

MINUTES
COMMISSIONERS MEETING
AUGUST 7, 1989

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MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 7, 1989

The Vanderburgh County Board of Commissioners met in session on Monday, August 7, 1989 at 2:30 p.m. in the Commissioners Hearing Room, with President Robert Willner presiding.

Since it was the first meeting of the month, the meeting was officially opened by Sheriff's Deputy James Tucker, who declared the Commission in session pursuant to adjournment.

RE: AWARDING OF BIDS FOR OFFICE FURNITURE, ETC.

President Willner said Susan Jeffries from the Purchasing Department is here and the Board needs to award the office furniture contract for the coming year.

Ms. Jeffries said that each of the Commissioners has an informational copy of the data listing all the items and the successful vendor at the bid price. Purchasing would like to award the contract by line item, since no one vendor bid on all of the items as specified.

Commissioner Willner entertained a motion.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the contract for office furniture was awarded to the appropriate vendor by line item as recommended by Purchasing. So ordered.

Commissioner Willner asked if County Council intends to pay for this from an appropriation, or did they let each officeholder pay for his own out of his budget.

Ms. Jeffries said she is not sure; she thought Council was going to pay for it.

County Auditor Sam Humphrey explained that, as he recalls the process, officeholders were asked to submit a list of needed items and the data was accumulated by the Purchasing Department. They are going to buy the items and distribute same.

RE: AUCTION OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting proceeded with President Willner continuing the auction of County-owned surplus real estate. The one remaining parcel is 808 Line Street and the property is appraised at \$840.00.

There were no bids from the audience and the auction will continue.

RE: GREEN RIVER ROAD TRANSPORTATION PLAN

Mrs. Rose Zigenfus, Director of Evansville Urban Transportation, was recognized. She said it is nice to be here to finally present the summary for the Green River Road public hearing. The next step in the process -- and the reason she is here today -- is to get some direction from the Commissioners as to how they want her to respond to the public comments. She thinks they were all there and realize very well what the comments are. They focus on several different areas -- that have been a problem area:

- 1) the median
- 2) the typical road design
- 3) drainage
- 4) the fact that there ought to be a new environmental study done

She has heard from the various Commissioners what their intent is, but she thinks for us to move forward we need official action with regard to the design. With that there has been discussion as to whether or not there will be a flush median between Morgan and Theater and a raised median between Theater and the proposed Lynch Road, and then whatever type of design the Board wants from Lynch north to the end of the project.

Commissioner Willner asked, "You're not asking for that today though, are you?"

Mrs. Zigenfus said, "Well, if you want me to proceed today -- I mean, you can take as long as you need to think about that -- but, in essence, the sooner the better. We need to move ahead with response to the comments."

Mr. Willner said, "You had road plans or design; median, drainage, and what was the other one?"

Ms. Zigenfus said, "Environmental. And were there some residents who wanted us to do nothing especially?"

Mrs. Zigenfus said, "Yes; there were some comments with regard to the design north of Lynch Road -- whether or not it should be two lane, three lane, do nothing, four lane, five lane -- whatever. I think we can respond to most of their questions and comments based on the environmental document and according to ASHTO standards. But I think the major concern and the major direction I need from the Commissioners officially is the type of design that you want there."

Mr. Willner said, "We were at the meeting and heard most of the testimony that took place that evening. What I am interested in about the letters -- do you have the number of letters received after the initial meeting and what their main concerns were?"

Mrs. Zigenfus said she has it broken down that there were 70 concerned citizens at the meeting.

Mr. Willner asked if she has it broken down as to what they were requesting.

Mrs. Zigenfus said she has all of their specific comments with their name and then a response.

Mr. Willner asked if she has it broken down as to how many wanted a change in the median, how many were concerned about drainage, etc.?

Mrs. Zigenfus said they did not tabulate it that way. She will be glad to provide the Commissioners a copy of the tabulation and comments if they so desire. (The Commissioners indicated they would like a copy.)

Mr. Willner queried the Commissioners concerning the time frame for the Green River Road north project.

Ms. McClintock said from what she read in the paper -- it sounded to her as though the design had been decided upon, in general, and that there is some consensus on a flush median from Morgan to Lynch Road. "Let's go ahead and vote on that and get that out of the way. I don't know if there is a consensus north of Lynch. We cannot go back and do another environmental, can we?"

Mrs. Zigenfus said, "You can; but it will start the project all over again. My response at the public hearing the environmental was it was done and approved by Federal Highway. I think all the impacts were evaluated. That seemed to satisfy the Federal Highway. If you want to do that, you can, but you're starting from scratch."

Mr. Willner said, "I believe I am prepared to take a vote today if the rest of the Commissioners would so like. I'm not so sure we need anymore dialogue on Green River Road. I think it has probably been one of the longest projects we've ever attempted and I think there's been enough said -- and we need to move forward. If you want to do that today, it's fine with me. If you want to wait until next week -- that's fine with me, also. I'm not sure what the consensus is. I know what mine is -- and mine might differ from someone else's. I, personally, would like to see a four-lane from Morgan Avenue to the Lynch Road intersection, with five lanes with flush median; from the intersection of Lynch Road north to Heckel, I would like to see a four-lane without any median; and to continue with that design as soon as possible period. If that meets with at least someone's opinion, then let's do it today."

For clarification purposes, Ms. McClintock said, "I just want to make sure I understand. If we give you this direction and you answer these comments, the design will proceed -- we can on the the portion of the road north of Lynch; we can go ahead and conditionally approve a four-lane (as Mr. Willner has suggested) without the median (it is my understanding that that fits within the existing right-of-way) - is that correct, Mr. Curtis?"

Mr. Curtis responded, "To Hirsch Road."

Ms. McClintock said, "When we get around to building this (which, hopefully, will be soon) we can build it in phases? We can build the first phase from Morgan to the proposed Lynch Rd. and then build the second phase from the proposed Lynch Rd. north at some later date?"

Mrs. Zigenfus confirmed that this is correct.

Ms. McClintock continued, "In fact, we may not have the money to build the whole thing at one time anyway."

Mrs. Zigenfus said, "That may be the case; you can construct in phases. Once you get design approval you can construct in phases."

Mr. Willner said it has been his understanding that a two-lane north of the intersection of Lynch Rd. would not be funded by Federal dollars.

Mrs. Zigenfus said, "That is correct; it does not provide a level of service capacity great enough to warrant the Federal dollars."

Mr. Willner said, "We had wanted that in writing at one time -- but I don't believe it was obtained in writing. Our County Engineer at that time did check that out with numerous other firms and he was relatively positive on that statement -- isn't that correct?"

Mr. Curtis said it is.

Commissioner Borries said he'd like to follow up on what Commissioner Willner has said. He certainly respects Commissioner Willner and, as he has told him, he certainly admires him for having to hang in there during that public hearing -- because that was really a tough one -- and Commissioner Willner did well. But he doesn't like this heresay

when somebody in the "Federal Highway" has to tell us here in a public meeting what we have to do or not do. He wants that in writing and he doesn't think that is an unreasonable request if we are going to have to spend some \$8 million of taxpayers' money -- because what Carol says is true. We may not have enough money to do this whole thing in one phase anyway; so ultimately it is going to come down to two lanes. And he just doesn't like it having to "come through the grapevine" that the "Federal Highway" says this is not going to work. He'd like to have that in writing -- why we couldn't, at some point, change this plan. Because we know that development is going to occur first on the southern leg -- and that is really what we are going to decide here today should we take a vote. "The northern part -- if we do it (and I see a need there) I don't know, three lanes might not do it, as some have proposed. And I want that in writing -- as to why that wouldn't work -- because I do see a need for widening, particularly along that northern part north of the Evansville Day School, where it is narrow and dangerous and although some of the residents alluded to that, perhaps their concern was more for the trees and the impact in their yard. But there is a real danger there and it also floods and that's a problem. So we know that something has to be done. And I think north of the Creek it seemed as though to straighten out part of North Green River that we ought to be able to buy the right-of-way all on the west side of the road. But that is no offense against you and Greg; but I just want that in writing. I'm a little tired of someone having to tell you to tell us -- and here we sit -- and it doesn't seem like we get that communication."

Mrs. Zigenfus said, "As I told you, we had discussed this and I spoke with the Federal Highway Administration. The only way that he could -- and I'm speaking of Mr. Gallivan -- the only way that he could put that in writing at this time is if we were to request design approval. If we requested design approval based on a two lane north of Lynch Road, it would be denied. That is what he communicated to me."

Mr. Borries asked, "What about the continuous turn lane in the middle?"

Mrs. Zigenfus said, "It won't work, Rick, because of the level of service. He has those numbers (the same as we do) and he ran the numbers and we ran the numbers and it won't work. It won't provide a level of service high enough to meet the ASHTO standards -- and he can't put it in writing, so...."

Commissioner Borries again reiterated, "He ought to be able to put that in writing. Why can't he put that in writing?"

Mrs. Zigenfus responded, "Because we have to request design approval before he can say yes or no. We have to tell him what we're doing before he can say yes or no. At least, that is what he has communicated to me."

Commissioner McClintock said she met with Lee Gallivan last week when he was in town. They discussed this and several other projects and she asked him exactly the same thing. He said if he responded to every question about every Federal project that was going on in the State of Indiana that this is all they'd be doing. Once we make up our mind what we want to do, then he is going to tell us whether or not we can do it.

Commissioner Borries said, "Well, I appreciate that. Thank God he doesn't have to respond to every project in the State of Indiana quite like this one. But it just seems to me -- well, let's go ahead and...."

Mr. Curtis interjected, "I might add that on the Federal Highway guidelines, they put out their guidelines which the Department of Transportation interprets to a degree for us as to what can be and what can't be used for our projects. On this particular matter I would say what the situation really is is that we know what the guidelines are and I know, for instance, that Rose ran all the numbers, etc., and when we run those numbers and get that level of service that that road will give us with the numbers we have, it is up to us to be able to apply those to the guidelines and, like Rose said, they won't give us an official response until we give them an official submittal. But they have those standards setting out there that says you have to attain this level of service before we will accept it. In other words, it would be an exception and I, personally, am not aware of any exceptions the Federal Highway has made."

Commissioner Willner said, "And the numbers that have been set forth are traffic volume; in other words, we take our traffic volume and match it with our standards and it comes up with a four lane road. So it is written somewhere."

Commissioner Borries said, "It probably is; but you see, the great impact is probably going to be what I-164 is going to do."

Mrs. Zigenfus said, "No, that has already been taken into consideration. The numbers that we use in the model and for the highway capacity software capability -- it has taken into consideration the traffic volumes on I-164."

Mr. Borries asked, "Well, did those traffic volumes make those numbers on Green River Road north of Lynch Road go up or down?"

Mrs. Zigenfus said, "It dropped somewhat -- but not enough. And with the commercial development that is proposed in that area, your trips aren't going to decrease substantially, because those are going to be internal trips across the street and back and forth. It isn't thru traffic. The thru traffic is on the Interstate."

Commissioner Willner entertained a motion.

Commissioner McClintock moved that the design of Green River Road from Morgan Avenue to proposed Lynch Road, be a 5-lane design with a flush median; and from proposed Lynch Road to Heckel Road, a 4-lane with no median.

Commissioner Borries said he will gladly second. Commissioner Willner said he will gladly say "So ordered" and ask for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes.

Commissioner Borries said, "I still want it in writing from that person. But, you know, it puts a lot of pressure on you, and a lot of pressure on everybody else -- and we still keep getting these mystical comments from Federal Highway. So let's see what we get from him."

Mrs. Zigenfus said, "You will get that in writing."

Commissioner McClintock said, "I'd like to see a couple of things happen. As everyone knows, I was originally in favor of a median and probably still feel that that is the safest design. But one of the concerns that we all had when we talked about whether we did or did not need a median in this developing area is how that area would develop and the number of curb cuts that would be requested in the future. As Commissioners, once that road is built without a median, we lose control of what goes on within the City limits. Those developments will be voted on by the City Council. Of course, we still can control north of the City limits. I would like to see some kind of Green River Road

Development Plan looked at, revised if necessary (because now that we know what the road is going to look like I'm sure it will need to be revised) and then brought back to the Area Plan Commission, the County Commissioners, and the City Council to approve what we envision Green River Road looking like. If all parties can adopt that and we know we can move in an orderly fashion, then I think everyone involved will feel better about how the road is going to be designed. The other thing that I would like to see happen, even since that public hearing I have had several meetings with residents along North Green River Road and I am sure Bob and Rick have talked to some as well. They have some very immediate concerns (and, really, this is more for Greg) and I would like to see us address some of those concerns -- primarily drainage and some of those kinds of things. I don't think we're going to see this 4-lane built at the same time as the 5-lane; it may be twenty (20) years. So we need to develop some kind of plan as to what we are going to do to improve that section north of proposed Lynch Road."

Mrs. Zigenfus commented, "I think that is a good idea as far as revising the North Green River Road plan to accommodate the development that will occur out there. I will be glad to work with Greg and Area Plan on that."

Mr. Willner said there is one other thing that he would like to get a consensus from the Commissioners on. In talking with our Consultant, it was indicated to him that north of the bridge the entire improvement to Green River Road could be upgraded to the west -- and he's sure that all of the Commissioners would want to do that. If in talking with United Consulting Engineers Rose would mention that, he's sure that even though we do it in phases -- they do need to design the whole corridor and that should be relayed to them up front.

Mr. Borries said perhaps Mrs. Zigenfus can also advise the Commissioners as to when they should appoint appraisers, review appraisers, and buyers to begin purchase right-of-way from Hirsch Rd. north (we don't own that, according to Commissioner Willner). Hirsch Road was the end of our project. He'd like to see this done as quickly as possible. He wholeheartedly agrees; he thinks that is the way it has to go in order to have less impact on the residents there.

Ms. McClintock asked, "Do we have to design that north of proposed Lynch -- we have to do final design?"

Mrs. Zigenfus said, "Yes; you have to design the entire project and request design approval on the project as it was originally. The environmental addresses the project limits as Morgan to Heckel and that's the need for complete design. Federal Highway won't spend their money unless they know what is going to happen at the end of a project."

Commissioner Willner entertained further questions of Mrs. Zigenfus.

RE: TRANSPORTATION PLAN FOR I-164, LLOYD EXPRESSWAY
& BURKHARDT RD. AREA

Mrs. Zigenfus said she has one more item for the Commissioners' attention. This concerns the I-164, Lloyd Expressway, and Burkhardt Road area. Before she gets started, she wants to do away with the notion that she is looking to eliminate access along that corridor. It was relayed to her this morning and that is why she is here today. That is not why she is here. This entire area of Lloyd Expressway is developing very rapidly and the Commissioners took the position a couple of years ago to maintain the integrity of the neighborhood south of Lloyd Expressway and even though now it is in the City limits, she wants to let the Commissioners know what we are looking at the area north of the Lloyd Expressway and talk a bit about same. She pointed out the Burkhardt Rd./Lloyd Expressway area and

said what they are hoping is that in this entire area we will develop a frontage road and service road and street that will bring a lot of traffic out to Burkhardt Rd. She thinks the Commissioners have heard her say time and again that the Lloyd Expressway is supposed to be 6-lane in the near future (five years perhaps). At that time the IDOH and the FHA plan to run a barrier down the middle of the Expressway. When they do that, it has been her understanding that they will eliminate (inaudible comments) and in order to move traffic efficiently and effectively out of this area they will put together a bridge network and frontage road that will tie in with Burkhardt Rd. So this is what they are hoping will happen as properties are developed. And that is it for access along Lloyd Expressway on the south side. She is not suggesting at all that the entrances will be eliminated, but just the median crossings. What that means is that anyone coming from downtown into this area will be able to make a right turn. But what they ultimately won't be able to do is to make a left turn at designated area because of the barrier. Following further inaudible remarks concerning Columbia Street and Virginia Street, Mrs. Zigenfus said that with what is happening in Warrick County, there will be a definite need to get the traffic from one side to the other.

In response to query from Commissioner Borries as to how we will do that, Mrs. Zigenfus said there will be a bridge on the Interstate.

Mr. Borries said there is already a bridge over Oak Grove.

Mrs. Zigenfus said we're limited north of Oak Grove, because of the railroad that runs along Morgan Avenue. So our access at that location is going to be limited to get down into designated area. Everything has to come off the south or Burkhardt Rd. So they're looking for an extension of Fuquay Road to tie it in. It's a very simple bridge pattern - it isn't anything earthshaking or original in that type of design -- but they feel it will help traffic in the area. When this all develops in the next five or ten years, we're also going to have to look at widening Burkhardt Road, as well as the intersection to the south. The EUTS Policy Committee has reviewed this; the Technical Committee has evaluated it; they have adopted it. She has been to Area Plan Commission and she is here today for the Commissioners to review it and adopt it if they like it. She will make revisions if they don't like it and it will go on to City Council, since part of it is in the City. She will be glad to answer any questions.

Commissioner McClintock asked, "The proposed frontage road -- do we have any portion of that road dedicated or land dedicated for that frontage road?"

Mrs. Zigenfus asked if Ms. McClintock is talking the south side? No, there is no right-of-way dedicated for a street in that area.

Ms. McClintock said that last Wednesday the APC voted on a development right at the end of Plaza Court. And several years ago the Commission at that time, when a development was voted on on the north side of Lloyd Expressway, promised the busloads of neighbors that apparently came to the Commission that they would keep that area residential. She said it at the APC meeting last week and she is saying again today that she has some serious concerns about the development along that area. If you go out there, what the Commission has done by promising those neighbors that it will remain residential, is basically take land away from those property owners. If you drive along there, no one is going to build a single family dwelling to face Lloyd Expressway. The apartment industry (in this community anyway) is saturated. No one is going to build apartments; no one is going to build condominiums, and it occurs to her that we need to be working

with those neighbors and those individuals who own that property to determine what types of developments are going to fit within that area that will be palatable to the neighbors and, at the same time, provide an opportunity for those individuals who own that property along the Lloyd Expressway to get some value back to their property. There is nothing anyone can do with it now.

Mr. Borries said, "Having been through that meeting -- and I share your concerns there -- you know, you have to act on the here and now and I still believe -- and I think it certainly would bear out -- that the decision in terms of the north side of the development there -- that development is healthy for the community; it is literally exploding; and, more importantly, it puts tax dollars on the tax roll. I believe it was a good decision at the time and I still do. There is a portion of property that is almost immediately across (near a set of apartments) behind the church which still remains undeveloped. It was almost impossible to visualize at that time (because the Lloyd Expressway wasn't finished) what it was going to be like. I don't think many of those residents ever really envisioned that they were literally going to be talking about an Interstate highway. Now all of a sudden I find it very ironic that a community that is worried about economic development and everything else -- wants to leave a strip of cornfield next to \$100,000 homes and I don't think some of those residents are going to be too hot to see perhaps property neglect -- and he shares Carol's concerns, because he thinks there is going to have to be some kind of a dialogue between some of the people here. That highway is a reality. What we did not know at the time -- and, frankly, again he is going to have it in writing -- he wants to know what the IDOH and Federal Highway are going to do -- if, in fact, they are going to close them or not -- because that will affect his decision. He doesn't think he has the information today to make that decision. He wants that in writing and he is asking Mrs. Zigenfus in this meeting to get this for him, because if there are going to be some turning movements in here, that would affect his decision. The ironic thing is that it is no longer the Commissioners' decision -- it's part of the City of Evansville and the State. So the Commissioners won't be making that decision anyway -- Thank God we don't live in the Soviet Union where they are having to junk their economy because there is too much central planning and no input on the part of people. And he is proud to say that he has supported \$1 billion worth of development in this community through several rezonings and he is very proud of that. He will work with those residents and anybody out there -- but he wants to know the information of what is ahead, because there is going to be a problem in that area. And Carol is exactly right in terms of trying to find out. Frankly, based on what he saw there and a couple of other situations in terms of this new re-zoning code, he is not sure we did this community a favor when we started putting everything down for what he would consider an office building is now a C and that sends up an immediate red flag on the part of everybody around there -- now we're going to have commercial. And everybody has now completely misunderstood the zoning. He is not sure that in a step down kind of situation where you could phase things in and kind of have buffers (which is basically what part of the Regency development is going to have a lot of -- a lot of interesting and perhaps some rather innovative zoning on the other side) -- to suddenly say okay, it is either C or R. -- he thinks this is real unfortunate and he is not so sure in the long run that we shouldn't ask for some kind of revision here and look and see what we've done to that zoning code, because we are going to have other situations where there are going to be what he would consider very light commercial -- very low impact in traffic -- and you put that C on it you're going to have many, many residents all upset. And, frankly, they just are not going to be able to understand what's ahead here. So he would share Carol's concerns; but he would ask Mrs. Zigenfus to get this in writing.

He thinks her plan is a good one and we have to have some planning. But we don't want to plan out development in this community. Frankly, he doesn't know either -- he wouldn't buy a piece of property and build a \$150,000 to \$200,000 home the way that frontage road is going to be designed. So a decision does have to be made there, and he would like to see some dialogue on it perhaps between the residents. Can Mrs. Zigenfus please find out the intent here, because that will help him in any decision he has to make.

Mrs. Zigenfus said she will try to get a letter from the State. She doesn't know whether they would be willing to do it. The only thing they have told us in the past is that when development occurs and when traffic congestion is bad enough, that is when they will widen it; that is when they will come through with the barrier.

The Commissioners asked additional questions, pointing to several different areas on the plan.

Commissioner Borries said when you lay down that C label in a residential area, you are going to get a lot of people who are all upset because they are just not going to understand. When we used to have a residential/office kind of zoning (which to him implied very low use or minimal use in terms of any kind of commercial activity -- certainly not a drive-in restaurant, certainly not anything that is going to have an impact that is going to tear someone else's property values down -- the individual homeowner -- then it seemed like we had some options in order to look at what the proper mixed zoning might be. Now he is not so sure we have that -- and it's a tougher effort on the part of the APC. We can leave it in a cornfield, but what is that going to cost some other developer? And he is not sure that is what we were talking about -- a narrow strip of property for a cornfield (that's hardly a cornfield, in his opinion).

Mrs. Zigenfus said she is not into rezonings.

Commissioner McClintock said she told those people last week (and she knows it will all just be forgotten until after they go to City Council) -- but they get all hot and bothered and come down here and get that taken care of and that battle is going to be fought so many times -- and what she is saying is, while there is still that concern, you don't re-zone, Barbara doesn't do streets -- we need to get together with those people out there and the people who own that property and determine what good land use is and what can those residents do to attract good land use and begin some real planning for that area.

Mrs. Zigenfus said she agrees with Commissioners Borries and McClintock.

Mr. Borries said he will put in writing his request to the Area Plan Commission to make some kind of re-consideration of what he would consider some kind of residential/office type of zoning. We have laid down the gauntlet here in this community that, in his opinion, could stifle growth when we desperately need it. Thus, he thinks we need to look long and hard here at what we've done on that.

Mrs. Zigenfus said she thinks that from the EUTS perspective we're looking for something to get the traffic in and out of there and whether it is commercial or residential or R/O, you still have to have some type of service road that is going to serve that particular area.

Commissioner Borries said he understands; he knows Mrs. Zigenfus is doing her job and he is not criticizing her. But, just as Carol has, he has put some concerns out here that we need to address.

Mrs. Zigenfus said she thinks the Board needs to address this, too; because if she lived out there she wouldn't want the highway running next to her backyard.

Commissioner McClintock said that apparently a couple of years ago a developer tried to get a portion of that rezoned for a nursing home -- and it was terrible. To her, for a buffer between a residential neighborhood and a 6-lane highway, a nursing home doesn't sound that bad. And this is what she is talking about. We need to begin to look at what kinds of things are going to work that are really good buffers that will allow that kind of planned development instead of taking this on a case-by-case basis and this planning needs to involve the APC and the transportation people.

Mrs. Zigenfus said they worked with Regency Associates and they are very much aware of what EUTS is doing and EUTS is very much aware of what they are doing -- and it all fits together on the north side. EUTS will be glad to do whatever they can to work with those residents along there or any business that is looking to locate in that area.

Commissioner Willner said he thinks then it is the consensus of opinion that the Board will not vote today. He asked if the Commissioners would like to conduct a public hearing and receive public input.

Commissioner Borries said he doesn't think it is the Commissioners' ball game. It happens to be in the City of Evansville now.

Commissioner Willner said EUTS is asking the Board of Commissioners to approve this transportation plan.

Mrs. Zigenfus explained that south of the Expressway is City, but north of the Expressway is County. But the County has to approve the concept -- they are approving the concept for traffic flow.

Commissioner Borries said he doesn't have any problems with this then. This is what the Board did several years ago on that rezoning. They were going on what they felt was going to happen at the time -- and in that sense it pretty well happened on the north side just as they figured it would.

Commissioner Willner again asked if the Board needs input from the public.

Commissioner Borries said he would strongly agree to a public hearing.

It was the consensus of the Board that the public hearing should be held on August 21st prior to the Commissioners evening session at 6:00 p.m. and the secretary was asked to advertise same.

Mr. Roger Klassy asked to speak and was recognized. He said he is part owner of a Plaza Court rezoning and they were thoroughly defeated because of the agreement of which Mr. Borries speaks concerning the Kuhlenschmidt rezoning. And they did attempt to meet with these people and go through this. Ms. McClintock is right, when you move R/O to C/O to C/O-2, then your permitted uses start to stack up. Then when you go to C-2 nothing is compatible -- and that is where they really were. So they tried, in vain, to meet with these people and they subscribed to that resolution that the Commission or someone at the time did strike the philosophy that the Lloyd Expressway would separate residential and commercial. Their developer has agreed, by a line item veto, to delete those items that are not compatible.

Following his extensive comments, Mr. Klassy asked that the Board give their problem some thought and he will meet with them at a later date.

RE: REQUEST FOR ADDITIONAL OFFICE SPACE - COUNTY ASSESSOR

Evelyn Lannert and Zreeta Hardin of County Assessor Jim Angermeier's office were present for purposes of requesting the Board to find space to permit the County Assessor's office to be housed in its entirety on the second floor. They currently have offices on both the second floor and the third floor.

Ms. Hardin said Mr. Angermeier's proposal is to take 15 ft. from the County Recorder's office.

Mr. Willner said if this were worked out, County Engineer Greg Curtis would take the third floor space currently housed by Mr. Angermeier's staff.

Commissioner McClintock said she went down to the Recorder's office and looked at their space needs. Mr. Steele is here and he can probably address this more clearly than she can -- but she believes Mr. Steele had agreed to relinquish 9 ft.

Mr. Steele said if they take more than 9 ft., they will just be cramming him up rather than cramming up Mr. Angermeier. So to eliminate one cram, we'd create another one. He offered to give 9 ft., but Mr. Angermeier said he didn't want 9 ft., he wanted 15 ft.

Ms. McClintock asked if there is no other space available on the 2nd floor?

Commissioner Willner said there is an alternate plan to relocate the mail room, which is just north of the County Surveyor's-Engineer's room currently -- partially to the basement and partially into the City personnel office -- but that doesn't help Mr. Angermeier at all. The reason Mr. Angermeier is requesting 15 ft. is because he has two rows of desks and a set of computers upstairs. There is a large computer, several file cabinets, two rows of desks, 4 terminals, and during the peak period of the Board of Review, there are also two added employees.

Ms. McClintock said there is no doubt the the Assessor's third floor office is crowded. But she also sees no reason to make their problem also the County Recorder's problem. Just eyeballing it and moving everything over 9 ft., it will be crowded -- but it would be agreeable.

Ms. Lannert asked if the abstractors' office could be moved over? Do they need all of that space?

Ms. Hardin noted the abstractors rent their space.

Commissioner Borries said there is always that other unused space for 1989 -- the Election office. There have been two humans go into the Election office this year and we are paying for that space. He knows we need it three out of four years -- but no one has used it this year.

Commissioner Willner pointed out that it houses the voting booths, etc.

Commissioner Borries said he knows it does, but he is only throwing this out for a little discussion. Maybe if we moved one of the Township Assessors it might have less impact on the Recorder. He doesn't know if they need all the existing space in the election office or not. Maybe we should ask the County Clerk Smith to give us her feeling on that.

Ms. McClintock again queried Mr. Steel about the abstractors' space and their need to be near his office.

Ms. Lannert said she thinks what Mr. Angermeier is saying is that they need their office back together. Since the first of the year she has spent 800 hours between the Assessor's office and the computer upstairs. She spends 1-1/2 hours on the third floor in the morning and again in the evening; and if the computer breaks down during the course of the day, she is lost upstairs totally. Ms. Pitt also is up there every day. So they have two lost employees and the second floor office runs short of employees. They have a lot of down time as a result of employees running back downstairs to use the Xerox machine and if they need a record from one of the Township Assessors, they have to come back downstairs for same.

Ms. McClintock said she understands; she thinks it is bad to have it on two separate floors.

Commissioner McClintock asked who doesn't need to be in the Civic Center? They moved the Parks Department out when she was Parks Director and everybody thought that was terrible -- but it wasn't so bad -- they survived.

Ms. McClintock asked if we can look into this further?

Mr. Willner said he has looked at it six to seven months now -- and there is no easy solution -- only the tough ones. We can leave Mr. Angermeier's office as is; move Greg into the mailroom and move the mailroom to the basement -- but it doesn't put Mr. Angermeier's office back together. It doesn't do that. The same is true with Betty Knight Smith; he is sure she'd rather have her election office over in the Court building -- because it is hard for her to manage when the elections are transpiring. But if the Commission feels strongly that some corrections ought to be made, they need to do it before Greg makes his move.

In response to query from Commissioner McClintock, Ms. Hardin said that in addition to the three employees, the entire computer system, the files, the Board of Review and everything would have to be brought downstairs. They maintain records for eight (8) townships.

Commissioner Borries said he will talk with County Clerk Smith. Maybe we could store something at the Old Court House.

Following further discussion Commissioner McClintock asked if the Prosecutor's office physically has to be in the Civic Center? The attorneys have offices all over the downtown area. They come back and forth all the time.

Attorney Miller said he knows of a lot of cities where the Prosecutor's office is not in the governmental complex.

Ms. McClintock said there has to be someone housed in this building who physically really doesn't have to be here.

Ms. Hardin said, "The abstractors wouldn't have to be -- they are a private entity, aren't they?"

Commissioner McClintock said she isn't interested in solving Mr. Angermeier's problem and creating one for Mr. Steele. She doesn't think this is a good solution for either group.

Commissioner Willner thanked Ms. Lannert and Ms. Hardin for appearing and said the Board will take the matter under advisement for a period of one week and see if they can come up with any other solutions.

RE: REQUEST FOR APPROVAL OF PLANS - ROSENBERGER AVENUE

Commissioner Willner said that Mr. Elmo Dockery had asked for approval of plans for Rosenberger Avenue north of S.R. 62. It appears Mr. Dockery is not present today.

RE: COUNTY LINE ROAD - FRANCIS MARTIN

Commissioner Willner then called for Mr. Francis Martin, who was to appear with regard to County Line Road. It appears Mr. Martin also is not present today.

RE: COUNTY ATTORNEY - DAVID MILLER

President Willner continued the meeting by calling upon County Attorney David Miller for his report.

Bond Issue: Attorney Miller said the first thing he has to report is that he had a meeting last Wednesday with Mr. Thomas Downs at the firm of Ice, Miller, Donadio & Ryan and they have worked out a plan of action that will result in the coordination of all local legal matters and communication through his office for purposes of this bond issue. And all matters relating to the actual preparation of the bond opinion and the compliance of the bonds with the State and Federal statutes to be handled through Ice-Miller. There was a concern on his part that pieces of information regarding this bonding process were bouncing around between various County government offices; principally, some in the Council, some in the Commission, and some in the Auditor's office -- and it seemed to him there was a need for coordination. When he called Buddy Downs about it, he said he had been waiting for this call -- because it was necessary. They have scheduled a planning meeting that will involve the Financial Advisor, Mr. Downs and people from his office and a few County officials (including Mark Owen, President of the County Council and Mr. Willner, President of the Commission, and himself -- and perhaps -- although he is not sure -- the County Council Attorney) for Friday of this week. He and Mr. Downs decided not to ask all of the members of the Commission and all of the members of the Council to attend that meeting, because it is in the nature of a planning meeting and is not intended to result in any final decisions or anything like that. What they want to do is develop a road map of how this thing is going to work and what needs to be done on a step-by-step basis. He will then report to the Commission on this, probably in writing, so they will have something to go by from here on out. It does appear to him that due to changes in the Indiana statutes in two major respects in the last Legislature that there are portions of this process that have to be engaged in by both the Commissioners and the Council and neither body can do it alone -- so somebody just needs to keep all the cards in the same pile, and that is what he intends to do. He will keep the legal expense to the County at a minimum; but he thinks it is absolutely necessary that it be done in this fashion. He will ask the Board's approval of that.

Lawsuit/Richard Bennett/Sheriff's Department: Attorney Miller advised that the County was sued again last week. Richard Bennett of the Sheriff's Department sued the County for two days' pay. What he is really objecting to is the manner and procedure that was followed in the imposition of a two day suspension and then the affirmance of that two day suspension by the Merit Board. Attorney Miller said he is going to do everything he can to resolve this matter without involving too much legal work. It seems to him to be negatively productive to spend a very great deal of time. Mr. Bennett may or may not be correct in his claim; he hasn't had a chance to look into the matter. But two days' pay is just something that we don't want to spend a whole lot of legal time on. Thus, he will keep the Commissioners apprised of what occurs. We are, however, obligated to respond to the complaint and this is under way.

Authorization to Proceed w/Litigation: Attorney Miller said he also would ask the Board to place before the Commission a motion that will be consistent with the instructions that were tentatively agreed upon in the Executive Session regarding the manner in which he is to proceed in the cases involving Mr. Volpe and Mr. Hartman -- so he can go forward with those matters.

Commissioner Willner entertained a motion.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Attorney Miller was authorized to proceed with regard to the bonding matter and provide the Commissioners with a report and authorized to proceed in the cases involving Messrs. Volpe and Hartman, as instructed during the Executive Session. So ordered.

RE: ACCEPTANCE OF CHECKS - ALEXANDER AMBULANCE LAWSUIT

Attorney Miller submitted the following checks with regard to the Alexander Ambulance Lawsuit Collections:

Daniel McFarland	\$40.00
Thomas Jarvis	\$ 5.00
Stacy Kemper	<u>\$10.00</u>
Total	\$55.00

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the checks were accepted, endorsed, and given to the secretary for deposit into the County General Fund. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports/Absentee Reports: Mr. Muensterman said the Commissioners have received his weekly reports.....reports received and filed.

Plainview: Mr. Muensterman said they had received some compliments re their work on Plainview. Commissioner Borries said that people were glad to see that portion of the road plan for this year finished.

Neu Road/Henze Rd Mr. Muensterman reported that both Neu Road and Henze Road have been finished.

Mahrenholz Rd.: It was noted by Mr. Muensterman that they plan to begin work on Mahrenholz Rd. tomorrow.

Cut Across Crowley Avenue: Mr. Muensterman said Commissioner Borries called him Friday night about a cut on Crowley Avenue. They had no report out at the County Garage shop, but the engineers did. It is his understanding there were two steel plates on that cut; but they just didn't fill in the cut and there was approximately a six inch (6 in.) deep drop-off all across the road about 24 inches wide. This morning there was rock in the cut. They put out barricades at that location. He could not find the contractor who did this until today; it was Quality Plumbing. They got permission to make the cut but did not finish the job; they should have at least filled it up with rock or left the steel plates on.

Commissioner Borries said he appreciates Mr. Muensterman's work on this and he's sorry he had to bother him. As active as Cletus is in Germania Mannechor, he was at the Strassenfest in Jasper -- and Friday night was the worst night to call him. So he really appreciates Mr. Muensterman's prompt attention to the problem.

Signal Light/St. Joe & Mill Rd.: Mr. Muensterman said he received a call from the Sheriff at 4:30 a.m. Sunday. The signal light at St. Joe and Mill Rd. was out. He asked him if he called Traffic and he said he did but they couldn't get an answer. Lt. Ludwig was the individual who called him to see if he could do anything. He told Lt. Ludwig he didn't have stop signs anymore -- so they'd just have to call Jack Danks. He guesses it was fixed, because he went out there about 6:00 a.m. to 6:15 a.m. Sunday and the signal was working.

RE: TRAFFIC DEPARTMENT:

Red Bank Road: Mr. Muensterman said that on Red Bank Road going toward Burdette Park off Broadway -- Ogden & Nolan Avenue there are no stop signs -- this is a Yield right-of-way. He can't believe it; nowadays when people see a Yield right-of-way, that doesn't mean anything -- they just pull right out. There are two City streets there by the school and they both have stop signs. Nolan is a City street -- but has the Yield right-of-way and our County has Yield right-of-way. He reported this to Greg and he said he would take care of it. It's just that it takes so long to get something done by the Traffic Department.

Commissioner Willner said he has requested that Greg Curtis ask Mr. Danks to appear at next week's Commission meeting. We do have a big problem in the County insofar as the Traffic Department is concerned and we need to discuss this with Mr. Danks at that time. Mr. Curtis is in the process of purchasing a computer and Mr. Willner said he thinks we need to get the County traffic signing, etc., on the computer. In traveling through the County, it appears to him that no one has been out there looking. Some of the signs are completely backward; the curve signs are pointing out into the cornfields and are on the wrong side of the road, etc. It's really one big mess and we need to do something about it. Kansas Road was repaved last year and the southern end of it still isn't striped; they quite half way in the middle of the road with the yellow stripe. We've been trying to get a white stripe on St. Joe and Darmstadt Rd. for a long time. He doesn't know what the answer is; but Mr. Danks will be here next week and the Commissioners really need to think about what they can do with the Traffic Department. He, himself, isn't sure of the best way to go -- but he thinks we need to move it back to the County Highway Department.

RE: COUNTY ENGINEER - GREG CURTIS

Red Bank Road Signs: Mr. Curtis said that, as brought to the Board's attention by Mr. Muensterman, there were Yield signs on Ogden at Red Bank Rd. Prior to sending a request for those signs to be changed, since it is an ordinance intersection that ordinances needs to be changed. It wouldn't matter whether we requested it, Traffic Engineering shouldn't put it up until we change the ordinance. He would request that we change the ordinance to read Ogden, stopping at Red Bank.

Mr. Willner asked if there was an ordinance for the Yield sign, and Mr. Curtis said there was.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, an ordinance is to be prepared for stop sign at Ogden, stopping at Red Bank Road.

Burkhardt Rd./Olmstead Rd.: Mr. Curtis said he also has another situation where the traffic pattern as well as the ordinance as far as the control of an intersection are at odds with each other -- as Burkhardt Rd. travels north and Olmstead Rd. comes in at a "T". Traffic generally takes Olmstead Rd. There is a very minor amount of traffic that continues north on Burkhardt. The road is paved that way -- as that being the curve; he is sure the contractor or the County highway, whichever, was instructed to do

that -- because that is the way the traffic flowed. It is striped such that the traffic goes ahead and flows through the curve and until his office was contacted and asked about that intersection they didn't check it out. When they checked it out, the ordinance said there was to be a sign at Olmstead Rd. -- so therefore they requested a sign be installed until they could get the ordinance changed that Burkhardt Rd. be stopped traveling south to that intersection and there not be a stop on Olmstead nor Burkhardt Rd. traveling north. He understands that has been the traffic flow in that area for a number of years and, for some reason, the ordinance was at odds with that. The ordinance says that Olmstead will stop.

Upon motion made by Commissioner Borries, the ordinance is to be changed regarding Burkhardt Rd. and Olmstead as recommended by the County Engineer. So ordered.

Road Paving Program: Mr. Curtis reported that Sam Oxley & Co. will begin on Broadway on Wednesday. The reason for the delay (and they had discussed with him to a degree) was that they wished to wait until they could devote every available day, weather permitting, to the paving -- rather than jumping in and doing two or three days and then stopping for two or three days and repeating the process. However, they will begin on Wednesday.

Coliseum Roof: They had a site inspection of the Coliseum roof last week and it is one hundred percent complete. All of the items that were found have been corrected and next week he will have a claim for 90% of their contract price to be paid, with the balance to be paid when we receive our guarantee in writing.

Union Township Access: Mr. Curtis said they have checked with the Railroad, etc., and have forwarded to United Consulting Engineers the information regarding placing a road along the railroad tracks for access to Union Township and are getting an estimate on that. Councilman Bob Lutz requested they check into running traffic down Stinson Avenue and then along the railroad tracks. He would caution that he thinks the one thing that may or may not cause that to be cost prohibitive will be that a storm sewer will have to be built. We can't just drain that into a ditch, because there isn't sufficient drainage in that area.

Burkhardt Rd. Project/Refund: Mr. Curtis said we have some money coming from the State on the Burkhardt Rd. project -- and he just wants to make the Commissioners aware of this. In going through and coming up with this final amount, we found we were entitled to another \$38,564.09 for the construction engineering agreement with Morley & Associates and the State was asking us to clear that project out. A cover letter has been sent to the IDOH along with the claim.

Claim/Veach, Nicholson, Griggs: A claim in the amount of \$3,171.69 re Green River Rd. South was submitted for approval. Mr. Curtis recommended the claim be allowed.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved for payment. So ordered.

Relinquishment of Roads: Mr. Curtis reported that he and Mr. Muensterman have reviewed the list of roads the IDOH is wanting to relinquish to the County. Some are existing County roads prior to the Interstate being built; some are new sections of road (the majority of which are not yet complete). He will be getting a report back to the Commissioners to forward to the State within the next couple of weeks.

Description of Property Behind Coliseum: It was noted that the description of the property behind the Coliseum submitted by Curt John last week for review has been reviewed and seems to be in order.

Change Order/Boonville-New Harmony Rd. Extension Project: While it is not yet ready, Mr. Curtis said he will be submitting a Change Order on the Boonville-New Harmony Rd. Extension Project. Due to the 100 year storm being exceeded on April 3rd, it was felt by Mr. Willner, himself, and some of the residents out there (and it was also discussed with Bernardin-Lochmueller & Associates) that an additional pipe structure should be installed on that extension project and it will be in the vicinity of a \$25,000 Change Order. He will have that next week. However, he wanted to make the Commissioners aware of this so that if there are any strong objections they will not proceed with that -- because the contractor will have to order that pipe immediately to get it in time to put it in.

Transfer of Funds for Purchase of Computer: As Mr. Willner stated, County Council approved a transfer of funds for purchase of a computer for the County Engineer's office. We received bids a month or so ago on that and there were at that time no acceptable bids. They contacted all of those companies, plus as many other local companies they could find that could supply them with the equipment that we were interested in, as well as a company that had been in contact with the Surveyor's office -- and he has the following six (6) bids on a computer:

Pinnacle Computer Services	\$22,912.00
Advanced Computer & Communication Systems, Inc.	\$27,152.00
Better Engineering	29,739.00
CBM Computer Center	24,719.00
Valcom Computer Center	25,270.00
Prime Data, Inc.	26,719.31

The Pinnacle bid is the low bid; but the only bid that is anywhere near the amount of money that we have asked to be appropriated. The rest of them exceeded the \$24,000 that we asked to have transferred. Mr. Curtis said he is requesting permission to go ahead and order that equipment.

Attorney Miller asked where these bids came from?

Mr. Curtis said after receiving bids and not receiving any acceptable bids -- and, at that time, understanding they would be under \$25,000, Curt John suggested that, as the code states, we go on the open market and solicit quotes.

Mr. Miller asked, "So this was done after a request for quotes?"

Mr. Curtis said this is correct.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bid was awarded to Pinnacle in the amount of \$22,912. So ordered.

RE: RED BANK ROAD

Commissioner Borries said he doesn't want to make any extra work on the part of the County Engineer; but, at some point, a year or so ago, we had some word that the design for a bridge structure along Red Bank Road was almost completed. If Mr. Curtis could check to see what the status of that is, he'd appreciate it. That relates to another idea he's had -- that once Burdette closes its season, he'd like to look at some way to improve the hairpin turn at Red Bank and Nurrenbern Road. With the some 90,000 people who used the Burdette facility last year, he is not satisfied that we are doing the public a service with the way that road is currently built. He wants to assure the residents

that in no way does he want to talk about a super highway; and he knows there was also a cemetery there. But it seems to him that we ought to perhaps be able to acquire some property behind the cemetery and make that a more gradual kind of turn that will ensure the safety of a lot of people who travel that road. He is not looking at a vote or anything else today; but if Mr. Curtis can look at that to see where the design of that bridge structure is (if there is one). He thought we had that a year or so ago. If that would not be a difficult project to do, perhaps something could be done on that after the Burdette season is pretty well over (in September).

RE: REQUEST TO GO ON COUNCIL CALL

President Willner said he has a Commissioners' request to go on Council Call, as follows:

130-342	Legal Advertising	\$5,000
130-318	Duplicating Service	\$7,500
130-319	Solid Waste Disposal	\$1,000
130-361	Legal Services	\$30,000

The money has been depleted in the legal advertising account during the first seven months and we will need the \$5,000 for the balance of the year.

We need the money in the duplicating services account to pay for the maintenance on both Xerox machines.

We have \$200 left in the solid waste disposal account and we will need another \$1,000 for the balance of the year.

The legal services account is exhausted because of the large expense on the JoAnn Reed case, etc. Attorney Miller estimates there are five (5) months left in the year and he contemplates we will have an average of \$6,000 per month in legal expenses -- so that is what the \$30,000 figure is based upon. A motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Commissioners were authorized to go on Council Call, as requested. So ordered.

