonight it looks like we're going to get something so we are ready for it.

Commissioner Mourdock: What's the forecast?

Commissioner Tuley: Ice.

Erik Bentle: Ice and snow.

Commissioner Mourdock: Are they talking measurable snow or just glazing ice?

Erik Bentle: Glazing ice first of all is what I've heard.

President Jerrel: Well, maybe the ground it too cold for it...I mean, too warm for it to stick.

Erik Bentle: Hopefully.

President Jerrel: But you are ready?

Erik Bentle: Yes, ma'am.

President Jerrel: Okay.

Erik Bentle: That's all I have.

President Jerrel: Just send up your material if you can so we can have it Tuesday.

Erik Bentle: Alright.

President Jerrel: Thank you.

**Tony Greubel - Superintendent of County Buildings**

President Jerrel: Steve...Superintendent of County Buildings.

Tony Greubel: I don't have anything to report tonight.

**Joe Harrison, Jr. - County Attorney**

President Jerrel: County Attorney.

Joe Harrison, Jr.: Um, first of all there were no objections that were filed by lot owners with respect to the Oak Hill Road sanitary sewer Barrett Law project.

President Jerrel: Good.

Joe Harrison, Jr.: There were probably 90 or 85 or so, I think, lot owners. So, John, as soon as they secure all the necessary easements you can start looking at putting out specs or a bid package, I guess. Also I provided you all with a copy of the draft smoking ordinance that is in front of you and if you would maybe provide me with some comments in the next week, if possible within the next week. If possible, I would like for you all to consider if there are any changes that need to be made or not a first reading on...just looking at the calendar it looks like to give sufficient publication we probably ought to do it on February 1st for a first reading and then a second reading February 8th.

Commissioner Mourdock: Just by way of definition, county governmental building, is a governmental building any building owned by the county?

Joe Harrison, Jr.: No, I defined what exactly it was in this setting.

Commissioner Mourdock: Ah, okay. As the Evansville Auditorium and Convention Center, including the jail and Courts Building. How about the garage?

Joe Harrison, Jr.: Well, I didn't...I did not put that in here. There are some other county buildings that are not in here either. That's why I wanted to give you this draft. And then I've got The Centre across the street in here as well.

Commissioner Mourdock: Just for discussion purposes anyway, I would suggest that if we're going to do this we ought to do it with all of them. Perhaps in the garage, I know the guys out working in the garage itself, it's a little bit harder since the doors are open and that kind of thing, but at least the office section of the county garage might be included, should be smoke free, and then if we want to paint a line on the floor or something out there for the garage itself and say that you have to beyond the line or whatever. As far as...I heard you mention the Coliseum.

Joe Harrison, Jr.: Well, see we've got leases, like 100 year leases with both facilities and they're--

Commissioner Mourdock: Both meaning the Coliseum and the Old Courthouse?

Joe Harrison, Jr.: And the Old Courthouse and what I haven't done and what I could do is...or the Commissioners could do is maybe urge them to consider--

President Jerrel: An addendum to their lease?

Joe Harrison, Jr.: You know, smoke free areas or have the whole facility smoke free. They have leases with their tenants, you know, already that may be several years down the road. The other facility...there are some other facilities that I didn't put in here. I'll just name those, the Co-op Extension in Darmstadt.

President Jerrel: Soil & Water.

Joe Harrison, Jr.: Well, that's federal.

President Jerrel: Federal, yeah.

Joe Harrison, Jr.: The Sheriff's Command Post would be the other. Now it is my understanding that those...that is smoke free, I believe, anyway, but we can mention that as well, out there on 41.

Commissioner Mourdock: Also the Training Center.

Joe Harrison, Jr.: The Coroner's Office, I guess. Is that owned by the county? Is that building owned by the Coroner?

Commissioner Tuley: Yeah.

President Jerrel: Uh-huh.

Joe Harrison, Jr.: I mean, it's owned by the county, it's not a lease, so it is owned by the county.

Commissioner Tuley: No--

Joe Harrison, Jr.: It's a county building.

Commissioner Mourdock: How about the facilities at Burdette?

President Jerrel: We talked about doing...because the chalets are rented, not doing the chalets because of like a hotel you--

Commissioner Mourdock: Again, the offices.

President Jerrel: The office space could be.

Commissioner Tuley: Could you not do it like a hotel? Some of those to be smoke free though if you wanted to?

Commissioner Mourdock: Sure.

President Jerrel: Yeah, I think so.

Commissioner Mourdock: Maybe we could set up--

Commissioner Tuley: It would be something we could look at.

Commissioner Mourdock: Of the chalets as--

Joe Harrison, Jr.: He might be able to give you answer if there are any smoke free chalets now. I don't know, are there?

Steve Craig: No, all the buildings they are allowed to smoke in them. All the rental buildings and the main office is smoke free. There is only one office in the main building where we allow smoking and then we allow it in the garage area.