RE: CONTRACTOR'S BOND - BRIDGE #13

President Willner said we have received the Contractor's Bond for construction on the replacement of Bridge #13 (Deig Bros. Lumber & Construction Co.) in the amount of \$224,045.55.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bond was executed by the Commissioners. So ordered.

RE: ACCEPTANCE OF CHECK - EVANSVILLE DANCE THEATER, INC.

A check in the amount of \$100 from the Evansville Dance Theater, Inc. for payment on promissory note to the Auditorium was submitted.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the check was accepted, endorsed, and given to the secretary for deposit into the County General Fund. So ordered.

RE: OLD BUSINESS

President Willner entertained matters of old business to come before the Board at this time. There were none.

RE: SIGN ORDINANCE

President Willner reminded the Board that the amended Sign Ordinance will be discussed at next week's meeting.

RE: CLAIMS

Bowers, Harrison, Kent & Miller: A claim in the amount of \$4,032.62 for fees re various litigation matters (Dale Thene, Volpe, Ohio Valley Welding, Ron Hartman, Alexander Ambulance,, Guthrie May on Lynch Road Extension, National Casualty, State Board of Accounts, Evans and Reed cases, Thermotron Energy, Inc., etc. He finds the claim in order.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved for payment subject to availability of funds. So ordered.

Beaver's Custom Welding: Claim for installation of safety cages at the Auditorium requested by OSHA in the amount of \$4,275.00 was submitted. Mr. Willner said he might add that all of the other quotes were extremely higher -- in the \$7,000 neighborhood, if he remembers correctly.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved for payment. So ordered.

RE: DEERFIELD SUB, ETC.

President Willner asked Mr. Curtis what happened to Garrison Development and Mr. Francis Martin?

Mr. Jim Morley said he was just asking Mr. Curtis.

Mr. Curtis said Mr. Garrison wasn't here today, so he didn't bring up the Deerfield Sub item. He just told Mr. Morley he would give Mr. Garrison a call this week to see if he wants on next week's agenda.

With regard to Francis Martin, he couldn't be here today and he will try to be here in the near future.

By way of bringing the Commissioners up to date, Mr. Willner said Mr. Martin is going to request that the Commissioners -- in cooperation with the Posey County Commissioners -- pave County Line Road. That portion of the road is Posey County's responsibility, but they don't have the funds. Mr. Martin's property is in Vanderburgh County and he is going to try to convince the Commissioners to blacktop that road. Mr. Willner has talked to Martin Redmond, Posey County Commissioner, and he said they would be glad to do whatever work they might be able to do -- such as prepare the road for pavement, etc., but would have no dollars to spend on it. Thus, Mr. Martin is going to ask the Vanderburgh County Commissioners to pave the road.

RE: PROPOSED ROAD STANDARDS

County Engineer Greg Curtis said they are mailing information on the proposed road standards to the Homebuilders Association, contractors, developers, and engineers in town the information on the Proposed County Road Standards and requesting their comments, in writing only, two (2) weeks from today. At that time he will be re-doing them based on those comments and coming back with them again. Next week he hopes to have some examples -- because some questions have been raised to him -- of why we are proposing that the standards be more stricter in many types of cases and give the Commissioners an example, so if they have questions they can go out and review those streets and roads in the field themselves.

RE: SCHEDULED MEETINGS

Monday Aug. 14 1:00 p.m. Joint Executive Session
Council & Commission (Rm. 303)
re Personnel & Employment Law
Matters

Tues. Aug. 15-17 Budget Review Meetings (Rm. 301)

RE: EMPLOYMENT CHANGESPigeon Trustee (Release)

Ruth Anslinger Investigator \$17,059/Yr. Eff: 7/31/89

Pigeon Trustee (Appointments)

Susan Wilson Investigator \$16,183/Yr. Eff: 7/31/89

Superior Court/Probation (Releases)

Ned Conder Prob. Officer \$19,800/Yr. Eff: 7/28/89

County Treasurer (Releases)

Sarah Michel Part Time \$35.00/Day Eff: 8/14/89

Center Assessor (Appointments)

John Dixon PT Deputy \$35.00/Day Eff: 8/7/89

County Highway (Appointments)

Chad E. Jordan Part Time \$3.50/Hr. Eff: 7/27/89

County Highway (Releases)

VaShone C. Rhodes Part Time \$3.50/Hr. Eff: 7/25/89

County Clerk (Releases)

Karen Koch Misd. Traffic \$12,576/Yr. Eff: 7/20/89

Pigeon Assessor (Appointments)

Elizabeth Dix Part Time \$35.00/Day Eff: 7/31/89
Vicki Benningfield Part Time \$35.00/Day Eff: 7/24/89
Elizabeth Hajek Part Time \$35.00/Day Eff: 7/26/89
Rebecca D. Petty Part Time \$35.00/Day Eff: 8/1/89

Armstrong Assessor/Re-Assessment (Releases)

JoAnne Johnson Part Time \$35.00/Day Eff: 8/11/89
Ronald Barton Part Time \$35.00/Day Eff: 8/11/89
Raymond Schmitt Part Time \$35.00/Day Eff: 8/11/89
Harold Hartman Part Time \$35.00/Day Eff: 8/11/89
Gilbert Adler Part Time \$35.00/Day Eff: 8/11/89

Circuit Court (Appointments)

William R. Wallace Law Clerk \$700/Bi-Wk Eff: 7/31/89
Karen Altman PTWR \$5.00/Hr. Eff: 7/31/89
Katherine Baird PT Recep. \$5.50/Hr. Eff: 7/14/89
Robert K. Dodd, MD Med. Director \$21,600/Yr. Eff: 7/31/89
Deana Dunkel Reception Clk. \$12,675/Yr. Eff: 7/17/89

Circuit Court (Releases)

Dennis Hudnall	PTWR	\$5.00/Hr.	Eff: 7/2/89
Karen Altman	PTWR	\$3.35/Hr.	Eff: 7/28/89
Deana Dunkel	PT Typist	\$5.00/Hr.	Eff: 7/14/89
Weston Heinrich	Med. Director	\$15,600/Yr.	Eff: 7/28/89
Katherine Baird	Reception Clk.	\$13,865/Yr.	Eff: 7/14/89
John Wiseman	PT Intern	\$3.35/Hr.	Eff: 6/23/89

Burdette Park (Appointments)

E. Engelbrecht	PT Guard	\$3.55/Hr.	Eff: 7/17/89
Kendra Stinson	Guard	\$4.05/Hr.	Eff: 7/19/89
Darin Johnson	Guard	\$3.80/Hr.	Eff: 7/19/89
Jeff Ludwig	PT Guard	\$3.80/Hr.	Eff: 7/19/89

Burdette Park (Releases)

Kendra Stinson	Guard	\$3.80/Hr.	Eff: 7/19/89
Darin Johnson	Guard	\$3.60/Hr.	Eff: 7/19/89
Jeff Ludwig	PT Guard	\$3.40/Hr.	Eff: 7/19/89

County Auditor (Appointments)

Joanna Morphew	2nd Deputy	\$15,880/Yr.	Eff: 7/31/89
Karen Joest	P. Bkkpr.	\$17,576/Yr.	Eff: 7/24/89
Theresa Woodward	C. Bkkpr.	\$19,378/Yr.	Eff: 7/24/89

County Auditor (Releases)

Joanna Morphew	Tr. Clerk	\$14,541/Yr.	Eff: 7/30/89
Karen Joest	2nd Deputy	\$16,675/Yr.	Eff: 7/23/89
Theresa Woodward	P. Bkkpr.	\$19,378/Yr.	Eff: 7/23/89

There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 4:35 p.m.

PRESENT:

Robert L. Willner/Presidewnt
 Richard J. Borries/V. President
 Carolyn McClintock/Member
 David V. Miller/County Attorney
 Sam Humphrey/County Auditor
 Cletus Muensterman/County Highway Supt.
 Greg Curtis/County Engineer
 Rose Zigenfus/EUTS
 Susan Jeffries/Purchasing
 Roger Klassy/Developer
 B. Kattmann/Developer
 Chris Young
 M. Marrese
 Jim Morley/Morley & Associates, Inc.
 Tom Austin
 Margie Meeks
 Jerry Riney
 Evelyn Lannert/County Assessor's office
 Zreeta Hardin/County Assessor's office
 Robert Steele/County Recordewr
 Others (Unidentified)
 News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, V. Pres.


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 14, 1989

I N D E X

<u>Subject</u>	<u>Page No.</u>
Approval of Minutes.....	1
Sale of County-Owned Surplus Real Estate (No Bids).....	1
Sign Ordinance.....	1
C. McClintock said we need to make changes prior to November 1st. Existing Ordinance needs to be amended and passed per Attorney John.	
Union Township Access - Board approved route that would extend Broadway on the Howell Levee. Estimated Cost is \$2.67 million and to be financed as part of \$10 million bond issue. County Engineer to begin designing project w/construction beginning in 1990.	
Authorization for Surveyor to purchase Computer Hardware-Software; estimated cost is \$19,535 plus \$200 for Census Tract, etc. Surveyor has \$25,000 appropriated by Council.	
Amendment No. 3 to Contract w/Technical Advisor for the Re-Assessment.....	2
(Denied request from C. Simons for additional \$100,000 to complete paperwork on 1989 Re-Assessment)	
Approved going on Council Call for \$25,000 for Old Court House Cupola for Conrad Baker Foundation.....	2
Travel Request - Burdette Park (approved).....	2
Council Call/Commissioners - Approved requesting \$135,000 for purchase of Rayben and Folz properties in the rear of Veteran's Memorial Coliseum.....	2
Bond Issue/Jeff Harlan.....	2
(Unanimously approved request and list of Senior Managing Underwriters that will be sent the RFP with regard to Bond Issue.)	
Also approved advertising Joint Session w/Council on Monday, September 11, 1989 at which time proposals will be opened.	
County Attorney - Curt John (no report).....	2
County Highway - Cletus Muensterman.....	2
Weekly Work Reports	
Paving Program Report (Mahrenholz Drive, No. 3 School Rd., Emge Rd.	
Approved Confirming Purchase Order for Repairs to the Grader (Total bill - \$6,110.43 - Reid-Holcomb Co.)	
County Engineer - Greg Curtis.....	3
Batey Lane	
Coliseum Roof - Approved claims of Industrial Contractors - \$26,000 (Revenue Sharing); and Claim for \$40,700.30 (90% of their bid price)	

Approved going on Council Call for \$11,750.00 (Cumulative
 Bridge Account)
 Red Bank Road
 Boonville-New Harmony Rd. Extension - Change Order
 \$18,386.10.
 Ordinance re Signs/Olmstead & Burkhardt Rd. and
 Red Bank Rd. at Ogedn
 Claim/Bernardin, Lochmueller & Assoc. (\$8,197.00 for
 Street & Road Management Study)
 Waiver of Sidsewalks/Deerfield Sub (approved)
 Traffic Engineering Dept. - Discussion re problems;
 County-wide Sign Project - G. Curtis considering review
 of all signs and getting Federal participation (80%)
 to update all signs.
 Contract Paving/Seminary Rd. finished today; will be
 moving to Mt. Pleasaent and Roth Road later in the week;
 County crew also working o Creamery Rd. and Peerless Rd.

County Clerk - Monthly Report.....	5
Claims/Auditorium.....	5
WSC Associates (\$588.00/New Elevator & Restroom Improvements Inspection) Lichtenberger Construction/Installation of New Elevator and Restroom Improvements (\$41,477.93)	
Old Business.....	5
New Business.....	5
Scheduled Meetings.....	6
Employment Changes.....	6
Meeting Recessed @ 6:30 p.m.	

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 14, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, August 14, 1989, in the Commissioners Hearing Room with President Robert Willner presiding. The following action was taken:

1. Approved minutes of August 7, 1989.
2. There were no bids on the remaining parcel of County-owned surplus real estate. (808 Line Street)
3. Defeated new Sign Ordinance; requested the remonstrators from the sign industry again meet with the APC (which they have done in the past) to resolve some of the confusion and submit dialogue to Area Plan by November 1st so that a new ordinance can be drafted for the Board's approval.

Commissioner Willner said there were some conflicts brought up, such as subdivisions, etc., which need to be further clarified. Commissioner McClintock asked what we need to do to make a change in the existing sign ordinance prior to November 1st. Mrs. Cunningham said the existing ordinance would have to be amended and passed, just the same as any other ordinance, and this was confirmed by Attorney Curt John.

- 4) Union Township Access: Upon the recommendation of the County Engineer, voted 2-1 (Commissioner Borries cast the minority vote) for the route that would extend south of Broadway on the Howell Levee. A bridge would then be built across the CSX Transportation railroad tracks to a connection with Old Henderson Road. Estimated cost is \$2.67 million and is to be financed as part of a \$10 million bond issue. The County Engineer was instructed to begin designing the project with a goal of beginning construction in 1990.
- 5) County Surveyor - Voted 2-1 to authorize purchase of computer hardware/software items they can use to prepare precinct information and subsequently for other uses (legal drains, section corners, soil conservation maps, etc.) off the same bid awarded to Pinnacle last week for computer for the County Highway Engineer. They have \$25,000 appropriated by the County Council. Estimated cost is \$19,535; plus other miscellaneous software (Census track tape -\$200, etc.) None of the new software will run on existing equipment in the Surveyor's office. They were advised to piggyback this and they are requesting permission to spend the money Council appropriated for this purpose. The existing computer in the Surveyor's office was purchased with County General Funds. It has worked for them as a good word processor; in fact, Mr. Jeffers would like to keep the old equipment to use as a word processor just to type letters and retain other information. They have their office inventory, etc. on this equipment. Or, maybe it could be donated to a high school class or something. Both the Surveyor's office and County Highway (who has always had access to the machine) have utilized this equipment

many, many hours. The County Engineer has also used it and will be using it until he has his new equipment -- but this machine will just not handle the load. (Commissioner Willner cast the minority vote; he said he initially asked Council for \$10,000 to re-draw the precinct maps and the request was denied. Now we're going to spend \$19,000.)

- 6) Amendment No. 3 to Contract w/Technical Advisor for the Re-Assessment: Denied request from Chuck Simons of Simons Governmental Services for nearly \$100,000 additional to complete paperwork on the 1989 re-assessment of property in Vanderburgh County. Council had earlier said they will allow no more spending on re-assessment because a \$1.8 million fund has been exhausted. Concerns have been expressed as to whether Simons has lived up to their initial \$1 million agreement to serve as Technical Advisor, etc.
- 7) Unanimously approved going on Council Call for \$25,000 for repairs to the Old Courthouse Coupla, requested by Faye Gibson of the Conrad Baker Foundation.
- 8) Travel Request/Burdette Park: Unanimously approved request of transfer of \$1,972.00 to travel account; there is \$494.80 in the travel account and this will make a total of \$2,466.80. Approved three (3) persons attending the World Waterpark Symposium & Trade Show being held in Orlando, FL (M. Tuley, Robert Willner, and Mark Owen). Mr. Tuley will be speaking at the Symposium and the President of the Council and the President of the Commission will be going to the World Waterpark in an effort to find a good water attraction for Burdette Park.
- 9) Unanimously approved going on Council Call in the amount of \$135,000 for the Rayben and Folz properties immediately in the rear of the Veteran's Memorial Coliseum..
- 10) Bond Issue/Jeff Harlan: Unanimously approved the request and list of Senior Managing Underwriters that will be sent the RFP with regard to the bond issue.

Also unanimously approved advertising a special Joint Public Meeting of the County Commissioners and County Council on Monday, September 11, 1989 at 1:30 p.m. in Room 301 at which time the proposals will be opened.

Signed form of order requesting County Council to issue bonds to finance the road projects.

- 11) County Attorney/Curt John: No report
- 12) County Highway/Cletus Muensterman: Weekly Work Reports have been submitted. As a Past President of Germania Mannechor, Mr. Muensterman thanked everyone for their support of the annual volkfest. With regard to the paving program, Mr. Muensterman said Mahrenholz Rd. and No. 3 School Road have been completed. They are on Emge Road today and they will be pulling shoulders on Wednesday on some of the roads they expect to be paved by contract.

Approved Confirming Purchase Order for Repairs to Grader: They sent the grader for repairs in March and have had to take it back twice. He wasn't going to pay

the bill until the proper repairs were completed. Labor was 105.48 per hour and the total bill was \$6,110.43. The blue claim will be forthcoming from Reid-Holcomb Co.

13) County Engineer/Greg Curtis:

Batey Lane: Last year residents contacted his office to see what they would have to do to get their road accepted. He and Mr. Willner advised what they would have to do to gain County acceptance. In making a last minute check and reviewing the work that one of the people in his office had done last year, he found that Batey Lane was a County-accepted road and they had been

misinformed. If the Commissioners approve paving that stretch of road, he will prepare the proper bid documents. The residents were willing to do it themselves when they thought it was their road. The 12 ft. wide road is in extremely poor condition and was probably paved 20 or so years.

The request was approved by unanimous vote and Mr. Curtis will prepare the proper bid documents.

Coliseum Roof: With regard to this project, \$26,000 is to be paid from Revenue Sharing.

Board unanimously approved claim to Industrial Contractors from Revenue Sharing fund in the amount of \$26,000.

Board unanimously approved claim to Industrial Contracts for 90% of their bid price or \$40,700.30 from Acct. 131.0-355.

Request to Go on Council Call for Additional Appropriation to the Cumulative Bridge Fund in the amount of \$11,750.00 for the bridge inspection. Evidently the bridge inspection account line was budgeted only to pay the County's 20%. However, we have to pay the entire amount and then get a reimbursement from the State. This will increase the budget to pay the contract amount to the dollar. Board unanimously voted to approve the request.

Red Bank Road: Mr. Curtis said he checked, searched, and investigated and was unable to find any plans for the bridge on Red Bank Road. If the Board wants to do this in the near future, it can be done; but he was unable to find anything.

Boonville-New Harmony Rd. Extension: Copies of the Change Order in the amount of \$18,386.20 were submitted; the original was hand-carried to each of the Commissioners for approval so they could proceed with the project. However, he wanted this entered in today's Commissioners minutes. (This was for 78 ft. of 36 inch pipe and 156 ft. of large elliptical pipe and two (2) end sections. This was approved at last week's meeting.)

Ordinance re Signs/Olmstead & Burkhardt Rd. and Red Bank Rd. at Ogden: Last week the Board approved stop signs at these locations and the ordinance has been prepared. The ordinance was signed.

Claim/Bernardin, Lochmueller & Assoc.: Claim in the amount of \$8,197.00 for Street and Road Management Study was unanimously approved upon the recommendation of the County Engineer. So ordered.

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Claim/Bernardin, Lochmueller & Assoc.: Claim in the amount of \$8,197.00 for Street and Road Management Study was unanimously approved upon the recommendation of the County Engineer. So ordered.

Waiver of Sidewalks/Deerfield Sub: The Board unanimously approved the waiver of sidewalks in Deerfield Subdivision.

Traffic Engineering Dept.: Mr. Curtis said he would like, first of all, to make a correction to a quote attributed to him in today's Press. He was quoted as saying it might be better if the signs were handled by contract with the City. He did not say this. He said that the "striping" might better be handled by contract with the City if we were to pull things out. However, at this point in time, he wouldn't be ready to recommend that. He would like to say that he feels it does merit our investigation and he is investigating, trying to find out what the cost would be for us to set up for the County Highway Department to maintain and put up all the signs in the County and then possibly get a price from the Traffic Engineering as to what they would charge per lineal foot of striping. If they are then unavailable or we feel that their price is high and we can get a bid price of similar amount and then just have signal maintenance bill us directly. Again, he is not ready to recommend that we do that, because he doesn't know what the cost would be on pulling the signs out -- but he is investigating. He does feel (and he thinks he was quoted in the paper as saying) that he thinks we do not get sufficient response. One of the things you look at in traffic signing is safety. And when you're looking at safety items he thinks we need to give consideration to how quick a response we can get on our signs -- and he thinks that is really the problem and, to a large degree, the issue here. A lot of these signs -- if they are knocked down and not put back up within a sufficient time -- they leave a dangerous situation. He hopes to have a recommendation by August 28th. He didn't plan to bring it up next week, since that is the evening meeting.

Commissioner Borries said County Council and City Council routinely meet to discuss joint contracts during budget; he doesn't know whether that meeting has been held to renew the joint contracts. If Mr. Curtis has time tomorrow, he may want to relay his comments to some member of the County Council, because he knows they do review the joint agreements and some funding could be affected.

County Auditor Humphrey said the meeting has already been held.

Mr. Curtis said it has been his understanding that when the Traffic Engineering Department was started they did receive equipment that the County was using prior to that time to maintain the traffic items. Therefore, that will be investigated as well.

Commissioner Borries said the Board does have some concerns as we have a good many roads to maintain -- and it doesn't seem as though it is going to get better by itself.

Commissioner Willner advised he met with Mr. Danks last Friday morning. He is not sure that meeting turned out as expected. But he thinks he understands a bit better what is transpiring. In just a quick check of the County with regard to signage, he thinks

that better than 51% of our signs are in dire trouble and need some attention now. That is a sad situation. In talking with Mr. Danks, what has happened is -- he (Willner) was under the impression we had contracted with the Traffic Department to take care of our signs period and we could forget about it. What he (Danks) is saying is that they don't do anything unless we call them and tell them. If we call them and tell them there is a Stop sign down at St. Joe Avenue and Moer Rd., they go out there and fix that one problem, passing up maybe ten others and never fixing them.

Mr. Muenterman interjected that the Commissioners approved an ordinance for 35 mph speed limit on Henze Rd. The sign isn't up yet. In fact, we passed an ordinance the same night for one out on Greenfield -- and he understands those are up..

Commissioner Willner continued by saying, "The signs only have one stake and after being hit by the first County tractor or snowplow or interested person -- they head in the wrong direction. If you were picking corn, you'd know which way to turn. State signs have two (2) posts and that stops that problem. It is a little more expensive -- but the odds of its staying there longer and pointing in the right direction is probably 4 to 1.

Mr. Curtis pointed out that with only one (1) post, often the wind will cause the sign to be turned sideways.

Continuing, Mr. Curtis said he is also investigating the possibility of having a County-wide sign project such as that done in approximately 1984 in reviewing all signs and getting Federal participation -- he believes it is 80% participation on the part of the Federal government insofar as updating all the signs in the County.

Contract Paving: He believes the contract pavers are finishing up Seminary Rd. today and they will be moving on to Pleasant Rd. and Roth Road later this week and, hopefully, be starting a second crew on Creamery Rd. tomorrow and also will be paving Peerless Rd. later in the week.

- 14) County Clerk/Monthly Report: The Monthly report from the Clerk for period ending July 31, 1989 was received and filed.
- 15) Claims/Auditorium: Mr. Riney advises he has checked with Messrs. Higgins and Lehman and the Convention & Visitors Bureau and he feels the claim on the elevator and restroom improvements are ready for approval. The following claims were unanimously approved for payment:

WSC Associates, Inc.	\$588.00
(Inspection fee on new elevator and restroom improvements.)	
Lichtenberger Construction....	\$41,477.93
(Installation of new elevator and restroom improvements)	

- 16) Old Business - None
- 17) New Business - None

18) Scheduled Meetings

Mon.	Aug. 14	1:00 p.m.	Joint Executive Session Council & Commission
Tues.	Aug 15-17	4:00 p.m.	1990 Budget Review Mtgs.
Mon.	Aug. 21	6:00 p.m.	Public Hearing re Transportation Plan for I-164, Lloyd Expressway, and Burkhardt Rd. area
		7:30 p.m.	Bid Opening/Caranza Drive Sewer Project 1st Reading/Transient Merchants Ordinance (as Amended)

19) Employment Changes

20) Meeting Recessed at 6:30 p.m.

NOTE: Item #9 (County Assessor) was deferred
Item #10 (Councilman Taylor); Mr. Taylor left
before he came up on the agenda. J. Riney will
want to check to see if he wants to appear on
next week's agenda.

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 21, 1989

<u>Subject</u>	<u>Page No.</u>
Approval of Minutes..(July 10 & August 14).....	1
Sale of County-Owned Surplus Real Estate.....	1
Authorization to Open Bids re Caranza Drive/Kembell Drive Sewer Project.....	1
Joint Agreement Between the City & the County re Civil Defense..... (Atty. Miller to re-write amended version and forward to the City for their approval)	1
Notice of Public Hearing re Transportation Plan for Area Bounded by Burkhardt Rd., I-164 & Lloyd Expressway (submitted for the files).....	2
Rezoning Petitions (1st Readings).....	2
All of the following were approved for forwarding to APC:	
VC-11-89/Petitioner, R. Bengert	
VC-13-89/Petitioner, J. Rittenhouse	
VC-14-89/Petitioners, Bettye Davis & Carol Lant	
VC-15-89/Petitioner, David Lockridge	
Rezoning Petitions (3rd Readings).....	2
VC-9-89/Petitioner, W. C. Bussing (Approved)	
VC-12-89/Petitioner, Ed Whiting, Jr. (Petition to be amended and re-submitted to Commission in Sept.	
Transient Merchants Ordinance (1st Reading)...Approved..	3
County Treasurer - Monthly Report.....	4
Travel Request - Veteran's Affairs.....	4
County Attorney - David Miller.....	4
Bond Issue/Public Meeting scheduled 9/11/89 at 1:30 p.m.	
Alexander Ambulance Lawsuit Payments (D. Miller will submit results of a study to the Board in a couple of weeks)	
Lawsuit/Courier vs. Commissioners	
Reading of Bids - Caranza Drive/Kembell Drive Sewer Project.....	5
B.M.B., Inc. \$159,210.00	
Happe & Sons \$138,527.06	
Grubb Excavating \$162,300.00	
Deig Bros. \$187,720.00	
(Bids referred to Darryl Veach for his review and recommendation to the Board on 8/28/89)	
County Highway - Cletus Muensterman.....	6
Weekly Reports	
Paving Program	
Letter of Thanks/Ward Rd. Debris Removal	
Potential Executive Session/Personnel Matter	
Mahrenholz Rd./Completed	

County Engineer - Greg Curtis.....	7
Eng. Agreement w/United Consulting Engineers re Design/Union Township Access (\$279,300)	
Claims/Bernardin-Lochmueller (\$12,347.12 & \$17,157.00)	
County Road Standards (G. Curtis expects to have set of standards ready for adoption in mid-Sept.	
Problem w/First Avenue Bridge (G. Curtis will request transfer of funds as soon as cost estimate is available; will advise Board next week	
Computer for Engineer's Office (\$2,037 less than bid price)	
Green River Rd. Project/will be held up pending modification of plans	
Dedication Ceremony/Vanderburgh Auditorium.....	9
Claims (None).....	9
Appointments to Southwestern Indiana Mental Health Board (to be made next week).....	9
Old Business.....	9
Change in Meeting Time/Evening Sessions being considered; R. Borries to take under advisement for one (1) week	
New Business (None).....	10
Holiday Closing/Labor Day (Monday, Sept. 4, 1989).....	10
Scheduled Meetings.....	10
Employment Changes.....	10
Meeting Recessed at 8:40 p.m.....	12

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 21, 1989

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, August 21, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding. The following action was taken:

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of July 10, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of August 14, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The sale of the remaining parcel of County-owned surplus real estate continued as President Willner offered 808 Line Street. There were no bids and the sale will continue.

RE: AUTHORIZATION TO OPEN BIDS RECEIVED RE THE CARANZA DRIVE/KEMPELL DRIVE SEWER PROJECT

It was noted that four (4) bids had been received. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Attorney David Miller was authorized to open said bids. So ordered.

RE: JOINT AGREEMENT BETWEEN THE CITY AND THE COUNTY RE CIVIL DEFENSE

President Willner queried Attorney Miller concerning the Joint Agreement with regard to Civil Defense. Attorney Miller said he does not have the amended agreement with him. He has received two or three telephone calls about that agreement. He knows it is over here someplace. Someone asked him about a language change. He has read the agreement and it is totally in order and it is appropriate. But he understands that there was a provision in there that required the County to pay its share of the full year in advance -- and it was the consensus of this Commission that the agreement be amended to provide for monthly billings. He can take care of this -- it's no big deal. If the Commission will approve it in that form, he will re-draft the agreement (it's just a matter of changing a sentence) and get it over to the City. They have been screaming for it. He didn't know he was supposed to be here tonight until very late -- because of Curt's situation. He has talked to Leslie Blenner about it -- and if the Commission will approve it with that change -- then he thinks it can be signed outside a Commission meeting, as long as the minutes reflect that it is appropriate with that change.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Joint Agreement between the City and the County with regard to Civil Defense was approved, with the

understanding that the paragraph regarding payment to the City by the County will be amended to reflect the monthly payment system currently in effect between the City and the County. So ordered.

RE: NOTICE OF PUBLIC HEARING RE TRANSPORTATION PLAN FOR AREA BOUNDED BY BURKHARDT ROAD, I-164, AND LLOYD EXPRESSWAY

For the record, President Willner submitted a copy of the Notice of Public Hearing held at 6:00 p.m. today regarding the Transportation Plan for the area bounded by Burkhardt Road, I-164, and the Lloyd Expressway.

RE: REZONING PETITIONS - FIRST READINGS

VC-11-89/Petitioner, R. Bengert: The Commissioners raised questions concerning the differences in C-4 and M-1 zoning insofar as auto repair/overhaul was concerned. Commissioner Willner asked Ms. Behme to distinguish difference between auto repair and auto overhaul. Ms. Behme said you can have auto engine overhauling or re-building in an M-1 zone. Mr. Willner then asked if this isn't repair? Ms. Behme said it is a different kind of repair. In a C-4, you can have automobile repair and specialized service, excluding overhauling, re-building, painting, and body work. This was exactly the same in the previous code. Previously, Mr. Bengert just did auto repair; now he is asking to do auto repair and overhauling.

Following further brief discussion and clarification upon motion made by Commissioner Borries and seconded by Commissioner McClintock, this petition was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-13-89/Petitioner, J. Rittenhouse: Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, this petition was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

As a point of information, Commissioner Borries asked if Millersburg Rd. goes through here?

Mr. Willner said it does -- to the Warrick County line. There is a bridge under I-164 (we built a new bridge over Blue Grass Creek on Millersburg Rd. last year and Millersburg Rd. goes under I-164).

VC-14-89/Petitioners, Bettye Davis & Carol Lant: Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, this petition was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-15-89/Petitioner, David Lockridge: Upon motion made by Commissioner Borries and seconded by Commissioner Cox, this petition was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-16-89/Petitioner, Kim Epperson: Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, this petition was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

RE: REZONING PETITIONS - THIRD READINGS

VC-9-89/Petitioner, W. C. Bussing: Mr. Jack Alles of Morley & Associates was present to represent Mr. Bussing. He said rezoning petition consists of ten (10) acres out of the 13 acres which was rezoned by the Commissioners two (2) months ago. The property adjoins the river and Inland Marina. The remaining three (3) acres will remain R-5. He will be glad to answer any

questions. The project has been delayed because Mr. Bussing wanted to do more work before he presented this to the Commissioners.

Commissioner McClintock noted it looks real good, and Ms. Behme said this petition was unanimously approved by the APC on July 5th.

Mr. Borries asked if this is the WR zoning and Ms. Behme said that is correct.

There being no remonstrators, a motion was made by Commissioner McClintock and seconded by Commissioner Borries that the petition be approved on Third and Final Reading. Commissioner Willner then asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner McClintock, yes. So ordered.

It was noted by Mr. Willner that the plans will be reviewed by the Site Review Committee, Drainage Board, and the Subdivision Review Committee at the time of the submission for final plans for development. This property is located on the Ohio River on the west side of Waterworks Road (Shawnee Drive) between the Waterworks Filtration Plant and Inland Marina Harbor. This project meets one of the goals of the Downtown Master Plan and the Comprehensive Plan by providing a diversity of housing choice in the downtown area. The compliance with all code requirements will be addressed at the Site Review Committee.

VC-12-89/Petitioner, Ed Whiting, Jr.: Attorney Steve Bohleber was present to represent the Petitioners (Mr. & Mrs. Whiting). He would ask that the Commission vacate this proceeding and send this matter back to the APC for further consideration. This request is being made because subsequent to the APC meeting a couple of weeks ago his clients elected to eliminate a phase of the requested operation, that specifically being gasoline sales. The elimination of that activity coupled with a ambiguity of the ordinance as he read it earlier today makes it wholly consistent for them to re-apply or actually amend their petition down to a C-1 or perhaps C-2 at the greatest. He would ask leave of this body to send it back to the Commission at their next monthly meeting for purposes of addressing an amended and down-zoned request.

Commissioner Willner entertained questions of Attorney Bohleber.

For the record, Mr. Borries asked if it is his understanding that if the Board moves to delay this matter, will it be within the 90 day limitation.

Ms. Behme said that doesn't apply.

In any event, Mr. Bohleber said they will have it ready to come back to the Commission's September meeting, which would certainly be within the 90 day period.

Mr. Willner then asked if there are any remonstrators in the audience. There being none, a motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, this petition was referred back to the APC for an amendment to be considered in September and returned to the Commission in September. So ordered.

RE: TRANSIENT MERCHANT'S ORDINANCE (AS AMENDED)

President Willner said tonight is the First Reading of the Transient Merchant's Ordinance (As Amended). The ordinance was property advertised and Attorney Miller has written the

ordinance. Is there anyone who wishes to speak to this ordinance? There being no response from the audience and no questions from the Board, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Transient Merchant's Ordinance (as Amended) was approved on First Reading. So ordered.

President Willner noted that the Final Reading is scheduled for next Monday, August 28th, at 2:30 p.m.

RE: COUNTY TREASURER - MONTHLY REPORT

The meeting proceeded with President Willner submitting the County Treasurer's Monthly Report for period ending July 31, 1989.....report received and filed.

RE: TRAVEL REQUEST - VETERAN'S AFFAIRS

Mr. Willner read a request from Carl M. Wallace, Veteran's Service Officer with regard to attending the Indiana Department of Veterans' Affairs Fall Meeting at the Indiana Veteran's Home on September 7, 1989. They will be leaving on September 6th and returning the evening of September 7th. They have monies allocated in their travel account for this expense.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

Bond Issue: Attorney Miller said the first matter he wants to cover is a letter that he addressed to the three Commissioners and hand-delivered after the Public Hearing this evening. It is a very short letter and includes a copy of the Request for Proposal that has been mailed out by the County's Financial Advisor in connection with the special tax revenue bonds that are proposed to be issued involving the Union Township project and the overpass at USI. The principal reason for bringing it up at this meeting, rather than just letting them see it and if they have any remarks to make at the next meeting is that this request for proposal sets forth that there will be a Joint Meeting of the County Commissioners and the County Council at which these requests for proposals will be opened on September 11, 1989 at 1:30 p.m.. In keeping with the Open Door Law (which we are careful to comply with in every instance) he wants the Commissioners to schedule a public notice and public meeting for that day and time.

Commissioner Willner entertained a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, a Public Joint Session of the County Commissioners and the County Council to receive and review proposals from Financial Institutions for the bond issue on September 11, 1989 at 1:30 p.m. was scheduled. Commissioner Willner asked Attorney Miller if the notice has been published and he responded negatively. Mr. Willner then requested that the Secretary remind him to write the notice tomorrow and publish same.

Secretary Joanne Matthews said the notice has been written and published -- by County Council. (She subsequently retrieved a copy of said notice and submitted same to Mr. Willner. The notice was published on August 18, 1989 in the Courier and The Press.)

Commissioner Willner read the notice in its entirety and then requested that the Secretary be sure the notice is placed on the bulletin boards, if copies have not been posted to date.

Alexander Ambulance Lawsuit Payments: The following payments concerning the Alexander Ambulance Lawsuit Collections were submitted:

Jennifer Cochran Croce	\$86.35
Thomas Yates	5.00
Daniel McFarland	30.00
Elizabeth Boyle	<u>\$10.00</u>
Total	\$131.35

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the checks were accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

Attorney Miller advised that he has asked Mary Gidcombe of his office (who handles collection matters of this type) to conduct a little study to decide whether and at what point the County should abandon or continue to pursue these accounts. We had substantial success initially when we began attempting to collect these accounts, because there were a very large number. A lot of them have turned out to be dead people or people who were transients and they're going to try to establish a system of recognition points where, at some point or another where, without him bringing them up at the meeting -- the Board will simply authorize him to say 'forget this, we're wasting our time' -- and he will have that for the Commissioners in a couple of weeks.

Commissioner Willner said he agrees and he'd appreciate it.

Evansville Courier vs. Board of Commissioners: Attorney Miller said he has received and transmitted to each of the Commissioners the Trial Court's ruling in the matter of the Evansville Courier vs. the Board of Commissioners regarding the hiring of Mr. Riney. He has been advised by Counsel for the Evansville Courier that an appeal will be initiated. We expected, of course, that the unsuccessful party in that matter would pursue an appeal, because there is simply no published interpretation of the use and the meaning of the word "caucus" as it appears in that statute. So we can anticipate the Evansville Courier will appeal that ruling. He is glad to be on this end of the appeal rather than the other end.

Commissioner Willner offered the following comments with regard to Counsel's handling of the court case. He thought it was a very fine defense and certainly the Court thought so, too. But he wishes to thank David Miller. He thinks he did an excellent job and he appreciates Attorney Miller's labors.

Attorney Miller said he doesn't know whether that case was the moving force, but for some reason the Indiana Defense Lawyer's Association has invited him to speak for an hour and a half on September 29th at Bloomington on the defense of municipalities. He doesn't know whether he knows enough about anything to talk for an hour and a half. The Commissioners are invited to attend that Seminar if they are interested. Commissioner Willner said he'd like to have a transcript of the presentation. In any event, Attorney Miller said he just thought he'd let the Commissioners know they had gained popularity throughout the State for their steadfastness in defending themselves.

RE: READING OF BIDS - CARANZA DRIVE/KEMBELLE DRIVE
SEWER PROJECT

Attorney Miller continued by reading the following four (4) bids received on the Caranza Drive/Kembell Drive Sewer Project. All of the bids are in order, properly bonded, and properly signed:

<u>B.M.B., Inc.</u>	\$159,210.00
<u>Happe & Sons Construction Co.</u>	\$138,527.06
<u>Grubb Excavating Co. (Oakland City)</u>	\$162,300.00
<u>Deig Bros. Construction Co.</u>	\$187,720.00

Mr. Darryl Veach, who was here earlier, asked him to request that these bids be taken under advisement for one (1) week so that he, as the Consulting Engineer, can review them. There is one very obvious low bid -- however, sometimes a low bid means that something was omitted -- not necessarily, but they do require review. Therefore, he would recommend that the bids be referred to Veach, Nicholson & Griggs for consideration and a report next week.

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

Commissioner Willner asked if we need the Engineer's estimate read into the minutes.

Attorney Miller said the Engineer's estimate, for some unknown reason, was received in his office today. Mr. Curtis has no knowledge of how it got there. Nonetheless, the Engineer's estimate was \$196,964.50 -- the same figure that appears in the Commissioners minutes of July 10, 1989.

Commissioner Willner said the Board will expect a review of the bids and a recommendation from Mr. Veach next week.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman said he had submitted his Weekly Reports to the Board and entertained questions concerning same.

Paving Program: Mr. Muensterman reported that due to the rain, etc., they've been a little slow with the paving program. Weather permitting, however, they will go back on Emge Road tomorrow. They have about a half day of base and then they go into surface on that road. They subsequently will move to Trapp Road.

Letter of Thanks/Ward Rd. Debris Removal: It was noted that Mr. Muensterman had received a letter of thanks from Donald E. Leslie of 6602 Ward Road, as follows:

Dear Mr. Muensterman,

Last week I phoned your office to ask that tree limbs which had been left in a ditch on Ward Road and Dusseldorf after County employees trimmed this spring be picked up.

The County crew took care of the removal the very next day. Thanks for the prompt service and thanks to the lady who took my call.

s/s Donald E. Leslie

Mr. Muensterman said we do get some appreciation -- not only with regards to paving, but on other items as well. (The lady was Carol at the County Highway Garage.)

Potential Executive Session: Mr. Muensterman said it may be necessary to hold an Executive Session in the near future, but he will get back to the Board when he finds out something with regard to a certain personnel matter.

Mahrenholz Road: Commissioner Borries said he noted they had finished Mahrenholz Road. He had the pleasure of meeting a young Japanese girl who is here in our community for the summer and while he was out in the USI area, he drove by and noted it is a good job. The signs are up, etc.

Mr. Muensterman said he was out there this morning and there was no standing water. One of the owners was complaining about a lot of water standing in these yards -- and although we had a pretty good rain out that way, there was no water standing in the yards.

RE: COUNTY ENGINEER - GREG CURTIS

Engineering Agreement with United Consulting Engineers re Design of Union Township Access Project: Mr. Curtis submitted an engineering agreement between the County and United Consulting Engineers re the design of the Union Township Access Project. The project is described as extending south from the approximate area of Tekoppel Avenue along the levee and tying into Old Henderson Road near the southwest end of the railroad tracks. He has reviewed the agreement and everything is standard language. The amount of the agreement is \$279,300. It is his recommendation the agreement be approved. It is the same language that was in the B Street version, with adaptations for Tekoppel.

Commissioner Willner said the Board has already approved this, it is now just a matter of signing the agreement. The Commissioners proceeded to execute the agreement.

Claims/Bernardin, Lochmueller & Assoc.: Mr. Curtis submitted the following claims for approval:

Claim in the amount of \$12,337.12 for construction engineering for the Boonville-New Harmony Road Extension project (out of Local Roads & Streets). Attached is the local public agency claim for our reimbursement funds and it is his recommendation that the claim be approved.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved for payment. So ordered.

Claim in the amount of \$17,157.00 with regard to the USI Access Project out of Cumulative Bridge funds. They have a large portion of the field survey completed. The claim is in order and it is his recommendation tht the claim be approved for payment.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered.

County Road Standards: Mr. Curtis said that as discussed a couple of weeks ago, we sent out draft copies of a set of standards to be adopted, hopefully by the City and the County. Today was the last day for responses. We received seven (7) responses: Two (2) from Engineering Firms; One (1) from an asphalt company, a concrete company, a concrete paving company, a testing company and one from each public utility. We have a rather broad crossection and most all of the comments were very constructive. In the approximate time frame of mid-September, he hopes to come back with a set of standards to be adopted by the Board.

Problem with First Avenue Bridge: We have a bridge on First Avenue where the approaches are beginning to become a dire situation in that they are settling and causing a rather rough approach to the bridge. Mr. Kercher in his office has climbed

underneath the bridge and underneath the void -- and there is a rather large void underneath that approach. At this point in time he doesn't have a cost estimate, but he intends to ask for a transfer out of one other line item in Cumulative Bridge, so that we can proceed with the project and not have to wait a month and a half on an appropriation. He will have the cost estimate amount next week, but he will go ahead and file that transfer with the Auditor's office as soon as he gets a cost estimate together.

Computer for Engineer's Office: It was reported by Mr. Curtis that today they received the computer they had ordered for the County Engineer's office. He wanted to inform the Commissioners that due to some discussions with some of the engineering companies here in town we changed our order from a 20 inch monitor to a 14 inch monitor, which changed the bid price. It was \$2,037 less and he wanted to make that part of the record -- because the bid was for a 20 inch monitor.

Green River Rd. Project: Mr. Curtis said that due to the State's procedure not being followed, the Green River Rd. project will likely be held up from proceeding at this point in time due to the status of the bridge. He feels that between Mr. Kercher and himself that his office is fully capable of doing that and finishing that bridge -- and he feels like they can do that. However, he wanted the Commissioners to be aware of that. To determine what cost there would be, with the Commission's approval he would like to discuss with United Consulting Engineers (since they have the road) reviewing the plans and ascertain what their cost might be for completing that design. A large portion of it is done, but it all has to be modified -- as well as there are some items that Mr. Hartman was never able to get the State to approve..So this will have to be changed such that they can be approved -- or those items will have to be argued with the State to get their approval. Nonetheless, he wanted the Commissioners to be aware of all of this. The present design plans show the 16 ft. raised median on the bridge. We would either have to pull the median out or leave the median in and modify the road plans. However, it was Mr. Gallivan's feelings (with the Federal Highway) that it would likely be better to pull the median out if possible.

The Chair entertained questions of Mr. Curtis, but there were none. Mr. Borries said Mr. Gallivan will put this in writing.

Mr. Curtis said he did talk with him about that topic and he suggested he write a letter to the Indiana Department of Transportation. Mr. Curtis said he hasn't done that -- but he did call them on another matter and mentioned that, and they said they would likely put it on the bottom of the stack with the plans they review and we would get an answer to our letter in a likely long time frame. The share Mr. Gallivan's feelings that we have people here in Evansville who can interpret the guidelines.

Mr. Borries said he has faith in Mr. Curtis to interpret those. He did talk with Mr. Gallivan; they had a nice conversation at the last EUTS Transportation Board meeting. He told him the same thing -- and he has yet to get that letter. He did say he would be glad to get the Federal specs -- but Mr. Curtis has a copy. It's just that he would like to see Mr. Gallivan's name on a piece of paper from time to time.

Mr. Curtis said he enjoys reading the Indiana State Code much more than he enjoys trying to read the Federal Guidelines. It's very difficult to follow all of that -- but that is his understanding of what it did say.

RE: DEDICATION CEREMONY - VANDERBURGH AUDITORIUM

The meeting continued with President Willner reading the following invitation:

OPEN HOUSE

You are cordially invited to attend a dedication and ribbon cutting ceremony at

The Vanderburgh Auditorium

715 Locust Street

5pm - 9pm

August 25, 1989

The Vanderburgh County Commissioners and County Council will dedicate our new elevator and restrooms.

This event is sponsored jointly between The Evansville Philharmonic Orchestra, The Musicians Club of Evansville, and the Staff of the Vanderburgh Auditorium and Convention Center.

Refreshments by Reis Catering

Cordially,

Richard F. Higgins
Auditorium Manager

RE: CLAIMS

President Willner said he has no further claims to come before the Board for approval tonight.

RE: APPOINTMENTS TO SOUTHWESTERN INDIANA MENTAL HEALTH BOARD

It was noted that the Commissioners need to make two (2) appointments to the Southwestern Indiana Mental Health Board -- and they will try to have these ready for next week's meeting.

REA: OLD BUSINESS

Change in Meeting Time/Commission Evening Sessions: Commissioner McClintock stated that either last month or the month before that prior to the evening session she requested that the Board consider a change in the meeting time. She has compromised. Commissioner Borries was concerned about the Commission having their rezoning petitions held at 7:30 p.m. or at a different time than City Council held theirs because people might be confused as to which body they were to come to. She was wondering if there would be a willingness on the part of the Commission to set the regular portion of the meeting at 6:30 p.m. (such as the reports from our employees, the attorney, claims, and those kinds of things) and begin the rezonings at 7:30 p.m. That would give people an equal opportunity to attend both the City Council and the County Commissioners meetings regarding rezonings and at the same time give the Commissioners an opportunity to hear the business of the County between 6:30 and 7:30 p.m. -- so our employees can go home and get some rest and come back to work the next day.

Commissioner Borries said he commends Commissioner McClintock on this, but asked for a week to think this over. He has only been doing this for ten (10) years and he's never had a call on this. He knows it must be a need on her part and he understands -- he thinks -- of her interest to move these meetings on. And he does think it would be a good suggestion -- at least to keep the rezonings at the same time because, as even this evening, there are attorneys and the public that kind of move from place to place and they enjoy that same time to see some of the blood-letting or action or whatever else happens at the meetings. Again, he asked for a week to consider the suggestion.

RE: NEW BUSINESS

There being no further matters of old business for discussion, President Willner entertained matters of new business. There were none.

RE: HOLIDAY CLOSING - LABOR DAY

Commissioner Willner announced that all County offices will be closed on Monday, September 4th, for the Labor Day Holiday. Therefore, the Commissioners will hold their weekly meeting on Tuesday, September 5th, at 2:30 p.m.

RE: SCHEDULED MEETINGS

Wed.	Aug. 23-25		State Treasurers Meeting Executive Inn (Evansville)
Fri.	Aug. 25	5-9 p.m.	Dedication & Ribbon Cutting Ceremony at Auditorium
Mon.	Aug. 28	2:30 p.m.	Transient Merchant's Ordinance (Final Reading) Weights & Measures Ordinance (First Reading) Drainage Board Meeting
Tues.	Aug. 29-31	4:00 p.m.	1990 Budget Review Sessions
Wed.	Aug. 30	2:00 p.m.	Council Personnel Committee
		2:30 p.m.	Council Finance Meeting
Mon.	Sept. 4		LABOR DAY HOLIDAY
Tues.	Sept. 5	2:00 p.m.	Executive Session (Room 303) re Insurance/Jail Inmates & Work Release Participants
		2:30 p.m.	Commissioners Meeting
Wed.	Sept. 6	2:00 p.m.	County Council/Special Mtg. & Hearing on Additional Appropriation/Bond Proceeds
		2:30 p.m.	Commissioners Meeting
Mon.	Sept. 11	1:30 p.m.	Joint Public Meeting/Council & Commission re RFP/Bond Issue (Room 301)

Commissioner Borries said he certainly wants to commend County Treasurer Pat Tuley (an officer in the Indiana Treasurers Association) for his efforts in putting his mouth where the money is and getting the State Convention down in Evansville. This certainly features our fair community and city and generates extra kinds of convention dollars. He certainly wants to make a public commendation to Mr. Tuley for securing that convention for Evansville. (Mr. Willner echoed Mr. Borries' commendation.)

RE: EMPLOYMENT CHANGES

County Clerk (Releases)

Terri Pace	Dep. Clerk	\$12,018/Yr.	Eff: 8/14/89
Shannon McNary	Dep. Clerk	\$12,576/Yr.	Eff: 8/14/89

County Clerk (Appointments)

Sandra Julian	Dep. Clerk	\$12,028/Yr.	Eff: 8/14/89
Terri Pace	Dep. Clerk	\$12,628/Yr.	Eff: 8/14/89
Shannon McNary	Dep. Clerk	\$13,204/Yr.	Eff: 8/14/89

Auditor (Releases)

Daviette Redmond	Posting Clerk	\$14,229/Yr.	Eff: 8/18/89
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Auditor (Appointments)

Daviette Redmond	Transfer Clerk	\$14,541/Yr.	Eff: 8/21/89
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Burdette Park (Appointments)

Martha Leonard	PTGC	\$4.00/Hr.	Eff: 8/12/89
Amy Roll	PT Cashier	\$3.55/Hr.	Eff: 8/4/89

County Highway (Releases)

Tracy Leon Jones	Operator	\$9.42/Hr.	Eff: 8/21/89
Kevin Snyder	Part Time	\$3.50/Hr.	Eff: 8/16/89
John Mirando	Part Time	\$3.50/Hr.	Eff: 8/11/89
Brian Bethel	Part Time	\$3.50/Hr.	Eff: 8/11/89
Keith Gelhausen	Part Time	\$3.50/Hr.	Eff: 8/9/89

Circuit Court (Appointments)

Joab Schultheis	Intern	\$3.35/Hr.	Eff: 8/14/89
Robt. Blackburn	Intern	\$3.35/Hr.	Eff: 8/14/89
Chas. Campbell	Intern	\$3.35/Hr.	Eff: 8/7/89
Charles Ligon III	Intern	\$3.35/Hr.	Eff: 8/7/89
Stephen Elliott	Intern	\$3.35/Hr.	Eff: 8/14/89
Dirck Stahl	Intern	\$3.35/Hr.	Eff: 8/14/89
Andrew Hancock	Intern	\$3.35/Hr.	Eff: 8/14/89
Michael Pagano	Intern	\$3.35/Hr.	Eff: 8/14/89

Circuit Court (Releases)

Joab Schultheis	Intern	\$3.35/Hr.	Eff: 8/11/89
Stephen Elliott	Intern	\$3.35/Hr.	Eff: 8/11/89
Dirck Stahl	Intern	\$3.35/Hr.	Eff: 8/11/89
Andrew Hancock	Intern	\$3.35/Hr.	Eff: 8/11/89
Michael Pagano	Intern	\$3.35/Hr.	Eff: 8/11/89

Superior Court (Releases)

Marjorie Meeks	Intern	\$5.00/Hr.	Eff: 8/15/89
Holly Habermel	Intern	\$5.00/Hr.	Eff: 8/18/89

German Township Assessor (Appointments)

Betty Singer	Clerical	\$35.00/Day	Eff: 8/7/89
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German Township Assessor (Releases)

Betty Singer	Clerical	\$35.00/Day	Eff: 8/7/89
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Pigeon Township Trustee (Releases)

Kim Levin	Clerk	\$35.00/Day	Eff: 8/11/89
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Pigeon Township Assessor (Appointments)

Karen Melliff	Part Time	\$35.00/Day	Eff: 8/7/89
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There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 8:40 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Sam Humphrey, County Auditor
Curt John, County Attorney
Greg Curtis, County Engineer
Cletus Muensterman, County Engineer
Bev Behme, Area Plan Commission
Jack Alles/Morley & Associates
Steven Bohleber/Attorney
Linda O'Neill/Better Business Bureau
Les Shively/Attorney
Darryl Veach/Veach, Nicholson, Griggs Assoc.
Representative/Happe & Sons
Representative/B.M.B., Inc.
D. E. Smith
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. Pres.


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 28, 1989

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MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 28, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, August 28, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

President Willner called the meeting to order and entertained a motion concerning approval of the minutes of August 21st.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes were approved, as engrossed by the County Auditor and reading of same waived. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting proceeded with President Willner offering the remaining parcel of County-owned surplus real estate at 808 Line (Tax Code: 11-90-21-74-5) Street for sale. There were no bids and the sale will continue.

RE: REQUEST FOR APPROVAL OF RESOLUTION AUTHORIZING STAR CABLE T-V TO TRANSFER OWNERSHIP TO FALCON CAPITAL

Ms. Chris Young of Star Cable T-V was recognized by the Chair. Ms. Young said she is present today to answer any questions the Commissioners might have or ask the Board to approve the Resolution for transfer of ownership from Star Cable Television to Falcon Capital Cable.

Commissioner Borries asked if Ms. Young is with Falcon Capital?

Ms. Young responded that she is with Star Cable T-V at this time but will be with Falcon Capital as of September 15th.

It was subsequently noted by Mr. Riney that Attorney Miller has the Resolution and he is currently enroute to the meeting.

Commissioner Willner asked if the Resolution shows what percentage franchise fee is to be returned to Vanderburgh County?

Ms. Young said it shows 3%.

Mr. Willner said we have three (3) cable television cable franchise companies and one of them returns a 5% franchise fee to the County. Would there be a consensus of Ms. Young's company to join that figure?

Ms. Young said she believes what they would elect to do would be to wait until re-negotiations on the current franchise occur. Star signed a 20 year franchise with the County and 3% was the rate they had proposed and which was agreed to for that term. If there is a problem with getting the Resolution transfer or signing the Resolution in order to get the ownership transferred, she can present that back to their corporate office in Wisconsin to determine if that can be negotiated.

Mr. Willner said he believes the other cable company's contract calls for 3% also, but he guesses out of the goodness of their heart they thought the County should receive 5% and that is what they have been doing for 1-1/2 to 2 years now and the County appreciates it. Mr. Willner continued by querying Ms. Young

about the plans of the new company. Are they going to just service the contracts they have? Or, are they going out to the highways and byways and build the system bigger?

Ms. Young said they have no plans to extend any further in Vanderburgh County. They have spoken with Bob Ossenburt at Evansville Cable T-V. He has a Vanderburgh County contract, as well. They are extending in Posey County right now. They are serving approximately 1,000 homes; it's about 38 miles along Highway 62 and on St. Phillips Road. As far as extending into Vanderburgh County, Evansville Cable pretty well has the majority of the County built on the west side of town. Therefore, they would not choose to over-build them. They really don't want to get into a situation like that -- so they wouldn't come any further into Vanderburgh County than they already are. Right now they pass about 311 homes in Vanderburgh County.

Ms. Young said she also has a franchise check in the amount of \$634.48 for the first half of 1989. Included is a computer printout of the income for the Vanderburgh County residents and what the County's payment is and it is broken down by month.

Commissioner Borries said he would have no objections to any change, but the question does arise about the percentage -- but he would want to see if Falcon Capital might consider a change in the fee. What happens is that we need better communication (not necessarily from her, but from her company). For quite some time residents have called this office or Evansville Cable T-V from time to time with regard to whom they get service from -- so if in this change the Commissioners' office in particular had some clear ideas of whom to call when there were difficulties with the Star/Falcon system -- if we knew in fairly accurate detail just which areas they were in so we could direct those calls -- he supposes residents get frustrated and if there is something she can leave with the Commission office as to where she can be reached or whom she would suggest as a contact, as well as providing an up-to-date list of where their building activity is taking place, it would be most helpful to the Commissioners.

Ms. Young said there will be no problem in providing any of this information to the Board of Commissioners. She can give them a street list of all the residents; and she has a business card in her purse which has her name and office number on it. As she stated, they have about 311 homes in Vanderburgh County and they only service about 50% of those. So, providing a customer list or an accurate list of where their cable runs is no problem. She can get that to the Commission as early as tomorrow. Insofar as the 5% franchise fee, she can go back and make sure it is not a problem. She is not at liberty to give the Commission or say to the Commission that this is what they will do. But if they do approve that, she can bring it back to them in writing tomorrow, also.

Commissioner Willner entertained a motion to request such assistance from Ms. Young.

Motion to this effect was made by Commissioner Borries and seconded by Commissioner McClintock. So ordered.

Mr. Willner then asked Ms. Young to be seated until such time as Attorney Miller arrives with the Resolution.

In conclusion, Ms. Young submitted a pamphlet on Falcon Capital which includes a bit of financial background information, areas served, and references, if needed.

Acceptance of Check: Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the check in the amount of \$634.48 for franchise fee for the first half of 1989 was accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

RE: AWARDING OF CONTRACT FOR CARANZA DRIVE/KEMBELL DRIVE
SEWER PROJECT

President Willner said Mr. Darryl Veach of Veach, Nicholson & Griggs is presently speaking with Mr. Gil Dieckmann of the Utility Department, and he suspects he will return to the Commissioners meeting shortly.

RE: REQUEST FOR EXTENDED MEDICAL LEAVE - DORTHA BUENTE

Commissioner Willner noted that Dortha Buente (an employee in the County Clerk's office) is present with her Attorney, Larry Downs.

Attorney Downs said the last time he and his client appeared before the Commissioners the Board had asked for information on her status and a prognosis as to when Ms. Buente might be able to return to work. Ms. Buente has been back to the doctor and Dr. Gerlanc has provided her with another note that states she will not be able to return to work for at least four (4) weeks. During her last appointment, Dr. Gerlanc told Ms. Buente that if additional information is required, he would be more than happy to respond in writing, if it were requested by the Commission that he do so.

Commissioner Willner entertained questions of Attorney Downs, noting that this doesn't respond to any of the Commissioners' questions.

Attorney Downs said he and his client appreciate this. Ms. Buente inquired of him and he said that is how he does it. If the Commission would like to write to Dr. Gerlanc, he believes he indicated he would respond.

Commissioner Willner asked when Ms. Buente's present leave expires?

Attorney Downs said he believes this is the last Commission meeting before the leave expires.

Ms. Buente said she was just told to come back to today's Commission Meeting, following her August 22nd doctor's appointment.

Commissioner Willner said the Board then needs to make a decision today.

Commissioner Borries said he would like more information than the Board has at this point in time.

Attorney Downs said they appreciate the Board's interest.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board requested that Mr. Riney request additional information from Dr. Gerlanc regarding Ms. Buente's injury and recovery period and extend Ms. Buente's leave until Monday, September 25, 1989. So ordered.

RE: TRANSIENT MERCHANT'S ORDINANCE (As Amended) (Final
Reading)

The next order of business was the Final Reading of the Transient Merchant's Ordinance.

Attorney Miller said he believes the problem areas have been resolved and the ordinance is ready to pass or not pass.

Commissioner Willner asked Ms. Lynda O'Neill if she has any further additions, corrections, etc.

Ms. O'Neill said she is satisfied with the ordinance, as amended.

President Willner entertained a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Transient Merchant's Ordinance (as Amended) was approved on Final Reading.

Commissioner Willner asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. President Willner declared that the ordinance was unanimously approved on Final Reading. So ordered.

RE: STAR CABLE T-V - REQUEST FOR APPROVAL OF RESOLUTION

Commissioner Willner asked Attorney Miller if the Resolution is in proper form for execution.

Attorney Miller said the Consent Resolution submitted to him is appropriate for the transfer of ownership to Falcon Capital.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Consent Resolution regarding transfer of cable television franchise from Star Cable T-V to Falcon Capital Cable was approved. Commissioner Willner then asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. President Willner declared the Consent Resolution approved by unanimous roll call vote. So ordered.

RE: WEIGHTS & MEASURES ORDINANCE (As Amended) - 1st Reading

President Willner asked if Attorney Miller has seen the W&M Ordinance (As Amended).

Attorney Miller said he has not seen this -- but this is just the 1st Reading.

Mrs. Loretta Townsend said if there are any questions about any part of the ordinance -- it is the same ordinance the City has had for a long time and W&M was under the impression it was also effective in the County -- but it wasn't. W&M is already a consolidated department -- they can't have any boundaries. In response to query from Commissioner Willner as to the major changes, Mrs. Townsend said what it amounts to -- the ordinance was adopted in 1982, but it was never recorded in the code book. She and Joanne Matthews checked and it has never been included in the Code of Ordinances. The only thing included was the Joint Agreement between the City and the County. There is nothing in there about the security seals. Indiana Code has nothing whatsoever that controls cutting of a security seal. It's just like at SIGECO; you don't want to cut a seal on a meter and it's the same with W&M. The ordinance needs to include that you do not cut a security seal after it is put underneath a gas pump or a taxi meter or whatever.

Commissioner Borries asked if Mrs. Townsend is saying this is under Home Rule, and she said she supposes so -- it is not an Indiana law. And when she issues a citation, she needs to include a code violation number to write down and there are no such numbers in the County Code at this time.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Weights & Measures Ordinance (as Amended) was approved on First Reading. Commissioner Willner asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. President Willner declared the ordinance unanimously approved on First Reading. He then asked the Secretary if it needs to be advertised again for Final Reading on September 5th.

Ms. Matthews responded that the First and Final Readings were included in the legal advertisement.

Mrs. Townsend commented that the Commission's adoption of the Transient Merchant Ordinance will also help tremendously.

RE: AWARDING OF CONTRACT ON CARANZA DRIVE/KEMBELLE DRIVE
SEWER PROJECT

Commissioner Willner noted that Mr. Bill Nicholson of Veach, Nicholson, Griggs & Associates is now present, so he would ask him at this time for his recommendation concerning the Caranza Drive/Kembell Drive Sewer Project.

Mr. Nicholson said all the bids received were checked and of the four, Happe & Sons' \$138,527.06 was the low bid. Everything was in order on their bid. They checked around and could find no reason not to award the bid to Happe & Sons.

Attorney Miller stated that Mr. Veach sent a letter dated August 24, 1989 to his office indicating as follows:

"We have made an extension of the bids submitted by Happe & Sons, B.M.B., Deig Bros., and Grubb Excavating. As I previously mentioned, the low bid was submitted by Happe & Sons in the amount of \$138,527.06. On Thursday, August 24, 1989, I invited the principals of Happe & Sons to my office for a discussion of their bid and their familiarization of the project specifications. Happe & Sons reiterated that their bid, as submitted, was appropriate and was formulated after familiarizing themselves with the specifications and having visited the site. Fred Happe has been in business in Evansville for a number of years and has installed several sewer projects, the latest being the Erie Gardens project which is under the Evansville Housing Authority. Mr. Happe also stated that he was aware of the testing that must be done and that all work must be done in compliance with the standard specifications of the Evansville Water & Sewer Utility. After the discussion with Happe & Sons regarding this project, we feel that in recognition of their low bid of \$138,527.06 and their experience in sewer construction we would recommend that they be awarded the contract for the construction of the referenced project.

Very truly yours,

/s/Darryl Veach, President
Veach, Nicholson, Griggs & Assoc."

Commissioner Willner said he talked with Mr. Nicholson before today's meeting and a question came up about inspection and he was going to talk to the Utility Department to see if they would inspect the job. Does he have an answer?

Mr. Nicholson said he talked with Gil Dieckmann and he conferred with Gary Leek. They would do periodic inspection as per normal, but they said they would want a full time inspector on the job. They do not have the personnel at this time.

Mr. Willner said he understands Mr. Nicholson has enough dollars in his contract to furnish from his company a permanent inspector for the sewer project.

Mr. Nicholson said the contract, as he read it, called for periodic inspection on their part to see that the contract was being fulfilled and the sewer was being installed right. There would have to be additional compensation in order to put a full time inspector on the job.

Attorney Miller asked, "What is your concept of periodic inspection?"

Mr. Nicholson responded, "We would appear on the job maybe several times a week -- depending upon what was being done. If they were making a connection, we would probably be there for that. If they were trenching a long run, they maybe would be there a couple of hours a day to see that they were putting it in correctly, etc."

Mr. Miller asked, "Are you satisfied that your periodic inspections would adequately protect the homeowners and the County to insure that the work is done as required?"

Mr. Nicholson replied, "In talking with Mr. Dieckmann and Mr. Leek, they wanted full time inspection on the job -- whether they did it or whether or we did it or anyone else -- before they would accept the project."

Ms. McClintock asked, "And they (the Utility Department) cannot provide the supervision that they are requesting?"

Mr. Nicholson replied, "Correct; the Utility Department wouldn't have the personnel available right now for full time inspection."

Mr. Willner said, "That leaves the Commission then with either using our existing in-house inspector or furnishing some extra money to hire that done."

Attorney Miller said the extra money ultimately is going to be part of the bond and is going to be paid for by the homeowners.

Commissioner Willner said, "I, myself, would probably feel better if we had a full time inspector, regardless of who does it."

Attorney Miller asked, "How much additional money are you talking about?"

Mr. Nicholson said, "I just based it on 50 days of full time inspector, which would be about \$6,500. Fifty (50) days."

Mr. Miller asked, "Would there be any credit then for the partial periodic inspections?"

Mr. Nicholson said that is a possibility. This is just based on an 8-hour day. There is a possibility he could credit some; he'd have to talk to Mr. Veach about it and work that out.

Attorney Miller said, "I would think that you did put some money in there for these inspections -- so there should be some money coming off."

Ms. McClintock asked, "How much money was put in your bid for the periodic inspections?"

Mr. Nicholson responded, "It was included in a percentage figure of the total construction cost. So I'd have to determine that."

Ms. McClintock said, "I understand construction a little better than I used to; but you probably would have included in the bid at least one (1) day per week."

Mr. Nicholson said, "That is usually what it ends up. You're going to go by and look at the job and you may intend to spend only an hour; but sometimes it takes longer and sometimes less, but we'd have to look at the figures and see what we could come up with on it."

Attorney Shively said he represents the homeowners in the affected area and, obviously, they want to keep that cost as low as possible.

Mr. Nicholson said he might inject here that if the Utility Board would put somebody out there full time to inspect, they would be paying them anyhow for the extra time.

Ms. McClintock said she knows how they operate.

Commissioner Willner said, "First thing, we want the sewer to be properly installed. In the second vein, we also want the City Sewer Department to accept it for maintenance. So we need to do that inspection during the construction period. First, I guess we would need a motion on Happe & Sons bid of \$138,527.06."

Commissioner Borries said, "For the record, Bill, again I know you have reviewed this and made the recommendation and I respect that. Have you checked to see if these figures reflect the prevailing wage scales for construction in this area?"

Mr. Nicholson said they talked to him about that when he was in their office and he said he was satisfied that it was covered. He doesn't have any way of checking that, because the unit prices include material. But he was aware of all the aspects of the bid documents and what they consisted of, prevailing wage rates, etc.

Ms. McClintock asked, "So according to our bid specs he is required to pay those prevailing wages?"

Mr. Nicholson responded, "Absolutely."

Mr. Willner said, "You can make that motion subject to that if you so desire."

Commissioner Borries said he has some concerns in that particular area, but he also knows that we need to move forward on this thing. Happe & Sons is the low bidder by a considerable amount, but he just wants to make sure....

Mr. Nicholson interrupted, "There was \$21,000 difference between Happe & Sons and the next lowest bidder."

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the recommendation of Veach, Nicholson, Griggs & Associates (Project Consultants) that the contract be awarded to Happe & Sons, Inc. in the amount of \$138,527.06 was approved, subject to verification that the prevailing wage is in order according to our advertised specs. So ordered.

Full Time Inspection: Commissioner Willner entertained a motion with regard to full time inspector for this project. Upon the motion of Commissioner Borries and seconded by Commissioner McClintock, a full time inspector is to be utilized. So ordered.

Commissioner Willner asked if there is anything else the Commission needs to do.

Mr. Nicholson said he will have to put this thing together with the inspection fees, legal fees, the fees being paid to Vic Funke for the purchase, include their engineering fees and come back with a figure to go back to the Utility Board. At that time, the tap fee will be determined. This is something that was set up when we got the plans approved -- that we would come back at that time and set the tap fee. He will report back on that.

Attorney Shively said he has some questions to address to Attorney Miller. He guesses the next step is the preparation of an assessment roll and the total figure to be assessed.

Attorney Miller said that as he understands it, the assessment roll will now be resolved from the computation that Mr. Nicholson just referred to and we will then have to pass on an assessment roll at the Commission meeting. It will be proposed and noticed and there will be a public hearing.

Mr. Nicholson said we should probably do that prior to taking it to the Utility Board.

Attorney Miller said, "No question about it."

Attorney Shively said his other question is -- reading the letter the property owners received from Jeff Harlan of Attorney Miller's office, David had said that whatever that figure is that the assessment will be done on the overall total cost divided by the number of homeowners (number of homes) out there. Is it still the intent of the Commissioners that it be assessed on that basis? The reason he is saying that is....

Attorney Miller said he will have to look at the statute. He thinks the front footage and square footage fall into that formula someplace, and that letter may not have taken into account all the factors.

Attorney Shively said, "The reason it relates to this is because as soon as we have a consensus among the property owners that some equitable assessment procedure that we believe to be fair and consistent with the statute (which would be per existing home assessment basis) a lot of those people will not require that a consideration be paid for their easements for a sewer they are going to benefit from. So what he is saying is that it will reduce the overall cost. Obviously, if some people see an equitable system -- some people paying more in relation to how they are going to benefit, etc. -- there may be some people out there who desire to be compensated accordingly for their easement or may even push the issue a little bit. In other words, it would affect the project's speed and also the project's cost. If they could get something definitive on what the assessment procedure is going to be and if it is close to what Mr. Harlan said in his letter of August 24th -- (a lot of the property owners are calling him now asking what is going on) -- if they feel the assessment process is equitable, basically they are going to give those easements little or no consideration. He doesn't speak for any particular property owner, but that is the feedback he is getting.

Attorney Miller said that as Attorney Shively has been talking, he remembered a conversation he had with Jeff Harlan several months ago when we thought this thing was going to go forward -- and he told him that he thought it was appropriate to bring the proposal to the Commissioners based upon an equal share per residence. He believes the Commissioners have the power to vary from that based upon square footage and/or front footage -- but that is the reason he is satisfied Mr. Harlan wrote the letter the way he did. Thus, we will submit it on that basis and Mr. Shively can amend it if he wishes.

Mr. Shively said to put it simply, people call him and ask, "What is the Commissioners' position on assessment?" What shall he say to them?

Attorney Miller responded, "You can say it is up in the air until they vote."

Commissioner Willner said he thinks we would relay to them that we would give preference to the single home/single cost unit.

Attorney Miller said someone asked about that in one of the hearings -- and he is sure that was the consensus of the Commission.

Mr. Willner continued, "So I would relay that we are trying to stay with that commitment until such time as we find out that is not legal or something of that nature."

Attorney Shively asked, "Would that mean that the methodology for assessment would be taken up at the time the Commission approves the figures? It would be done at a public hearing, is that correct?:

Commissioner Borries said he has one item -- and the Board has discussed this before. Is it an understanding that in view of the rather considerable amount of easement that is necessary on the cemetery -- are they going to get one sewer tap and that will then be prorated among all the residents? And he thinks everyone agreed to that, because didn't the cemetery say they were willing to donate a rather considerable amount of easement in order to make this thing go and the compromise was that they would be entitled to one (1) tap? Is that correct?

The Board nodded their agreement.

Attorney Shively asked whether Attorney Miller has an approximate date as to when this would come back?

Attorney Miller said it will depend on how soon we have the figures -- and it would probably be ten (10) days after that.

Attorney Shively asked, "Work can't commence until that is done? Or will it commence prior to that?" He would appreciate being kept advised so he can disseminate information to the property owners.

Commissioner Borries asked what the next step is? Who does the next step?

Attorney Miller said we have to determine the total cost and then we'll do an assessment roll recommendation.

Mr. Nicholson asked if that is absolutely necessary prior to giving the contractor an order to proceed?

Attorney Miller suggested that he and Mr. Nicholson talk about this when he has a book in front of him. He thinks not -- he thinks we can go ahead. But he will know the answer to this question prior to the end of the week.

Commissioner Willner entertained questions from residents of the affected area.

Mr. Bill Jeffers of 6608 Kembell Drive said he wondered why the Commission didn't put a cap on the inspection cost? Did they consider capping it at \$6,500?

Attorney Miller said Mr. Nicholson gave the board a figure of approximately \$6,500.

Mr. Jeffers said that was an estimate? Was that an open-ended estimate -- that goes beyond 50 days? Would it increase above \$6,500?

Commissioner Willner said he was under the impression that Mr. Nicholson would come back with a solid figure at a later date.

Attorney Miller said it will be part of the total assessment numbers -- so we'll be able to see it at that time.

Commissioner Willner said the Commission will either have to approve it or not approve it. What the Board did today was to approve that they do want full time inspection.

Mr. Jeffers said he thinks everyone out there would appreciate that. However, some companies work faster than others and some inspectors are self-perpetuating and may extend the contract with their method of inspection -- so he'd hate to see an open-ended figure -- as a resident who will be paying.

And on the other subject that was just discussed, he thinks you have to have a public meeting before you can start construction. We haven't yet had a public meeting on this project.

Commissioner Willner said we've had one -- but we need another one.

Mr. Jeffers asked when one was held.

Attorney Miller interjected, "I said I needed to look at the statute before he can tell the contractor to proceed. But we've had two or three public meetings.."

Mr. Jeffers interjected, "But those were all voided, because you went and sought re-bids."

Attorney Shively said that, like Attorney Miller, he'd also have to have the statute in front of him. But he thinks when we re-did it we came back and had another public hearing.

Mr. Jeffers said, "On the original ordinance; but I think there is a public hearing required after the assessment roll is prepared."

Attorney Miller interjected, "We'll take care of it."

Mr. Price Phillips of Campground Road was next recognized. He said his comments are in relation to the sewer business, but it has nothing to do with the actual sewer business. The ditch between 117 Campground Rd. and the cemetery property (201 Campground Rd.) is quite deep and the water from the neighboring area has been flowing over his property and down this ditch and keeping it in a soft condition for a number of years. His boy hasn't been there for ten (10) years (having gone to college and out) --but back when he was a youngster, they kept it maintained. They didn't have this much water. But finally, this summer, two weeks ago it dried up -- because the neighbors have fewer people living in the house and the sewer systems are not overflowing. They got in there with a bobcat and he wants the Commission to know that he put 25 yds. of rock up 8. ft. to 10 ft. deep, capped with dirt, in these holes. And these holes then were 12 ft. to 14. ft. deep, big enough for kids to be attracted to - with caves. They didn't discover this until after they started filling in, but one of the caves was 30 inches at the top and 16 ft. deep. They poured three (3) bobcat loads of 4" x 6' hand-thrown rock in it before it got above the surface to where they could see it. Now, that is why he is up here trying to get that sewer system.

Commissioner Willner expressed appreciation to Mr. Phillips for his comments, saying they were very interesting. He said we will continue to progress and hope for an early completion. He asked Mr. Nicholson if we are looking for construction yet this year?

Mr. Nicholson said we absolutely are. They were hoping to get this under way within thirty (30) days. There is no reason why the sewer can't be installed and completed this year.

Commissioner Willner said he agrees with that.

RE: PROPOSALS FROM HOSPITALS RE OCCUMED PROGRAM

President Willner called upon Commissioner McClintock to report on the proposals from the hospitals with regard to the OccuMed Program.

Commissioner McClintock reported that letters had been sent to St. Mary's Medical Center, Deaconess Hospital, and Welborn Hospital requesting proposals for an Occupational Medical Program for the employees of Vanderburgh County -- and we had indicated to those institutions information regarding number of employees and requested that they propose the size and scope of the program that they would feel appropriate for our employees based upon our employee groups and the size of those groups. We have received a proposal from Welborn Baptist Hospital and Welborn Clinic under the "Work Well Program" and also a proposal from St. Mary's Medical Center. Originally we had indicated that we would interview, if you will, the groups that submitted the proposals. Therefore, we need to set up a time and place for that meeting so we can make a recommendation. This would be a meeting similar to those we have with the engineers. Can't that meeting just be announced and not advertised?

Commissioner Willner said the interviews could be held half an hour before a regular Commission meeting. The Commissioners have a meeting prior to the Commission Meetings on September 5th and September 11th, and the 18th is a night meeting. She suggested next week (Tuesday, September 5th) at 1:30 p.m.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, interviews with Welborn Hospital & Clinic and St. Mary's Medical Center will be held at 1:30 p.m. on Tuesday, September 5th for purposes of reviewing their proposals for the Occupational Medical Program. So ordered.

Commissioner Willner said a notice to this effect should be posted on the bulletin board by the Secretary, and Attorney Miller confirmed that this is all that is necessary.

RE: DISCUSSION RE PROPOSAL ON EMPLOYEE ASSISTANCE PROGRAM

Commissioner Willner said he doesn't know whether the other Commissioners are up to date on this item or not; he certainly wasn't. He did get a call from Judge Brune, who wanted him to voice his support for such a program in Vanderburgh County.

Mr. Andy Miller of 6006 Ward Road and the DADS Program identified himself and said he didn't know what their name will be in the future. However, they are currently known as DADS, of which he is the Associate Director. He believes Bill Campbell came before the Commissioners previously. He couldn't be here today because he is in Iowa. However, he thinks his intent was to get acceptance in general from the Commissioners of the program they are operating. The County Council has already appropriated the funds; the position has been filled; and they're waiting on acceptance of the change of name in the program. Basically, that is all they needed to know. They don't have a contract or anything -- because it is going to be County employees.

Commissioner Willner requested that Mr. Miller give a quick overall review of what their operation would be doing for the County employees.

Mr. Miller said that the Employee Assistance Program basically involves the assessment, evaluation, counseling, and referral of any problem that the employee needs to deal with -- who is referred or who comes into the office. First of all, they are going to start out by training supervisors, elected officials, and department heads. Then they will have a process of referral to the program and it is open to all County employees.

Mr. Willner asked if we're talking about alcohol, drug, any issue...

Mr. Miller said, "Any issue; that is why we're changing the name of the Drug & Alcohol Deferral Service." He said he believes it is going to be the Vanderburgh County Department of Social Services -- he's not sure yet -- but will find out on Thursday."

Commissioner Borries asked, "Who changes this? I'm trying to figure this out, Andy. Are you a part of Superior Court?"

Mr. Miller responded, "At times, I'm as confused as anybody else on that. I've been with the County for seventeen (17) years and I'm still confused. As far as I know, we were a department of the Superior Court. Now, as of last week I believe, we have or are going to receive our own department status -- and the name change (and I'll find out about that on Thursday at the County Council meeting)."

Commissioner Willner asked how much money Council appropriated?

Mr. Miller said he'd have to go back and check -- he doesn't have this information with him. But it's office supplies and salary for one (1) individual -- and, hopefully, the program will be generating funds.

Attorney Miller asked to whom Mr. Miller is responsible -- and the Commissioners said they guessed they'd find out together.

Ms. McClintock asked, "When you say that County Council appropriated money for this program..."

Mr. Miller interjected, "For the position of the Employee Assistance Counsellor and for office supplies".

Mr. Willner asked, "So we're talking about \$20,000?"

Mr. Miller said he doesn't think it's even this much -- maybe something in the neighborhood of \$18,000.

Ms. McClintock asked, "Andy, this money was appropriated for this program for County employees?"

Mr. Miller said that is correct -- so far, just for County employees.

Commissioner McClintock asked who approved the formation of this program for County employees?

Mr. Miller responded, "County Council -- Bill Taylor, Mark Owen...."

Mr. Willner interjected, "What you've got there is the cart before the horse."

Mr. Miller said, "I understand that. But I'm just following up Bill, who was here before."

Ms. McClintock said, "If my memory serves me correctly, this came up the same day as the OccuMed Program and the question was raised at that time as to whether it is appropriate to have a County agency conduct an Employee Assistance Program for County employees."

Mr. Miller said, "I'm sorry, I don't follow. Why would it not be appropriate?"

Mr. Borries asked, "Who will go?"

Mr. Miller responded, "Any County employee. The DADS office is not in this building. It would be for any County employee's family, spouses, whatsoever. It is the same as any Employee Assistance Program provided by anybody, except that the County already has the means for the program and has had for thirteen (13) years -- and that's our office over on 4th Street. We've been there for thirteen (13) years. The Drug & Alcohol Deferral Service handles people who are arrested for alcohol or drug charges. It was brought to our attention that they wanted us to get into employee assistance -- which we are doing anyway, because we handle other matters now for certain employees who work for the County who may have been arrested. And I think that is how it got started. We are all certified therapists through the State and have been for thirteen years."

Ms. McClintock said, "My concern is that I don't know that County employees would take advantage of a program that is run by other County employees. I think there would be some concern there about confidentiality."

Mr. Miller said, "With regard to confidentiality, we are regulated by Federal law anyway. We are certified by the State of Indiana in our program -- we are covered by Federal law on confidentiality. One of the things about the program is that it is not housed in the Civic Center -- it is housed at 111 N.W. 4th Street and has been there for years. I don't see confidentiality as any kind of problem. It doesn't make any difference who is doing the employee assistance program; the confidentiality factor is always the same."

Mr. Borries commented, "It is my understanding that through Southwestern Mental Health we already have some existing employee assistance plans and some employees are referred over there for some substance abuse problems and they use that facility. We've discussed whether or not we needed to look for some Requests for Proposals and Carol's concern, I think, is right on in the sense of the concern here about the confidentiality plus the fact that some County people might prefer a more anonymous type of approach in the sense of feeling a little bit uneasy about going to someone who -- in other words, if it is a Court-type sponsored situation, they might think of this as someone wanting to drop the hammer on them rather than being something in a more therapeutic way."

Mr. Miller said, "That is why we're not going to be Court-sponsored anymore and why we're changing the name."

Mr. Borries said, "If that happens, that is where Bob is getting the cart before the horse comment. You see, we're having to ask these questions, because this has all been thrust upon us and we don't know where this thing is headed. To be quite honest, I don't know if I've ever seen a T. O. (Table of Organization) that figures out exactly -- I know you go before County Council for a budget, but I'm not sure whose department you're in. I understand where the County Highway is and I understand where the Auditorium is. But as for your department, I don't know whether you're under Superior Court or..."

Mr. Miller said, "Our budget right now is under Superior Court (137.1). In the very near future we will be in our own department and we have a Board of Directors being formed and we'll be answering to the Board."

Attorney Miller stated, "In the County, nobody is their own department. You answer to some elected officials at some point. My thought is that you will answer to the Commission."

Mr. Miller said, "That is what I was told."

Ms. McClintock said, "I'll bet a County Councilman told you that."

Mr. Miller said, "I'll bet you're right. But it's been the same line item and the same account for thirteen years."

Mr. Borries asked if William Campbell reports to one of the Judges?

Attorney Miller said, "There's no question about it. Up until this time it has been a function of the Superior Court system.. You are telling us that is changing and it will no longer be a function of Superior Court. And if it is not, that only leaves one place for it to go -- one and one only -- and that is in the budget of this Commission. So you need to get that straightened out with the Council and then deal with this conflict of interest question."

Mr. Miller said, "By definition most industries have their own individual who provides for the employee assistance. Being a County employee makes no difference."

Mr. Borries said, "Most employee assistance programs are not run by the same agency. That's Carol's point. Let's say you are a Whirlpool employee and I need some help and I may go to the social worker or whoever it is at Whirlpool and say confidentially that I need help -- and then I'm referred to Southwestern Mental Health or DADS or somebody."

Mr. Miller said, "By nature of an employee assistance program that is what I meant. Some businesses do have their own -- such as Alcoa. But an Employee Assistance Program is no more than a gatekeeper. Employee Assistance is just a benefit that is available and it can be all kinds of issues -- it doesn't have to be any one particular issue."

Attorney Miller said, "Under 'E' in the description of the program (which I am just seeing for the first time) there is a long description of the guidelines and procedures set forth and Subdivision (e) says that the Employee Assistance Program Staff will provide confidential assessment of employee problems, short term counseling, and arrange for appropriate referral to community sources when indicated -- which is essentially what he is saying. However, it does go on to describe numerous services that appear to be more extensive than short term counseling. So you may want to review that and make your judgments based upon that. This does look like a pretty extensive description."

Mr. Miller said, "Before you do anything in an Employee Assistance Program you have to do a heck of a lot of education and training of department heads. You have to get them into the ways of referral; you have to go over confidentiality. You see, certain businesses in this town have Employee Assistance Programs through the Mental Health Center, St. Mary's, etc. A lot of the industries are now taking over their own Employee Assistance Programs. They have found that it is more cost effective to do that. In this area, Alcoa has the biggest Employee Assistance Program and it is operated by their own employee, Bill McAdam. And I believe the hospitals have their own Employee Assistance Programs, as well as PPG. It is a very entailed program."

Commissioner Willner asked if we have any past history of how many people in Vanderburgh County government have used...

Mr. Miller said he can obtain these figures -- he doesn't have them with him.

Mr. Willner asked if the number is low according to standards or.

Mr. Miller said he can't answer that. Usually, no matter where the Employee Assistance Program, is you have a basic percentage of people who are going to use it.

Commissioner McClintock said she is not opposed to an Employee Assistance Program for Vandrburgh County employees. But she doesn't think the Commissioners can endorse it or whatever until, as Rick says, we get a Table of Organization and how this is going to run specifically. She guesses the Commissioners don't need to know what the budget is, but that would be nice to know.

Mr. Borries said he would certainly think that if we're talking in terms of a separate department -- and, again, it simply doesn't have anything to do with who is in power or who is on first -- but the Commission gets caught on this all the time. He doesn't see how a department could be created unless this Commission signs off on it one way or the other.

Mr. Miller said he doesn't know either.

Mr. Borries said the Commission never knows sometimes until it happens and then they back up -- and it always seems to end up here.

Mr. Miller said they had this discussion earlier because they thought something was amiss, because it seems backward to him. And that is why he came today to tell the Commission what they are doing. To him, it seems it's been done backward. It should have come here first and then gone the other way.

Commissioner McClintock said, "He stopped by here, but we didn't have this much detail. The Commission wanted more specific information, budget items, etc., and I thinks all three Commissioners raised questions. Now we're back to where it is just in the budget."

Mr. Miller said he believes the Commissioners have a description of the program (because he helped write it up and he knows it is here). He has a copy of the budget in his office -- but didn't bring it with him. What would the Commission like their next step to be? Would they like for DADS to come back with certain information (as indicated here)?

Commissioner Willner said, "First^{of} all, you were under the auspices of the Superior Court. You are now not going to be?"

Mr. Miller said they still are right now a department of the Superior Court.

Mr. Willner asked when the cut-off date is?

Mr. Miller said he will find out on Thursday of this week.

Commissioner Willner continued, "Then I presume you are going to be ours -- I presume. But that question needs to be answered first. If you are not under another Court, then all other departments come before us. Then I guess we need to know if we need to monitor your performance, such as we do Burdette Park's. And I also need to know -- did you not in the starting of this program have a grant from either the State or the Federal government and are there any Federal or State programs you can ask for now that you're in the County and not the Courts."

Mr. Miller said we don't receive Federal Funds -- their program is self-sufficient.

Mr. Willner said that this year Council appropriated \$192,299 for DADS and Mr. Miller is saying that they're paying back all of this?

Mr. Miller said they collect client fees for the DADS program -- something like \$220,000.

Mr. Borries asked, "So your mission is that you counsel those offenders or those people in some way or another who are involved in the Court system?"

Mr. Miller replied, "First time drunk drivers, under age drinking, possession of marijuana, etc."

Mr. Borries asked, "And as a result of the fees they pay you, then that sustains?"

Mr. Miller said they make deposits weekly back into the General Fund.

Mr. Willner asked if the amount is sufficient to cover their budget?

Mr. Miller said it has been for thirteen (13) years.

Commissioner Willner said that makes all the difference in the world.

Mr. Miller said that, in fact, they have provided quite a bit of money returned to the General Fund over the thirteen years.

Mr. Willner asked if that money is collected from insurance companies?

Mr. Miller said the fee is paid by the individuals -- no insurance companies or third party payment.

Mr. Borries asked if DADS does any counseling with these people and Mr. Miller said they do. They have a standard fee -- and they have indigent and a sliding scale. They have had the same fee since 1979. They keep the fee low because all they have to make is to cover budget. They haven't increased their fees and it covers all counseling necessary up through the six (6) months period or longer, unless it is an in patient.

Mr. Borries asked if Mr. Miller reports to a particular Judge in Superior Court?

Mr. Miller said he reports to Judge Brune.

Mr. Borries asked if it has always been that way?

Mr. Miller said that in 1976 Judge Brune instituted the DADS Program (it used to be called Deferred Prosecution). They have reported to him since 1976; they have reported to all the Judges, but Judge Brune has been their basic contact since 1976. Judge Dietsch is the Judge who signs all the vouchers. He doesn't know how that came about, but it has been that way for years, and years, and years.

Ms. McClintock asked, "In this Employee Assistance Program, an employee comes to you and you have to refer them to Parkside, St. Mary's, or wherever. Then who pays for that?"

Mr. Miller replied, "Insurance".

Ms. McClintock asked, "What if this employee doesn't have insurance to cover all of that?"

Mr. Miller said, "It is the same thing they have now; all it is is that it is an added benefit in that we can do the assessment and provide counseling in house for no charge. What is provided for in house obviously is not going to cost them what it will cost them to get it outside of the County -- so much up to \$70.00 per hour in some centers."

The Commissioners expressed appreciation to Mr. Miller for his comments. Commissioner Willner asked that Jerry Riney contact Judge Brune or Judge Dietsch tomorrow.

Mr. Borries said that in any case, if we're talking about a new direction here or a new department -- the Commissioners have never seen anything with regard to a Table of Organization on that. He doesn't see how that is going to function without the Commissioners being involved one way or another on that.

Mr. Miller said that is something to be determined. They may stay under the Superior Court -- he won't know until Thursday. But when that does happen -- or if it happens -- then DADS will have all the rest of the information for the Commissioners. He has to appear before Council at 4:00 p.m. on Thursday -- and who knows what is going to happen. The whole program was proposed to them by County Council.