Commissioner Mourdock: In which area?

Steve Craig: The garage, back where the ground grew center is. It has got a garage door and they smoke back there.

Commissioner Tuley: But the general public is not back there anyway right?

Steve Craig: No, none of them are accessible to the public where they do smoke.

Commissioner Mourdock: Again, I just think we need to look at it as broad as we can. While the general public is important our employees are important too.

Commissioner Tuley: Yeah.

Commissioner Mourdock: Even if it is not open to the general public.

Commissioner Tuley: That came to mind after I said that.

Commissioner Mourdock: Yeah, that may not be the right criteria, but I think we need to be as broad with this and consistent.

President Jerrel: Well, let's do what he suggested. Let's write things that we feel need to be included and if that means contacting the departments and getting your input on it.

Steve Craig: I had talked to Jamie about what kind of requests we had for smoke free buildings and she said that she couldn't ever really remember one and I know that in hotels it's a pretty big thing right now.

Joe Harrison, Jr.: Right.

Steve Craig: But it hasn't been a big issue yet, but it could be before, you know--

Commissioner Mourdock: But I bet if you said do you want a smoke free chalet or a smoker's chalet I bet you 80 percent would say smoke free one.

Steve Craig: Yeah.

Commissioner Tuley: If they thought it was available.

Joe Harrison, Jr.: It might be something you may want to take a look at.

Commissioner Mourdock: On the Old Courthouse and Coliseum I have another idea in mind there, but I'll not float it.

Joe Harrison, Jr.: Good.

Commissioner Mourdock: On the Courthouse I am wondering...well, I guess even with leases...subleases, if you will, at the Old Courthouse we couldn't impose that as those leases are renewed that they would do that, we can only recommend.

Joe Harrison, Jr.: Maybe where our people are subleasing over there, like the County Engineer's Office.

Commissioner Mourdock: Oh, sure.

President Jerrel: Do you smoke in your office?

John Stoll: No.

President Jerrel: Okay.

Commissioner Tuley: No one does?

Joe Harrison, Jr.: We can include that.

Commissioner Mourdock: Yeah, county offices.

President Jerrel: You've got the Veterans office over there.

Joe Harrison, Jr.: Those are the only two that we rent over there right?

President Jerrel: Yeah.

Joe Harrison, Jr.: Those are the only two spaces we have over there? It would be the Veterans and the County Engineer.

President Jerrel: Let's do a little homework and make sure we get the list and contact people so that they're aware of it.

Joe Harrison, Jr.: But if we could get permission to advertise and have a first reading on February 1st. I'll provide you with an ordinance within the next two weeks. That will give you sufficient time.

Commissioner Mourdock: Say it, Charlene.

Charlene Timmons: Okay.

Commissioner Mourdock: I'll move then that we act according to that schedule.

Commissioner Tuley: Second.

President Jerrel: So ordered.

Commissioner Mourdock: Is the \$10 fine, is that the same the city is using?

Joe Harrison, Jr.: Yes, that is the same as the city has. I think I have one more...no, that's it. That's all I have. Thank you.

<b>Steve Craig - Burdette Park</b>
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President Jerrel: Alright, Burdette.

Steve Craig: Okay, I have four little things. At our recent Advisory Board meeting the two members that were there, Michael Jordan and Jerry Schmits had both indicated that they wanted to be reappointed for next year's Advisory Board. I guess we need our appointers to find out if any other appointees want to be reappointed next year.

Commissioner Tuley: I've already spoke to Mr. Reddington. He does not wish to be reappointed.

Steve Craig: Okay.

President Jerrel: So we're looking for one. We'll get...we're going to make the appointments at our first meeting in January.

Steve Craig: Right. The one on December 28th, we're not having one next Monday are we?

Commissioner Tuley: Right.

President Jerrel: No.

Steve Craig: On December 28th, Joe, we have a meeting with the union.

Joe Harrison, Jr.: Yeah, yeah.

Steve Craig: And on the 29th I've got to be at your office at 1:30 for the court date.

Joe Harrison, Jr.: Our famous court date, yes.

Steve Craig: The big one.

President Jerrel: Do you have a copy of the contract?

Steve Craig: No.

President Jerrel: Can you send a copy of the union contract to Steve. You just might want to look through it.

Steve Craig: The one that we've got is a couple or three years old, you know.

Joe Harrison, Jr.: I'll just mail you a copy.

Steve Craig: I don't know if they've...I don't think anything was changed.

Joe Harrison, Jr.: I'll mail a copy to you.

Steve Craig: Okay. That's all I have.

President Jerrel: Have a merry Christmas.

Steve Craig: Merry Christmas to you all.

### **Weekly reports**

President Jerrel: Okay, we have two other reports. Is there a motion to accept the Soil & Water and Ozone Officer report?