Mr. Borries asked, "When did they do that? Did they give you something in writing?"

Mr. Miller said he doesn't know exactly -- that was a while ago.

Commissioner Willner said this, according to the agenda, certainly was a "discussion".

RE: CARANZA DRIVE SEWER PROJECT

Mr. Jeffers said he would like to correct a statement he made -- so the Secretary can amend same. He is aware there was a public meeting on the original Resolution to start the ball rolling. He thinks what he meant was that during that public meeting a statement was made that we needed to get the bids so we could find out what the assessment roll would be. Together, with other information, he believes what he meant to say was that it would be in the best interest of the project and the neighborhood that the Commissioners would have a public meeting regarding the assessment roll -- and he didn't mean anything else by it.

The Commissioners thanked Mr. Jeffers for his comments.

RE: REPORT ON PRECINCT MAPS

Mr. Jeffers said he and Mr. Bitz are invited here today by Mr. Riney, who was at their meeting two weeks ago with a lady from the State Election Board, who told them basically how they had to go about submitting our precinct maps under the new guidelines which took effect July 27, 1989 and voided many of the old guidelines. We had to totally re-submit our precincts. At that time, twenty-nine (29) counties had submitted to the Election Board and we were one of those twenty-nine. Eleven (11) were approved under the old rules and we were in the process of getting approval; but the old rules are void and now we have submitted our precinct maps and they are reviewing them at this time. They should have their comments ready by the end of the week, or so he has been told by the Election Board. Of the ninety-two (92) counties, we are the first county to have our maps at the Election Board outside of Fulton County (which is a test County, and the Election Board did all the work for them; they did all the mapping and sent them back to Fulton County and told them to write the legal descriptions -- which Fulton County is in the process of doing). Other than Fulton County, we did all of our own work. The Area Plan Commission, Voter's Registration and the Surveyor's Office have done all the work that has been done during the last couple of weeks and so far they've only heard one comment from the Election Board regarding one large census block that had greater than 800 voters in it and we had to split it. They need to review the way we split it and get a ruling on it. Other than that, all the comments have been

positive. We still have approximately 30 new precincts. When the Commissioners originally had them send the first maps up there, some of the Commissioners (Ms. McClintock, in particular) had concerns about using new numbers and the fact that we used new numbers necessitated Mr. Bitz in his office to notify thousands and thousands of voters that they were in a new precinct. They've gone back and used old numbers and old precinct configurations everywhere they possibly could. Even though we might have Precinct 2 in Precinct 1 across the Ward somewhere, they think that makes very little difference compared to the amount of work and the amount of confusion that the way they had numbered them might cause. So they've gone back and done that as best they could.

Mr. Bitz said that instead of our having to change about 80,000, we will only have to change about 35,000 people. But the main thing on redistricting (which he has a hard time getting through people's heads in this building -- and not necessarily the ones he is now facing) is that you cannot just take that map and draw a line and say this is Ward 1, this is Ward 2, and this is Ward 3. Everyone should remember this -- and especially the Attorney -- you have to have one (1) vote one (1) rule. So you can't have Ward 1 with 9,000 people and Ward 2 with 6,000 people. That is the same with the Council Districts, the School Districts, and the Commissioners Districts. That is why with the new equipment they will be able to provide the adequate information that is needed and will give us the fact that nobody can come in and challenge that we have too many people here, etc. That is what they are insisting that we do. Also, with the new equipment, they will be able to have colored maps that will show the Commissioners Districts, the School District, the County Council Districts (these will all be keyed in with different colors) -- and this is something we haven't had in the past.

Commissioner Willner thanked Messrs. Jeffers and Bitz for their work, as did Commissioner Borries. Mr. Borries said this whole precinct business is so complicated that it reminds him of how we assess taxes -- no one can figure out any of it. If you talk to 99.9% of the citizens, they can't figure it out. In response to query from Commissioner Borries, Mr. Bitz said the last legislation give the County Commissioners (as County Executives) the absolute authority (which they had in the beginning) but spells out more authority they have in all the redistricting and everything. Mr. Borries asked if we will have to do this every two years?

Mr. Bitz said we will have to do it after the 1990 Census; that is why the computer program will allow us to do it a lot easier once it is organized. The State now has uniform maps with all the Census blocks on them. Lake County applied for a dispensation -- said they couldn't get it ready -- and they were turned down.

Mr. Jeffers said Marion County (probably the largest County) hasn't gotten their Census maps to start doing the work on them yet -- and they have to be done by October 1st.

Mr. Borries asked what happens if they don't do it?

Mr. Jeffers responded, "Probably nothing. But the important thing to us is that our voters will know where to go. There is no penalty for not finishing the project -- but the penalty falls back when the voter has no idea where to go to vote."

Mr. Borries asked, "Once you get this done, then we have to see if there is going to be any re-drawing of Commissioners Districts, Councilmatic Districts, etc.? At some point don't you leave yourself open to some liability or legal question of a one person one vote issue?"

Mr. Bitz said, "By the fact that this is being done first (which it should have been done before you drew the ward lines) -- everything else follows this. When you get this done, then you can draw your lines and put them into the configuration that will give you the one vote one rule. We've probably got the most up to date system in Voter's Registration of anybody in the State. The State Election Board has told us that -- and it's due to the fact that you Commissioners have been right on top of the thing and kept our cans in gear to get it done."

Commissioner Borries said he is glad we've done it. But he really wonders.....

Mr. Willner interjected, "What the law said is that if we didn't do it, the State would do it for us."

Mr. Borries said he doesn't see how they could.

Mr. Willner said, "That is right. But you and I doubt whether that could be done."

Mr. Borries said, "With the amount of work they are having to do locally, I don't see how the State of Indiana could do it."

Mr. Jeffers said the State Election Board said they were expecting data from about five other counties within the next couple of weeks -- so that is why we wanted to get ours up there -- because he doesn't know how five or six people on an Election Board are going to review all of this. As Mr. Willner said, you end up with 85 counties that haven't conformed and if they end up doing all the work or hiring it done -- it will never get done.

RE: EISSLER ROAD

Mr. Nolan Ziliak of 517 Gunpowder Lane (just off Eissler Road) said the road is in bad shape. It was put on the list last spring and he thought they were supposed to re-surface it this year. They've found out within the last couple of weeks that there wouldn't be enough money to do it. They were greatly disappointed and think they should find some money somewhere. It's just a half a mile long and it's one of the worst roads in Vanderburgh County.

Mr. Willner said it isn't true that there is no money to do it -- because there is money to do it.

Mr. Ziliak said he was told all summer long that it was going to be fixed, every time he called the County Garage. They said it was on the list and they'd either do it themselves or contract it out. The last time he called they said it was doubtful that it would be fixed, and he was greatly disappointed. Two-thirds of that subdivision uses Eissler Road, because Strawberry Hill Road is very dangerous to use to get out on Old State Road. If you're not driving a pick-up truck where you're sitting up high -- you can't see downhill until the cars come at you. So the biggest part of the traffic goes out Eissler Road, because it is safer. Mr. Ziliak said that as soon as the weather starts freezing and thawing, he knows it will be just like last winter -- it will be a mudhole and you'll lose your car in it. So they definitely want it to be re-surfaced before the weather gets bad. He knows the trucks will probably tear it up again, but they hope it will be good for several years anyway.

Mr. Willner said the Board appreciates Mr. Ziliak's comments and his concerns. He thinks the problem last year was that we wanted to widen the intersection at least back to the bridge -- and we're going to do that this year -- Eissler Road is on the list.

Mr. Wilbur Godeke of 801 Eissler Road said he thinks they need to determine where Eissler Road ends. The road actually ends at the bottom of the hill. He said he can't get a sign installed saying there is no turnaround, and people are driving in his driveway; it's a continuous operation on a Sunday. He can't hardly get out of his driveway for waiting for someone else to get in and out of it. Not only that, they come in and make a U-turn and cut a circle in there.

Mr. Willner said we've had a problem with signs -- but we're going to take care of that, too. Eissler Road will be resurfaced this fall.

RE: REQUEST TO PAVE COUNTY LINE ROAD

Mr. Francis Martin was recognized and stated that he lives on County Line Road North. He expects his request is a little complicated, but he thought it would be worth a try. He has a petition to present to the Commission to have County Line Road paved, if possible.

Mr. Willner said this road really belongs to Posey County. Posey County is in dire straits; they have 700 to 800 miles of road and they have about one-fourth of Vanderburgh County's budget -- so you can see that they are in trouble. There is a provision in the Statute where two counties can go together and help maintain a road. He doesn't have that statute -- but he will find it if he has to.

Attorney Miller said there is a new statute that overtakes the old one which has a much broader scope.

Continuing, Mr. Willner said that in talking to Martin Redmond of Posey County, who indicated to him they knew they had a problem, they had insufficient funds to take care of it properly -- and they would be most interested if Vanderburgh County would help them and they would try and prepare the road if Vanderburgh County could see their way clear to pave it. He told him he didn't know, but he would bring it before the Commissioners -- and now Mr. Martin is requesting it.

Mr. Martin said there are about 14 homes on County Line Road and the road is about 2.8 miles from Schmitt Road to St. Wendel. Probably four of those homes are on the Posey County side, but the balance are in Vanderburgh County. Thus, he feels they are not getting their fair share, since they also pay taxes in Vanderburgh County -- and about 90% of the roads in Vanderburgh County are now paved. They either have dust or mud.

Ms. McClintock asked how much money we're talking about -- or do we have the money?

Mr. Borries said we have a list of roads we have to do here in our own County and he wants the Attorney to do some research on the statute to see what we can do before we make a commitment. To that extent, he'd like to take it under advisement.

Mr. Martin said they feel like the fact that the Commission will consider the matter is an improvement over what they have had.

Mr. Borries said the last couple of years we have included at least one road on the paving list that is not paved. This year he believes Emge Road was paved. If Mr. Martin would allow the Board to take the matter under advisement, it would be appreciated. The Board then expressed appreciation to Mr. Martin for his concerns and his attendance.

Commissioner Willner requested that the record reflect that the petition has over twenty (20) names -- there are probably some wives, husbands and children on the list -- but they all reside on County Line Road.

Mr. Ray Schmitt said he lives on County Line Road in Vanderburgh County and pays taxes in Vanderburgh County. He was wondering whether the Commissioners might know why pick-ups are not figured as vehicles when the tax money gets sent back. He thinks that is part of Posey County's problem. It's a rural county and if you go to any business or any meeting, you will see 80% pick-ups and they're paying taxes and buying licenses; yet when the money comes back for paving the roads, he understands that pick-ups are not figured as vehicles and to him this is strange -- he cannot understand that. If they didn't pay taxes for their gas for the pick-ups, then he could understand it.

Commissioner Willner said Mr. Schmitt's understanding is correct. That proposal was presented to the Legislature during the last session and he understands it did not come out of Committee because, if he is not mistaken, one of the Marion County representatives was on the Committee and they wanted something to go along with that that would actually deflate the pick-up truck and so it died in Committee. But it is the Legislature that determines that. And the same is true with something the Indiana Association of Commissioners has been fighting; the Indiana State Police takes \$40 million out of the Indiana Gasoline Tax money first -- right off the top. If \$40 million was returned to the counties for the maintenance of roads, each county would maybe prosper \$1/2 million per year. So you can see what would happen to our roads. But the Legislature doesn't have anywhere to pick up another \$40 million unless they raise taxes -- so you can understand their point also.

Mr. Schmitt said it isn't fair to the women who live along County Line Road to have to clean house two or three times more often and still have a dusty house. He just feels these residents are coming in on the short end -- even though they pay taxes just like anybody else. And he knows Posey County has a problem, partly due to the pick-up issue.

RE: COUNTY ATTORNEY - DAVID MILLER

Civil Defense Agreement: Attorney Miller said he has prepared a Resolution and the long awaited Civil Defense Agreement with the changed paragraph. The Commission has approved this not once, but twice, but in the past there was never a document for the Commissioners to sign. He would request that they now execute the Resolution, along with the Inter-Local Governmental Agreement and we will send it on for other signatures. The Commissioners affixed their signatures thereto.

Settlement Agreement/Wilbur Fehd: As the next item of business, Attorney Miller submitted a Settlement Agreement with Wilbur Fehd for approval and signatures. We paid to the Court the appraisal amount as set forth by the Court Appointed Appraisers in the amount of \$23,282.00. That amount was the subject of a contest by the Fehds, who originally were not in agreement with that. The Fehds have now agreed to accept the \$23,282.00 as the final and complete payment for the land taken for the Boonville-New Harmony Road realignment, subject to the County paying an additional \$400.00 for crop damage. The Commissioners also approved that settlement individually when he talked with them about the matter. He now requests that the Commissioners approve the payment of the additional \$400.00 in an open meeting and execute the agreement. Hopefully, this lawsuit will be over.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Board approved compensation to Wilbur and Isobel Fehd in the amount of \$23,682.00 (including \$400.00 for crop damage) regarding the extension of Boonville-New Harmony Road. So ordered.

Claim/Charles E. Davis: Attorney Miller said he is in possession of a claim to Charles E. Davis for services performed in the preparation of township maps at the direction of the Knight Township Assessor, Mr. Al Folz. It is his understanding that this contract, which is in writing, was never approved by the Commission; that there was never any authorization given to Mr. Folz to solicit bids or anything of that sort. In Mr. Folz' defense, he thinks Mr. Folz assumed he had the authority to do this and he went ahead and did it. As he has noted to the Commissioners and confirmed in a letter to all County Officeholders at this point, Mr. Folz was quite wrong in doing that. It appears Mr. Davis has performed this work, but this is not a binding obligation of the County. Inasmuch as at this point it is not a binding obligation of the County, the Commission has no obligation to pay the claim. He thinks under the circumstances that we need to determine if the County has received value of some kind for these services and if it has, whether or not they want to compensate Mr. Davis, notwithstanding the absence of a binding contract. He thinks the Commission has the power to do that if they are satisfied the County has received value. But under these circumstances they have no obligation to do it. At this point it becomes an executive decision.

Commissioner Willner advised that the Board discussed this (at a meeting for which Attorney Miller probably was not present) and decided to do nothing with it. He thought it was taken care of, as he did talk to Mr. Folz. There is some question as to whether the work was done on County time. Not only that, but a statement was made by Mr. Brenner (he believes) that if we did pay him he would fire him -- and it was the consensus of the Commissioners that we do nothing with the contract. What he doesn't know is how Attorney Miller got the claim.

Attorney Miller said the reason he brought it up was that Attorney John sent it over to his office this past week and asked for his thoughts on the claim and asked that he bring it over. If that is what the Commission decided in the past, then he thinks that is the appropriate decision.

Commissioner Willner said he is not sure whether that was ever made an official motion and written into the record. Therefore, once and for all, the Board probably needs to do that.

Commissioner McClintock said she has not been involved in any of the discussions with Mr. Brenner. What does this employee (Charles Davis) know? Does he know we're doing nothing with this?

Attorney Miller said he has not had any discussion with Mr. Davis; he just looked into the background of how the contract came into being and whether there was an obligation on the part of the Commission to pay the claim. The answer is no.

Commissioner Willner said the only correspondence he had was a letter or two from Mr. Brenner to this office.

Mr. Borries asked if the Commissioners have these on file?

Mr. Willner said he was under the impression the other Commissioners saw the letter. He is not sure the letters were kept, but he thinks he has his copies.

Mr. Borries said he asked Mr. Brenner to write a letter, because he thought obviously it would be in his interest as well (and he is not speaking for him) because it is his (Borries') understanding that Mr. Brenner did not authorize this to be done.

Mr. Willner said that is correct.

Commissioner Borries said it just wasn't handled correctly. That is the whole procedure here. What we need to find out is whether the work has any value, what the purpose of it is, how it was done, etc. Probably, if the Assessor had asked the Surveyor or had asked this Board to do it, that would have been the proper procedure. And we would either have authorized it or another officeholder could have provided some services. But to contract an individual employee to do it raises an issue there that he really can't decide exactly. He supposes if this was needed, that is the reason Mr. Folz did it. But he is unclear about what the rest of the assessors would do. He supposes it is needed in Pigeon, Perry and Center Townships, as well. If so, he would hope they would come to the Commission.

Commissioner McClintock said it occurs to her that the Board needs to determine whether -- apparently the claim was submitted and there was quite a hullabaloo that followed, which she is sure has gotten back. He may want to withdraw the claim. Therefore, could the Commission determine what Mr. Davis' position is at this point? There may be no need to vote on it. We could bring it back to next week's meeting.

Commissioner Willner said we could do that. He requested that Mr. Riney contact Mr. Davis to see if he wants to withdraw the claim.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said he had submitted his Weekly Work Reports and Absentee Reports to the Commissioners for period of August 18 - 24. Are there any questions or comments?

Emge Road: Mr. Muensterman reported they were working on Emge Road, but finished it this morning; they subsequently moved to Heppler Road. That should be finished within a couple of days and then they will be back on track.

New County Safety Helmets & Vests: It was noted the County has a new safety look. If anyone is out driving around and notices a bunch of yellow jacket heads -- it will be the County Highway men wearing new safety helmets, which was required by Jerry Schenk of our insurance company. The men say they are getting used to them and don't mind wearing them. The men also have new safety vests. He took some photos, but forgot to bring them today.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

1st Avenue Bridge: As discussed last week, we're trying to make repairs to the 1st Avenue Bridge. He has a Transfer Request in the amount of \$50,000 from Cumulative Bridge Fund for repairs which, hopefully, Council will act on at their next meeting. He is not sure just what we will get into; there are large voids underneath the approach slabs. It is likely that we will proceed with trying to correct this problem before Council's meeting a week from Wednesday, as it seems to be getting progressively worse. In hopes that it would stall the problem until receiving the money transferred by the Council, last week they put some bituminous in one of the depressions on one of the corners -- but it seems that is continuing to fail. Thus, it will be likely in the next week or so that we will have to proceed with repairs to that bridge. He wanted to make the Board aware of this. He doesn't think we want to make a habit of performing the work until the money is available -- but he thinks it is an emergency situation that is going to demand that.

Commissioner Willner said the Board needs to authorize Mr. Curtis to go on Council Call and we need to do the repairs quickly. However, he first would like to make it clear that we are not talking about the bridge per se -- we're talking about the

approaches to the bridge. The soil has washed out from underneath the surface. It really is not a bridge project; but it is within the scope of the bridge workings -- it is within 500 ft. of the bridge.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Curtis was authorized to go on Council Call re the \$50,000 transfer of funds and proceed with the emergency work.

Orchard Rd. Bridge: Mr. Curtis said that the Orchard Rd. Bridge, which is being designed by Veach, Nicholson, Griggs & Associates, is a Federal Aid project. One of the landowners on one of the corners of the bridge is presently in the process of platting a minor subdivision and Andy Easley Engineering was aware of the project. They are in the process of breaking that right-of-way out at this point, rather than waiting until after the minor sub is done as the price, at that time, would go up. Therefore, he is going to be negotiating and trying to come up with an equitable price and will come back with a request within the next couple of weeks.

Motz Road: We have a structure on Motz Road about three-fourths of the way back from St. Wendel Road to the County Line that needs to be replaced prior to the work commencing on the project. We have received bids for treated timber products and he would ask permission from the Board to order a treated timber box culvert for that location. The cost would be 25,724.37 delivered. That would be a 15 ft. x 6 ft. opening box culvert and, as he said, we have already received bids for treated timber as an annual bid.

Attorney Miller said that Bill Jeffers has reminded him (and he is absolutely correct) that an emergency declaration has to include the name of the contractor that is going to be authorized to proceed. Does Mr. Curtis have someone lined up?

Mr. Curtis said the County is going to do the work, with the exception that we're going to have to have someone come out and core drill the holes. The County will subsequently rent a pump and do the work ourselves. We will have to rent equipment -- but the work will primarily be performed by the County.

Attorney Miller said this is fine -- as long as this is in the record.

Mr. Curtis said we receive annual bids on a number of items and recently (in July) we received an annual bid on treated timber products. That was to cover installations such as this. His feelings are that this can be done with County crews. Prior to his coming to Evansville, they put one of those in in Pike County and did that work with the bridge crew and it went rather well. He'd also like to say that he thinks it would be good -- the Davis County/Washington, IN area is getting ready to put in a similar culvert and he thinks it would be advantageous if we could possibly have Mr. Franklin, the bridge foreman, or someone go up and spend half a day or so with them -- just to get a feel as to what to expect when they get ready to do that work.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the expenditure for the Motz Road culvert was approved. So ordered.

Request for Transfer of Funds: Mr. Curtis said he has already talked about the Cumulative Bridge transfer. He also requested a transfer in Local Roads & Streets Fund for three items; one was for Oak Hill Road Railroad crossing. We were \$550.00 short due to EUTS preparing the original request off a draft agreement rather than the final agreement. So we need to transfer \$550.00 in order to have enough money to pay that claim which the State has already submitted to us.

Secondly, he will be requesting \$120,000 in bituminous material for our County's road paving. That does not include any amount for County Line Road west, if we would choose to do that.

Thirdly, a \$475,000 transfer from Contractual Services, which will give us enough money to put out an additional paving contract for the rest of the roads on the list. This will give Cletus money to finish the rest of the roads on the County's Paving List.

Claim/Veach, Nicholson, Griggs & Assoc.: A claim in the amount of \$1,051.09 for road design plans on Green River Road South was submitted and Mr. Curtis said he would recommend approval.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered.

Green Road North/North of the Bridge: Commissioner McClintock said this portion of the road is in bad shape. We didn't do anything about it earlier this year because of the project -- but it really is in bad shape. What are the chances of doing some repaving out there yet this year?

Mr. Curtis said he would say that this is up to the three Commissioners.

Mr. Muensterman said this is on the list.

Mr. Curtis said Mr. Muensterman is going to be close on work insofar as that being done by the County. With the transfer of funds, there will be enough dollars.

Mr. Borries said about two years ago we put almost an inch of base coat on the other side of the bridge -- and that is what he would recommend doing with this portion. If we get this North Green River Road project off dead center (which it looks as though we might do) -- we might be able to use a portion of that.

Mr. Curtis said this would be north of the bridge -- between Hirsch Road and Heckel Road. The road is particularly bad between the bridge and Hirsch Road.

Mr. Borries mentioned the condition of the deck of the bridge, but Mr. Curtis said he would not want to overlay that and put any additional weight on the bridge at this time.

Mr. Borries suggested we might look at some other things with regard to the deck, to make sure it doesn't deteriorate.

RE: REQUEST FOR TRAVEL - CO-OP EXTENSION SERVICE

The meeting continued with Mr. Willner submitting a travel request from the Co-Op Extension Service with regard to Training Sessions for the Staff. The funds will come from their Travel Account. The request was as follows:

Agent	Session	Date	Place
AG	Nat. Ass'n./County AG Agents	7/29-8/3	Summerset, NJ
Home EC	Nat. Ass'n./Home Ec Agents	10/6-9	Hawaii
Youth	Nat. Ass'n./County Agents	11/5-9	Mobile, AL

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved. So ordered.

RE: REQUEST FOR APPROVAL OF CONTRACT FOR A JOINT CITY-COUNTY
TAX INCREMENT FINANCING ADMINISTRATION DEPARTMENT

Commissioner Willner submitted the above request and said he guesses the County Auditor will handle that department. Would Mr. Humphrey like to comment at this time?

Auditor Humphrey said Ms. Blenner, City Controller, called a few days ago and asked that this matter be deferred one (1) week, because she is on vacation.

Mr. Willner said this item will be presented next week.

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

Mr. Willner presented the monthly report from Alexander Ambulance Service.....report received and filed.

RE: REQUEST TO GO ON COUNCIL CALL - COUNTY COMMISSIONERS

A request to go on Council Call in the amount of \$6,500 for the duplicating services account was submitted.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request was approved. So ordered.

(Note: Subsequent to the meeting, Mr. Riney withdrew the request, because \$7,500 had been requested in this account at the last Council Meeting.)

RE: PERSONNEL POLICY - COUNTY EMPLOYEE WORK WEEK

Commissioner Willner said that he has one announcement to make upon the advice of the County Attorneys. We are thinking of making some changes in the County Personnel Policy with regard to requesting a 40 hour work week rather than a 37-1/2 hour work week. If there is any input from the Commissioners, we should have it now. The change is to facilitate a Personnel Policy that is equal for all department heads. We have some working half and half and it is the general opinion of everyone that we need to have a definite figure -- thus, we're thinking about a 40 hour work week.

RE: CLAIMS

Xerox Corp: Claim in the amount of \$230.00 for maintenance charge on Xerox machines, a claim for \$650.00, and the other for \$3,335.00 for the FAX machine. Auditor Humphrey said his department has money for the FAX machine and it is installed. The claim was delayed due to incorrect address.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claims were approved for payment. So ordered.

RE: OLD BUSINESS

Request for Time Change/Commissioners Evening Sessions:
Commissioner McClintock said this is the third time the Board has discussed this. What she had suggested at the last meeting was to set the meeting time either at 6:00 p.m. or 6:30 p.m. to take County business (County Attorney, County Highway, County Engineer, Burdette Park, approval of minutes, etc.) so we can get our employees in and out and home so they can be at work fresh the next morning -- and take all the rezonings at 7:30 p.m. (like City Council does) so we don't confuse the general public. She would be willing to make that in the form of a motion.

Commissioner Borries said he will compromise with Commissioner McClintock on this. The Board will try holding the sessions at 6:30 p.m., but he thinks we clearly need to understand that at

7:30 p.m. we need to halt all business to hear the rezoning petitions at the right time. Do we have to advertise to change from 7:30 to 6:30 p.m.?

Attorney Miller confirmed that the Board will have to advertise that the Board will conduct official business beginning at 6:30 p.m., and if they want to add to the notice that Rezoning Hearings will begin at 7:30 p.m., they can do so. But they must notify the public when the official meeting will begin. They do not have any obligation to notify the rezoning petitions that their portion of the meeting will begin at 7:30 p.m., but they could. However, he would caution the Board not to take up a rezoning matter before 7:30 p.m.

Commissioner McClintock said if the miracle were ever to occur that the Board finished with other official business by 7:15 p.m., they could take a break and begin again at 7:30 p.m.

Motion was seconded by Commissioner Borries. So ordered.

Secretary Matthews proceeded to ask that since the Commissioners adopted a resolution in January with regard to meeting times, is not a new Resolution therefore required?

Attorney Miller confirmed that a new Resolution will be required.

RE: NEW BUSINESS

Commissioner Willner entertained matters of new business to come before the Board. There were none.

RE: HOLIDAY CLOSING

It was announced by Commissioner Willner that all County offices will be closed on Monday, September 4, 1989 and the next Commissioners Meeting will be held on Tuesday, September 5, 1989 at 2:30 p.m.

RE: SCHEDULED MEETINGS

Tues.	Aug. 29-31	4:00 p.m.	County Council/Budget Review Sessions
Wed.	Aug. 30	2:00 p.m.	Council Personnel Committee
		2:30 p.m.	Council Finance Committee
Mon.	Sept. 4		HOLIDAY
Tues.	Sept. 5	1:30 p.m.	Commission Executive Session/Insurance-Jail Inmates & Work Release Participants & Personnel Matter/County Highway Employee Commissioners Meeting
Wed.	Sept. 6	2:30 p.m.	Council/Special Mtg. & Hearing on Add'l. Appropriation/Bond Issue
		2:00 p.m.	Regular Council Meeting
		4:00 p.m.	Council/Final Budget Hearing
		6:00 p.m.	Area Plan Commission (301)
Mon.	Sept. 11	9:00 a.m.	Tax Adjustment Board (301)
		1:30 p.m.	Joint Public Mtg./Council & Commission re RPF Bond Issue

RE: EMPLOYMENT CHANGES

Deferred Prosecution (Appointments)

Angela Mitchell Dir./Investigator \$20,403/Yr. Eff: 8/2/89

Deferred Prosecution (Releases)

Angela Mitchell Dir./Investigator \$18,595/Yr. Eff: 8/2/89

Auditorium (Appointments)

Jarrold Pfaffman Part Time \$35.00/Day Eff: 8/28/89

There being no further business to come before the Board,
President Willner declared the meeting recessed at 5:30 p.m.,
with the announcement that the Drainage Board will convene
following a five minute recess.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Sam Humphrey/County Auditor
David V. Miller/County Attorney
William Jeffers/County Surveyor
Paul Bitz/Voter's Registration
Greg Curtis/County Highway Engineer
Cletus Muensterman/County Highway Supt.
Loretta Townsend/Weights & Measures
Lynda O'Neill/Better Business Bureau
Andy Miller/DADS
Les Shively/Attorney
Dortha L. Buente
Larry Downs/Attorney
William E. Kuehl/Eissler Road
Chris Young/Star Cable T-V
David Ellison/Big Creek Drainage Assn.
Wilbur Godeke/Eissler Road
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 5, 1989

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MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 5, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, September 5, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding. The meeting was officially opened by Sheriff Shepard, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

President Willner said that approval of the minutes of the meeting held on August 28th will be deferred.

RE: APPROVAL OF RESOLUTION RE COMMISSION MEETING TIMES

A motion was entertained for approval of the Resolution re Commission Meeting times. The Resolution is for purposes of reflecting change from 7:30 p.m. to 6:30 p.m. for the third meeting of the month. Regular business will commence at 6:30 p.m., with Rezonings commencing at 7:30 p.m. If the meeting date falls on a Monday holiday, the meeting will be held the following business day unless stated otherwise by the Commissioners in an open meeting.

Motion to approve the Resolution was made by Commissioner Borries, with a second from Commissioner McClintock.

Commissioner Willner then asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting continued with Commissioner Willner once again offering the one (1) remaining parcel of County-owned surplus real estate at 808 Line Street for sale. There were no bids from the audience and the sale will continue.

RE: BUILDING COMMISSION - ROGER LEHMAN

Building Commissioner Roger Lehman was recognized by the Chair. He submitted a request from Girten House Moving to move a house from 7424 Darmstadt Rd. to 12100 Motz Lane, which is off St. Wendel Road. The move is to take place around the 15th of this month. The route checks out and everything seems to be in order. It is his recommendation that the Commission approve the request.

There being no questions, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request was approved. So ordered.

RE: WEIGHTS & MEASURES ORDINANCE (FINAL READING)

The meeting proceeded with the Final Reading of the revised Weights & Measures Ordinance. There being no questions, a motion was entertained.

Motion was made by Commissioner McClintock and seconded by Commissioner Borries that the amended ordinance be approved on Third and Final Reading.

Commissioner Willner asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. So ordered.

RE: PROPOSAL RE STATE PRISON IN VANDERBURGH COUNTY -
JACK KINKEL

President Willner called upon Mr. Jack Kinkel, who was present for purposes of making a statement and showing an engineer's model concerning a proposal re a State Prison in Vanderburgh County.

Mr. Kinkel said he appreciates the Commission permitting Security Building Corporation to make a presentation this afternoon. He and Mr. Jay Smith (who is also present) represent Security Building Corporation. Mr. Smith will be setting up the model. At a news conference this morning they announced that Security Building Corporation will be submitting a proposal to the Indiana Department of Corrections to provide a site for the new 650 bed maximum security prison for the State of Indiana on 300 acres south and east of the Indiana State Police Post. That is located near the intersection of U. S. Highway 41 and I-64 in northern Vanderburgh County. Just a few comments about prisons. They are good neighbors. Just ask the communities where they are presently located and they will tell you that any criticism in the community quietly subsided as the facility was established and became a major employer. In this day and age a major industry that guarantees 350 steady, inflation-proof jobs and does not contribute to the pollution of the environment is a rarity. And this project is just such a rare industrial opportunity for the community. A project like this can do great things for our community. The total cost of the facility will be around \$54 million. The annual budget will be approximately \$10 million, exclusive of construction and land amortization. This is equivalent to placing about \$50 million in circulation annually. There will be 200 to 250 construction jobs during the two year construction period. Many construction contracts will be with local firms. Many materials will also be purchased locally. The average annual salary for employees should be in the neighborhood of around \$20,000. Local banks are expected to increase their average balance of deposits by \$85,000. Retail sales are expected to increase substantially. Educational programs contracted with local colleges and universities could total as much as \$700,000 per year. The anticipated utility cost will be around \$1.2 million per year. They think in today's society that a prison is just as important to our community as our hospitals, mental institutions and rehab centers. The model before the audience is their interpretation of how the finished facility could look. This strategic site located at the geographic center of Posey, Warrick, Gibson, and Vanderburgh counties, complete with services and public utilities, will be high on the Department of Correction's list. Remember, the Department of Corrections wants to be wanted. Today, of course, they would like to have the endorsement from the County Commissioners on this site and they sincerely hope that the community backs this project, assuring the Department of Corrections that Vanderburgh County is the ideal location for the new 650 bed maximum security prison.

Commissioner Willner thanked Mr. Kinkel for his comments. He then asked the Commission for their questions, if any, of Mr. Kinkel.

Commissioner McClintock asked, "Jack, what is the process now? Where does Security Building Corporation go from here?"

Mr. Kinkel said, "We have a list of thirteen (13) criteria that we secured from the Indiana Department of Corrections and the very first item on that list is support of local and official residents. The application should include:

- a) Letters of support from area elected officials, such as the Mayor and City Council or Town Board, County Commissioners and Council, and Chamber of Commerce and other local organizations.

They also ask for copies of local newspaper clippings and press releases from community officials concerning the site selection. And they ask for any minutes of any public hearings held concerning the site selection. So they have elected to present this from the private sector instead of the County's actually presenting it. They have had this in mind for several years.

Commissioner McClintock queried Mr. Kinkel concerning the deadline for submission of the proposals.

Mr. Kinkel said the deadline is the 29th of this month -- September 29.

Ms. McClintock said the Commissioners were approached a month or six weeks ago by Warrick County. At that point the Commission did not have any idea that anyone would be proposing use of property in Vanderburgh County. "What do we need to do about that?"

Mr. Kinkel responded, "Well, really we have known that the State needs an institution in this area for about four years. We've heard talk; we've seen it in the newspapers; and, therefore, we have developed our plans up to this point in time. This request from the Governor's office for site selection proposals was written by the Governor on July 14, 1989. We first were able to get our hands on it around the first of August and then between August 1 and this point in time we have been looking for prospective sites; we have been looking for ground on which we can get options that has all the services. I realize that other areas around Evansville and Vanderburgh County have said that they are interested, but I question -- 'Where is their site?' It is most important that the site be divulged at this point in time so that public hearings can be held for that specific site and not just for randomly locating one in Warrick County or Vanderburgh County. So we have come up with a site; we have the options on the site; we feel that it is the site that the State is looking for. It has all the pluses and answers all this list of 13 criteria to the "T".

Ms. McClintock asked, "So at this point, Warrick County does not have a site?"

Mr. Kinkel responded, "I do not know. I've not talked to anyone in Warrick County as to whether they have a site or not."

Ms. McClintock said, "Bob, you went up to that hearing. Do they have a specific location? Or were they still just talking about somewhere in Warrick County?"

Commissioner Willner said, "They were just asking for input from the residents of Warrick County as to whether they wanted one or not. I think it was an overwhelming 'yes' and they were going to try to meet the criteria laid out by the State. Since then I've heard nothing."

Mr. Kinkel said, "This is a very strict criteria. The main thing would be sewer and water and all utilities. And we scoured for our private corporation areas in Warrick County; we scoured areas in Gibson County. And we finally found it right here in our own back yard."

Ms. McClintock commented, "Jack, you said in your opening remarks that prisons are good neighbors. What other communities in Indiana might we talk to and get some information from to provide to the public?"

Mr. Kinkel said, "I can get you a list of other prison areas in Indiana. I do not have that list with me at the present time. The information that I am referring to when I wrote this press release came from the State of Illinois Department of Corrections and they sent me some preliminary information when they proposed the Danville Correctional Institution in Danville, IL, which strategically sits in a place similar to Evansville. It is right outside in the county area; and as you go to Danville, IL it would be on your right as you drive in. You can see it. And they love it. So they sent us the information and I think we will be getting more information from other areas for you."

Ms. McClintock said, "It is my understanding that we are going to set a time for a Public Hearing, which I think is an excellent idea and obviously something we need to do for the submission of your proposal. We just would like to be as helpful as possible in that process and often a lack of knowledge or understanding is a very dangerous thing. And if we can get some of that information from those other communities prior to that hearing, I think that would be very, very helpful to us and to the general public, as well."

Mr. Kinkel said, "We will have it for you."

Commissioner Borries said, "I will be very brief, as Sheriff Clarence Shepard wants to make a few remarks. I had the opportunity of hearing Mr. Kinkel's remarks this morning and I do want to say that I did support requests by Warrick County, and Gibson County officials have contacted me as well. But I have, I think, also left open the door that should such a facility be found or planned for Vanderburgh County that certainly this would be something that I would want to seriously consider -- and that is exactly what I want to do. I think Carol's right on target in terms of being able to get educational materials so we can adequately inform the public, because I believe if we do that and do that correctly, experience shows that in a modern facility such as this that they are, in fact, good neighbors and would have less of an impact in terms of pollution or just any one of a number of different aspects to the community in a negative way than many other industries from that standpoint. So I think we do need that information. And I certainly think that we must have a public hearing in order for Mr. Kinkel to explain his plan and I want to commend him, as well. Because I am not sure that we, as a Board of Commissioners, nor perhaps even a lot of local officials had reached any sense of consensus on this issue. So you are to be commended for providing this plan and we need now to provide a forum in which the public can ask questions and address any concerns that they might have."

Since we have just changed the meeting times, I wonder if it would be all right for the Commissioners to schedule that meeting at either 6:00 p.m. or 6:30 p.m., depending upon what the feeling of this Board would be, for Monday, September 18th. I think that would allow time for the advertisement to take place at least twice and still meet some time frame within this September 29 deadline. Now I don't know what Mr. Kinkel's intentions would be if he gets extremely negative feedback, but I would think that you would have to respond to that yourself. But I do commend you for bringing this plan forward, because I think it is an important thing for this community to consider."

Commissioner McClintock suggested the Public Hearing be set at 6:00 p.m.

Commissioner Borries asked whether the Board should schedule the hearing for the Commissioners Hearing Room or perhaps the Vanderburgh Auditorium.

Sheriff Shepard said he didn't think the Commissioners Hearing Room would be large enough.

It was subsequently the consensus that the Public Hearing should be held at 6:00 p.m. on Monday, September 18, 1989 at the Vanderburgh Auditorium.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner McClintock. So ordered. (The secretary was instructed to advertise accordingly.)

The meeting proceeded with President Willner recognizing Sheriff Clarence Shepard.

Sheriff Shepard said he is glad Mr. Kinkel is here today. He would like to just add a couple of things -- and Rick Borries has already taken care of it in noting this has to be done in an expeditious manner here, because of the fact it is a high priority upstate. He happens to be on a Committee of twelve (12) Sheriffs who meet on a regular basis with our new Commissioner of Corrections, Jim Akins in Indianapolis. Last Wednesday they held a meeting with him (their second meeting). This has been discussed thoroughly up there. There are at least a dozen counties that have submitted similar proposals. A lot of them don't have a site yet, but there have been at least a dozen counties submit proposals for the construction of this new facility. They are concerned about the acreage, assessibility by highway, eating, lodging, different things like this and the ancillary services that would take care of a facility of this size. We need to move on it --because it is a high priority item. As of last Wednesday, the State had agreed that as of July 7th they would start paying \$25.00 per day per prisoner that is kept over the five (5) day shipping time. As of last Wednesday I had twenty-three (23) prisoners in the Vanderburgh County Jail that hadn't been shipped that were over the time. Totally in the State of Indiana as of last Wednesday, there were 396 prisoners who were being kept in County Jails being paid for by the State -- so it is costing the State of Indiana \$10,000 per day to keep their prisoners in County Jails. Thus, they are going to move on this very quickly, so he is glad the Commissioners set the Public Hearing as soon as possible, because people are getting in line for this. \$53 million is a lot of money.

Commissioner Willner said that in talking to Mr. Kinkel about the site preparation, his corporation or his company could do business at any site location that the State so chooses -- or they could lease this facility from a company -- or may buy it outright -- if his information is correct. Therefore, he thinks he will probably hold up his endorsement until we see where all the sites are --and then Mr. Kinkel certainly will have one without fail. Commissioner Willner then entertained further questions.

Commissioner McClintock asked, "Jack, you indicated that this was the committee or the group working on this particular site plan. Do you have anybody that you're working with -- or does the Security Building Corporation have anybody they're working with -- who has done sales jobs on facilities like this -- either to the public or to the government entity (in this case, the State)?"

Mr. Kinkel said, "Not at the present time."

Ms. McClintock asked, "Are you considering doing that? Bringing somebody on board to help coordinate getting the letters of support and information to the general public and that kind of thing?"

Mr. Kinkel said, "Well, we're working with the Department of Metropolitan Development and through the Mayor's Office and they're helping us get all that information together. We're

preparing the maps, ourselves, for the submittals. The letters, of course, and the newspaper clippings -- we'll get all of that. So I am not sure what you're looking for."

Ms. McClintock said, "I'm thinking of the Airport when an ad agency in town (not naming any names) helped the community sell the new airport. And I'm wondering whether some marketing, public relations assistance of that type might be very, very helpful -- and I am simply suggesting to you that there may be agencies in town who would be thrilled to do that and be associated on a gratis type of basis."

Mr. Kinkel said, "Well, we would be more than happy if they would like to come forward on that kind of an arrangement -- then we'd be happy to entertain that."

Ms. McClintock said, "I know of two, in fact, who have talked to me about similar community-type projects where they want to get involved and just haven't had an opportunity. Let me talk to them and I will give you a call."

Commissioner Willner entertained further questions. There were none, and Mr. Willner again expressed appreciation to Mr. Kinkel for his presentation, saying he can see that he has done a considerable amount of work and he is to be congratulated.

RE: COUNTY ATTORNEY - CURT JOHN

Acceptance of Check/Evansville Dance Theater: Attorney John presented a check in the amount of \$100.00 from the Evansville Dance Theater -- a payment on a Promissory Note to the Vanderburgh Auditorium.

Upon motion made by Commissinoer Borries and seconded by Commissioner McClintock, the check was accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

County Highway Employee Problem: Attorney John reported for the Commissioners' Record that the matter regarding an employee of the County Highway Department was resolved today by the Commissioners agreeing not to object to his filing for any Unemployment Compensation to which he may be entitled.

Commissioner Willner entertained a motion to this effect.

Motion to resolve the grievance with the County Highway employee by his agreeing to the Board's termination of his employment in exchange for not opposing the payment of his unemployment compensation was made by Commissioner McClintock with a second from Commissioner Borries. So ordered.

Notice re Executive Session: President Willner submitted the published legal concerning today's Executive Session and noted that it was correctly advertised.....notice received and filed.

Payment to Welborn for Services Provided to Jail Inmate: Commissioner McClintock said she has another motion to make as a result of today's Executive Session. She moved that the County pay Welborn Baptist Hospital for services provided to a Jail Inmate in the amount of \$8,920.43. Mr. Borries seconded. So ordered.

Mr. Willner said his only question of that procedure is, do we need to go on Council Call for that or do we have money in the Patient Inmate Care account? He requested that Mr. Riney check this out before the meeting is over.

Attorney John suggested the motion be amended to authorize going on Council Call if there is not enough money in the account.

Commissioner Borries amended his motion to approved, subject to availability of funds. A second was provided by Commissioner Willner. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he had submitted his Weekly Reports to the Commissioners. Are there any questions?

Paving Program Status Report: Mr. Muensterman said we are still paving -- they finished Emge Rd. and Heppler Road and they should finish Trapp Road today or tomorrow morning and then they will be moving to Karendale Court sometime tomorrow -- weather permitting.

Mr. Willner asked how far along we are with the road paving program?

Mr. Muensterman said we're about half way through. We have quite a bit of work to do on Baseline Road -- so they will be on that road for a while. After that, there are just small jobs to do.

Commissioner Borries asked if Heckel Road is on Mr. Muensterman's list?

Mr. Muensterman replied that Heckel Rd. is on Greg Curtis' road paving contract list.

Commissioner Borries said the County Highway is doing a very nice job and the Board appreciates their work.

RE: COUNTY ENGINEER - GREG CURTIS

Contract Paving Program: Mr. Curtis reported that he has two road paving contracts (we might possibly get them done a little sooner if we have two different successful bidders). The first project is VC-89-09-01 will be Old Petersburg Road from S.R. 57 to deadend up near I-164; Petersburg Road from Boonville-New Harmony to Browning Rd.; Browning Road from Old State to Boonville-New Harmony; Schenk Rd. from St. Joe to Orchard; Mt. Pleasant Road from Darmstadt Rd. to Old State Rd.; Bob Court from Old State to Pinehurst; Pinehurst from Briar Court to Bob Court; and Caranza Drive from Old State to Pinehurst. That is the first contract.

VC-89-09-03 involves the following roads: Oakhill Rd. from Lynch Rd. to S. R. 57; Ward Rd. from St. George Rd. to the deadend; Heckel Rd. from Oakhill Rd. to Green River Rd.; Kansas Rd. from Green River Rd. to deadend; and Green River Rd. (he had down from Heckel Rd. to Hirsch Rd.). That is supposed to be the portion that hasn't been paved from the bridge south. They have already worked up the bid advertisement and had the Secretary send that to the newspaper last Friday so it could be advertised this Thursday and bids received September 25th. He believes those advertisements are in with the information Mr. Willner has and they need to be signed.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Notices to Bidders prepared by Mr. Curtis regarding contract road paving and other improvements at specified locations, etc., were approved for advertisement. So ordered.

Mr. Curtis said he would also like to mention that he will have the information with regard to the widening project that involves Eissler Rd., Inglefield Rd., Laubscher Rd., and Boonville-New Harmony Rd. -- and that will be a week following these bids.

Continuing, Mr. Curtis said he also intends to include all the work but the striping and signage that was involved in the St. Joe and Allen's Lane project in that widening and intersection improvement project that he will have next week.

Mr. Curtis said he also has three (3) bids (The Rogers Group, Sam Oxley, and J. H. Rudolph) for Batey Lane. It is a very small reconstruction project. The bids are as follows:

The Rogers Group, Inc.	\$23,870
J. H. Rudolph & Co.	\$18,570
Sam Oxley & Co.	\$18,450

It was Mr. Curtis' recommendation that we proceed to have Sam Oxley & Co. perform that work for \$18,450.00.

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

Commissioner Willner said he agrees, with one exception, and that is that Sam Oxley perform the work with all due dispatch. He already has a contract and is only half done on those roads. He wants to make sure he can do these; he doesn't want to wind up getting caught by the weather and getting some excuses. Okay?

Mr. Curtis responded, "Yes sir."

Boonville-New Harmony Extension Project/Change Order: Mr. Curtis said if the Board will recall, we sent a Change Order through approximately a month ago for \$18,386.20 on the Boonville-New Harmony Extension Project. We have heard back from the State and the Federal government is refusing to participate in paying for this item. They will approve it as what is called a "Z" item, which means that the County picks up the entire \$18,386.20. We do have sufficient funds in the account to pay for that item and he would recommend that we do go ahead and pay for those needed improvements. There were some changes in regard to the drainage out there; in our opinion the pipes weren't quite large enough -- so we wanted to install an additional pipe.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, upon recommendation of the County Engineer approval was given to pay for the needed improvements. So ordered.

Orchard Rd. Bridge: It was noted by Mr. Curtis that on Orchard Rd. Bridge we have .31 acre that he spoke to the Commissioners about last week and he would like permission to try to purchase that for \$3,000 (which is slightly under the rate of \$10,000 per acre, which is what he has sold the rest of that property in that area for). He would like permission to go ahead and purchase that property. That would be the northeast corner of the bridge. They are plotting a minor subdivision off there and the gentleman was nice enough to go ahead and break that out so that we wouldn't have to argue with the new owner of the parcel. As he said, that is slightly under \$10,000 per acre.

Commissioner Borries asked if we have to get an appraiser on this?

Mr. Curtis said, "Not unless you can't agree upon a price."

Commissioner Willner said, "And unless it is Federal money."

Mr. Curtis said this is all local money.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was granted to purchase the .31 acres for the amount cited by Mr. Curtis. So ordered.

Green River Rd. Bridge Over Pigeon Creek: Mr. Curtis said he also discussed the Green River Rd. Bridge over Pigeon Creek with the Commissioners a couple of weeks ago. He has checked with United Consulting Engineers as well as the Indiana Department of Transportation Division of Local Assistance and the bridge design review people have reviewed the information up there and it is their estimation that our project is approximately 30% complete. There is a full set of drawings; however, the drawings do not constitute bridge plans in the State's opinion, because the State has yet to approve them. To make a long story short, we have a long way to go before we receive design approval -- which is going to hold up proceeding with the Green River Rd. project. It would be his recommendation, based upon the rest of the information he is going to give to the Commissioners, that we would hire a consulting firm to finish that. He talked with United Consulting Engineers and based on an estimated construction cost of \$1,650,000 for the bridge portion, their normal fee would be \$181,000 based on that project. However, they feel that it works out to be 22% to 23% complete, which is a deduction off of that of \$41,500.00, which would make the net bridge fee \$140,000.00. If the bridge design were as complete as it possibly could be at this point, we would only be at 51%. And it is his estimation that with the change in personnel in his office that they will probably have to go back and do a lot of checking as well -- and he'd like to recommend that we go ahead and get a Supplemental Agreement with United Consulting Engineers (who has the Green River Rd. Project) so that project can proceed. He might also add that he checked with some other consulting firms in regards to this type of project and what the fee range would be -- and it generally runs 8% to 15% for this type of project (which is rehabilitation) and there is somewhat of a rush on it -- and their normal fee worked out to be approximately 11% and they are, in turn, on top of that giving us a 23% credit and he thinks that given the situation that is fair, because any engineer is going to re-check most of the work that has been done to make sure that it is correct before they put their name on it, including himself.

Commissioner Willner entertained questions of Mr. Curtis.

Commissioner McClintock said, "When you were talking about the bridge project you said it was approximately 30% complete; then when you were talking about the price reduction you said 20% to 23%."

Mr. Curtis said, "They are giving us a credit of that simply because whether he is re-doing that project or whether they are re-doing that project, most all of the information that has been done is going to be re-done. You're putting your Professional Engineer's stamp on the line based on someone else's work and that is kind of haphazard if you don't check it."

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Green River Road Bridge was added to the United Consulting Engineer's Green River Rd. Project design at an additional cost not to exceed \$140,000.00. So ordered.

Letter to Jack Danks, Director of Public Works (City): Mr. Curtis said each of the Commissioners received in the packet of information he gave them earlier a letter from himself to Mr. Jack Danks, Director of Public Works for the City of Evansville with regard to the Traffic Engineering Department, as follows:

September 5, 1989

Dear Mr. Danks:

In response to your letter of August 14, 1989 in regards to the striping and signing of County roads, I would like to make the following requests:

1. That the processes set out in our May 26, 1989 meeting continue to be the way that communication between the County and the Traffic Engineering Depart. is handled (see attached). I would make exception only in instances of knockdowns when they are requested at the same time as other installations. I would add that it would be of most convenience if all requests were made on the Traffic Engineering Work Request Form.
2. In your meeting with Commissioner Willner (referenced in your August 14th letter) you indicated that there existed insufficient manpower and resources to accomplish a comprehensive review and replacement sign program. In 1984, the county participated in the Federal Aid Sign Program and spent a substantial amount of money to bring the County signage up to standards, yet presently 30% to 50% are unacceptable. Therefore, I would propose that the County review all signing under its jurisdiction three to four times a year and request the necessary repairs and replacements. In turn, if this causes an excessive workload such that it cannot be accomplished, I would like for you to inform the County of any necessary increase in funding to accomplish this workload.
3. As far as striping, I would have to agree that the County is receiving a good quantity of service. I feel there have been some instances where striping was not completed in a satisfactory time frame, but it is my opinion that if both sides adhere to what was agreed upon at our May 26, 1989 meeting those problems can be alleviated.
4. The County would like all future installations of Stop Signs to have two posts. The attached sheet is a standard guideline. At some point in the future the County will likely ask that some additional installations be changed to two post, but we will wait until the stop sign standard has been tried.

I, too, would agree that the problems are a lack of communication, manpower, and resources but both sides are to blame for all three. If the County needs to increase funding, I will try to push it through.

If you have any questions or comments, please contact me at the above number. Thank you.

Respectfully,

/s/Gregory W. Curtis, P.E.
Vanderburgh Co. Engineer

cc: Mayor Frank McDonald II
Vanderburgh County Commissioners (3)
Cletus Muensterman
File

Mr. Cletus said there is one item in the letter which concerned two post STOP signs that requires the Commissioners' action. He needs for the Board to pass as a standard the two post STOP sign on the very back page of what he gave the Commissioners. There is a small diagram which requires the Commission's approval so it can be a County standard. At this point he would like to try the two post STOP sign only and make sure there is not an unforeseen problem that we're overlooking in going to that particular method.

Ms. McClintock asked, "But they won't go back and change all the other ones?"

Mr. Curtis said, "No; as they need to be replaced and as they are newly installed they will be two post."

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, approval was given to adopt as a standard the two post STOP sign. So ordered.

Columbia/Delaware & Franklin Street Bridges: Mr. Curtis advised we have a field check set up for the Columbia/Delaware and Franklin Street Bridges on September 28th, which is also the day of our normal quarterly meeting with the Indiana Department of Transportation, the Federal Highway Administration and EUTS. Hopefully, we will be getting those projects moving rather quickly subsequent to that time.

U.S.I Overpass: Mr. Tom Bernardin of Bernardin, Lochmueller & Associates is here today. Mr. Willner had asked him a few questions in the middle of last week with regard to the status of that project and he felt it might be better if Mr. Bernardin were here and we could go from his comments.

Mr. Tom Bernardin introduced himself and said he is here today to bring the Commissioners up to date on the status of the U.S.I. Overpass Project and also give them a preliminary cost estimate on what they think the project will cost at this point. They received Notice to Proceed on July 3, 1989 and they are about 50% done with the field survey. They should receive their initial mapping on the project by September 20th, at which point they can begin design. The first thing they will do is start laying out two (2) different interchange configurations in detail and develop them to the point where they can try to refine the cost estimates so they can bring them to the County Commissioners and the County Engineer so they can make a final decision on what configuration would be the best avenue to go -- and then they will proceed with the project for that interchange from that point onward. So Step #1 would be the design.

They expect the preliminary geometrics to be done by the end of November -- so around Thanksgiving time they will be coming to the Board requesting a decision as to what route we want to go.

They have internal scheduling for a field check by mid-February with the Highway Department and final plans by July 1st, which would complete the design within a year.

He has a handout on the preliminary cost estimate. They based it on the Diamond Interchange configuration and at this point with the information they have they couldn't really distinguish a great difference in the roadway portion of the cost between that and the other major alternative they were looking at. Basically they were looking at Alternatives #A and #B from the previous feasibility study -- the Diamond configuration and the semi-cloverleaf configuration with the access to U.S.I. coming underneath S.R. 62. This is based on the Diamond, which is perhaps the most probable configuration at this time. But they want to keep all options open at this point in the development of the design.

We're looking at the roadway cost for the ramps, the loops, etc., of \$2,250,000. The bridge, based on a more conventional bridge, of \$1.2 million for a construction cost of \$3,450,000. The design is \$314,000; the right-of-way is estimated at \$155,000; construction engineering at 10% of the construction cost for a total project cost of \$4,264,000. If we add the slant leg bridge in there or we choose that option, we can add to the cost roughly another \$140,000 for a total cost of \$1,404,000. They will be refining the estimates as they develop the two alternatives and get more accurate information on that and bring it to the Commissioners. Mr. Bernardin then entertained questions.

Commissioner Willner said he was under the impression that U.S.I. was going to donate their land. Is that correct?

Mr. Bernardin said that he doesn't know that and at this point he couldn't comment.

Mr. Curtis said, "Mr. Bernardin's estimate does reflect that they are donating that, doesn't it?"

Tom Bernardin responded, "Yes, it does."

Mr. Curtis said he had indicated that; he didn't know if that were the case, but that was somewhat what our expectations were, he believes.

Mr. Tom Bernardin said, "This estimate is based on the residual amount -- not including the cost of any U.S.I. property -- two residences which were in the feasibility study and approximately 10 acres, plus some cost for the appraising and buying and the engineering services associated with it."

Commissioner Willner entertained further questions of Mr. Bernardin. There were none.

RE: APPOINTMENT TO SOUTHWEST INDIANA MENTAL HEALTH BOARD

Commissioner Willner said he understands that Mr. Borries is President of the Southwest Indiana Mental Health Board and he is on the Board -- and they need one more appointee.

Mr. Borries said that basically this requires attendance at one (1) dinner meeting -- the appointee doesn't have to attend regular meetings.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, Commissioner McClintock was appointed as a Corporation Board Member to the Southwest Indiana Mental Health Board. So ordered.

Commissioner Borries said that County Council's Corporation member will be Lt. James Tucker from the Sheriff's Department.

RE: APPOINTMENT TO VANDERBURGH COUNTY HEALTH BOARD

The other one that Dr. Hoops has talked to him about -- is that we need to update our appointment or make a re-appointment to the Vanderburgh County Health Board. He believes that Dr. Gormley has done that in the past and has indicated a willingness to serve again.

Upon motion made by commissioner Borries and seconded by Commissioner McClintock, Dr. Gormley was re-appointed to serve on the Vanderburgh County Health Board. So ordered.

RE: BOB HAMILTON CHARITABLE GOLF FOUNDATION, INC.

President Willner presented a Financial Statement (Income Tax Basis) for period ending December 31, 1989 for the Bob Hamilton Charitable Golf Foundation, Inc,.....report received and filed.

RE: REQUEST TO GO ON COUNCIL CALL

The next item concerned a transfer of \$3,590.00 from the emergency medical account to part time secretary. The secretary will work part time for the Commissioners and part time for the Council.

Upon motion made by Commissioner Borries and seconded by Commissioner Cox, permission was given to go on Council call for the transfer. So ordered.

RE: TAX INCREMENTAL FINANCE DEPARTMENT

Commissioner Willner noted that Auditor Sam Humphrey isn't here today. Does the Board want to talk about the Tax Incremental Finance Department?

It was the consensus that this matter should be deferred for one (1) week.

RE: CLAIMS

Evansville Titles Corporation: Claim in the amount of \$250.00 for 25 year title search in connection with Vanderburgh Co. vs. Guthrie May, condemnation proceedings.

Commissioner Willner said he guesses condemnation proceedings have already started. He was under the impression we were trying to buy that property. Why are we trying to buy it if it is already in condemnation proceedings?

County Attorney John said the condemnation proceedings may not be initiated yet; it may be in anticipation of the condemnation.

Commissioner Borries said he thinks a title search has to be conducted before we could initiate condemnation proceedings.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered.

James R. McKinney: Claim in the amount of \$25,000.00 for purchase of tract and parcel of ground immediately to the rear of the Coliseum.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved for payment. So ordered.

RE: OLD BUSINESS

Star Cablevision: The meeting continued with President Willner reading the following letter from Star Cablevision:

August 31, 1989

Vanderburgh County Commissioners
Civic Center Building
Evansville, IN 47708

Dear County Commissioners:

I am writing in regard to your requests presented to me during your Monday, August 28th meeting.

After speaking with the president of the cable television company Falcon/Capital Cable; we are in agreement that we will be raising the franchise fee for Vanderburgh County from 3 percent to 5 percent annually. This is to comply with your request.

Our customer service telephone is 812-479-3189 for Vanderburgh County residents. We also have a toll free number in Indiana, 800-992-d5885.

The roads serviced in Vanderburgh County by Star Cablevision, soon to be Falcon/Capital are:

Denzer Rd.
Outer Upper Mt. Vernon Rd.
Five Dollar Road
Koressel Road
Marx Road
Church Road
Outer New Harmony Road

If you have any further questions or would like more information about our cable television service, please feel free to give me a call at either of the above numbers.

Sincerely,

Mrs. Christine Young
State/Regional Manager

Commissioner Borries requested that a letter of thanks be sent, because that is the most success we've had with that company since he's been on the Commission.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, a letter is to be sent to Mrs. Young thanking her for her cooperation and also to Star Cablevision for raising their fee to 5%. So ordered.

Mr. Willner requested that Mr. Riney see that these letters are written and the telephone numbers are copied and placed in a permanent file in the Commissioners office, so that when the Commission gets telephone requests he can give them the proper telephone number.

RE: REQUEST FOR ADDITIIONAL FUNDS FOR MEDICAL ACCOUNT

Attorney John stated he checked with the Sheriff's Department and looked in the budget book with regard to the Commissioners' request for additional funds for the medical account. Tomorrow at Council Call there is a request right now for \$40,000, which will leave a sufficient amount in the fund at this time to cover the \$8,000 plus bill from Welborn. That is not to say that three or four months from now they may not be back -- but he said that will be sufficient. So there does not need to be an additional appropriation at this time.

Commissioner Willner asked if this is under the Sheriff's budget?

Attorney John said it is actually under the Commissioners' budget. He doesn't know if the Commissioners authorized it earlier, but there is a \$40,000 request tomorrow. He believes there are additional bills outstanding other than the \$8,000 plus to Welborn. He believes they owe something like \$11,000 right now and there will be \$29,000 available.

Commissioner Willner asked, "Shouldn't this Commission review the bills though? I know nothing of any of the rest of the bills."

Attorney John said, "As far as I know, they probably should go through here. It's your Jail account under 130, the Commissioners' budget. You may want to discuss that with the Sheriff."

RE: OLD BUSINESS

DADS Program: Commissioner McClintock asked, "Has anyone talked to anyone on the County Council about the DADS Program and the presentation we had last week about EAP and what in the heck is going on?"

Commissioner Borries said, "No, I haven't talked to anyone other than what I was able to see in the media. I think the questions that were raised by this Board last week were sufficient enough to keep the DADS Program where it currently is -- under some auspices of Superior Court. Now I'm not sure about a new employee that was put in there or what that will be, or what the change is in that area at all. I don't know whether or not that came from a Judge. But as far as any Department of Human Resources or any separate department to be administered by this Board, there will be none for next year.

Ms. McClintock said a County employee was put over there to run the EAP Program for the County.

Commissioner Borries said, "Well, I can't verify that. I know there discussion about a position. But that I can't tell you, because I haven't talked with anyone about it."

Ms. McClintock said, "We need to know that, because we received information today on two (2) Employee Assistance Programs operated by two private vendors and we need to know if indeed that is the case, then what is the cost proposed through the DADS Program so we can compare it to what we could receive out on the open market. I don't know -- I have just heard rumors and inuendo and all of that. The rumors I have heard is that that is going to be a lot more expensive -- and as I brought up last week, not only expense wise, but I would be very concerned about the confidentiality -- and that is what we discussed today. So what do we need to do to find out -- ask them to come to the meeting next week?"

Commissioner Borries said that would be very appropriate.

Commissioner Willner interjected that he's like to get his two cents in. "I talked with Judge Brune after the Council meeting. The fact is, he called me to apologize. He said that in his deliberations with that group that there were to be no new people added and he was somewhat shocked at what came out at our meeting and at the County Council meeting. He asked us to do nothing for a two week period -- and today it will be a week -- because the head of that department is on vacation and will not return until then -- and he wants to go over that program with him and find out what happened, why it happened, and why he wasn't informed, etc. I told him we would certainly give him the two week period and then I think he will inform us of a decision that they have made or either ask us to sit in on a meeting with them."

RE: SCHEDULED MEETINGS

Tues.	Sept. 5	1:00 p.m.	Commissioner Interviews re OccuMed Program
		1:30 p.m.	Executive Session re Insurance for Jail Inmates & Work Release Participants & Personnel Matter re County Highway Employee
		2:30 p.m.	Commission Meeting
		4:00 p.m.	Council/Budget Hearings
Wed.	Sept. 6	2:00 p.m.	Council/Special Meeting & Hearing re Additional Approp./Bond Issue
		2:30 p.m.	Monthly Council Meeting
		4:00 p.m.	Council/Final Budget Hearing
		6:00 p.m.	Area Plan Commission
Mon.	Sept. 11	9:00 a.m.	Tax Adjustment Board
		1:30 p.m.	Joint Public Meeting/Council & Commission re RFP Bond Issue

RE: EMPLOYMENT CHANGES

County Highway (Releases)

Lee R. Stuckey	Road Inspector	\$18,301/Yr.	Eff: 8/25/89
Karl A. Morris	Part Time	\$3.50/Hr.	Eff: 8/24/89
Rohi M. Fentress	Part Time	\$3.50/Hr.	Eff: 8/24/89
Chad E. Jordan	Part Time	\$3.50/Hr.	Eff: 8/24/89

Sheriff/Jail (Appointments)

Steven Pearce	Corr. Officer	\$16,451/Yr.	Eff: 8/26/89
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Sheriff/Jail (Releases)

Keith Neill	Corr. Officer	\$16,451/Yr.	Eff: 8/25/89
Eric Williams	Corr. Officer	\$16,451/Yr.	Eff: 8/25/89

Sheriff (Appointments)

Sandra E. Ko	PT Typist	\$5.00/Hr.	Eff: 8/28/89
Eric R. Williams	Dep. Sheriff	\$22,110/Yr.	Eff: 8/28/89
		\$21,110/Yr.	During probation

Sheriff (Releases)

Ron Brown	Dep. Sheriff	\$22,110/Yr.	Eff: 8/25/89
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German Township Assessor (Appointments)

Betty Singer	Clerical	\$35.00/Day	Eff: 8/30/89
Karen Wagner	Clerical	\$35.00/Day	Eff: 8/30/89

German Township Assessor (Releases)

Betty Singer	Clerical	\$35.00/Day	Eff: 8/30/89
Karen Wagner	Clerical	\$35.00/Day	Eff: 8/30/89

Scott Assessor (Appointments)

Norma Miller	Dep. Assessor	\$35.00/Day	Eff: 8/14/89
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Pigeon Assessor Reassessment Office (Appointments)

Viola Fulton	Part Time	\$35.00/Day	Eff: 8/31/89
Kathleen Pajak	Part Time	\$35.00/Day	Eff: 8/31/89
Karen Melliff	Part Time	\$35.00/Day	Eff: 8/24/89

Pigeon Assessor (Releases)

Karen Melliff	Part Time	\$35.00/Day	Eff: 8/23/89
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Prosecutor (Appointments)

Stephen Owens	Dep. Pros. PT	\$16,402/Yr.	Eff: 8/31/89
Laura Miller	ParaLegal	\$15,000/Yr.	Eff: 8/25/89

Prosecutor (Releases)

Stephen Owens	Dep. Pros. FT	\$31,275/Yr.	Eff: 8/31/89
Laura Miller	ParaLegal	\$14,000/Yr.	Eff: 8/25/89

Auditor (Appointments)

Daviette Redmond	Trans. Clk.	\$14,541/Yr.	Eff: 8/21/89
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Auditor (Releases)

Daviette Redmond	Posting Clk.	\$14,229/Yr.	Eff: 8/18/89
Sandra Jacobi	Part Time	\$35.00/Day	Eff: 8/31/89

County Clerk (Appointments)

Betty R. Hatfield Admin. Secy.	\$13,679/Yr.	Eff:	8/28/89
Linda A. Oldham	\$15,400/Yr.	Eff:	7/1/89
Carolyn Gamblin	\$14,557/Yr.	Eff:	7/1/89
Sharon Stevens	\$16,030/Yr.	Eff:	7/1/89

County Clerk (Releases)

Linda A. Oldham	\$14,557/Yr.	Eff:	7/1/89
Carolyn Gamblin	\$12,576/Yr.	Eff:	7/1/89
Sharon Stevens	\$13,848/Yr.	Eff:	7/1/89

Voters Registration (Releases)

Terry Bitz	Dep. Reg.	\$35.00/Day	Eff:	8/23/89
Wayne Kirk	Dep. Reg.	\$35.00/Day	Eff:	8/23/89

Surveyor's Office (Appointments)

Chris Kern	Instrumentman	\$18,505/Yr.	Eff:	8/28/89
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Surveyor's Office (Releases)

Chris Kern	Instrumentman	\$17.624/Yr.	Eff:	8/28/89
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Co-Op Extension Service (Releases)

Carmen Blankenberger	PT	\$31.00/Day	Eff:	8/28/89
Mary Hollingsworth	PT	\$31.00/Day	Eff:	8/28/89
Bryan Clements	PT	\$31.00/Day	Eff:	8/28/89
Jennifer Reininga	PT	\$27.00/Day	Eff:	8/28/89
Michael Karch	PT	\$27.00/Day	Eff:	8/28/89
David Dimmett	PT	\$27.00/Day	Eff:	8/28/89

Circuit Court (Appointments)

Edward Montpetit	CSO	\$21,771/Yr.	Eff:	8/28/89
Paul Wollenmann	CSO	\$21,771/Yr.	Eff:	8/28/89
Roy Weightman	Mtce. Supv.	\$17,615/Yr.	Eff:	8/28/89
Wm. C. Korff	Tr. Supv.	\$ 8,987/Yr.	Eff:	8/28/89
Stephen Fuchs	JPD	\$25,058/Yr.	Eff:	8/28/89
William Martin	CSO	\$21,771/Yr.	Eff:	8/28/89
Kelli Ulrich	PT Intern	\$5.50/Hr.	Eff:	8/28/89
Deborah Mowbrey	Counselor	\$21,771/Yr.	Eff:	8/28/89
David Welman	Guard	\$17,200/Yr.	Eff:	8/28/89
Norman G. Hoskinson	Guard	\$17,200/Yr.	Eff:	8/28/89
Scott Graves	PTWR	\$5.00/Hr.	Eff:	8/19/89
Shannon Mathis	PT Intern	\$3.35/Hr.	Eff:	8/14/89
Derek Devine	PT Intern	\$3.35/Hr.	Eff:	8/21/89
Pamela Jacke	PT AISP	\$5.00/Hr.	Eff:	8/28/89
Katherine Baird	PT Recep.	\$5.50/Hr.	Eff:	8/28/89
Michael Cox	PT Intern	\$5.50/Hr.	Eff:	8/28/89
Amanda Busan	PT Intern	\$3.35/Hr.	Eff:	8/28/89
Rachel Maasberg	PT Bkkpr.	\$5.00/Hr.	Eff:	8/28/89

Circuit Court (Releases)

Stephen Fuchs	JPD	\$25,058/Yr.	Eff:	8/25/89
William Martin	CSO	\$21,771/Yr.	Eff:	8/25/89
Edwawrd Montpetit	CSO	\$21,771/Yr.	Eff:	8/25/89
Paul Wollenmann	CSO	\$21,771/Yr.	Eff:	8/25/89
David Welman	Guard	\$17.200/Yr.	Eff:	8/25/89
Norman G. Hoskinson	Guard	\$17,200/Yr.	Eff:	8/25/89
Roy Weightman	Mtce. Supv.	\$17,615/Yr.	Eff:	8/25/89
Wm. C. Korff	Tr. Supv.	\$ 8,987/Yr.	Eff:	8/25/89
Sol Mauer	PT AISP	\$5.00/Hr.	Eff:	8/4/89
Dirck R. Stahl	PT Intern	\$3.35/Hr.	Eff:	8/11/89
Andrew Hancock	PT Intern	\$3.35/Hr.	Eff:	8/4/89

Deborah Mowbrey	Counselor	\$21,771/Yr.	Eff:	8/25/89
Michael Harl	PTWR	\$5.00/Hr.	Eff:	7/22/89
Pamela Jacke	PT AISP	\$5.00/Hr.	Eff:	8/25/89
Katherine Baird	PT Recep.	\$5.50/Hr.	Eff:	8/25/89
Michael J. Cox	PT Intern	\$5.50/Hr.	Eff:	8/25/89
Amanda Busan	PT Intern	\$3.35/Hr.	Eff:	8/25/89
Rachel Maasberg	PT Bkkpr.	\$5.00/Hr.	Eff:	8/25/89
Kelli Ulrich	PT Intern	\$5.50/Hr.	Eff:	8/25/89
Keith Haas	PT Intern	\$4.50/Hr.	Eff:	8/11/89

There being no further business to come before the Board,
President Willner declared the meeting recessed at 4:05 p.m.

PRESENT:

Robert L. Willner/President
Richard J. Borries/Vice President
Carolyn McClintock/Member
Curt John/County Attorney
Cindy Mayo/Chief Deputy Auditor
Greg Curtis/County Engineer
Cletus Muensterman/County Highway Supt.
Roger Lehman/Building Commissioner
Loretta Townsend/Weights & Measures
Jack Kinkel/Security Bldg. Corp.
Jay Smith/Security Bldg. Corp.
Tom Bernardin/Bernardin, Lochmueller & Assoc.
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Robert L. Willner, President

Richard J. Borries, V. Pres.

Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 11, 1989

I N D E X

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MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 11, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, September 11, 1989, in the Commissioners Hearing Room, with President Robert Willner presiding. Commissioner Borries was absent.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of August 28, 1989 were approved as engrossed by the County Auditor and reading of same waived.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Commissioner Willner proceeded by offering the remaining parcel of County-Owned surplus real estate for sale (808 Line Street). There were no bids and the sale will continue.

RE: COUNTY ATTORNEY - CURT JOHN

Having been recognized by the Chair, Attorney John stated he has nothing to report to the Board today.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said the Board had received his Weekly Work Reports & Absentee Reports for employees at the County Garage and he would be glad to answer any questions concerning same at this time.

Paving Program: Mr. Willner queried Mr. Muensterman concerning the County's paving program. Mr. Muensterman said they have finished Trapp Road and Karendale Court and are currently working on Baseline Road west of St. Joe Avenue. Somebody ran through Karendale Court with a truck. He has the fellow's name and is sending a letter. Mr. Willner asked if the man had insurance? Mr. Muensterman said he does not know; he called him, but he's never returned the call. He did talk to his wife and she said he would take care of it.

State Bids on Road Salt for 1990: Mr. Muensterman said he received three (3) bids taken by the State of Indiana Department of Purchasing for road salt (Sodium Chloride) for 1990, as follows:

Domtar Industries, Inc. (Schiller Park, IL)	\$23.93/ton
International Salt Company (Clarks Summit, PA)	\$25.95/ton
Morton Salt Company (Chicago, IL)	No Bid

It was Mr. Muensterman's recommendation that the County go with the low bid from Domtar Industries, Inc. of \$23.93 per ton. Domtar was awarded the bid last year.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the bid for road salt for 1990 was awarded to Domtar, Industries, Inc. in the amount of \$23.93 per ton for an estimated 2,000 tons.

Paving of Wallenmeyer Road: Commissioner McClintock said that Mr. Harry Elpers had called her about Wallenmeyer Road. Did Mr. Muensterman talk with him? Mr. Elpers was concerned; he had read in the newspaper about County Line Road being paved. Are there any plans to pave Wallenmeyer Road?

Mr. Muensterman said there are no plans to pave it this year; we've been catching at least two rock roads per year and we don't have too many left -- maybe three or four roads. There are only four people who live on Wallenmeyer and it probably could be paved next year. Ms. McClintock said Mr. Elpers told her there were seven people living on that road -- but Mr. Muensterman said he believes there are only four (4) homes. Mr. Willner said maybe Mr. Elpers is counting people and Mr. Muensterman is counting homes. Mr. Willner said Mr. Elpers called him and said there were more people living on his road than some of the other roads that we've paved -- and he's probably right. But some of the other people came up for the meeting re road paving -- and Mr. Elpers said he would be here for the next meeting or two. Ms. McClintock confirmed that although Mr. Elpers started the conversation by saying he had attended the public hearing, he later retracted that statement and confirmed that he had been to meetings other than the public road hearing.

RE: COUNTY CLERK - MONTHLY REPORT

The monthly report from the County Clerk for period ending August 1989 was submitted.....report received and filed.

RE: CLAIMS

Deig Bros. Construction Co.: Claim in the amount of \$50,629.16. This is a partial payment and we have a retainage of \$13,793. The claim has been approved by both Roger Lehman of the Building Commission and Mark Tuley, Burdette Park Manager.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the claim was approved. So ordered.

W.S.C. Associates, Inc.: Claim for final billing on inspection at the Auditorium in the amount of \$1,151.50 was submitted. This claim has been approved by Roger Lehman and Rick Higgins.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the claim was approved. So ordered.

Lichtenberger Construction Co.: Claim in the amount of \$8,807.55. There are still a few small items to be checked. The claim has been approved by Wally Clements of W.S.C. Associates, Roger Lehman, and Rick Higgins.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the claim was approved. So ordered.

RE: COUNTY ENGINEER - GREG CURTIS

1st Avenue Bridge over Pigeon Creek: Mr. Curtis reported he has notified the news media that we are going to be restricting the traffic to two (2) lanes during working hours -- probably for the rest of the week -- to start repairing the undermining under the approach slabs. He hopes this work will not completely impede traffic in that area -- but they wanted to go ahead and let the news media know so that the people would be aware of that and could drive a different direction if possible. The bridge will be one lane in each direction for the remainder of the week.

Notice to Bidders/Contract Paving & Widening & Other Improvements at Specified Locations: Mr. Curtis said this project includes widening of Eissler Road, widening of Inglefield Road at PPG, widening some radiuses at Laubscher Rd. where the landfill is, and will also include the work that is to be done at St. Joe and Allen's Lane (the curb removal and relocation and the patching that will be required to do that) and also include the widening of Boonville-New Harmony Rd. from the end of the existing extension project to S.R. 57. He asked that the Commissioners affix their signatures to the notice.

Upon motion made by Commissioner McClintok and seconded by Commissioner Willner, the notice was signed and permission was given to advertise for bids on these projects. So ordered.

Change Order/Bridge #13/Boonville-New Harmony Rd.: Mr. Curtis said once we started construction out there, outside of the original intended project limits, there is some stream bank that needs to be realigned. They felt it was in the best interest of the County to do that work while we already have a contractor out there with the equipment and at \$5.00 per cubic yard, it will require approximately 84 cu. yds. of material to be removed at a cost of \$420.00 -- a 6.3% increase in the common excavation line item, which is very insignificant in the \$224,000 total bid price. He would recommend the change order be approved.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the change order was approved in an amount not to exceed \$420.00. So ordered.

Change Order/Boonville-New Harmony Rd. Extension Project: Mr. Curtis submitted a change order on this project, saying it is an increase of 980 ft. of 77 Pipe, Group "K" for underdrains, some common excavation to go along with that, and some tile exploration. There are increases which amount to \$2,442.10 and then he has a reduction of various lengths of 6', 8', and 10" "L" Pipe and 8" and 10" fiber coated pipe, which amounts to a reduction of \$4,260.00 -- we have a net decrease of \$1,817.90 and that change order needs to be signed so there are no problems when the audit comes five or six years from now.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Change Order was approved, as presented. So ordered.

Right-of-Way Easement/Orchard Rd. Bridge: Mr. Curtis said he has a parcel of property from Mr. Harry Hunter which amounts to .31 acres. He was agreeable to the \$3,000 price. There are also two Easements to be signed. It is his recommendation that the County accept that right-of-way and pay the claim.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the easements were executed and the claim in the amount of \$3,000 was approved for payment. So ordered.

Claim/Veach, Nicholson, Griggs & Assoc.: A claim in the amount of \$8,883.00 for bridge design on Bridge #67 on Fulton Avenue/Fifth Avenue over Pigeon Creek. It was Mr. Curtis' recommendation that the claim be approved.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Request from the State to Accept Additional Roads Associated with the Lloyd Expressway Project: Mr. Curtis said we have a request from the State to accept additional roads associated with the Lloyd Expressway project. As far as he knows (he's driven these roads before) there won't be any problems with this -- but he will be responding to the State in the near future.

Ryan Commercial Park: Mr. Curtis said the Ryan Commercial Park filed their subdivision plat in 1987, at which time they showed Royal Avenue being extended south from Oak Grove Road down to what will be Vogel Road. They showed that being on the west side of the property. Since that time the County (through Area Plan and EUTS) has been able to allow for Royal to be extended all the way south, but to do that the road had to be changed to the east side of that property. We were discussing this last week and he told Mrs. Cunningham in Area Plan that for the developer to submit that would constitute a significant change. However, if the Commissioners request, he has not made that change but rather we have made that change. He would recommend that we do that. If we don't, he will be required to start all over with his process which will cost him a significant amount of money -- and we are the ones who changed the road location. Therefore, we need a motion to officially request that Mr. Ryan locate Royal Avenue on the east side of the Ryan commercial property.

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

With regard to the Ryan commercial development, Commissioner McClintock said a couple of weeks ago Mr. Ryan and Mr. Rheinhardt were here and Mr. Willner indicated he were trying to work on that. Where are we?

Mr. Willner said there was a meeting at 1:00 p.m. today. There was one piece of property on Burkhardt Road that was a small track (something like an acre) and he felt he didn't want to give that because it was so small. Citizen's realty has found a buyer for that and the zoning will probably need to be changed. He will then give enough property from that acre of ground for the road to go through. They have another meeting with the Mayor, the Water Works, and the Sewer Department on Thursday of this week and if all that falls in place -- everything is go. So he has nothing to report but progress with regard to Royal Avenue and the Virginia Street extension.

RE: REQUEST TO PURCHASE EQUIPMENT FOR THE BASEMENT
STORAGE AREA

Mr. Jerry Riney said we have been working on the basement storage area for some time. We have made other purchases with regard to same in the amount of \$4,000. This should be the last purchase required -- but needed shelving will cost about \$5,190.90 plus freight of about \$500.00. This is over the \$5,000 limit, so the request must come before the Commission. This will complete the purchase of needed shelving. It was a sheer mess in the basement, where someone could have gotten hurt badly -- or even killed. It has taken almost a year to complete this project, but completion is near.

Ms. McClintock asked where we're purchasing the shelves?

Mr. Riney said from BGM, Inc.

Ms. McClintock asked if these are the only people who have these shelves?

Mr. Riney responded in the negative. He said when he first started out we asked several bidders and BGM and Smith & Butterfield were the only two bidders. BGM is the most reasonable.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the expenditure of \$5,690.90 for purchase of shelving from BGM for the basement storage area was approved. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The deeds for surplus County-Owned real estate which has already been sold were given to Attorney John so he can prepare deeds for the new owners. The only remaining parcel is located at 808 Line Street.

RE: OLD BUSINESS

Extension of Medical Leave/Dortha Buente: Ms. McClintock said the Board approved an extension of medical leave for an employee at their August 18th meeting. According to the Personnel Policy for Vanderburgh County, in addition to extending the leave, it is up to the Commissioners to determine whether the County will continue to provide insurance coverage for its employees. In fact, the policy reads "To the extent permitted by available and authorized funds, it is the intent that the County shall continue to provide insurance coverage for its employees who are ill, disabled or injured for periods of time up to one (1) year in situations of continued absence from employment by reason of illness, injury, or disability, which should be sent certified to the County by a licensed physician". When this came up, she thinks it was the employee's understanding that because of the policy that would continue -- and to be frank and honest, she didn't even think about it. She just assumed it would continue. When this employee went down to the County Auditor's office last week, she was informed that she would have to pay her premium. To make a long story short, Ms. McClintock talked to Mr. Humphrey and he suggested she bring the matter before the Commissioners. He said they leave them on unless the Commissioners vouch specifically not to do that. The Commissioners did not say "No, don't do the insurance" when they extended the leave -- but the Commissioners do need to make clear what they want to do in the case of this employee.

Mr. Willner said he was under the impression that it was the other way around -- that they are off until the Commission says they are on -- but that doesn't make any difference. In any event, the Commissioners have requested a report from her doctor (which he hasn't seen yet) -- so he has no problem with making a decision regarding the insurance as soon as the Commission has the letter from Dr. Gerlanc, Ms. Buente's physician.

RE: NEW BUSINESS

President Willner entertained matters of New Business, but there were none.

RE: BURDETTE PARK MINIATURE GOLF COURSE:

The meeting proceeded with Commissioner Willner reading the following letter from JMH Investments:

September 12, 1989

Commissioners of Vanderburgh County
Civic Center Complex
Evansville, Indiana 47708

Dear Commissioners:

As the first season draws to a close for the miniature golf course at Burdette Park, it has met with much enthusiasm and praise from the public, as well as the companies which have used the course this year.

We are looking forward to our first full season next year, and much growth and involvement with the park. We are planning a fountain, a deck and our flowers and shrubs. The chain link fence will be installed before

we close for the season. As we discussed, if you are interested in contributing toward a wood fence, please let us know before the 15th of September.

Looking foward to a prosperous season next year.

Very truly yours,m

/s/ Mike Hoon

It was noted by Commissioner Willner that JMH Investments does need to have their bid bond in the amount of \$6,250.00 released.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, permission was given for release of the bond. So ordered.

Commissioner Willner said the back part of the course has a chain link fence and he was going to continue a chain link fence around the front. Mr. Willner said he objected to that and he thinks almost everyone he talked to has -- since right across the road is Lakeside No. 1, which is done in the same type fence -- and we thought a chain link fence would look hideous and they asked him not to put it there. He is now saying if the County will pay the difference between the cost of a chain link fence and the cost of a wooden fence, he will install the wooden fence.

Commissioner McClintock asked the difference in cost.

Mr. Riney said he doesn't know at this time. Mr. Tuley is working on this. He will put up the chain link fence (cost \$1,200) plus a gate -- whatever type we come up. But Mr. Tuley is figuring what we can do with County employees -and have the other portion done. But he doesn't have that figure.

Commissioner Willner said he would like to know what we prefer -- then we can get a figure.

Ms. McClintock said she would prefer a wooden fence.

Mr. Willner said he will have Mr. Riney get a figure, then the Board can make that decision next Monday.

RE: SCHEDULED MEETINGS

Mon.	9/11	9:00 a.m.	Tax Adjustment Board
			Organizational Mtg. (301)
		1:30 p.m.	Joint Public Meeting/Council & Commissioners (301)
Wed.	9/13	10:30 a.m.	Tax Adjustment Board (301)
Thurs.	9/14	9:00 a.m.	Tax Adjustment Board (301)
		10:00 a.m.	EUTS Technical Committee (303)
		4:00 p.m.	EUTS Policy Committee (307)
Mon.	9/18	6:00 p.m.	PUBLIC HEARING re Proposed Maximum Security State Prison (Vanderburgh Auditorium)
		7:30 p.m.	Commissioners Meeting/Rezoning Petitions & Regular Business

It was noted by Commissioner Willner that seven (7) proposals for the bond issue were received at the Joint Meeting of the Council and the Commissioners today and are being taken under advisement for a meeting on October 19th, at which time the contract will be awarded.

RE: EMPLOYMENT CHANGES

Center Township Assessor (Appointments)

Charlotte Rohrbacher	Reassessment Coordinator	\$450/Bi-Wk	Eff: 9/11/89
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County Assessor/Board of Review (Appointments)

Terry Morrison	Secretary	\$35.00/Day	Eff: 9/11/89
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County Assessor/Board of Review (Releases)

Maria Leggett		\$35.00/Day	Eff: 8/11/89
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Area Plan Commission (Releases)

Royce A. Sutton	Planner II	\$19,000/Yr.	Eff: 9/13/89
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Burdette Park (Appointments)

Shauntrece Crider	Asst. Pool Mgr.	\$40.00/Day	Eff: 8/16/89
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Burdette Park (Releases)

Shauntrece Crider	Asst. Hd. Guard	\$35.00/Day	Eff: 8/16/89
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Center Township Assessor (Appointments)

Gayle Hochstetler	Part Time ReAs	\$35.00/Day	Eff: 9/6/89
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County Auditor (Releases)

Michele Barnett	Bookkeeper	\$18,455/Yr.	Eff: 9/15/89
Marie Dunn	Transfer Clk.	\$14,541/Yr.	Eff: 9/15/89
Carol Haas	Tax Sale Clk.	\$13,204/Yr.	Eff: 9/15/89
Sunny Goodman	Transfer Clk.	\$14,541/Yr.	Eff: 7/31/89

County Auditor (Appointments)

Marie Dunn	Bookkeeper	\$17,576/Yr.	Eff: 9/18/89
Carol Haas	Transfer Clk.	\$14,541/Yr.	Eff: 9/18/89
Sunny Goodman	TIF/Settlement	\$15,880/Yr.	Eff: 8/1/89

There being no further business to come before the Board,
President Willner declared the meeting recessed at 4:05 p.m.

PRESENT:

Robert L. Willner, President/Board of Commissioners
Carolyn McClintock, Member/Board of Commissioners
Cindy Mayo/County Auditor
Curt John/County Attorney
Cletus Muensterman/County Highway Supt.
Greg Curtis/County Engineer
Jerry Riney/Supt./County Bldgs.

SECRETARY: Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, V. President


Carolyn McClintock, Member

COUNTY COMMISSIONERS MEETING
SEPTEMBER 18, 1989

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MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 18, 1989

THE VANDERBURGH COUNTY BOARD OF COMMISSIONERS MET IN SESSION AT 7:30 PM ON MONDAY, SEPTEMBER 18, 1989, IN THE COMMISSIONERS HEARING ROOM, WITH PRESIDENT ROBERT WILLNER PRESIDING. COMMISSIONERS RICK BORRIES AND CAROL MCCLINTOCK WERE PRESENT.

RE: APPROVAL OF MINUTES

UPON MOTION MADE BY COMMISSIONER MCCLINTOCK AND SECONDED BY COMMISSIONER WILLNER, THE MINUTES OF SEPTEMBER 11, 1989 WERE APPROVED AS ENGROSSED BY THE COUNTY AUDITOR SAM HUMPRHEY AND READING OF SAME WAIVED.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

COMMISSIONER WILLNER PROCEEDED BY OFFERING THE REMIANING PARCEL OF COUNTY-OWNED SURPLUS REAL ESTATE FOR SALE (808 LINE STREET). THERE WERE NO BIDS AND THE SALE WILL CONTINUE.

RE: REZONING PETITIONS - FIRST READINGS

VC-17-89/PETITIONER, GARRISON DEVELOPMENT: THE COMMISSIONERS ASKED IF ANYONE WAS THERE TO SPEAK FOR OR AGAINST THE ZONING OF C-1 TO C-2. THE LAND IS VACATED, THEY ARE WANTING RETAIL SHOPS AND OFFICES TO BUILD AT THIS LOCATION. UPON MOTION MADE BY COMMISSIONER MCCLINTOCK AND SECONDED BY COMMISSIONER BORRIES, THIS PETITION WAS APPROVED ON FIRST READING FOR FORWARDING TO THE AREA PLAN COMMISSION. SO ORDERED.

VC-18-89/PETITIONER, MUSIC MINISTRIES, INC.: THE COMMISSIONERS ASKED IF ANYONE WAS THERE TO SPEAK FOR OR AGAINST THE ZONING OF AG TO C-1 FOR THE USE OF RADIO STATION STUDIO. UPON MOTION MADE BY COMMISSIONER MCCLINTOCK AND SECONDED BY COMMISSIONER BORRIES, THIS PETITION WAS APPROVED ON FIRST READING FOR FORWARDING TO THE AREA PLAN COMMISSION. SO ORDERED.