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Consent items

President Jerrel: The consent items, were there any questions about any of the consent items?

Commissioner Mourdock: I think there was one last minute addition, wasn't there?

Commissioner Tuley: An employment change.

Commissioner Mourdock: Is that it?

President Jerrel: Yeah.

Commissioner Mourdock: I'll move approval of the consent items as filed with the addition of the one last minute for the Auditor's Office.

Commissioner Tuley: Second.

President Jerrel: So ordered.

### Discussion regarding Willard Library archive services agreement

President Jerrel: What is your feeling, should we go back up to Willard Library? We have the contract, I think there were just a couple of questions about what they used in terms of their salary increases and we really need for you to talk to Greg in the morning. I don't know that we can pass it now or if we pass it subject to the approval of the discussion.

Commissioner Tuley: What's wrong with waiting until January if there are questions about the salary increases?

Commissioner Mourdock: Yeah.

President Jerrel: Just do it on the January 4th meeting.

Commissioner Tuley: I would so move.

Commissioner Mourdock: Second.

President Jerrel: So ordered.

### Old business

President Jerrel: Okay, any old business? We have prioritizing our goals. We asked Tony to do that. Tony, is it in here?

Commissioner Tuley: There was something I saw.

Commissioner Mourdock: I've got it.

Commissioner Tuley: Here we go.

President Jerrel: He just grouped them in infrastructure related projects and in improving government efficiency.

Commissioner Mourdock: Tony, are these meant to be listed in any suggested order or is this just the way they--

Tony Greubel: Actually, I didn't feel comfortable trying to put them in my particular order, so I just grouped them by section.

President Jerrel: Anybody want to add anything or take something out?

Commissioner Tuley: I thought we covered pretty well last week. It's just nice to have them grouped by categories, so to speak.

Commissioner Mourdock: Now that I look at them as one list all on one piece of paper it is going to be more difficult to prioritize than what I thought.

Commissioner Tuley: Yeah.

Commissioner Mourdock: I mean, they're all important.

President Jerrel: What we need to do if it is okay with you, Tony, is I like the idea of the 8½ x 14, large type and list them and we'll check them off.

Commissioner Mourdock: I will add one other thing, though. I think it's important that at least...well, that all of these have one person's initials on them and we can mix and match them however, but I think one person has to be responsible to keep pushing them even though it may not be totally possible for one person to do them,--

Commissioner Tuley: Someone to monitor them.

Commissioner Mourdock: --but at least one person has to be accountable with their name on them.

President Jerrel: Well, why don't you all take a look at these and initial those that you would be responsible for.

Commissioner Mourdock: Okay.

President Jerrel: And then we'll--

Commissioner Mourdock: Resubmit them the first meeting of the year.

President Jerrel: Yeah, right.

Commissioner Tuley: That's fine.

Commissioner Mourdock: Why don't we do it this way, Tony, if you'll do as you did before, write them up and then we can have some initials up there as we did a couple of years ago and we'll stick them under whoever is appropriate.

President Jerrel: Right.

Commissioner Mourdock: Okay, that's good.

**New business**

President Jerrel: Okay, new business. New business?

Commissioner Mourdock: No, that's a zoning issue.

President Jerrel: Okay--

Commissioner Mourdock: Oh, one item. Just as a quick update, Pat, make sure you find a chance to go through the new auditorium because--

Commissioner Tuley: Oh, I'm going through probably the first week of January.

Commissioner Mourdock: Okay.

President Jerrel: It's amazing.

Commissioner Mourdock: You guys need to go stick your heads in there. It's amazing.

Commissioner Mourdock: I will tell you the most frequently heard word from the new auditorium will be wow and I'm not easily impressed. I'm pretty skeptical, but I'll tell you what, it is going to be something.

President Jerrel: Yep. Okay, motion to adjourn.

Commissioner Mourdock: So moved.

Commissioner Tuley: Second.

President Jerrel: So ordered. And remember we do not have a meeting--

Commissioner Tuley: Next week.

President Jerrel: --next week.

Commissioner Mourdock: We cannot close this meeting without making reference to the fact after 90...how many years, Jane?

Jane McManus: Two.

Commissioner Mourdock: Ninety-two years the Evansville Press--

Jane McManus: (Inaudible comments made away from mike.)

Commissioner Mourdock: Yeah, the last meeting for the Evansville Press to cover this.

Commissioner Tuley: That's it.

The meeting was adjourned at 6:14 p.m.

***Those in attendance:***

Betty Lou Jerrel  
Richard E. Mourdock  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Jerry Bryan  
Mary Hart  
John Stoll  
Erik Bentle  
Steve Craig  
Others unidentified  
Members of the media

**Vanderburgh County  
Board of Commissioners**

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Betty Lou Jerrel, President

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Richard E. Mourdock, Vice President

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Patrick Tuley, Member