RE: REZONING PETITIONS - THIRD READINGS

VC-11-89/PETITIONER, RICHARD BENGERT: THE COMMISSIONERS ASKED IF ANYONE WAS THERE TO SPEAK FOR OR AGAINST THE ZONING OF C-4 TO M-1 FOR CHANGE OF CLASSIFACTION. ATTORNEY DAN HEWINS SPOKE FOR MR. RICHARD BENGERT, WHO WAS ALSO PRESENT, TO CLARIFY HIS INTENTIONS. THE QUESTION OF DISABLED VEHICLES WAS ONE OF THE COMPLAINTS AND MR. HEWINS STATED THAT THEY WERE REMOVED FOR THE WORK IS DONE INSIDE THE SHOP. COMMISSIONER MCCLINTOCK ASKED WHEN THE VEHICLES WERE REMOVED AND THE ANSWER WAS OVER A PERIOD OF TIME UP TO LAST WEEK, THE LAST VEHICLE WAS REMOVED. COMMISSIONER BORRIES ASKED MR. BENGERT IF HE WAS DOING M-1 ALONG AND HE ANSWERED CORRECT. COMMISSIONER BORRIES ASKED IF HE HAD INTENTION TO COME IN FRONT OF THE BOARD FOR ANOTHER REZONING IN THE NEXT 10 YEARS. HE WANTED TO KNOW HIS INTENTION FOR A LONG RANGE PLAN FOR THIS AREA. MR. BENGERT ANSWERED AUTO, TRUCK, AND FARM EQUIPMENT REPAIR AND NO OTHER INTENTION OF ANY OF TYPE OF OPERATION OF THE

NEXT FEW YEARS. UPON MOTION MADE BY COMMISSIONER BORRIES AND SECONDED BY COMMISSIONER MCCLINTOCK, THIS PETITION WAS APPROVED ON THIRD READING AND FORWARDED TO THE AREA PLAN COMMISSION. COMMISSIONER WILLNER ASKED FOR A ROLL CALL VOTE COMMISSIONER BORRIES - YES; COMMISSIONER MCCLINTOCK - YES; AND COMMISSIONER WILLNER - NO. SO ORDERED.

VC-12-89/PETITIONER, EDWARD C. WHITING, JR.: THE COMMISSIONERS ASKED IF ANYONE WAS FOR OR AGAINST THE REZONING OF R-1 TO C-2. STEVE BOHLEBER, AN ATTORNEY TO REPRESENT THE WHITING'S, STEPPED UP TO ADDRESS THE BOARD. THE PROPERTY THAT IS BEING QUESTIONED IS THE HYBRID INN AND THEY WOULD LIKE TO DEVELOP THE AREA INTO A MINI-MART JUST NORTH OF THE PROPERTY. THEY ORIGINALLY ASKED FOR C-4 WITH THE INTENTION OF HAVING GAS PUMPING EQUIPMENT BUT THEY HAVE CHANGED THEIR MINDS. MR. WHITING IS REQUESTING FOR C-2 SO HE CAN HAVE MULTIPLE RETAIL SALES THAT WOULD ASSIST TO THE MINI-MART.

UPON MOTION MADE BY COMMISSIONER MCCLINTOCK AND SECONDED BY COMMISSIONER BORRIES, THIS PETITION WAS APPROVED ON THIRD READING FOR FORWARDING TO THE AREA PLAN COMMISSION. COMMISSIONER WILLNER ASKED FOR A ROLL CALL VOTE COMMISSIONER BORRIES - YES; COMMISSIONER MCCLINTOCK - YES; AND COMMISSIONER WILLNER - YES. SO ORDERED.

VC-13-89/PETITIONER, JAMES & BETTY RITTENHOUSE: CONTINUED UNTIL NEXT MONTH.

VC-14-89/PETITIONER, BETTYE DAVID & CAROL LANT: CONTINUED UNTIL NEXT MONTH.

VC-15-89/PETITIONER, DAVID A. LOCKRIDGE: THE COMMISSIONER ASKED IF ANYONE WAS TO SPEAK FOR OR AGAINST THE REZONING AG TO C-4. DAVID LOCKRIDGE WANTED TO SUBMIT A LIST OF BUSINESSES IN THE LOCATION, AREA PLAN STATED THAT IT WAS RESIDENTIAL AREA. HE IS WANTING TO START A BUSINESS IN THE BACK PORTION OF THE PROPERTY FOR AN AUTO REPAIR SERVICE. A LIST OF PETITIONERS WAS SUBMITTED TO THE BOARD IN FAVOR OF THIS ZONING. THE LIST CONSISTED OF 40 PERSONS APPROVING AND A LETTER OF 25 PERSONS AGAINST WAS SENT TO THE BOARD. COMMISSIONER WILLNER ASKED IF ANYONE FROM THE AUDIENCE HAD ANYTHING TO ADD AND MR. DAVID ELLISON, 2040 W. BASELINE RD., WAS ALLOWED TO SPEAK. THE QUESTION OF RESTROOMS CAME UP. IT WAS ASKED IF THEY WERE TO BE INSTALLED INSIDE THE BUILDING OR COULD HIS PERSONAL BATHROOM BE USED. BARBARA CUNNINGHAM ANSWERED THE STATE DOES REQUIRE A SEPERATE SEPTIC SYSTEM IF THIS PROPERTY IS TO BECOME COMMERCIALLY ZONED, BUT UNKNOWN IF STATE REQUIRES A SEPARATE SYSTEM FOR RESIDENTAL ZONE. MR. ELLISON ADDED THAT HE THOUGHT IT WOULD BE A PLUS FOR THE NEIGHBORHOOD TO ASSIST IN FARM SERVICES. MR. LEROY GORMAN, 14640 DARMSTADT RD., ASKED IF HE COULD SPEAK TO THE BOARD ABOUT THE TEN (10) FOOT DRAIN SPACE BE PUT BACK AS A GREEN SPACE FOR MR. LOCKRIDGE IS USING THIS AREA AS A PARKING SPACE. HE STATED THAT MR. LOCKRIDGE WAS DRAINING AND FLUSHING ANTI-FREEZE INTO THE DITCHES. MR. GORMAN WANTED TO KNOW IF THIS WOULD POLLUTE THE WATER SYSTEM FOR HIMSELF OR HIS NEIGHBORS. SUE SADLER, NEXT RESIDENT OF THE REZONING LOCATION, WAS QUESTIONING AND VOICING HER OPINION ABOUT SPOT ZONING. MR. LOCKRIDGE WANTED TO ANSWER THE QUESTIONS ABOUT THE POLLUTION OF WATER SYSTEMS. HE STATED THAT HE RECYCLES ALL THE UNUSED PRODUCTS SUCH AS THE OIL AND THE ANTI-FREEZE. COMMISSIONER MCCLINTOCK STATED THAT THE AREA PLAN AND THE COUNTY COMMISSION HAVE A RESPONSIBITY TO PROVIDE FOR GOOD LAND USE AND PLANNING REGARDING THE MAJORITY FEELING. THE REASON FOR IT BEING DEFECTIVE IN AREA PLAN WAS BECAUSE OF THE SPOT ZONING. COMMISSIONER MCCLINTOCK VOTED AGAINST THE REZONING AND COMMISSIONER BORRIES SECONDED. COMMISSIONER WILLNER ASKED FOR ROLL CALL VOTE COMMISSIONER MCCLINTOCK - NO; COMMISSIONER BORRIES - NO; AND COMMISSIONER WILLNER - NO.

COMMISSIONER WILLNER EXPRESS HIS REGRET OF THE PETITION OF DENIAL. THE COMMISSIONER VOTED TO GIVE MR. LOCKRIDGE A TIME FRAME OF 60 DAYS TO FIND ANOTHER LOCATION FOR HIS BUSINESS. COMMISSIONER MCCLINTOCK MADE THIS MOTION AND SECONDED BY COMMISSIONER BORRIES. SO ORDERED. AFTER 60 DAYS, MR. LOCKRIDGE CAN ASKED AN EXTENTION TO THE BOARD. MR. GORMAN STATED THAT HE WOULD LIKE THE PARKING OF CARS ON THE GREEN AREA HAVE EIGHT INCH (8 IN.) ROCK AND LIMITED NUMBERS.

C-16-89/PETITIONER, KIM EPPERSON: CONTINUED UNTIL NEXT MONTH.

RE: BURDETTE PARK - REQUEST TO GO ON COUNCIL CALL

MR. TULEY ASKED FOR PERMISSION TO BE PLACED ON THE COUNTY COUNCIL AGENDA FOR OCTOBER FOR ADDITIONAL FUNDS FOR VARIOUS ACCOUNTS. THE TELEPHONE ACCOUNT IS NEEDING \$3000.00 AND CURRENTLY HOLDING THE AMOUNT OF \$700.00. THE UTILITIES ACCOUNT IS NEEDING \$26,000.00 AND CURRENTLY HOLDING THE AMOUNT OF \$15,000.00. THE REPS. TO EQUIPMENT AND BUILDING ARE NEEDING \$10,000.00 EACH AND CURRENTLY HOLDING THE AMOUNT OF \$10,000.00 FOR EACH ACCOUNT WITH HOLDING THE EXPENSES DOWN. THE MOTOR VEHICLES ACCOUNT HAS \$18,500.00 AND NEW VEHICLE IS NEEDED. MR. TULEY PRESENTED A REQUEST FOR TRANSFER OF FUNDS TO THE BOARD AND COMMISSIONER WILLNER ASKED WHY THERE WAS SURPLUS MONIES IN THE ASSISTANT POOL MANAGER ACCOUNT. THE EXPLANATION WAS THAT THEY ARE NOT PAID THE MAXIMUM SALARY BUT PAID PER DAY RATIO AND THE RAINY SEASON WAS ANOTHER FACTOR FOR LESS DAYS WORKED. COMMISSIONER BORRIES VOTED TO APPROVE THE REQUEST AND WAS SECONDED BY COMMISSIONER MCCLINTOCK. SO ORDERED.

MR. TULEY ADDED THAT HE HAD TWO (2) BILLS OWED TO THE DAY CAMP BUS DRIVERS, ORVAL UNGETHUM FOR \$157.50 AND MARTY WINIGER HAHN FOR \$202.50. COMMISSIONER WILLNER ORDERED THAT THE CLAIMS SHOULD BE ALLOWED AND SECONDED BY COMMISSIONER MCCLINTOCK. SO ORDERED. COMMISSIONER WILLNER WANTED READ INTO THE RECORD ABOUT THE WOODEN FENCE BEING INSTALLED BY MIKE HOON. MR. HOON AGREED TO PAY THE AMOUNT OF \$1206.00 WITH REMAINING AMOUNT OF \$400.00 TO BE PAID BY THE COUNTY AND COUNTY DOING THE LABOR. THE CONSTRUCTION WORK IS TO BE STARTED MONDAY, SEPTEMBER 25, 1989. THE COMPLETION WILL TAKE SIX TO TEN DAYS FOR THE 360 FOOT X 3 FEET TO BE PLACED IN FRONT OF THE MINI-GOLF AREA. MR. TULEY CONTACTED THE THREE (3) COMMISSIONER PRIOR TO THIS EVENING MEETING BUT NEEDED THE RECORDED APPROVAL. COMMISSIONER MCCLINTOCK APPROVED THE WOODEN FENCE INSTEAD OF A CHAIN-LINK FENCE AND WAS SECONDED BY COMMISSIONER WILLNER. SO ORDERED.

RE: PIZZA RUN AT BURDETTE PARK FOR MDA

THE COMMISSIONERS HAD RECEIVED A LETTER FROM MUSCULAR DYSTROPHY ASSOCIATION FOR THE FIRST ANNUAL GREATER EVANSVILLE RUNNING CLUB'S SUDS BUD LIGHT PIZZA RUN. THIS IS PLAN FOR SATURDAY, SEPTEMBER 23, 1989 AT 6:30 P.M. AT BURDETTE PARK. COMMISSIONER BORRIES APPROVED THE PIZZA RUN AND WAS SECONDED BY COMMISSIONER MCCLINTOCK. SO ORDERED.

RE: TROCAL GOLD MEDALLION WARRANTY ON
HILLCREST-WASHINGTON HOME

THE COMMISSIONERS RECEIVED A WARRANTY FROM DYNAMIT NOBEL OF AMERICA, INC. REGARDING WARRANTY AND SERVICE FOR THE HILLCREST-WASHINGTON HOME AGREEMENT FOR 10 YEARS ON THE ROOF THAT WAS INSTALLED. COMMISSIONER BORRIES ASKED THAT THIS BE DELAYED FOR ONE WEEK UNTIL DAVID MILLER, ATTORNEY FOR THE COMMISSIONERS, HAD A CHANCE TO LOOK AT THE CONTRACT.

RE: PROPOSED ORDINANCE - LAW ENFORCEMENT FUND

MR. DAVID MILLER INTRODUCED ATTORNEY CHRIS LENN TO SPEAK ABOUT THE PROPOSED ORDINANCE FOR THE LAW ENFORCEMENT FUND. THIS FUND IS COMPOSED FOR SEIZED MONIES IN DRUG ENFORCED ACTIVITIES AND THESE MONIES WILL BE ALLOWED TO BE DISTRIBUTED TO DIFFERENT LAW ENFORCEMENTS AGENCIES AND PROSECUTOR'S OFFICE INVOLVED. THE ORDINANCE WILL BE AN ADDITIONAL FUNDING TO THE 50% GOVERNMENT FUNDING AND TO THE 50% PROSECUTOR FUNDING. MR. DAVID MILLER AND MR. CHRIS LENN DECIDED TO CLARIFY THE WORDING BEFORE PRESENTING TO THE COMMISSIONERS AT THE NEXT MEETING FOR APPROVAL.

RE: COUNTY ATTORNEY/DAVID MILLER

RE: PRECINCT RE-DISTRICTING

MR. DAVID MILLER PRESENTED A PROPOSED ORDER WHICH WILL REQUIRE SOME ADDITIONAL INSERTION TO BE FORWARDED TO THE COMMITTEE THAT IS PUTTING THE PRECINCT BOUNDARIES TOGETHER. THIS IS REQUIRED BY THE ELECTION BOARD, WE DO NOT HAVE ALL THE MAPS AND THE PRECINCT DESCRIPTIONS HAVE BEEN APPROVED TO BE ATTACHED TO THIS ORDER. AN EARLY COPY WAS GIVEN TO MR. RINEY TO BE GIVEN TO BILL JEFFERS. HE NEEDS TO ATTACH THE NECESSARY MAPS AND DESCRIPTION.

RE: LETTER FOR CARANZA ROAD SEWER PROJECT

A LETTER IN FORM OF A ROAD MAP FOR CARANZA DRIVE SEWER PROJECT WAS PRESENTED TO THE COMMISSIONER BY DAVID MILLER. THE PROBLEM HAS BEEN THAT WE DO NOT HAVE ALL THE EASEMENT DUE TO THE FACT THAT VICTOR FUNKE HAS BEEN ILL. THE COMMISSIONER DECIDED TO APPOINT ANOTHER PERSON TO COMPLETE THE CARANZA DRIVE SEWER PROJECT BEFORE THE BAD WEATHER ARRIVES. THE COMMISSIONER VOTED TO HAVE MR. DICK RHEINHARDT WITH F. C. TUCKER/HUBER REALTORS, INC. TO WORK WITH VICTOR FUNKE.

RE: PRESENTATION OF CHECKS

MR. DAVID MILLER PRESENTED THE CHECKS ON PAYMENT TO THE ALEXANDER AMBULANCE LAWSUITS, COLLECTIONS WERE: THOMAS JARVIS, \$5.00; TONY GRIGSBY, \$30.00; THOMAS JARVIS, \$5.00; THOMAS JARVIS, \$5.00; THOMAS YATES (YEATES), \$5.00; AND ELIZABETH BOYLE, \$10.00. COMMISSIONER MCCLINTOCK ASKED THAT THE CHECKS BE PLACED IN THE COUNTY FUNDS AND WAS SECONDED BY COMMISSIONER BORRIES. SO ORDERED.

RE: AREA PLAN COMMISSION - REQUEST FOR TRAVEL

THE AREA PLAN COMMISSION SUBMITTED A LETTER REQUESTING TO SEND JOSEPH BALLARD TO THE INDIANA POPULATION WORKING AND THE 1990 CENSUS REVIEW MEETING TO BE HELD IN INDIANAPOLIS ON SEPTEMBER 27, 1989. THE ONLY EXPENSES INVOLVED WILL BE THE MILEAGE AND MEALS THE BUDGET COVERS THE FUND. COMMISSIONER MCCLINTOCK MOVED TO APPROVE THE REQUEST. SECONDED BY COMMISSIONER BORRIES WITH THE UNDERSTANDING THAT THE COMMISSIONERS ARE TO RECEIVE THE CENSUS FIGURES TO MONITOR THE ACCURATE COUNT IN A REPORT FORM.

RE: NEW BUSINESS - CONDITION OF WALLENMEYER RD.

MR. HARRY J. ELPERS HAD PREVIOUSLY SPOKEN TO THE COMMISSIONERS ABOUT THE CONDITION OF THE ROAD DUE TO TRAFFIC AND POOR DRAINAGE CAUSING MUD OR DUST. THIS ROAD WILL BE PUT ON THE LIST OF ROAD IMPROVEMENTS FOR NEXT SPRING ALONG WITH ARMSTRONG RD.

RE: CLETUS MUENSTERMAN - COUNTY HIGHWAY SUPERINTENDENT

MR. MUENSTERMAN SUBMITTED HIS REPORT AND WAS TOLD TO KEEP UP THE GOOD WORK.

RE: GREG CURTIS - COUNTY HIGHWAY ENGINEER

MR. GREG CURTIS REPORTS THAT THE PROJECT: CONTRACT ROAD PAVING WAS INACCURATE MEASUREMENTS CAUSING A DECREASE IN HAC#8 BASE THEREFORE, CAUSING A INCREASE IN HAC #11 FOR \$6464.92. COMMISSIONER MCCLINTOCK APPROVED AND WAS SECONDED BY COMMISSIONER BORRIES. SO ORDERED.

MR. CURTIS HAS A CLAIM FOR BRIDGE #13 REPLACEMENT: BOONVILLE-NEW HARMONY RD. TO THE DEIG BROS. LUMBER & CONSTRUCTION CO., INC. FOR THE AMOUNT OF \$66,231.00. COMMISSIONER BORRIES APPROVED AND WAS SECONDED BY COMMISSIONER MCCLINTOCK. SO ORDERED. THIS CONSISTS OF LITTLE LESS THAN 1/3 OF THE TOTAL CONTRACT. MR. CURTIS CONTINUED TO CLARIFY THAT THIS BRIDGE IS GOING TO BE THREE (3) SPANS BUT TEMPORARY PILES WERE ADDED TO SUPPORT THE FORM WORK MAKING IT LOOK LIKE IT WILL BE A SIX (6) SPANS.

A SUPPLEMENT FOR THE VANDERBURGH COUNTY PROJECT ME-340 RECONSTRUCTION OF GREEN RIVER ROAD FROM MORGAN AVENUE TO HECKEL ROAD HAS THE AMENDED APPENDIX D WAS SUBMITTED TO THE BOARD. THIS READS, THE TOTAL NOT-TO-EXCEED FEE OF \$146,600 SHALL BE INCREASED BY AN AMOUNT OF \$140,00 TO A NEW NOT-TO-EXCEED FEE OF \$286,600. THIS WAS PREVIOUSLY VOTED ON AND NEEDED THE COMMISSIONERS SIGNATURE.

A CHANGE ORDER WAS PRESENTED TO THE COMMISSIONERS IN REGARDING THE BOONVILLE-NEW HARMONY ROAD EXTENSION PROJECT FOR THE AMOUNT OF \$70.33. COMMISSIONER MCCLINTOCK VOTED TO APPROVE AND COMMISSIONER BORRIES SECONDED. SO ORDERED.

THE CLAIM ORDER FOR BOONVILLE-NEW HARMONY ROAD EXTENSION TO BERNARDIN, LOCHMUELLER & ASSOCIATES, INC. FOR THE AMOUNT OF \$17,118.55. COMMISSIONER MCCLINTOCK APPROVED AND WAS SECONDED BY COMMISSIONER BORRIES. SO ORDERED.

AN ACCEPTANCE OF STREET IMPROVEMENTS IN RYAN COMMERCIAL PARK AREA FOR CONCRETE AND CURBING ON ROYAL AVENUE IN THE AMOUNT OF 1326 LF AND ON VOGEL ROAD IN THE AMOUNT OF 661 LF. COMMISSIONERS BORRIES APPROVED WITH THE MINOR ITEMS COMPLETED AND WAS SECONDED BY COMMISSIONER MCCLINTOCK. SO ORDERED.

AN ACCEPTANCE OF STREET IMPROVEMENTS IN ROYAL COMMERCIAL SUBDIVISION AREA FOR CONCRETE AND CURBING ON VIRGINIA STREET IN THE AMOUNT OF 268 LF AND ON ROYAL AVENUE IN THE AMOUNT OF 281 LF. MR. WILLIAMS FROM THE CITY ENGINEER INFORMED MR. CURTIS THAT IF THE MINOR ITEMS ARE COMPLETED; THEY WILL ACCEPT THE ROADS. MR. CURTIS SEE NO PROBLEMS. COMMISSIONERS BORRIES VOTED TO APPROVE THE ACCEPTANCE AND WAS SECONDED BY COMMISSIONERS WILLNER. SO ORDERED.

A SPEED STUDY FROM EVANSVILLE URBAN TRANSPORTATION WAS PERFORMED ON BAUMGART ROAD BETWEEN MT. PLEASANT ROAD AND BROWNING ROAD, AND SCHILLINGER ROAD NORTH OF BASELINE ROAD. THE RESULTS WERE: 85% SPEED ON BAUMGART ROAD WAS 27 MPH, AND 85% SPEED ON SCHILLINGER ROAD WAS 37 MPH. THE REQUESTED POSTED SPEED SHOULD BE AS FOLLOWS: BAUMGART ROAD BETWEEN MT. PLEASANT ROAD AND BROWNING ROAD--30 MPH AND SCHILLINGER ROAD NORTH OF BASELINE ROAD--40 MPH. THE ORDINANCE CHANGE WAS ORDERED BY THE COMMISSIONERS AND NEEDS TO BE POSTED ON THE ROADS.

MR. CURTIS REQUESTED THAT AN ORDINANCE DRAWN UP FOR GREENDALE DRIVE AND PETERSBURGH PLACE INTERSECTS WITH OLD PETERSBURGH ROAD -- NO STOP SIGNS DUE TO HEAVY TRAFFIC. MR. DARRELL BEACH WANTED TO FILE A CLAIM AND MR. CURTIS WILL GET WITH THE ATTORNEY FOR THE PROCEDURES. MR. CURTIS NEEDS CONSTRUCTIONAL APPROVAL FOR TWO (2) ORIGINAL REQUEST, FOR SOME OF THE PLANS HAVE BEEN CHANGED IN THE CONSTRUCTION OF THE INLETS IS BEING CHANGED. MR. NORD AS WELL AS THE ENGINEER IS WANTING TO CHANGE THE INLETS TO SHOOT-TYPE CUT IN THE CURB AND THEN THE CONCRETE APRON THAT THE WATER WILL BE RELEASED IN THE DITCH. MR. CURTIS IS NEEDED THE CONSTRUCTIONAL APPROVAL FROM THE COMMISSIONERS. COMMISSIONER BORRIES APPROVED AND WAS SECONDED BY COMMISSIONER WILLNER. SO ORDERED.

THE MORLEY ASSOCIATION ASKED THAT CONSTRUCTIONAL APPROVAL BE REWARDED TO HARBOR EDGE. THE MORLEY ASSOCIATION SENT A PLAN OF STREETS AND DRAINAGE PLANS FOR THE SUBDIVISION FOR HARBOR EDGE WHICH WILL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION. THE AREA PLAN COMMISSION REQUIRES THE BOARD'S APPROVAL. COMMISSIONER BORRIES APPROVED AND WAS SECONDED BY COMMISSIONER WILLNER. SO ORDERED.

THE LAST ITEM THAT MR. CURTIS HAD WAS THE FULTON AVENUE BRIDGE PROBLEM WITH A GREEN BELT ALONG THE PIGEON CREEK. THE COUNTY IS NOT ALLOWED TO BUILD OR PLACE ANYTHING ON THIS GREEN BELT WITHOUT THE GOVERNMENT APPROVAL. THE INCREASE OF THE BRIDGE WILL COST \$70,000.00 WHICH WE WILL PAY ONLY 20% OF THIS AMOUNT AND IT WILL TAKE 30 WORKING DAYS. MR. CURTIS EXPLAINED HOW THE BRIDGE WILL BE BUILT INSTEAD OF THE APRON GOING OUT IN THE WIDTH AWAY FROM THE BRIDGE, THEY WILL SQUEEZE IN THE LANES AS MUCH AS POSSIBLE. THE COMMISSIONERS APPROVED THE CHANGE ORDER. THERE WAS A QUESTION FROM THE AUDIENCE -IS THE BRIDGE ON OUTER DARMSTRAT ROAD BEING CONSTRUCTED THIS YEAR? AT THE PRESENT TIME, THE COUNTY HIGHWAY DEPT. IS DOING SOME CONSTRUCTION WORK BUT WE ARE NEEDING MORE SURVEY INFORMATION. WE ARE PLANNING TO START WORKING IN LATE JAN. OR FEB.DUE TO THE WEATHER CONDITIONS AND HOPEFULLY HAVE COMPLETED FOR THE FARMERS.

RE: OLD BUSINESS

THERE WAS NO OLD BUSINESS TO BE REPORTED.

RE: SCHEDULED MEETINGS

TUESDAY, SEPTEMBER 19, 1989-AREA PLAN COMMISSION (CENSUS BUREAU)-1:00 PM TO 4:00 PM IN ROOM 301
THURSDAY, SEPTEMBER 21, 1989-BOARD OF ZONING APPEALS-4:00 PM IN ROOM 301

RE: CLAIMS

BOWERS, HARRISON, KENT & MILLER: CLAIM IN THE AMOUNT OF \$6,085.08 FOR LEGAL SERVICES. UPON MOTION MADE BY COMMISSIONER BORRIES AND SECONDED BY COMMISSIONER MCCLINTOCK. SO ORDERED.

RE: EMPLOYMENT CHANGES

PIGEON TOWNSHIP ASSESSOR (APPOINTMENTS)

REBECCA D. PETTY	PART-TIME	\$35.00	EFF: 9/1/89
DAVID L. FOX	PART-TIME	\$35.00	EFF: 9/11/89
CANDY WALLS	PART-TIME	\$35.00	EFF: 9/11/89

PIGEON TOWNSHIP ASSESSOR (RELEASES)

REBECCA D. PETTY	PART-TIME	\$35.00	EFF: 9/1/89
KAREN MARIE MELLIFF	PART-TIME	\$35.00	EFF: 9/11/89
VIOLA FULTON	PART-TIME	\$35.00	EFF: 9/2/89

COUNTY COUNCIL (APPOINTMENTS)

RONALD C. ADAMS	EXEC. ASST.	\$22,959	EFF: 9/11/89
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COUNTY COUNCIL (RELEASES)

RONALD C. ADAMS	EXEC. ASST.	\$18,455	EFF: 9/11/89
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PIGEON TOWNSHIP ASSESSOR (APPOINTMENTS)

THOMAS P. TOON	PART-TIME	\$35.00	EFF: 9/1/89
ELIZABETH.D. DIX	PART-TIME	\$35.00	EFF: 9/1/89
VICKI L. BENNINGFIELD	PART-TIME	\$35.00	EFF: 9/1/89
ELIZABETH HAJEK	PART-TIME	\$35.00	EFF: 9/1/89

PIGEON TOWNSHIP ASSESSOR (RELEASES)

THOMAS P. TOON	PART-TIME	\$35.00/D	EFF: 9/1/89
ELIZABETH D. DIX	PART-TIME	\$35.00/D	EFF: 9/1/89
VICKI L. BENNINGFIELD	PART-TIME	\$35.00/D	EFF: 9/1/89
ELIZABETH HAJEK	PART-TIME	\$35.00/D	EFF: 9/1/89

KNIGHT TOWNSHIP (APPOINTMENTS)

LEON COLLINS	PART-TIME	\$35.00/D	EFF: 9/14/89
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CIRCUIT COURT (RELEASED)

CHARLES LIGON	PART-TIME	\$3.35/HR	EFF: 9/8/89
AMANDA BUSAN	PART-TIME	\$3.35/HR	EFF: 9/8/89

CENTER TOWNSHIP ASSESSOR (APPOINTMENTS)

MICHAEL MOERS	DEP. ASS.	\$14,229	EFF: 9/11/89
PAULA S. MAJORS	DEP. ASS.	\$13,204	EFF: 9/11/89

CENTER TOWNSHIP ASSESSOR (RELEASES)

ANGELA J. KING	DEP. ASS.	\$14,229	EFF: 9/1/89
KIMBERLY BURCH	PART-TIME	\$35.00/D	EFF: 9/8/89
MICHAEL MOERS	PART-TIME	\$35.00/D	EFF: 9/8/89
JOHN DIXON	PART-TIME	\$35.00/D	EFF: 9/8/89

CIRCUIT COURT (APPOINTMENTS)

ROBERT BLACKBURN	PART-TIME	\$4.00/HR	EFF: 9/11/89
CHARLES LIGON	PART-TIME	\$4.00/HR	EFF: 9/11/89
AMANDA BUSAN	PART-TIME	\$4.00/HR	EFF: 9/11/89
DENISE KARCHER	PART-TIME	\$4.00/HR	EFF: 9/11/89

CIRCUIT COURT (RELEASES)

MICHAEL PAGANO	PART-TIME	\$3.35/HR	EFF: 8/16/89
MICHAEL COX	PART-TIME	\$5.50/HR	EFF: 8/18/89
KELLI ULRICH	PART-TIME	\$5.50/HR	EFF: 8/18/89
ROBERT BLACKBURN	PART-TIME	\$3.35/HR	EFF: 9/8/89

CENTER TOWNSHIP ASSESSOR (APPOINTMENTS)

CANDY M. WALLS	PART-TIME	\$35.00/HR	EFF: 9/1/89
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CENTER TOWNSHIP ASSESSOR (RELEASES)

PATTY A. ALTMAN	PART-TIME	\$35.00/HR	EFF: 8/16/89
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CENTER TOWNSHIP ASSESSOR (APPOINTMENTS)

KIMBERLY BURCH	REASSM'T CO-ORD	\$475.00 (BI-WEEKLY)	EFF: 9/11/89
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CENTER TOWNSHIP ASSESSOR (RELEASES)

PAULA S. MAJORS	REASSM'T CO-ORD	\$500.00 (BI-WEEKLY)	EFF: 9/8/89
ALVIN E. STUCKI	ASSESSOR		EFF: 9/8/89

SUPERIOR COURT, JUVENILE DIVISION (APPOINTMENT)

CYNTHIA SCHUMACHER	PROB. OFF.	\$20,825	EFF: 9/25/89
KIMBERLY HINTON	PROB. OFF.	\$20,825	EFF: 9/25/89

SUPERIOR COURT, JUVENILE DIVISION (RELEASES)

CYNTHIA SCHUMACHER	PROB. OFF.	\$19,834	EFF: 9/25/89
KIMBERLY HINTON	PROB. OFF.	\$19,834	EFF: 9/25/89

CIRCUIT COURT (APPOINTMENTS)

MARTY MATTINGLY	PART-TIME	\$3.35/HR	EFF: 8/31/89
STEPHEN ELLIOTT	PART-TIME	\$4.00/HR	EFF: 9/11/89
SHANNON MATHIS	PART-TIME	\$4.00/HR	EFF: 9/11/89
DEREK DEVINE	PART-TIME	\$4.00/HR	EFF: 9/11/89

CIRCUIT COURT (RELEASES)

STEVEN PEARCE	PART-TIME	\$5.00/HR	EFF: 8/25/89
SCOTT GRAVES	PART-TIME	\$5.00/HR	EFF: 8/17/89
SHANNON MATHIS	PART-TIME	\$3.35/HR	EFF: 9/8/89
DEREK DEVINE	PART-TIME	\$3.35/HR	EFF: 9/8/89

PIGEON TOWNSHIP TRUSTEE (RELEASES)

MICHELLE GUBLER	CLERK	\$16,183	EFF: 9/8/89
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CENTER TOWNSHIP ASSESSOR (APPOINTMENTS)

OPAL L. HAPE	PART-TIME	\$35.00/D	EFF: 9/12/89
TERESA A. REISZ	PART-TIME	\$35.00/D	EFF: 9/12/89
BETTY J. JARVIS	PART-TIME	\$35.00/D	EFF: 9/12/89

COUNTY SURVEYOR (APPOINTMENTS)

SAMUEL P. BIGGERSTAFF	SPEC.DEP.	\$3,600	EFF: 9/11/89
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TAX ADJUSTMENT BOARD (APPOINTMENTS)

LONIE R. FREEMAN	BD. MEMBER	\$45.00/D	EFF: 9/11/89
RICHARD L. REISING	BD. MEMBER	\$45.00/D	EFF: 9/11/89
EDWARD R. ZIEMER	BD. MEMBER	\$45.00/D	EFF: 9/11/89

TAX ADJUSTMENT BOARD (RELEASES)

LONIE R. FREEMAN	BD. MEMBER	\$45.00/D	EFF: 9/14/89
RICHARD L. REISING	BD. MEMBER	\$45.00/D	EFF: 9/14/89
EDWARD R. ZIEMER	BD. MEMBER	\$45.00/D	EFF: 9/14/89

COUNTY HIGHWAY DEPT. (APPOINTMENTS)

HAROLD LEE STUCKEY	EQUIP. OPER.	\$9.42/HR	EFF: 9/11/89
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COUNTY HIGHWAY DEPT. (RELEASES)

HAROLD LEE STUCKEY	TRUCK DRIVER	\$9.23/HR	EFF: 9/8/89
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THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD AT THIS TIME, PRESIDENT WILLNER DECLARED THE MEETING RECESSED AT 9:30 PM.

Robert L. Willner, President

Richard J. Borries
Richard J. Borries, V. Pres.

Carolyn McClinton
Carolyn McClinton, Member

MINUTES TAKEN & TRANSCRIBED BY: CAROL HAAS

MINUTES
PUBLIC HEARING
VANDERBURGH COUNTY COMMISSIONERS
ON
ISSUE OF PRISON IN VANDERBURGH COUNTY
SEPTEMBER 18, 1989

The Vanderburgh County Commissioners held a public hearing in the Vanderburgh County Auditorium on Monday, September 18, 1989 at 6:00 p.m. on the issue of a Prison being built in Vanderburgh County.

Commissioner President Robert Willner opened the meeting. In attendance were Commissioners Willner, Borries and McClintock. Mayor Frank McDonald and County Auditor Sam Humphrey were also in attendance.

President Willner stated that they were here to hear input from citizens from the tri-state area. They will not be able to answer their questions because they don't know the answers themselves at this time. There will be a cue card later on on the easel to inform attendees of the address to write for your individual questions. Mr. Willner asked that all attendees do this because he, or any members of the board, do not know anymore about the prison system than the average person.

President Willner thanked everyone for coming to the meeting and announced that they would limit Mr. Kinkel's opening remarks to fifteen (15) minutes; the Mayor of the City of Evansville will then have a few remarks and then it will be open to the people in the audience and they will be asked to keep their remarks to four (4) minutes and the meeting will be concluded at 7:30 p.m. because the County Commissioners have another advertised meeting at 7:30 p.m. in the Vanderburgh County Civic Center.

Mr. Willner also asked the attendees not to repeat a question that had already been asked by someone else.

The Chair recognized Mr. Jack Kinkel.

Mr. Kinkel stated his name and that he resides at 221 S. Alvord Blvd. in Evansville, Indiana. He added that he is President of the Security Building Corporation. Mr. Kinkel recognized Mr. Jay Smith, Vice President; Joseph (?), Secretary and Attorney; and Mrs. McQuay, Treasurer. Mr. Kinkel also recognized Larry Edwards and Dave (?) who are with the Department of Corrections.

Mr. Edwards came forward to give the requested proposal from the Governor of the State of Indiana. Mr. Edwards stated that his name is Larry Edwards and is from the Indiana Department of Corrections, his office address is 804 State Office Building, 100 N. Senate Avenue, Indianapolis, Indiana 46204.

Mr. Edwards said, "To give a little side history and what has prompted the sight acquisition contest in the recent years, the Indiana Department of Corrections adult male population has reached epidemic proportions and as an attempt to manage that population, the Indiana General Assembly this last session gave us some initial funding for preliminary architectural engineering services and sight selection for a new maximum security prison. This prison being a 650 bed maximum security institution and as a stand alone facility with closed cell housing. The program is support services within a maximum security perimeter. This maximum security construct classification will be the most secure that the department has and it will have the highest level of supervision for maximum security. The perimeter of the facility will most likely be a double fence twelve (12) feet high with 'man barrier' wire on top and 'man barrier' wire between the fences. We will have an alarm detection system on it, either an individual alarm detection system or one in joint domain two and we will have perimeter

patrols and towers with armed officers in the towers to go along with the towers, it is highly likely that we will have some type of camera surveillance on the perimeter. The sight acquisition, along with the construction cost is estimated to be between \$52,000,000.00 and \$54,000,000.00, the facility operation cost for an anticipated 357 employees for the first year will run somewhere around \$14,500,000.00 and every year thereafter, \$9,000,000.00 to \$10,000,000.00. The general and basic factor that the sight selection committee put together for the Governor when he announced this, includes local support, sufficient land, location relative to sufficient staffing, and the necessary resources included, but not limited to, hospitals, fire and higher education. We need accessibility to major highways and we need adequate and expandible utilities to include such things, such as water, waste treatment and electrical supply. These are a general listing of the sight selecting criteria."

Mr. Edwards then turned the podium over to Jack Kinkel to let him tell what he has done relative to meeting the sight selection criteria and the proposal that he will submit on September 29th of 1989.

Mr. Kinkel stated, "A little bit about the background of why we are involved in this. We happened to be in the same building with the Department of Corrections where the people who are on parole report. We have been there for 25 years and you would not believe the kind of people who report on parole. They are just like myself or anybody in this room, except you don't know that they are on parole. (There was heckling at this point from the audience.) This facility will provide 350 jobs to people in this community and surrounding communities. There will be 200 to 250 construction jobs that will last about two (2) years. They have a \$10,000,000.00 budget and when you use the multiplier 5, that is \$5,000,000.00 being dumped into this community every year. When people have jobs they are not going to be on the streets. They are not going to be criminals."

Mr. Kinkel repeated the need of the various facilities and utilities that are needed for this prison.

Mr. Kinkel further stated that there is a potential hospital fund of over \$1,800,000.00 annually; a potential contract for a university or college of \$700,000.00 annually; the total utility budget for this project is \$1,200,000.00 plus food, clothing and other items of necessity on the inside of the prison.

Mr. Kinkel said he would like to give some responses to criticism that they have had over the sight. People say it is not the right sight, but we think that it is because it totally meets the criteria which Mr. Edwards talked about that the Governor published on July 14th. People talk about land value - We think that the land values are going to go up. We think they will soar. (Boo's from the audience). When you get ready to sell your land and find out what it is worth, you will be glad you clapped. We think this facility will attract other industries, we think it will bring additional business. In this area, the government always takes care of the people who are not the best people, so the government is going to take care of the people inside. They are not going to allow businesses to move in that will move in that will contribute to the toxicity of the air; therefore, so will have built in protection in regards to the environmental control. Visitation problems - Prisoners receive approximately five visits a month. Once a person ends up incarcerated, the family pretty well forgets about them. About escapes? There has only been one (1) attempted escape in the State of Indiana in the last six (6) years and that person was shot as he approached the fence. I think if people are open minded and think about what a prison looks like, there are a lot of trees and a lot of grass. We think the jobs are important to the community. (Applause from audience). We have the support of John Blair also. At the end of Mr. Kinkel's presentation, there was much applause from the audience.

Commissioner Willner recognized Frank McDonald, Mayor of the City of Evansville.

Mayor McDonald stated that the purpose tonight is to share information with the audience that they have obtained relative to several Illinois communities in which medium or maximum security state correction facilities are located. (1) They tend to cause land evaluation to decrease; (2) businesses are not interested in locating in communities in which correction facilities are located; and (3) that these facilities holds a security risk to the community. In the course of investigation done by the Department of Metropolitan Development on ten (10) communities in the state of Illinois that have either medium or maximum security facilities, we have found that these arguments were used in opposition to the facilities being located, but that does prove to be without merit. (Applause)..Three communities involved are Centralia, Joliet, Danville, Galesburg, White and Pontiac Illinois. Among the sources was the Manager of Human Resources for Admiral Maytag in Galesburg, Illinois who indicated that over the last two years, his company has spent over \$60,000,000.00 on an expansion and his company is located directly across from the correction facility. He feels that there has been no effect, positive or negative on his company's ability to function and also stated that he had lived in Marion, Illinois at the sight of a Maximum Security Federal Prison there and said there were no problems with that facility either. Land values adjacent to and near the facilities have remained stable. There is no evidence of substantial decrease in value. In one place a new hotel was built next to the facility. Most importantly, these communities have adapted to the corrections facility by treating it as another part of their community. This was accomplished by locating recreational areas nearby. Without accepting the positive points that have emerged from the contact with these communities is the fact that the facilities have brought steady, above average paying jobs to these communities and these facilities have made positive contributions to their respective communities.

Mayor McDonald continued, "I recognize that this is a very controversial topic and I have found that any new industry would be controversial because there are good points and bad points with each. As the Mayor of Evansville I recognize that we are talking about a location that is outside the city limits and falls certainly.....This community is experiencing some relatively good economic times, but economical good times don't continue without constant work and constant effort to try to improve. We cannot live on the past and on the companies that we have and value in this community and never attempt to attract new. Based on the fact that this facility is costing about a \$10,000,000.00 operating budget annually, would provide 350 new jobs into this community, initial cost of some \$55 - \$56,000,000.00. When you translate that out to construction jobs, and to the multiplier affect that other businesses in this community would have by supplying the goods and services needed to this prison and those dollars spent time and time again, there is no question about the economic benefits that would come to Vanderburgh County through the location of this prison. (Applause) I am certain that everybody in the community wants progress. We all want economic development, but sometimes we want it as long as it is not in our back yard, or as long as it is not going to affect us in some way as negative. This new facility is pollution free. On this maximum security facility, given that it is going to be located in the southern part of the state of Indiana and there are many communities vieing for it...if we support this...my concern is, ladies and gentlemen is, that if we say 'no' to this, what kind of signal do we send outside of this community on other process. (Applause). I would ask that the County Commissioners give serious consideration to hear all of the testimony and weigh all of the arguments, but to come down in favor of trying to attract this facility to Vanderburgh County. (There was a great round of applause from the audience)."

Mayor McDonald closed by saying, "My last comment would just simply be this, we often times in this community like to talk about our economic developement, but we sometimes don't do anything about it besides talk and just saying 'no' and not trying to attract those industries and

those types of things such as maximum security prisons in this community, is the wrong kind of signal, in my opinion, to be sending out. Evansville-Vanderburgh County needs to be a community that is opening their doors and welcoming the new and appreciating and trying to hold on to those that we have and value in the existing business. What has worked in the past is not necessarily going to work in the future and we have to look outside of this community for new progress and not just look inside and always say no to things. I hope that you will give it very favorable consideration."

Commissioner then ask for spokesmen for groups of people to line up to the right and give their opinion on what they would like to have the Commissioners do on this question.

Les Shively, an attorney representing the residents of northern Vanderburgh County and south Gibson County who are in opposition of this prison facility came to the podium to give his representation.

Mr. Shively said he would like to deal with some questions that were not addressed by the slick handout that was passed out the door, immediately answered by the opponents by the County Commissioners. First of all, last week I met with the representatives of our Vanderburgh County Court System. They pointed out that we need at least five or six full time deputy prosecutors, an additional judge, at the cost of the taxpayers of Vanderburgh County. Secondly, the prison population has followings of families from other parts of the state. Unfortunately, many of those families are indigent, without jobs, unfortunately, as unemployed, they go on the welfare rolls. Whose responsibility does that become? The taxpayers of Vanderburgh County. As to the potential contract with a medical facility here. What about the overall impact of the crowding of emergency room facilities that may block out those residents of Vanderburgh County that are paying insurance, etc. These questions have not been answered at all. What impact would this facility have on PPG, McDonald's Restaurant located at that area. We see the handout which says guaranteed 350 jobs, guaranteed payroll of X dollars. The Governor himself said, "It is impossible to prevent with certainty the precise costs of operation." What we simply ask at this public hearing, and we think there should be more than one public hearing, we ask the County Commissioners to consider the following: The impact on the property values, the impact on the positive economic and industrial progress criteria, the increased cost of government and most importantly, but real solid economic development comes with permanent jobs from private industry, not suspect jobs that are handed out by the government. (Applause from audience). Mr. Shively made other comments, but the crowd was so noisy that these comments could not be understood.

Paul Martin, Engineering Manager of Bristol Myers, representing the people of Darmstadt.

Mr. Martin stated that he would like to say two (2) things basically. They have conducted a telephone poll in the City of Darmstadt and criteria #6 which deals with the sight selection, which sites that the area between the proposed facility and residential or commercial property and other criteria #6 and the Town of Darmstadt would fall into that buffer area. This states that discussion of any known public opposition to the use of the sight as a maximum security institution. On the telephone poll conducted, 150 families were called, 475 families in the City of Darmstadt, 80% of them are definitely opposed to this facility being located in the City of Darmstadt; 16% are undecided and wanting to know more information about it, how could they propose to vote for it with the criteria stating that the sight selection, that the public has the right to know and their town has given a five mile buffer area and those people haven't even been informed of what is going on in their community. 16% are undecided and given a little bit of information have serious questions as to whether they want this facility located in that community. The other thing that I would like to point out and I think other people speaking here this evening are going to state the same thing - we, in the area agree that Southwestern Indiana needs economic development and for members of the construction,

we realize that these are jobs and these are opportunities participating in large construction projects. The point is, why does it have to be on Volkman Road? If you do research and look at other prisons, the construction jobs are bid from an area. If this facility was located in the remotest part of Warrick County, much of the same money that they are talking about tonight, would find its' way to Evansville and to Vanderburgh County. If you have to pick a spot, pick the spot where the economic benefit can be gained, but you don't have the economic liability of destroying an industrial area of our community that it is increasing in value year after year. (Applause)

Carolyn Georgette of 3010 Lake View Blvd. was recognized.

Ms. Georgette stated that she is with the Evansville Chamber of Commerce. The Chamber of Commerce Board, moved, in a regular meeting to security of (because of the noise in the audience, much of Ms. Georgette's presentation was inaudible.) Jack Kinkel presented a proposal to the Executive Committee and the Full Board proposed to support him.

Ms. Georgette continued, "The Metropolitan Evansville Chamber of Commerce support the Security Building Corporation proposal to develop the state prison sight in Vanderburgh County. This support is recognition of potential economic development to the Evansville area.

Ed Jones, University of Southern Indiana

Mr. Jones, representing University of Southern Indiana stated that what the criteria that is listed for the location of a prison affects our education program. On behalf of the University, I would like to make known to the Department of Corrections that the University is supportive of the location of the prison in southern Indiana and also will work with them on all of the necessary programs.

William Diehl, representative of Local 16, Headquartered in Evansville. Mr. Diehl said that in the construction labor union they need the jobs that this facility will provide during construction. As a community, we need the permanent jobs, the satellite jobs and the support dollars that this facility is going to generate. If you look at the Vanderburgh County picture for the last four years and compare that to the other counties in the state that are the size of Vanderburgh County, we need the boost and I hope the Commissioners will endeavor to boost this project and put us in the front running for this location right here.

Ken Blume (beginning comments are inaudible) Mr. Blume states, "We appreciate the opportunity to express our concerns over the location of the proposed state maximum security facility in Northern Vanderburgh County. As concerned citizen we must state our opposition to this particular site. We are concerned about the financial impact on our property values, and the type of businesses that may or may not locate in the area as a result of the facility. T.J. Maxx may find also this sight more powerful as a location. Our County Officials have publicly stated that they are supportive for this application to be made by the Warrick County seeking the facility and our locally elected officials now reverse their support of previous commitments. We honestly urge you to oppose this sight as a non-property tax paying prison location, not only for us, but for the benefit for our entire community and pursue other business that might find this sight more useful in creating jobs and stimulating economic increase. We appreciate the need for progress and feel that Warrick County would benefit by their location.

Bob Pigman, Vanderburgh County Prosecuting Attorney.

Mr. Pigman stated, "I would like to bring to the Commissioner's attention a couple of facts. First, in response to Mr. Shively's decision that this would result in a drastic increase in cost to local government, I personally do not believe that is the case. I have checked with the Prosecuting Attorney's Office in the State of Indiana and the counties in which are located correctional facilities and the State of Indiana will pay a salary of a full time Deputy Prosecutor to

handle whatever cases are generated by the prison. That salary will be paid from the tax fund whether the prison is located in Vanderburgh County, Warrick County or some other county. It won't result in any additional cost on local taxpayers I talked to the Porte County Prosecuting Attorney's Office, since Michigan City State Prison and the Westville Correction Center are both located in Porte. Michigan City is probably not only the largest prison in the state, but it is a maximum security facility. Westville is the third largest. They have one part time Deputy Prosecutor who can take care of all of the cases generated. The second issue I would like to address is the concern for public safety which is not only the people here tonight to be concerned with. I asked both Prosecuting Attorney's Offices for figures and discussion of that issue. The gentleman who handles all of the cases for Porte County, says that he has one or two escape cases a year and they are people walking away from the camps and trustees who are housed outside the prison walls, walking away from their "C" sets. In the ten years that he has been in the Deputy Prosecutor, solely in charge of all of the prison cases, he has not had to prosecute a civil case where an inmate broke out and went outside the prison walls and committed another crime there in Porte County. The individuals who handle these cases in Madison County where the Pendelton Correction Facility is located, he furnished some statistics which indicate that since 1970 they have had four (4) breakouts from inside the facility. In that case only one resulted in an escapee committing any crime there in Madison County. Obviously no prison is 100% fool proof and nobody can say that they can make it so. There will always be some risk. People who get out of prison, who are paroled of crime from Vanderburgh County come back to Vanderburgh County and this is the same situation we could have with three or four dozen of them walking the streets at a time.

Bob Harris of 1730 Montview Drive

Mr. Harris stated that he is the Township Trustee of Scott Township. He said, "I would like to compare some industries that we have in that quarter that they wish to locate the prison and that is two that were built in the last ten years and that is PPG and Ameriquial Foods. PPG is located on 80.53 acres of land. The assessed valuation is over \$3,000,000.00, per acre is about \$38,106.00, they have 450 people employed there and that is 5.63 people per acre. Ameriquial Foods is located on 12 acres of land and the assessed valuation is \$339,580.00 and that is \$28,298.00 per acre. They have 70 people employed and that is 5.83 people per acre. If this prison is on 300 acres of land in Scott Township, the assessed valuations will be \$-0-. The state does not pay real estate tax. We would lose between \$241,495.00 and \$329,235.00. That is just on the real estate. These 300 acres of land is based on the number employed at the two other industries, we could employ on that 300 acres of land between 1,689 people or 1,749 people compared to the 450."

Mr. Harris continued with discussion of employment and tax figures.
(The audience applauded.)

Mr. Harris said, "We would rather have something in our hand and not look for long range. We have a nice area out there for industry to develop in. We have sewers and water and etc. out there and I pray that if we locate a prison in this area, that people won't come out to our area and build. As Assessor in Scott Township, I do know the land values will go down. I live there! I will fight this until I can't fight it anymore. If the prison goes up and the values go down, we will be assessed at the lower rate rather than the rate that some of the other politicians have been trying to push down your throat.
(Applause).

Eleanor Boeke Brown

Ms. Brown said, "I saw in the paper that Vanderburgh County had an opportunity for the prison. Opportunity? The City of Evansville is dying. You all live in middle class homes and say you don't want to buy new because you are afraid of it. My family came to Vanderburgh County in the westside in 1850 and I see Evansville going down for a long time. When a community is no longer multiplying, it is dying. I

have lived in communities that have died. I lived in Ohio for a long time and it died for lack of industry. Now, I heard these things and you people who listen to the President are the grain of society. You people you have families, the people who come to visit are church people and other people who have concern. (There was so much noise from the audience that many parts of Ms. Brown's presentation were inaudible.) When you regularly visit a prison, you get to realize that the really poor people don't live there from Christmas time all up. Some of the things that were said, if it is located in Warrick County, we will get it anyway. If this location on the eastside of Warrick County, Jasper and Tell City will get the benefits and Evansville will not! You people who are all in here are not working for T.J. Maxx and you don't know what it is like getting \$5.00 an hour. You do have the kind of community and why not want more good growth?"

Marvin Cooper, Deputy Sheriff Vanderburgh County

Mr. Cooper stated that he is also a professor for the University of Evansville Justice Department. I would like to see us make application for maximum security facility; however, deeply important, I don't want to see us put all of our eggs in one basket. We need options and opportunities. I would like to see the Commissioners work with the Vanderburgh County Sheriff's Department and put together a plan for jail expansion. I think that we should not overlook the possibility of jail expansion.

Charles Jamison

Mr. Jamison stated that he lives on Southeast Riverside Drive and is a property owner adjacent to the site which is being proposed for a prison. He has 23 acres surrounding McDonald's and 5 acres across from the Police Post. I think the addition of the prison and the location that has been settled, will enhance the value of my property. I have had this property for 10 years and have seen very, very little activity. All of you are interested in your property values, as I am in mine, and I feel this prison will be a definite addition for the area and I solely recommend your support.

Evelyn S. Ayres of Boonville-New Harmony Road

Ms. Ayres stated that where she lives is just a few minutes from where you are wanting to build this prison. I do not want this prison. I think we have been brainwashed by television telling us that we want it when we really don't. They are telling us it is a good thing when really it is a monster that the federal government is dumping on us down here. No matter how good they are or how good the guards are, there will always be someone escaping. They don't have anything to lose. I have a feeling that the federal government thinks we are nobody down here. Just river people. A good place for a prison. The only real profit will be for the person with the blueprints and the builders. Once they complete it, then we will have the problems. We have a good place down here....Let's keep it that way!

Mr. Campbell, who resides at 8010 S. Elm in Evansville

Mr. Campbell read a letter addressed to the Vanderburgh County Commissioners from Vital Watch dated September 18, 1989:

"Since I will not be able to attend tonight's hearing regarding a prison in Vanderburgh County, I have asked Mr. Campbell to read this letter to you from) As you know, Vital Watch is a publication service dedicated to obtaining public housing the environment of the lower lying valley. In that capacity, we are very concerned with this facility. (parts were inaudible.) I only regret tonight is that some people will oppose the location of the maximum security prison in their immediate environment. A poll of our ward shows the majority approving Mr. Kinkel's assent to locate and move to Indiana a prison in Vanderburgh County."

A general feeling of such a facility (inaudible) We are confident that wherever the prison is located, if operated in an environment of a clean way, will provide the kind of employment that Vital Watch has always urged. Our direct knowledge of other such facilities in the state and elsewhere, shows that there is little environmental risk in our government and businesses. We applaud such an act. Sincerely,
John Blair.

Ann Farney

The first part of Ms. Farney's presentation was inaudible.

Ms. Farney stated, "Never in my wildest nightmare did I ever imagine that I would have a prison next to me. I have talked to many people in the last couple of weeks, I have visited five prison sites around the area and I would like to tell you a little bit about them. My first stop was at Harrisburg. A car dealer told us they broke out and stole cars. We went to a correctional facility and we saw a lot of low income housing. Next we went to Marion Prison and I have always heard people say they drove by Marion Prison. You do not drive by Marion Prison, you must drive through it. This facility is located on 1000 acres of land backed by refuge. The grounds were very nicely kept. They house 440 people in a maximum security prison, which is under a 23 hour per day lock in. The man there told us that he actually did feel that 1,000 acres was sufficient for safety. This is located 9 miles from Marion. There is nothing located anywhere out there. There is no industry, no businesses. At Pendleton I am told a different story. They told us that in maximum security only four or five people come to visit. There was about 10 women in there with little kids hanging on their hands. The construction was put up by a construction company which we could not find on the Indiana list of construction companies."

Ron Rexing:

Mr. Rexing is the president of the Haubstadt Chamber of Commerce. Mr. Rexing stated that they had a meeting last Thursday evening with the membership of 150 persons. We are unanimously opposed to this prison site. The Commissioners must realize that on the site selection criteria that I obtained from the Governor's office, this site cannot meet the criteria 3 or criteria 6 which you talked about earlier this evening. We know for a fact that if this prison is built in Southern Indiana, I would like to say we are not opposed to the prison, we are opposed to this site. Somewhere is a safe location in the buffer zone...(audience interference with audibility of presentation) If your company is competitive, you may have an opportunity for a job at this site, but there is no guarantee that this job is going to be available if an outside firm comes in and underbids your company.

Jack McNeely

Mr. McNeely is president of the Lower Ohio Valley Building Trade Council.

Mr. McNeely stated, "To the gentleman who just spoke, I will tell you this much, whether it be a local contractor or a out of town contractor, we will get that job! (Applause from audience) There's been a lot of talking here this evening about economic development. It seems here lately that the City of Evansville or the surrounding area our economic development consists of McDonald's, Wendy's, T.J. Maxx, with minimum wages. We want something in this area that pays something. To the Commissioners I would like to say one thing, there are pros and cons on both sides this evening, but I would like to remind you of one thing, you represent this whole county....do what is best for the whole county...Support this project!"

Wyman Wedding

Mr. Wedding lives in Evansville, Indiana and is business manager of the Painters Local Union 156.

Mr. Wedding stated that he realizes the frustrations that some of the people may be going through to think that this facility may be built right next to your homes. My position tonight is not to stand up here and say that I want that prison built in your backyard or anybody's backyard, but one way or another, we need jobs. We need good paying jobs here in Evansville with substance, not iffy's and I do stand in support that the facility needs to go somewhere in Southern Indiana.

Lowell Granderson

Mr. Granderson of the Plumbers Local 196.

Mr. Granderson stated that we are all union and proud to be union customers of steel craftsmans, electricians, and sheet metal, all of the building trades and we are proud of what we do. We support this prison being built in Southern Indiana and we also support it being built in Vanderburgh County. It seems like a good site for it to be built. It is a clean facility. We have a lot of unemployment in our local union. Mr. Granderson asked that the Commissioners vote that it be built in Vanderburgh County.

Bob Nemergut, resides at 617 Bellemeade Avenue

Mr. Nemergut stated that he would like to know more information and so he would hope that the panel that is listening to what we have to say will also inform us of the information that they do not know yet. He had three (3) questions, even though you don't know the answers:

- 1) How would this facility help the residents of our central city area?
- 2) Why the maximum security institution is not supporting our work releases at Second Chance, Safe House, etc., for people to come back into the community for more chance of change?
- 3) Why not priority on this panel of housing for the homeless who go without shelter, when the residents of a new correctional facility leaves that facility. They are going to live where the community is. They are going to need adequate housing. Is this a high priority?

Mark Piel

Mr. Piel lives at New Harmony Road in Darmstadt.

Mr. Piel stated that he had recently moved to this area and he is impressed with the new development that is out there. I can tell you this, we would certainly have been less impressed if we had seen a sign saying future site for Maximum Security Prison.

Commissioner Willner asked if this concluded the number of speakers on the list.

Commissioner Willner also stated that it is getting close to bringing the meeting to a close and asked if there was anyone else who had anything new to add this evening. If there is anything new, he would like to hear from them right now. He does not want something that has been mentioned before. He then stated that Mr. Riney had advised him that there were other people wishing to speak, but the meeting must be brought to a close so he requested that the people who had something new to mention, to write it down on a notepad, and we also, on the questions that we have not been able to answer, here is an address where you may write for the State's Prison Authority to answer those questions:

Site Selection Committee
% Bob Overstreet
Indiana Department of Corrections
100 N. Senate Avenue, Room 804
State Office Building
Indianapolis, IN. 46204

Mr. Willner thanked everyone for attending the meeting.

Commissioner Willner then asked that the people who OPPOSED the prison to please stand up. There were approximately 150 who stood.

He then asked those who were SUPPORTIVE of the prison to please stand up. There were approximately 50 who stood.

Commissioner Willner then asked that the people from outside of Vanderburgh County stand up. There were approximately 30 people who stood.

President Willner then announced that the regular meeting of the Vanderburgh County Commissioners will continue in Room 305 of the Civic Center Complex at 7:30 p.m.


Robert L. Willner, President


Richard J. Borries, Vice President

Carolyn McClintock, Member

Taped by Carol A. Haas
Transcribed by Bettye J. Miles

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 25, 1989

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Sam Oxley & Co., Inc. \$213,567.50	
The Rogers Group, Inc. \$201,307.00	
J. H. Rudolph & Co. \$208,650.00	
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MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 25, 1989

The Vanderburgh County Board of Commissioners met in session on Monday, September 25, 1989 at 2:30 p.m. in the Commissioners Hearing Room, with Vice President Richard Borries presiding. Commissioner Willner was absent.

Commissioner Borries called the meeting to order and stated there is a published agenda, copies of which should be available near the entrance to the meeting room.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of September 18, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: PROPOSED LOCATION FOR PRISONER CORRECTIONAL FACILITY

The meeting proceeded with Commissioner Borries saying the next item on the agenda concerns the proposed location for a prisoner correctional facility in Vanderburgh County. He expressed appreciation to all who have demonstrated their concern by their attendance at today's meeting. He then briefly reviewed what has happened to date. A Public Hearing on this matter was held in the Vanderburgh Auditorium on September 18, 1989 at 6:00 p.m. Those who spoke were more than representatives of any one group. It has been verified (and in no particular order, since there was no speaking agenda planned prior to the meeting) that some twenty-eight (28) people offered comments and opinions regarding the issue. Mayor McDonald spoke first and from that point on there was no particular order to those speakers. The Mayor focused on three major issues and he is not sure that those are going to change -- even as of today. Thus, he will mention those issues. First was a concern regarding a decrease in the value of the land in that area; businesses not locating in that area; and, of course, concern for security. Those were the three items mentioned by the Mayor -- and there were a few other items we will deal with. Commissioner Borries said he left that meeting thinking that what had transpired there in a very emotional way was certainly not what President Bush had envisioned as a gentler, kinder America. Commissioner Borries said he listened and he respects the concerns and differences of those who spoke at the hearing. He knows many of those people and he knows their concerns are from the heart -- very sincere -- and he hopes they also will respect his opinions. Especially in this country is it vital that we respect each other, particularly if we disagree -- if that be the case. No final decision on any prison or correctional facility will be made here today. That decision will be made by the Governor and the State of Indiana and also with input (he assumes) based on testimony from the Indiana Department of Corrections. He would envision and think that in any case wherever the State Department of Corrections or the Governor would decide on where a correctional facility be built that further hearings will be held before a final decision would be made. The concerns of those present should be directed to State agencies. Copies of those addresses are available and he will also read into the record that the address of the Indiana Department of Corrections is Room 804, State Office Building, Indianapolis, Indiana 46204.

As heretofore mentioned, a Public Hearing has been held on this issue and it is not the Commissioners' intent to hold another hearing today, but rather to report on their findings and consider any recommendation that would be made regarding the proposal made at last week's Public Hearing. He does have a letter from the Town Board of Darmstadt to read into the record at this time, as follows:

TO: Vanderburgh County Commissioners

FROM: Roger Steinkuhl, Town Council President/Darmstadt

SUBJECT: Maximum Security Prison Proposal for Northern Vanderburgh County (Volkman Road)

Very recently, the families of the Town of Darmstadt, an Incorporated Town of the State of Indiana which is geographically located within the buffer area of the subject prison site, became aware of an application which was being prepared by a group of Evansville (which is not within the defined buffer area) businessmen. This application seeks to petition the State of Indiana, through the Commissioner of the Department of Corrections, to locate a 650-bed maximum security prison for adult males in an industrial corridor in Northern Vanderburgh County.

Be it known that the families of the Incorporated Town of Darmstadt:

- 1) Have not, in any organized or public manner, been approached by this group of Evansville-based businessmen seeking our approval or input on this proposal and;
- 2) That the majority of families in the Town of Darmstadt are opposed to the location of this maximum security prison in Northern Vanderburgh County (Volkman Road).

We do not take this position without forethought and we do not imply that a satisfactory location cannot be determined in Southwestern Indiana. The selection of this site by this group of Evansville businessmen, in our opinion, has serious flaws and should therefore not be given your support.

The Town of Darmstadt, a community of approximately 475 families, has always been a growing community, realizing property value increases and an influx of commercial and residential projects. The recent completion of our two-million dollar sewer project was another major milestone in our continuing growth and expansion. We in Darmstadt feel that the close proximity of the prison site to our community will bring an end to this growth and have a strong, long-term, negative economic as well as social (quality of life) impact on our community.

We once again urge you to vote "No" to this proposal and further inform you that if the application is filed, that we intend to join other organizations and citizen groups within the buffer area to ensure this application is rejected in the screening process.

/s/Roger Steinkuhl, President
/s/Marlin Grossman, Councilman
/s/William Smith, Councilman
/s/Bernhardt Kahre, Councilman

(There was tremendous applause as Mr. Borries concluded reading the foregoing letter.)

Commissioner Borries said this letter is entered into the record as an item of consideration with regard to any recommendations the Commission would give -- and this record will be public. Also, because there are twenty-three (23) items on today's agenda, he reiterates it is not the Commission's intent to go over old business. The Commissioners are very aware of the meeting participants' concerns and are very sympathetic to those. If there is a spokesperson (and he understands there is a hired Attorney who is a spokesperson for some who have stated their opposition to the proposal) he will recognize him for his remarks if he has any new information at this time. By the same token, if within four minutes there are any proponents (those who would favor this), the Commission will allow them to also speak for four minutes. After that, he will ask Commissioner McClintock (who has conducted a study regarding this recommendation) for her report. The Chair then recognized Attorney Les Shively and asked that the audience respect the differences here and accord Mr. Shively that courtesy.

Attorney Shively said they will limit their remarks to new information. In order to facilitate this, he would like to present some documents. One document is dated today and is signed by the Auditor and the Commissioners of Gibson County who oppose this particular site for the prison. However, they do express their support for a facility in Southern Indiana. They do however oppose this particular site and he would request that this particular document be made a part of the Commission's records and they will forward the same document to the Indiana Department of Corrections.

(There was a loud burst of applause from the audience.)

Attorney Shively said the second document he is submitting is a response to the handout that was presented last Monday evening. To keep in the spirit of the rules set for today, he will deal with the new information contained in the subject document. First of all, he would like to start by saying that as it was noted the other evening -- meaningful, economic development is recognized by economists in this area as where we have private sector long-term jobs created, new private sector capital investment, and resulting tax revenues and benefits to the community. This proposal meets none of those criteria. Specifically, this area is identified in the Comprehensive Plan for this county prepared by the County's own Area Plan Commission as the most suitable, if not the most premier, industrial development site in Vanderburgh County. In our Plan Commission's report they note the proximity of transportation facilities, the location of sewer and water, and the topography of this land -- making it if not the most ideal industrial development in the county, probably one of the most desirable areas in this entire state. When you compare that with the other prison communities that this group has looked at (that being Harrisburg, IL, Marion, IL, Pendleton, IN, Danville, IL, Michigan City, IN, and Westfield, IN) -- there are three significant things that are in common with all of these sites:

- 1) Not one of these prisons is located in an industrial development corridor.
- 2) No new industry has located within close proximity to these facilities after they were constructed and open for business.
- 3) The wages paid to the employees at these facilities are minimum to moderate range type of wages.

The statements by PPG and AmeriQual most recently cited in the Evansville Courier that even if the prison had been there they would have located in the area is meaningless. What needs to be asked is, do those businesses looking at Evansville as a possible

location -- what will their decision be once a prison is here? That question hasn't been asked; that question must be asked. There has been no evidence presented by the Metropolitan Evansville Chamber of Commerce, the Mayor's office, the Department of Metropolitan Development, or Mr. Kinkel that private, permanent jobs will be created -- absolutely no evidence. And, as a matter of fact, the evidence presented on the speculative payroll of the workers that will actually be at this facility is grossly inflated -- and this can be established very clearly. The largest correctional facility in this state which employs 1,046 employees as compared to 350 employees for this particular facility, only has a payroll of \$646,000 annually, contrary to what Mr. Kinkel says. He says the payroll will be in the millions of dollars annually. It simply isn't true.

With regard to the impact in the short term on construction. The new prison facility, according to the Governor's directive, will be located in Southern Indiana. Regardless of whether it is in Vanderburgh, Gibson, or Warrick, those building trades will benefit. The issue is the most appropriate site -- whether it is in Vanderburgh, Gibson or Warrick, the same short-term benefits will accrue to these members of the local trade unions.

The impact upon the tax base? Well, right now, in land only PPG pays taxes on an assessed value of over \$3 million and AmeriQual pays over \$4,000. This proposal will take prime industrial land -- thousands of acres -- and remove it permanently from the tax rolls. In addition, additional fire protection will be required in this area. There will be no additional tax revenue to meet those additional costs. It was stated that there will be no additional cost on the welfare system since it is a State system. However, before people qualify for welfare, the Township Trustees have to maintain them in the interim. There are no additional tax revenues being designated or created or State monies being set aside to assist Scott Township to take on what will be for sure an additional poor relief burden.

Nobody from the Vanderburgh Superior or Circuit Court has been interviewed and consulted with regard to the impact upon the Criminal Judicial System. Mr. Pigman made a remark the other night that the State will subsidize one Deputy Prosecutor. First of all, the Governor's criteria of July 14, 1989 does not state that there is no guarantee it will happen. And a discussion with members of the Probation Department and the Court System states it will take a minimum of from four to five Deputy Prosecutors, which does not include an additional Judge, Staff, or Probation Department. Those are "givens" and those costs have not been calculated or built into this particular proposal.

In conclusion (and Mr. Shively said he addresses this mainly to the Mayor's remarks of the other night in regard to whether the people in this room here want economic development) -- a vote against the prison project is not a vote against economic development. What the vote "No" says is that Evansville and Vanderburgh County want quality development and deserve a heck of a lot better than a prison. "Thank you very much."

(There was a resounding round of applause.)

Mr. Borries thanked Mr. Shively for his comments and then asked Commissioner McClintock for her comments. They were as follows:

"What this law says is that once someone is paroled, they have to be paroled back to their County of origin. The reason this law was passed was because so many parolees were going to Indianapolis in Marian County -- and that is why this law was changed. With regard to a question from a gentleman who asked why aren't the homeless a high priority -- yes, the homeless are

becoming even a greater problem in Vanderburgh County and unfortunately you see them daily on our streets. That issue really needs to be researched and addressed separately. Ms. McClintock said it is impossible for her to turn her back on residents of this community who are unemployed and underemployed and deny them the opportunities that this facility could bring.

(Again, there was a great round of applause from the audience.)

Having thanked Commissioner McClintock for her comments, Commissioner Borries said his report will be brief -- but perhaps take a bit different tone -- because on September 9, 1989, he spent most of the day in Danville, IL. Danville was a location he chose because of a recent new prison built in that area and completed around 1984. Some have indicated that it was called a medium security facility. The only difference between that and any other facility that would be proposed here is simply that some inmates were able, with supervision, to leave the prison in Danville. This would not be in any case, as he understands it, an option with this prison. The persons he felt perhaps were every bit as significant -- if he could talk with them face to face and spend some time asking them some very direct questions (such as, "Could you sleep at night? Were you afraid? What about economic development? Have you seen any increase of inmates or homeless in Danville?") In about 1984, Danville was portrayed by many residents with whom he spoke (Mr. Jim Seaton, who lived directly across from the prison; Mr. Fred Barnes, who lived directly from the prison, the manager of the recently opened Super 8 Motel and which was built this last year approximately within half a mile from the prison; representatives from the Danville Steel Corporation; Mr. C. O. Johnson, who lived along that area; the owners of a restaurant, a package liquor store, etc.). Each of these persons, particularly the residents in that area, had responded -- but they were not in any case afraid; that this was a situation in which they had at this point absolutely no qualms in relations to their own personal security nor were they afraid in any particular case. Mr. Barnes said he had spent some time in the winter in Florida and had detected no vandalism, had no plans to sell, was quite satisfied with his farm in his particular area.

Mr. Borries said he also asked about outside groups in the community and, as has been pointed out, visitor hours were confined only to weekends and there was absolutely no one who responded in any way that said they'd seen an increase in any activity among relatives, many of whom have jobs and homes in other areas and simply did not have any interest at all in relocating to another community.

Commissioner Borries had also asked about economic development. Danville Steel Corporation is located in the Eastgate Industrial Park. Eastgate Industrial Park with some twelve (12) businesses now was developed around 1986. The gentleman with whom he spoke mentioned that unemployment in Danville now was considerably lower than the 10% or 11% that Danville had been experiencing prior to the construction of the prison. Danville Steel, as he understands it, had some involvement in the construction of that particular facility.

He also had asked about whether any property values had gone down. None of the residents with whom he talked who responded to him felt that in any way their property had been affected. Mr. Johnson (a gentleman 80 years of age who had had three strokes) had said that the prison from time to time -- or at least the personnel -- will clean his driveway in order for him to be able to leave his property at that particular time.

The jobs that were indicated in this particular thing are permanent jobs. In this case, they are jobs that are not handling harmful chemicals or have pollutants about which they are worried -- and the overriding concern of the persons with whom he talked in Danville did not feel that the facility had any negative impact in their community.

"In our country, folks, we don't always agree on everything -- and I believe we need to respect each other's differences -- and that is what we've tried to do. I've tried to respond as best I could -- to take some on-site visits. I know you have had concerns (and I respect those concerns) about what you feel is best for our county -- and certainly I know that (speaking for myself) -- and I would certainly say that Commissioner McClintock has expressed that today very well -- it is not our intent in any way to hurt or have a negative impact. We must look at all of the benefits for our county and its future. At this point there are not any industrial prospects (I know of at least one that had looked at that particular area, but which has now located in Gibson County -- and that was at least a year ago and prior to any discussion of a correctional facility on this particular property.) I want to emphasize at this point that any recommendation made here today is not the final decision on this issue. Not the final decision. I again refer you to the addresses of the State personnel who will make the final decision -- and you should use these for your written comments. It is very important, obviously, that you be heard by the officials of the State of Indiana who will have the final say as to where a prison will be located in Southwestern Indiana. At this time I then would call for any recommendation to be made by this Board today."

Commissioner McClintock moved that the Vanderburgh County Board of Commissioners write a letter supporting the construction of a Maximum Security Prison in Vanderburgh County, with a second from Commissioner Borries. (There was an overwhelming round of applause from the audience.)

Continuing, Commissioner Borries asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes. Mr. Borries said the two (2) Commissioners constitute a majority and the Board will forward a recommendation. He then thanked the meeting participants for their attendance at today's meeting and said he urges them to stay involved in this particular process and their concerns are appreciated. He again directed their attention to the Indiana Department of Corrections.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting proceeded with Commissioner Borries conducting the continuing sale of county-owned surplus real estate. The one (1) remaining parcel is at 808 Line Street. There were no bids from the audience and the sale will continue.

RE: AUTHORIZATION FOR OPENING OF BIDS - CONTRACT PAVING OF VARIOUS ROADS IN CENTER TOWNSHIP AND FOR CONTRACT PAVING OF VARIOUS ROADS IN SCOTT AND CENTER TOWNSHIP

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the County Attorney was authorized to open the subject bids and subsequently read same into the record. So ordered.

RE: MEDICAL LEAVE - DORTHA BUENTE (CLERK'S OFFICE)

Commissioner Borries said he does not have all the information back from Ms. Buente in regard to her continuing medical problem. He believes the Board had asked her to attend today's meeting.

Commissioner McClintock said she saw Ms. Buente's attorney (Mr. Downs) in the back of the room earlier (but she doesn't see him now) and she also called Ms. Buente's physician on either Wednesday or Thursday of last week. (She believes it was Wednesday.) She did not get to talk with the physician, but spoke with the nurse. She assured her that Dr. Gerlanc would get a letter to the Board of Commissioners, but he has been overloaded with patients and just had not had the opportunity to get the letter out.

Commissioner Borries said if it is agreeable with Commissioner McClintock, he will ask her indulgence and defer the matter for one (1) additional week. Ms. McClintock indicated her agreement.

Commissioner Borries then advised Ms. Buente that the Board is going to delay the decision one (1) additional week regarding her status. He would note that he does have some concerns and would want to say he did notice (which was certainly her right, because he too was there) she was at Ellis Park on Labor Day without her "thing" on; he is only saying that he can't question from a medical standpoint her ability to do her job. What he must question is whether or not the County can continue to handle all of her insurance at this time without looking at some attorney's opinion, from the standpoint that it has been some time now since we have been able to consider (or the Clerk, since the Commissioners do not do the hiring or the firing) any replacement for her. She is welcome and should, if at all possible, go back to work; but he did notice (and he is not saying that being out there, since he was there -- that is fine, too)-- but when you're on a Labor Day situation when there are 8,000 people and if she fell (and that would be a concern he would have concerning her condition).....

Ms. Buente interrupted; but her comments were inaudible and Commissioner Borries requested that she speak from the podium.

Ms. Buente stated that it cramps her hand so badly that she can't tolerate it that the doctor said.....

Mr. Borries interrupted, "You do write with your right hand? And this is your left hand?"

Ms. Buente said she does write with her right hand and this is on her left hand. She still has very severe pain in the left hand and she has the doctor's statement with her and the date of her next appointment.

Commissioner Borries said again that he wants to delay the matter one (1) week, until such time as he is able to examine the doctor's statement. But again he will say that he wants to get an attorney's advice in regard to whether or not the County can continue at this point -- he doesn't have any problem with her remaining on County insurance if she can perhaps pick up her portion of it.

Ms. Buente interrupted by asking if this has to do with the Ellis Park thing?

Mr. Borries responded, "Certainly".

Ms. Buente said, "Okay; I went out there that afternoon for about two races; some girls came and picked me up...."

Mr. Borries said, "Ms. Buente, I don't need to know all the personal things. All I want to say is that with 8,000 people out there I would want you to be aware that you could have fallen and there could have been an accident. I noticed you were out there and I am just saying I really don't care; it makes no difference to me where you are -- whether mountain climbing or wherever.

I am only saying that it is very urgent that we end this matter in relation to whether or not your insurance benefits can continue at this point. I'm sure you're a good employee and you're welcome to come back to work. It seems as though if you're able to go to Ellis Park you're certainly able to again resume a somewhat normal day-to-day type of activity. That is what I am saying and that might include work."

Ms. Buente asked if Mr. Borries wants the doctor's statement?

Mr. Borries said he would like to see it and then thanked Ms. Buente for coming today.

Ms. Buente handed Mr. Borries the doctor's statement and said, "The doctor says there is no way I can resume doing any typing or any work on the computer or lifting anything at this point."

Mr. Borries said, "Again, we might need, with an attorney's advice, to consider how long term the situation is and when you can go to work, etc., etc. But I would like to consider this for another week. Thank you."

RE: ORDER SETTING VOTING PRECINCTS IN VANDERBURGH COUNTY

The meeting resumed with Commissioner Borries recognizing Messrs. Paul Bitz and Bill Jeffers. Mr. Jeffers said County Attorney David Miller prepared the subject Order. In the box before the Commissioners are Exhibits A-1 through A-1-88, the Legal Descriptions and Exhibits B-1 through B-1-88, the Summary Sheets required by the State of Indiana Election Board to be attached to the Order and forwarded to the Board. This is for the 188 Voter Precincts that this Order establishes.

Commissioner Borries asked if Commissioner McClintock has any questions of Mr. Jeffers. He then asked Mr. Jeffers if we're saying at this point that these have been accepted by the State?

Mr. Jeffers said Mr. Bitz has comments concerning this.

Mr. Bitz said, "I would like to say that the State of Indiana as of this date has technically approved the redistricting for Vanderburgh County of all the precincts. When I say "technically", I mean there are some legal descriptions that have been changed and sent back to the State and that is all we're waiting on. I would like to say that in the 1st Ward we've got six (6) new precincts and in the 3rd Ward we've got four (4); and in the 5th Ward, we've got four (4); and in Center we've got four (4) more precincts than we had; in German, we have one (1); in Knight, we have two (2). In Perry we have ten (10), where we only previously had seven (7); Union has one (1) and Pigeon has three (3). Mr. Jeffers talks with the State Election Board daily (as do I). He asked if the Commissioners received a copy of the memo they distributed with regard to Voter Registration? If they will notice on the Ward Lines, there will be a new large map with all of the new County precincts included to the Mayor and the City Council, so they can re-draw the Ward Lines under the "One vote-one rule" and the County Commissioners' responsibilities are to re-draw the County Council Districts, the School Districts, and the County Commissioner Districts and Voter's Registration can provide with an overall map of the County and the number of people in each precinct. He said that within thirty (30) days after the Ordinance is passed, they hope to have in the hands of each voter affected (some 40,000 to 50,000 voters) information with regard to their precincts and polling place location. He believes Commissioner McClintock addressed this concern at a previous meeting -- and this is going to be done via computer. He also would like to say that we are probably going to have a better set of maps than we've ever had in the history of Vanderburgh County. On each side it tells you what blocks are

there and it will tell the number of people in each precinct, etc. Each Committeeman of each political party will be able to have one of these maps. He'd further like to say that without the assistance of Bob Brenner's office (the County Surveyor) doing approximately 90% or more of the work, and Linda Freeman, Bill Jeffers, and Chris Kern working their cans off, we never would have been able to accomplish this in time. As far as he knows, we're one of the first counties in the State to be accepted by the State Election Board. He understands that Lake County and Marion County are all trying to get an exemption -- and it will not be given -- and it is going to cost those counties a lot of money. He would say that together the County Surveyor's Office and the Registration Office in time and material have probably spent \$25,000 on this. The County Surveyor has been working on it at least six (6) months. But the ordinance is now ready to be passed and they will present the Commissioners with a map within thirty (30) days. By the end of November everything should be organized and ready for the election in May.

Commissioner Borries asked if Ms. McClintock has any questions.

Attorney Miller noted that the document is an "Order" not an "Ordinance", so the Commissioners can pass the Order and it is over.

In response to question from Commissioner McClintock (which was inaudible on the tape), Commissioner Borries said he would have to say that because of the rather rigid requirements from the Indiana State Election office (particularly with the adjustments they have made) that he would think that we've complied with everything.

Mr. Bitz said they are certifying to the County Commissioners that we have complied with the State Election Board with regard to all the new regulations and laws in effect for the State of Indiana for the redistricting of precincts. This is twice that it was done. They wouldn't accept it the first time, because they changed the game plan. But we are certifying to that other than the fact that there are a few technical legal descriptions, because we had to go by the Census blocks. Those have now been changed and sent up there and we were told we'd get a letter back approving them.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board of County Commissioners approved the Order setting Voter Precincts in Vanderburgh County, Indiana, as recommended by the Committee, subject to the approval of the State of Indiana. So ordered.

Mr. Jeffers said he would like to direct the Board's attention to the fact that these 188 so-called Summary Statements require under Item #7 the date of County Executive's action. He asked the Commissioners have someone stamp today's date. This is what is forwarded to the State as Exhibit "B". Exhibit "A" is all the Legal Descriptions. They don't require any further information. They are ready to be forwarded to the State. We will now wait for their approval and report back to us. He expects their approval, in writing, will be forthcoming prior to October 1st. We're pressuring them for us to be the first County to receive approval prior to October 1st.

Mr. Bitz said we have this statement verbally, but we want it in writing.

The Commissioners expressed appreciation to Messrs. Jeffers and Bitz for all their work.

RE: PROPOSED ORDINANCE RE LAW ENFORCEMENT FUND

Commissioner Borries said that at last week's meeting Attorney Miller and Deputy Prosecutor Chris Lenn had discussed a proposed ordinance creating the Vanderburgh County Prosecutor's Office Law Enforcement Fund. He now has a new draft and he asked whether Attorney Miller has seen same? Attorney Miller said he has not. Commissioner Borries then referred the new draft to Attorney Miller for his perusal. Attorney Miller said he has not had an opportunity to speak with Chris Lenn, but he was going to get something back to him and he may have sent it to his office. However, Attorney Miller said he was in trial all day Friday and all day today until his arrival at the Commission Meeting. But anything dated August 30 is not appropriate. Therefore, we need to wait until Chris brings this back.

For the record, Commissioner Borries asked, "We're not saying here -- and I think there was some discussion where it looked rather negative -- and I certainly am not going to speak for Commissioner Willner, who is not here today. But it seemed to me that the question involved whether not you had the right to acquire the use of certain property that was taken from a drug dealer or a drug transaction -- how that money was going to be used? I don't think anyone was opposed to the intent of the law. There seemed to be a technical matter in the way. Is that your understanding?"

Attorney Miller responded, "My understanding was that Mr. Willner's concern grew out of a matter involving Steven Goldsmith in Indianapolis and an indication that a plea agreement in one particular case that was highly publicized up there had resulted in a large amount of money coming into this fund in return for either a very minimal sentence or a minimal charge being imposed against the person, even though the real suspected crime was very much more serious. Mr. Willner's concern was that this fund not be used as an incentive to people involved in the drug problem to buy their way out of a very difficult situation by using their drug profits to buy themselves a low sentence -- and Chris Lenn agreed with that and Mr. Pigman agrees with it. And what we are shooting for is just some language in this ordinance that will prohibit the prosecuting authorities from tying the payment into this fund to any particular leniency in a plea agreement. That the two are entirely separate matters. This fund is not to be administered in any sense for the benefit of the people who are involved in the drug trade. And everybody agrees with that, but because of the occurrence in Indianapolis, Mr. Willner simply wanted some assurance in the ordinance and that is what we are shooting for.

RE: CONTRACT FOR JOINT CITY-COUNTY TAX INCREMENTAL FINANCE
ADMINISTRATION DEPARTMENT

The meeting continued with Commissioner Borries submitting the contract for the Joint City-County Tax Incremental Finance Administration Department. He asked that Auditor Sam Humphrey explain what we're going.

Mr. Humphrey said this is a position in his office and it is a case of where we have to segregate an element of assessed values to determine and allocate tax rates to pay off the bonds for the City, etc. This is a joint agreement, combining his office with the settlement position now handled by the Chief Deputy and it occupies a full time position in the office. The City bought a computer to operate this program on and the State has done a software program for us, which incidentally didn't work when we got it. He's had a young lady in the office all summer who is well versed in computer science and she pointed out some of the faults of this program at Bloomington about a month ago. He received a call this morning from the State and they said they

would have the modified program to us within this week. So it is a whole series of programs set up to monitor the tax incremental finance position which comprises 750 properties in Pigeon Township and it is an administrative nightmare. He doesn't think we could have done it at all without a computer. Every property transfer in Pigeon Township impacts this property and its values. So it is a position that we need or the City is not going to get the money -- and they have agreed to finance it 50%. The Council has also agreed on this.

Upon motion made by Commissioner McClintock and seconded by Commissioner McClintock, the contract was approved. So ordered. (The contract will now go to the City for approval.

RE: DESIGNATION OF AREA PLAN COMMISSION AS LOCAL REVIEW
 LIAISON FOR VANDERBURGH COUNTY FOR THE 1990 CENSUS
 LOCAL REVIEW PROGRAM

Commissioner Borries proceeded by reading a Census letter (to be signed by the Commissioners) which had been prepared by the Area Plan Commission, as follows:

Mr. Stanley D. Moore, Regional Director
U. S Census Bureau
Regional Census Center
2255 Enterprise Drive, Suite 5501
Westchester, IL 60154

Dear Dr. Moore:

We wish to designate the Evansville-Vanderburgh County Area Plan Commission as the Local Review Liaison for Vanderburgh County to coordinate the 1990 Census Local Review Program.

Please mail all information to:

Barbara Cunningham, Executive Director,
Evansville-Vanderburgh County Area Plan Commission.
Room 312 Civic Center Complex
Evansville, Indiana 47708

Mrs. Cunningham said the APC is currently the liaison for the City of Evansville and they are doing a lot of Census work. They are in the process of making a lot of correction maps in both the City and County. They are working with Posey, Warrick, Gibson, and Henderson Counties. It is very helpful to have all the maps and all the information sent to one central location. They are also the depository for all the Census materials. Thus, they will be happy to serve the County if the Commissioners so desire. If not, they can give the information to someone else.

Commissioner Borries requested that Mrs. Cunningham brief the Board on the meeting held last week, since he could not attend.

Mrs. Cunningham said, "Mostly what Local Review is, they sent a letter in November 1986 to the Chief Executive Officer of each county asking that they designate a liaison for this program. As described in that letter, the local liaison duties include, but are not limited to, receiving all the information materials, invitations to workshops, local review maps, census counts for the governmental units, receiving all the maps, reviewing all the materials, attending the local review workshop (and last week she believes the Board approved Joe Ballard to go to Indianapolis this week to attend one of these), preparing local estimates based on the blocks shown on the pre-Census and post-Census local review maps as appropriate, preparing local estimates to Census counts at the Census block level, and documenting county problems and submitting them to the Census Bureau District Office for review. In effect, we act as the liaison to try and stop any Census problems. And we have been working with the Census Bureau -- at least as long I have been in office.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Area Plan Commission was designated as the local contact agency for the 1990 Census. So ordered.

Commissioner Borries requested that Mrs. Cunningham keep the Board of Commissioners informed. As mentioned last week, he is very interested because he said he believes there will be some political problems (he doesn't mean Democrat-Republican type -- but numbers count, particularly in relation to a lot of issues about how people are counted). He thinks there have been some states who have sued and he doesn't know what the resolution of that is -- but it is going to come down to Congressional representation and that is his concern. We lost one (1) seat in the 1980 Census (we went from 11 to 10) and when you begin to lessen your representation in the U. S. Congress, in effect your state has less power -- and this is the thing that concerns him.

Mrs. Cunningham said, "We are watching it so closely, Mr. Borries, you wouldn't believe. They have already sent us maps to make corrections on and we told them the maps were not accurate -- so I think we're on top of this one. We probably will need the Commissioners to get some citizen involvement as it gets closer and get out the count type activities -- and they will be sending out a lot of things around that time. It's a little early to start, but you probably will be wanting to do that."

Mr. Borries said, "There is a Project 1990 and it's almost for children. So you have that?"

Mrs. Cunningham said, "That is wonderful and we sent that down to everybody six (6) months or a year ago. If you'd like, I'll get it out again. It has gone to the schools. I think that is a wonderful project and anything I have on that I'll be sure and send to you."

RE: PROPOSED ORDINANCE CREATING PROSECUTOR'S OFFICE
LAW ENFORCEMENT FUNDS

Returning to Item #8 with regard to the Proposed Ordinance creating Prosecutor's Office Law Enforcement Funds, Mr. Borries said Deputy Prosecutor Chris Lenn is now present.

Mr. Lynn said he is present to address Commissioner Willner's concerns in Section 1-A.

Attorney Miller suggested the Commissioners take this under advisement until next week and if the Ordinance is deemed satisfactory, the Board can pass it on First Reading next week.

Mr. Lenn explained the itemized document attached to the ordinance and said he hopes the Commissioners can see as they peruse it the sentences received by some of these people and the amounts of money involved and he doesn't think under anybody's interpretation (at least he hopes not) does anyone receive any kind of reduced sentence. They handled some of those people and he thinks they got exactly what they deserved. All he wants to do is to try to allay any fears in this regard. Additionally, he has included a list of vehicles and weapons that have also been seized. The ordinance addresses what happens to the cars and weapons (non-cash assets) -- after the forfeitures are resolved in Court; they do not go to the Prosecutor's Office; they do not go to any fund they are involved in; they go directly to the seizing agency. If there is more than one seizing agency (such as the Sheriff's Department or the State Police), those assets go to them. If they want to use it for law enforcement purposes, they can. If they want to take it to a Sheriff's sale and auction it off and take that money and use it as they are lawfully entitled to do, that is completely separate from anything he is involved in. He takes care of the forfeiture

aspect of it and after that, the property goes to the seizing agencies. Thus, he hopes this resolves any questions about non-cash assets. The ordinance has to do strictly with what happens to the cash assets going into the fund and how it is dispersed to them and to the agencies and the non-cash assets go immediately to the seizing agencies involved. Mr. Lenn then entertained questions.

Commissioner Borries said he thinks the information provided by Mr. Lenn has been helpful. He does have a question for the Sheriff. What does he do with the semi-automatic weapons and guns? He thinks he can understand what the Sheriff does with the cars, but he's a little worried about those semi-automatic weapons.

Sheriff Shepard said they would go into the Sheriff's arsenal to be used by the SWAT Team or something like that; they would not be sold.

Commissioner McClintock said she did have a discussion about this with Bob Pigman last week. She thinks Mr. Lenn made a good point. If we don't provide the Prosecutor's Office with the opportunity to seize the money (these are primarily drug dealers and their assets that we're dealing with here) -- even if they are in jail they can continue to do business as long as they have money.

Commissioner Borries said he agrees and he thinks this is the kind of program that will at least stop some of the talk about it and we can get them in an area that will really hurt. He doesn't think there is anything too tough about it -- he thinks we need to get tough on these folks. Drugs are a real menace to our society and to our community.

Sheriff Shepard said the State Police, the City Police, and his department are all in accord and are working with the Prosecutor's Office. If there are any problems that arise on seizure benefits from this, then the Prosecutor will make a decision as to which agency gets what -- they've all agreed to that.

Commissioner Borries said Commissioner Willner is not here today and he would want him to review the revised ordinance and attached information prior to voting on the ordinance.

RE: REQUEST FOR RECORDING SYSTEM FOR CIRCUIT COURT

Commissioner Borries asked whether Judge Miller or anyone from Circuit Court is present with regard to Item #11 on the agenda. All he has is a claim and he is trying to figure this out. He cited the following, "It is necessary to purchase a Lanier 4-Track Court Recording System that will be compatible with the existing recording and transcribing systems used by Circuit and Superior Courts. This system is being purchased for use in the new arraignment room next to Misdemeanor Court. Monies were previously appropriated for the new Court rooms in Account 136-393. VanAusdall & Ferrar have quoted a price on the system of \$2,505.00. This includes a \$500 promotional discount. They are the sole vendor of Lanier equipment in the Evansville area, as conformed by the Purchasing Department. This letter is to serve as a request to the Commissioners to sign the requisition."

Attorney Miller said a new Court room is being built and they do need the equipment.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the foregoing request for a recording system for the new Court room was approved at a cost not to exceed \$2,505.00. So ordered.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN HARBOUR'S EDGE SUB

Commissioner Borries said Mr. Jack Allis of Morley & Associates is present with regard to a request for waiver of sidewalks in Harbour's Edge Subdivision.

Mr. Allis said Mr. Bussing would have been here today, but he is attending an Airport Authority Board Meeting. However, in a letter to the Commissioners he has requested a waiver of sidewalks in the subject subdivision. As outlined in the letter, all of the streets in the subdivision will be privately maintained. Off-street parking will be provided. That being the case, combined with being dead-end streets, Mr. Bussing feels sidewalks can be waived.

Following brief discussion pro and con, Commissioner McClintock said she would like to see sidewalks on at least one side of the street in designated area. The Commissioners asked to take this matter under advisement.

Mr. Allis said he will discuss with Mr. Bussing and get back to the Commissioners.

Mr. Borries said he thinks what the Commissioners are asking is some kind of compromise on this.

RE: COUNTY ATTORNEY - DAVID MILLER

Reading of Bids: Attorney Miller said he has opened all of the bids on Projects VC-89-09-01 and VC-89-09-03 and all of the bids are in order. They are as follows:

Project VC-89-09-01:

J. H. Rudolph	\$220,350.00
The Rogers Group, Inc.	\$211,783.00
Sam Oxley & Co., Inc.	\$229,910.50

Project VC-89-09-03:

Sam Oxley & Co., Inc.	\$213,567.50
The Rogers Group, Inc.	\$201,307.00
J. H. Rudolph	\$208,650.00

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the six (6) bids were referred to County Highway Engineer Greg Curtis for his perusal and a recommendation with regard to same at next week's meeting. So ordered.

Caranza Drive Sewer Project:

Attorney Miller reported that his office is meeting with Vic Funke and Attorney Les Shively on the Caranza Drive Sewer project on Wednesday to work on the process to be followed. Perhaps Mr. Reinhardt is going to be there, also. The easements have to be finished and they are also going to finalize the proposal for the equalization of the assessment on a per lot basis (he thinks) for submission to the Commissioners. That should be finalized in that meeting -- so we can keep this thing moving.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman noted that the Weekly Work Reports and Absentee Reports for the County Garage and the Bridge Crew were submitted.....reports received and filed.

Paving Program: Mr. Muensterman reported we have finished paving St. Joe Avenue (1.5 miles); Baseline Road West (1.6 miles) and are currently working on Stacer Road. They should be finished by Wednesday.

Letter of Commendation/County Highway Employees: The following letter of commendation from Carl Kratz Sales & Rental was read into the record:

Vanderburgh County Highway Department
5105 St. Joe Avenue
Evansville, Indiana 47712

Attention: Cletus Mueneterman

After having the opportunity to work with one of your county highway crews and foreman, Dave Franklin, I felt compelled to write this letter to inform you of the fine job they did working with us.

Mr. Franklin was organized, knowledgeable, and very helpful to us during our job on the First Avenue bridge, as were his men.

Many citizens are quick to judge government workers and I'm sure you receive daily complaints involving all aspects of your position. This letter comes to let you know I think you and your men are doing an excellent job for the citizens of Vanderburgh County.

Sincerely,

/s/Tom Kratz, President

RE: COUNTY ENGINEER'S OFFICE - GARY KERCHER

Commissioner Borries then called upon Gary Kercher, who was standing in for County Engineer Greg Curtis, who is currently on vacation.

Mr. Kercher said he submitted a report and entertained questions re same.

Commissioner Borries said we've finished work on First Avenue. What is left to do?

Mr. Kercher said the next thing to do is to start grading the slopes going down to Pigeon Creek, because there is some erosion underneath the rip-rap. They want to monitor the settling of the grout just put in to make sure they did seal everything. They will monitor it for a couple of months to see what happens.

Acceptance of Streets:

Audubon Estates, Section B: These streets were improved in June, 1989. All streets are concrete. Width of the pavement is 29 ft. and Right-of way is 50 FT, and includes the following:

Kolb Drive	211.0 LF
Dove Lane	410.5 LF
Dove Court	<u>279.6 LF</u>
Total	901.1 LF

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the streets in Audubon Estates, Section B were accepted for County maintenance, as recommended by the County Engineer. So ordered.

McCullough Subdivision, Part C: The street was constructed in June-August 1989 and is bituminous pavement. Total width of pavement is 24 ft., with a 50 ft. right-of-way.

Apple Ridge Drive 498 LF

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Apple Ridge Drive (498 LF) was accepted for County maintenance. So ordered.

Eastland Estates D-4: The streets were constructed of concrete between June-August 1989 and are 29 ft. width back of curb to back of curb with a 50 ft. right-of-way, as follows:

Westpointe Court	223.9 LF
Glen-Moor Road	465.7 LF
Total	689.6 LF

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the foregoing streets in Eastland Estates D-4 were accepted for County maintenance. So ordered.

Motz Road: Mr. Kercher reported that the right-of-way easements for the Motz Road project have been sent out and it will probably take another week or so to get them back.

They also heard with regard to replacement of the wood box culvert. We should receive that the week of October 9th. The gentlemen who is the technician for them who is to give us assistance in the installation will be available beginning October 16 and 17. So the County Engineer's office will try to schedule with the Highway Department and bridge crew to get that started at that time.

Travel Request: Greg Curtis thought it would be a good idea for Gary Kercher, Scot Davis, and Delbert Pinkston to get certified in testing concrete so we can do our own Federal Aid project. Hence, the request for travel expenses and fees to attend instructional course and the certification examination for Concrete Field Testing Technicians for the three individuals. Total cost is \$438.00.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request was approved in an amount not to exceed \$438.00. So ordered.

Mr. Jerry Riney said he has made arrangements for Greg Curtis to use one of Judge Lensing's cars for these three people. However, Gary is going to save one night's lodging by staying with his sister. Mr. Riney said what he'd like the Commissioners to know is that he will be driving this car from the motel to his sister's home -- so, in case anything happens, he'd appreciate the Commissioners giving Mr. Kercher permission to do that.

Both Commissioners McClintock and Borries voiced their approval.

Mr. Riney said he has been asked by the County Council that from now on anyone using a County car and going outside Vanderburgh County to please make a record of miles.

Ms. McClintock asked where Mr. Kercher's sister resides?

Mr. Kercher said she lives in Speedway. The meeting hotel is on N.W. 42nd Street -- and Speedway is not too far.

Mr. Riney noted this will save the County \$45.00 lodging.

Commissioner Borries again advised Mr. Kercher permission is granted for him to drive the vehicle to his sister's house.

Speed Limit Changes: The meeting continued with Mr. Kercher saying speed limit studies on Darmstadt Road and on Noldau Avenue were requested by the Commissioners several weeks ago. He said in response to the speed studies, EUTS concluded that the posted speed limit on Darmstadt Road from intersection with Mohr Road to Darmstadt City Limits should be 35 mph (except where lower speed limits are necessary on sharp curves) and on Noldau Avenue the posted speed limit should be 20 mph. Since the speed limit changes were requested by the Commissioners, they asked the County Attorney to prepare the required ordinance to amend the Traffic Code.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the ordinance is to be advertised, with First Reading to be held on October 9th. So ordered.

(Note: The ordinance was not advertised until Joanne Matthews returned from vacation. It was subsequently advertised on October 6 and 13, with First Reading to be heard on October 16th and Final Reading on October 23rd.)

RE: BURDETTE PARK - FINANCIAL REPORT

Mr. Borries then submitted the Financial Report for Burdette Park for the month of August 1989.....report received and filed. (No copy was given to the recording secretary.)

RE: NEW BUSINESS

Request for Purchase of Voting Machines: Mr. Riney said we are adding thirty (30) new precincts. After taking a complete inventory with the Clerk's office of the voting machine we have and following discussion with Susan Kirk and Paul Bitz of the Voter's Registration Office, it was determined that we will need voting machines, file boxes and transfer boxes, as indicated on his request. We have \$34,000 in the account and we really don't need that many machines; thus, we will have \$8,000 left after the requested purchase.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the purchase of ballot boxes, transfer cases, demonstrators, and voting booths was approved in an amount not to exceed \$25,592.00. So ordered.

Happy Birthday (Commissioner McClintock)

Commissioner Borries said he would like to recognize that Commissioner McClintock has a birthday today. (He won't ask her to say how many -- but just wish her a Happy Birthday!)

RE: OLD BUSINESS

Wedding Congratulations (Commissioner McClintock):

Under "Old Business", Commissioner Borries said he understands that Commissioner McClintock was married over the weekend -- so we would certainly want to congratulate her on that.

RE: ACCEPTANCE OF CHECK

Continuing, Commissioner Borries said he has a check from Regency Associates for rent for the land behind the Coliseum, together with the following letter:

Mr. Jerry Riney
County Commissioners
Room 305
Civic Center Complex
Evansville, IN 47708

Re: Sale of Property to Vanderburgh County

Dear Mr. Riney:

On August 28, 1989, James R. McKinney conveyed a Warranty Deed to the Board of Commissioners of Vanderburgh County, Indiana, for a tract of land that lies in the rear of the Coliseum property

Per our telephone conversation, Conrad Baker Foundation currently has a Lease Agreement and Lease Extension for this land as a parking facility. The monthly rent is \$100.00.

Please find enclosed our check in the amount of \$112.92 which represents a pro-rated rent of \$12.92 for August (8/28-8/31) and September rent of \$100.00. Effective October 1, 1989, Conrad Baker Foundation shall pay this rent directly to your office.

Should you have any questions, please feel free to contact me at the above phone number.

Sincerely,

/s/Jackie E. Singer
Accounting Clerk

cc: Conrad Baker Foundation

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the check was accepted, endorsed, and given to the secretary for deposit into the County General Fund. So ordered.

RE: SCHEDULED MEETINGS

Thurs.	Sept.	28	2:00 p.m.	County Council Personnel Mtg.
Thurs.	Sept.	28	2:30 p.m.	County Council Finance Mtg.

RE: NEW BUSINESS

Mr. Riney said there is another item of new business, which apparently was overlooked when the agenda was prepared. But individuals had requested permission several days ago to hold a spotshoot -- and they are here today.

Mrs. Karen Sanford of 11204 Walnut Road introduced herself and said she is a Board member of the Evansville Citizen's Radio League in Vanderburgh County of 6000 N. Burkhardt Road. They want to hold a spot shoot the five (5) Sundays in October. They would like to know if they require a permit, or if they can apply for one -- or what is the procedure on this?

Commissioner Borries said that is a good question. He is not certain the Board has had a request concerning a spot shoot. He asked where they are going to hold the event.

Ms. Sanford said they will be holding it at 6000 N. Burkhardt Road. She has a map, etc., to show to the Board.

Mr. Borries said he is sure there has to be a permit -- perhaps through the Sheriff's Department?

Mr. Riney said that in the past people have just held them without obtaining any permits. This organization has been to the Area Plan Commission to request permission to hold the event and he believes they voted it down by a 4-3 vote.

Mrs. Sanford confirmed this is correct. She said that was for a target range. This is not actually a target range; it is a temporary deal for those five (5) Sundays only. There will be nothing but 10, 16 and 20 gauge shotguns used.

Mr. Riney said there is no permit available for these events, but they do hold them throughout the County and have for years -- and they still do it throughout the County.

Commissioner McClintock said she received a call about this, because not only were they turned down at Area Plan -- but they wanted a Special Use Permit -- and it is her understanding that there are neighbors who have property that backs up to where the Citizens Radio League is -- and they were very concerned about people missing the targets and their getting hit.

Mrs. Sanford said there is nobody on their side of the creek -- there are no houses or residences within 300 yards.

Ms. McClintock asked, "If you shoot a bullet and it doesn't hit anything, how far does it go before it stops?"

Mrs. Sanford said she contacted a Mr. Ronald Morris in Boonville, who furnishes the shotgun shells. She asked him the farthest that he knows a shotgun shell has ever traveled. He said the maximum with favorable wind conditions would be 150 yards and that would be very rare. They would be using a shell that is more or less specifically for spot shoots and this sort of thing and they generally will only travel 50 yards to 75 yards.

Commissioner McClintock queried Mrs. Sanford about the other thing the Citizen's Radio League wanted to do. They were going to do something permanently -- the same thing?

Mrs. Sanford said, "No; that is a campground. They wanted to know what we were going to do with it. Most of the time in the early spring it is under water, because it is a very low lying area. We were discussing at one time the possibility of having a spring shoot --but we didn't know, because this is something we have not done before, which is why we are doing it in conjunction with the Boeke Road Booster Club -- because they have had experience with this for twenty (20) years. I definitely want somebody with me who knows what they are doing when I do anything like that. But insofar as doing anything permanent during the summer months, that is a camping ground and no type of shooting could be done there, whether by a shotgun, rifle, pistol, or whatever -- there would be no way. The main reason they were turned down is that Mr. Titzer came in. He stated that his house was 50 yards away from our target range. The creek itself is 100 yards away from the area we'd be shooting from and I do have the map from the County and one we've drawn. I've taken pictures; I can show you where his property line is. He does own nine (9) yards -- and I can show where it is on this map -- on our side of the creek. He has no access to it; there are no bridges, no nothing -- no way he can get to it unless he swims the creek. We have been there since 1964 and he has never maintained it and he has never used it.

Commissioner McClintock said, "I would be reluctant to go ahead and encourage these people to go ahead and do this -- even though they do it in other places in Vanderburgh County without notifying the neighbors somehow or seeing if something can't be worked out. It sounds fine; but you've got people who are concerned about these guns, etc., and if we turn around and say "It's okay".....

Mrs. Sanford said there were two (2) people who showed up basically against it. They did have one (1) letter from a Mrs. Duvall, who was behind it one hundred percent. Part of the neighbors in that area belong to the Club and are helping out with the spot shoot.

Commissioner Borries asked if they've ever put on an event like this previously?

Mrs. Sanford said they haven't. The Boeke Road Booster Club has had spot shoots for the last twenty (20) Years. One of their main members is here, if the Board would have questions.

Mr. Wendell Wilke of the Boeke Road Booster Club introduced himself and said all of the money they make off their projects is given to charitable organizations, such as the Santa Claus Club. They've had shoots at the Eagles, the Kingsmen's Club, different places -- but they have always decided they wanted the same dates they had. Thus, they got left out. As far as the shot going too far or anything -- they can put a metal barrier around the back for a backstop where the shells could never get to Mr. Titzer's property or anything else. There wouldn't be any problem there.

Commissioner Borries said he doesn't think he knows about it without going out to look at the site -- but he is sure the Board is concerned about safety.

Mr. Wilke said Mrs. Sanford has a map drawn of the spot shoot area -- and it is lined all around with trees.

Commissioner McClintock asked, "Mr. Titzer's property is 77 yards away and you're going to use a backstop?"

Mr. Borries mentioned using a backstop of hay or something. It said it is like a lot of things -- it's a worthwhile cause. He knows Wendell. The only problem the Commissioners will have is if they let the Citizen's Radio League do something that injures someone else's property or presents a safety problem.

Mr. Wilke reiterated they can put up a backstop and nothing will ever reach Mr. Titzer's property -- even though it isn't on his side of the creek.

Mr. Borries asked if there are any other homes nearby where the noise of the shooting would disturb the residents in any way?

Mr. Wilke responded in the negative, saying everything is on Heckel Road or over on Green River Road. This is half way between the Sheriff's shooting range and the current Eagle's Picnic Ground. The spot shoot would be between the hours of 12:00 Noon and 5:00 p.m.

Commissioner Borries said the Board will try and, hopefully, it will work -- if the Board doesn't receive any complaints. Again, they do understand this is just for the month of October?

Mr. Wilke and Mrs. Sanford voiced their understanding to this effect.

RE: CLAIMS

Mr. Borries said he has no claims for approval.

RE: EMPLOYMENT CHANGES

Clerk/Circuit Court (Releases)

Betty Hatfield

\$6.00/Hr

Eff: 9/11/89

Jail (Sheriff) (Appointments)

Robert Stepro Correction Off. \$16,451/Yr. Eff: 9/18/89

There being no further business to come before the Board at this time, Commissioner Borries declared the meeting recessed at 4:30 p.m., with the announcement that the Drainage Board will convene following a five (5) minute recess.

PRESENT:

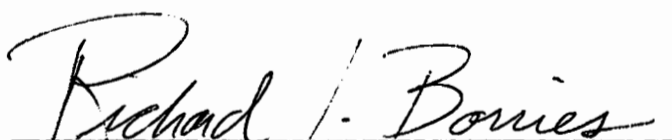
Richard J. Borries/Vice President
Carolyn McClintock/Member
Sam Humphrey/County Auditor
David V. Miller/County Attorney
Cletus Muensterman/County Highway Supt.
Gary Karcher/County Engineer's Office
Les Shively/Attorney
Jack Allis/Morley & Associates
William Jeffers, Chief Deputy Surveyor
Paul Bitz/Voter's Registration
Barbara Cunningham/Area Plan Commission
Wendell Wilke/Boeke Road Booster's Club
Karan Sanford/Evansville Citizen's Radio League
Others (Unidentified)
News Media

ABSENT:

Robert L. Willner/President

SECRETARY:

Taped by Carol Angermeier/Auditor's Office
Transcribed by Joanne A. Matthews


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 2, 1989

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MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 2, 1989

The Vanderburgh County Board of Commissioners met at 2:30 p.m. on Monday, October 2, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding. Commissioner McClintock was absent.

The meeting officially was opened by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Commissioner Willner submitted the minutes of the Public Hearing re the Proposed State Prison held on Monday, September 18, 1989.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the minutes were approved as engrossed by the County Auditor. So ordered.

RE: AUTHORIZATION FOR BID OPENING

A motion was entertained to authorize Attorney Miller to open the bids for the widening and contract road paving and other improvements at specified locations.

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

RE: CARANZA DRIVE SEWER PROJECT

Attorney Jeff Harlan was recognized by President Willner. He said he is present to give the Commissioners a progress report on the Caranza Drive Sewer Project. Darryl Veach, Bill Nicholson, Les Shively, Vic Funke, and himself met last Wednesday with the intent of getting this project under way and completed before the weather turns cold. At this point there are thirteen (13) easements that are still outstanding. We can commence construction on one small isolated part of the sewer, because all the easements are obtained for that portion. But Mr. Shively requested that he draft a letter that he could forward to his clients and tonight he is requesting approval from the Commissioners concerning the said letter. The letter reads as follows:

To: Residents of the Caranza-Kimbell Sewer Project Area
c/o Les Shively, Attorney-at-Law

Dear Residents,

The projected cost per home for the above-referenced sewer project is in the range of \$3,500 to \$4,000. This is only an estimate based upon the information available at this time. The actual cost could conceivably be higher, depending upon the costs, including attorneys' fees, easement acquisition, and other expenses.

The actual assessment per home will not be determined until after the project is completed. Each home will bear its pro rata share of the total project cost, as this is the Commissioners' determination of the most equitable means of assessment. It is our understanding that you

agree with this position. Each homeowner will be separately responsible for paying a sewer tap-in fee in addition to the assessment. Furthermore, it is our understanding that each homeowner will bear the cost of connecting their home to the sewer.

It is our goal to secure the remaining easements no later than October 7, 1989, so that construction can commence immediately thereafter.

If you have any further questions, please contact the undersigned.

Mr. Harlan said he is asking permission to go ahead and deliver this letter to Mr. Shively so he can meet with his clients and get these remaining easements obtained.

A motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the letter was approved and Attorney Harlan was authorized to send the letter to Attorney Shively, who is representing the residents in the subject area. So ordered.

Waiver of Assessment/Salem Cemetery Association:

Attorney Harlan said that one of the easements pertains to the Salem Cemetery. This has been discussed previously, but he doesn't think it has ever been moved and ordered by the Commissioners that we get their easement in return for no assessment -- or a waiver of the assessment against the cemetery, because we are going over a substantial length of property that is owned by the cemetery. In return for not having to pay them for the acquisition of that easement, it has been discussed that we waive an assessment against that property. He is also asking for authority to go ahead and do that.

Commissioner Borries said he does agree with that. Without the cooperation of the Cemetery, the cost of this sewer would be considerably higher -- and particularly higher to the residents in that area. Upon motion made by Commissioner Borries and seconded by Commissioner Willner, there will be no Barrett Law assessment against the Salem Cemetery Association regarding this project. They will have to pay a tap-in fee. So ordered.

Authorization to Compensate the Bonnell Family for Additional Easement Rights:

Attorney Harlan said one (1) easement pertains to some property owned by some people by the name of Bonnell. They are already on sewer. Since this project will not benefit them, yet we still have to go over their property, he is asking for authority for Mr. Funke (who is obtaining the easements) to offer them \$500.00 to go over their property. Initially, we were going to split two (2) properties; but the one property owner was not very cooperative and we initially got 7-1/2 ft. on the Bonnell's property without any compensation, but we needed an additional 7.5 ft. on their property. In return for the additional easement over their property, he would like some authority to compensate them in the amount of \$500.00. If it turns out more is needed, he can come back.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, permission was granted to compensate the Bonnell family in the amount of \$500.00 for additional easement rights in the Caranza sewer area. So ordered.

Payment for Caranza Drive Sewer Project: Attorney Harlan said we have previously discussed the County paying for the project and then being compensated in return from the assessments against the

homeowners. He talked with Greg Curtis. What we need is some kind of an appropriation into a special fund that can be used to pay the expenses of the project and, in some cases over a ten (10) year period, take in the assessments that are paid by the homeowners and then alternately pay the County back in full. So we need to do whatever needs to be done to get that moving, and he needs authority to do that. At this point he doesn't know how many people will pay the assessment once it is made, as opposed to opting to pay over a ten (10) year period. But the estimated cost is in the neighborhood of around \$170,000.00, including the contract with Happe & Sons, Inc., engineer's fees, acquisition fees, and the fees for Bowers, Harrison, Kent & Miller. He doesn't know if that entire amount needs to be put into a special fund at this point. Possibly we need some discussion as to what kind of funds we do anticipate needing. From what he understands, once they get started on the project, it is not going to take a very long time.

Letter to Happe & Sons Construction: President Willner read the following letter from Veach, Nicholson, Griggs Associates to Happe & Sons Construction:

September 28, 1989

Happe & Sons Construction
210 N. Marine Avenue
Evansville, Indiana 47712

Re: Caranza Drive Sanitary Sewer

Gentlemen:

I have been authorized by the Vanderburgh County Commissioners to notify you to proceed with the construction of the referenced project with one exception. The exception is that you may proceed with the construction of the sewers along Camp Ground Road, Line C, affecting Parcels 47, 48, and 49. You are advised that once this work is completed that all other work will be terminated until further notice.

We are of the opinion that during the interim when you are working on this portion of the project that the 13 required easements will be procured and that you will be able to proceed with work on the entire project in order that we may complete the sewer yet this year.

If there are any questions, please let me know and please advise this office when you will move to the job site for the start of construction, as it is mandatory that full time inspection is required for this project.

Very truly yours,

VEACH, NICHOLSON, GRIGGS ASSOC.

/s/ Darryl A. Veach
President

In response to query from Commissioner Willner, Mr. Harlan indicated the \$170,000.00 appropriation will be sufficient.

Commissioner Borries said they are not going to use the entire \$170,000 on these first thirteen (13). That's only for the spot, as he understands it, where it really is not going to be impacted with a lot of residents at this point.

Mr. Harlan said we have already obtained the easements for that small portion -- so they can proceed. He anticipates that by the time we get the rest of the easements, they will be ready to proceed with the rest of the project.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the Commissioners are to go on Council Call ft up a special account regarding the Caranza Drive Sewer Construction Project in the amount of \$170,000. So ordered.

Commissioner Willner then entertained a motion to approve the letter to Happe & Sons Construction, Inc.

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

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

John Ommart/2222 W. Columbia: Commissioner Willner called three (3) times for John Ommart, but there was no response. He then requested that the Secretary reflect a "no show" in the record. He also thanked the Pigeon Trustee Caseworkers for their attendance with regard to this matter.

RE: AWARDING OF CONTRACT RE ROAD PAVING IN CENTER TOWNSHIP, SCOTT TOWNSHIP, AND VARIOUS INTERSECTIONS

The meeting proceeded with President Willner calling upon County Engineer Greg Curtis with regard to awarding of contract re road paving in Center and Scott Township and various intersections.

Mr. Curtis said his office has reviewed the bids received last week and he would like to recommend that we accept the bid of The Rogers Group, Inc. on both Projects VC-89-09-01 and VC-89-09-03. They were the low bidder in each case. The bid on VC-89-09-01 was \$211,783.20 and on VC-89-09-03 the bid was \$201,307.00. They found nothing in the bids that was out of order in any way.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, based upon the County Engineer's recommendation the bid on Project VC-89-09-1 was awarded to The Rogers Group, Inc. in the amount of \$211,783.20. So ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, based upon the recommendation of the County Engineer, the bid on Project VC-89-09-03 was awarded to The Rogers Group, Inc. in the amount of \$201,307.20. So ordered.

Mr. Curtis said The Rogers Group has informed him that they will be able to proceed by the end of the week. Therefore, he would also like to be authorized to send them a letter giving them authorization to proceed.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, permission was granted to authorize The Rogers Group, Inc. to proceed. So ordered.

RE: SALE OF SURPLUS COUNTY-OWNED REAL ESTATE

President Willner continued by offering the one (1) remaining parcel of surplus County-owned real estate located at 808 Line Street. There were no bids from the audience and the sale will continue.

RE: PROPOSED ORDINANCE CREATING PROSECUTOR'S OFFICE LAW ENFORCEMENT FUNDS

Commissioner Willner said he has looked in the folder and the new proposed ordinance creating Prosecutor's Office Law Enforcement Funds is much different than the one he saw previously. He asked Attorney John if he has reviewed the proposed ordinance? Attorney John responded that he just got it today.

Commissioner Borries said what Attorney John has in front of him is the old version, because this one talks about the aspect of voluntary surrender fees -- and that was omitted in the old one.

Attorney John said the new one adds the sentence that "No criminal defendant will receive a reduced sentence as the result of a forfeiture of any assets."

Referring to Paragraph "A", Chief Deputy Prosecutor Chris Lenn said two things were amended: They removed the language concerning voluntary surrender fees and added the sentence, "No criminal defendant will receive a reduced sentence as the result of a forfeiture of any assets."

Commissioner Willner asked, "Does that mean there will be no plea bargaining for a criminal defendant who has deposited money in the General Fund or in the Law Enforcement Fund?"

Mr. Lenn asked, "Do you mean the person is not entitled to a plea bargain?"

Commissioner Willner confirmed that this is correct.

Mr. Lenn said, "I can't control that. Any defendant can have a plea bargain according to statute. And the Court can accept any plea bargain. I have no control over that. Are you asking if the Prosecutor's Office is or is not going to be involved with plea bargaining with people who have had their money seized?"

Commissioner Willner said, "That is correct."

Mr. Lenn said, "No, I cannot say that. All I can say is that in the past and for as long as I am doing this particular line of work, no defendant will receive a reduced sentence as a result of any amount of money he may have seized or that may be subject to forfeiture -- this won't happen."

Commissioner Willner said, "I haven't been able to talk to David Miller. May I hold this until I can talk with him? I'm not sure whether he has approved this verbiage or not."

Mr. Lenn said, "He was here last time and I think you were at the Symposium. Carol and Mr. Borries were here and I submitted it to David and I think he approved it. But it would be wrong for me to represent that he did."

Commissioner Borries said, "I know that both of them worked on it and David, at that point....."

Mr. Willner said, "If he approves it, I have no problem with it."

Mr. Lenn asked, "Do you want to see if we can do that today, or do you want to put it off for a week?"

Commissioner Willner said, "I see no reason for you to stay. If Attorney Miller calls and says it is okay, we'll go ahead and sign it."

Attorney John said he doesn't see any problems with it, but he'd feel more comfortable if Attorney Miller approved it.

RE: REQUEST FOR COUNTY ATTORNEY FROM COUNTY TREASURER

The meeting resumed with President Willner reading the following request from the County Treasurer:

To: County Commissioners
Re: County Attorney
From: County Treasurer

The annual tax sale is to be held on Monday, October 16, 1989, and on Monday, October 23, 1989, in the City/Council Chambers beginning at 10:00 a.m. and ending after all parcels have been offered for sale.

I am requesting the use of the County Attorney for at least Monday, October 16, 1989, to answer tax sale questions about legal requirements and such that I nor the County Auditor may feel comfortable answering. This year there are many changes regarding the tax sale process and I feel the county would probably save many dollars in the future if the County Attorney was available to answer legal questions from the beginning.

Thank you,

/s/ Patrick Tuley
Vanderburgh County Treasurer

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the Board instructed Attorney Curt John to be present for the Tax Sale at 10:00 a.m. on Monday, October 16th, and Monday, October 23rd, since he was previously County Auditor. So ordered.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN HARBOUR'S EDGE
SUBDIVISION

President Willner said this matter has been continued to the Commissioners' meeting on October 9, 1989.

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report from the County Treasurer for period ending August 31, 1989 was submitted.....report received and filed.

RE: REQUEST TO GO ON COUNCIL CALL/COMMISSIONERS

Commissioner Willner said the next item of business concerns a request to go on Council Call for Patient Inmates Care (Acct. #130-305) in the amount of \$66,653.00. Bookkeeping is holding a bill from the State of Indiana Treasury for juveniles admitted to institutions in the amount of \$103,653.22 and we only have a little over \$37,000 in this account. A motion was entertained,

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the request was approved to go on Council Call in the amount of \$66,653.00 for Patient Inmate Care. So ordered.

RE: TAX SALE CERTIFICATE - EVANSVILLE REDEVELOPMENT COMMISSION

Commissioner Willner said he has a letter from the Evansville Redevelopment Commission concerning a Tax Certificate, as follows:

The Evansville Redevelopment Commission in a letter dated August 18, 1989 requested permission to purchase a County Tax Sale Certificate on real estate known as 209 E. Chandler (Tax Code 11-90-21-72-24) for the amount of taxes currently unpaid (\$1,136.08) and the fall 1989 installment in the amount of \$50.63, plus any weed liens placed against this property. There seems to be a difference of opinion as to

whether the request was appropriate and the timing right to proceed with the Tax Sale Certificate. The enclosed copy of the letter from the Evansville Redevelopment Commission Attorney, Keith Wallace, should clarify the issue.

With the issue clarified, it would be appreciated if the Commissioners could include this matter on the agenda for their upcoming meeting.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the matter was referred to Attorney Curt John for his opinion yet today.

RE: LEASE WITH RIVERSIDE OIL COMPANY FOR DRUG & ALCOHOL DEFERRAL SERVICE OFFICE SPACE

The next item on the agenda was a Lease Agreement concerning rental of office space from Riverside Oil Company for Drug & Alcohol Deferral Service (Superior Court). It was noted by Mr. Campbell that this is a standard agreement form and the rental rate and everything is the same as that we've had for the past two years -- there have been no changes. The agreement was passed to County Attorney Curt John for his perusal.

Following the approval of Attorney John, upon motion made by Commissioner Borries and seconded by Commissioner Willner, the agreement was approved and executed. So ordered.

RE: REQUEST FOR LEAVE OF ABSENCE - DRUG & ALCOHOL DEFERRAL SERVICE - GENE NANCE

Mr. William Campbell said that Mr. Gene Nance was recuperating from surgery and had used up most of his sick leave and vacation. While recuperating from surgery he had a heart attack and he now has open heart surgery scheduled for next month. As of today, his sick leave and vacation benefits expire. Mr. Campbell said he is requesting that Mr. Nance be placed on Medical Leave and asking that his insurance be maintained and that Mr. Nance pay his portion of the insurance. There is a letter from the physician which pertains only to the open heart surgery -- but he did want to explain that the heart attack occurred while Mr. Nance was recuperating from prior surgery -- and that is why he used up all his sick leave/vacation benefits.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the three (3) months Medical Leave for Mr. Gene Nance was approved, including insurance. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman said he had submitted his Weekly Reports and entertained questions. There were none.

Paving Program Progress Report: In response to request of Commissioner Willner, Mr. Muensterman said we are on schedule with the paving program. They're finishing Nuebling Road today and will go back to Baseline and put the surface on that road and try to straighten it out a bit. From there, they will go back over on the other side of Baseline Rd. They have approximately three (3) miles yet to go.

Letter from National Association of Counties: Mr. Willner said that while Mr. Muensterman is here, he would note that we have a letter from the National Association of Counties that says the north county line in several counties is in bad shape and if we can spare any disaster relief, there is a number to call. They are hurting for chain saws and debris removal equipment. He would make this a part of the record so that if anyone wants to do this, they can call the Commissioners office and they can try to coordinate that effort.

RE: COUNTY ENGINEER - GREG CURTIS

Right-of-Way Easement: Mr. Curtis said he has a right-of-way easement for a Vanderburgh County Road. It is a portion of the right-of-way needed for Royal Avenue extended through the Sirkle property. We just need to accept that road easement. (It has already been recorded, but we just need to accept it and have that recorded, as well.) This is for a portion of the yet to be constructed Royal Avenue.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the easement was accepted. So ordered.

Claim/Bernardin, Lochmueller & Associates: A claim re the USI overpass in the amount of \$7,913.50 was submitted. It was Mr. Curtis' recommendation that the claim be approved.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

RE: READING OF BIDS RE RE-PAVING OF COUNTY ROADS

Attorney John reported that two (2) bids were received concerning re-paving of County roads, as follows:

Sam Oxley & Co. (Jasper, IN)	\$134,582.20
J. H. Rudolph & Co. (Evansville)	\$153,675.00

The Engineer's estimate is \$127,810.63

Both of the foregoing bids appear to be in order. Oxley's low bid is 5.3% over the Engineer's estimate.

Mr. Curtis said that due to the nature of the items in this contract (particularly the maintenance of traffic items, etc.) he doesn't feel the 5.3% is excessive. This is only .3% over the normal procedure of 5% in excess of the engineer's estimate. Thus he would like to recommend that we go ahead and accept the low bid due to the time of year and every week counts in trying to get these projects completed. This is Inglefield Road widening, Laubscher Rd. (improving the radiuses), Eissler Road widening, some improvements at the intersection of St. Joe Avenue and Allen's Lane (moving the curbs, etc.) and then it is extending the widening of the Boonville-New Harmony Rd. the rest of the way from Green River Rd. to S.R. 57.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the contract was awarded in the amount of \$134,582.20. So ordered.

Mr. Curtis requested permission to send Sam Oxley & Co. a letter of Notice to Proceed.

Motion to grant permission was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Heckel Rd: Commissioner Borries queried Mr. Curtis re Heckel Rd. Mr. Curtis said it is in one of the contracts which was awarded earlier in today's meeting. Mr. Borries then asked if we've now awarded all the road contracts and Mr. Curtis responded in the affirmative. Mr. Borries asked if we can contact the contract winners next week and see where we are between now and the rest of the year -- to see if we're going to be able to get these in?

Mr. Curtis said the contract stipulations are set out by calendar days rather than work days to assure that they are completed by the end of the year. The VC-89-09-01 has a calendar completion of 42 days. VC-89-09-03 had 30 days to be completed and this

contract stipulates that it must be completed by December 15th. He has talked with The Rogers Group, Inc. regarding those two contracts and they indicated there would be no problem with getting that work done, barring some unusually bad weather for this time of year -- and he would assume with the damages set forth in the contract on this one that Oxley & Co. won't run past December 15th -- because we had put a substantial damage clause per day for running over.

RE: NEW BUSINESS

Commissioner Willner noted that the Association of Indiana Counties will bring their convention to Evansville September 26, 27 and 28 in 1990. He believes this was reported in the news media last Friday and he wants to make this a part of the record. Also, to tell the other Commissioners that the Conference Committee is going to be in Evansville to review and discuss the Convention on Friday, October 20th, at 2:00 p.m.

RE: DRAINAGE PROBLEMS IN PETERSBURG PLACE

The meeting continued with Commissioner Willner saying that Messrs. David Derkee, John Roettger, and Bill Kelly of Christopher Drive are present today concerning a drainage problem. He asked if one of the three wants to be the spokesman.

Mr. David Durkee said he is the spokesman for eight (8) homeowners in Petersburg Place Subdivision, which was developed by Garrison Development Corp. All of the homeowners live on the northeast edge of this development. All of the homeowners paid extra money to live on the edge of the woods. They have two problems they wish to discuss. First of all, they have a drainage easement behind their home. This easement has been a constant problem. They've had soil erosion, standing water, and high water that has threatened their homes. They wrote to Mr. Garrison who is responsible -- to whom they could look for some help on this problem. Mr. Garrison replied in a letter dated back in July that the drainage easement was inspected by Bill Jeffers, Drainage Engineer, and it was approved and it was the County's responsibility. Since that time he has talked to Mr. Jeffers and Mr. Jeffers has stated that is not necessarily true. In his final report he stated that the County would accept this drainage easement under certain conditions. Mr. Jeffers stated he didn't know if these conditions had been met yet or not. He asked for the final report and it has not yet been located. As homeowners, they banded together to try and resolve this problem and they've done a number of things. After working with Messrs. Jeffers and Garrison, they turned to the Soil & Conservation Department. They came out and made recommendations but, obviously, they didn't know whose responsibility it was. This is one of the primary problems -- they don't know how to deal with the problem until they know who can help them with it. Soil & Conservation made several recommendations. Since that time they've consulted with two private engineers concerning the problem. Basically they don't know what to do until, once again, they know whose responsibility it is. "Please keep in mind that we have standing water, high water, and erosion -- and we feel that this is damaging our property."

Problem #2 is that two (2) homeowners have taken matters into their own hands and they have filled in the drainage easement and they have installed a 12 inch plastic pipe. The second homeowner put this in as recently as two weeks ago. "Experience has showed us (by the homeowner who installed it first) that this is causing more problems. Our question to you is, 'Can this easement be filled up and replaced with a 12 inch pipe?' Unfortunately, this pipe has been placed basically in the middle of the homeowners. What it does is it dams the water. The reason we're appearing is that we have talked to Commissioner McClintock on this -- we are

just seeking some assistance. We want to know who we have to turn to for help, what we have to do -- we want to make sure everything we do is legal. Secondly, we need to know if these 12 inch pipes can be put in."

Commissioner Willner said, "That's a tall order. First of all, this easement is on private property. It is not adjacent to any County-accepted streets."

Mr. Derkee said that is correct.

Continuing, Commissioner Willner asked, "You have not been able to get a final report from Mr. Jeffers?"

Mr. Derkee said, "No, as a matter of fact, I spent close to an hour or an hour and a half going through the Drainage Board minutes for a period of two years trying to find it myself -- and I was unable to find it. I contacted Mr. Jeffers and he still hasn't been able to find it."

Commissioner Willner said, "We did have a problem with the drainage easements a couple of months ago -- where they put some debris, etc."

Mr. Derkee said that was just down the road. "You're in the ballpark."

Commissioner Willner asked Attorney John for his comments.

Attorney John said, "I think the important thing that you need to find out is whose easement that is. If it is not the County's easement, I don't believe that you have any control over whether a 12 inch pipe is in there or whether there is blockage. If, on the other hand, it is an accepted County easement, then you have the right to control the activities within that easement to insure the proper flow of drainage and water. Now we get to the hard problem.. Where do we look to see whose easement it is? You've started the procedure, but I don't know where the end of it is."

Mr. Derkee said he sent a letter September 26th just to give some background information to the Commissioners -- he doesn't know whether they have it or not. But with that is a copy of the letter from Garrison stating that, in fact, it is the County. We're kind of running around the bush here a bit -- and that is the first thing we need to find out. Especially with this other section of pipe installed, we're afraid that the first good rain could really cause us some big problems. Now we have another section of pipe and that drainage is removed -- there is no storage or anything.

Commissioner Willner asked, "Have all of the lots in Petersburg Place (or is this Old Petersburg Place)..?"

Mr. Derkee said, "It is Petersburg Place -- Old Petersburg Place II."

Mr. Willner asked, "Can you tell me as we go into the entrance off Petersburg Road the most westerly entrance -- whether that is on the right or the left or...?"

Mr. Derkee responded, "It would be the most easterly entrance. If you come off Highway 41 and you were heading back west, it would be the first entrance. From there you would take a right -- there are only three cul-de-sacs in this development. All three cul-de-sacs are affected. We have the map we got from the Engineer's office; would that help you?"

Mr. Willner said he is certain he knows where it is now.

Commissioner Borries asked Mr. Derkee how long he has lived out there.

Mr. Derkee said he has lived out there since late December of 1987.

Commissioner Willner said, "If this water would be made to get to that Little Pigeon Creek -- is that where it drains into? If the water could get from your subdivision into Little Pigeon Creek -- it would drain off properly? Is that what you are saying?"

Mr. Derkee responded in the affirmative.

Mr. Willner asked, "It cannot get there and tends to back up?"

Mr. Derkee responded in the affirmative, saying because of the pipes it can't get there as it should in the volume that it should -- so it does back up.

Mr. Borries asked, "What do these pipes connect? They don't connect anything, do they?"

Mr. Derkee said they don't connect anything. They are just laid across the property line.

Mr. Borries asked if they are perforated pipes?

Mr. Derkee said they are not -- they're PVC corrugated -- they don't have a smooth finish in them.

Mr. Borries said he is certain the County has accepted the streets, as pointed out by Commissioner Willner. But along most of those we get rolled curbs and gutters -- and so, in effect, when you have rolled curbs and gutters the street kind of acts like a ditch -- that is what it amounts to in terms of running water there. There might be a question about easements there. But insofar as easements being accepted -- if they were accepted by the Drainage Board, then we would be required to maintain them, which we do on legal drains. So I know in a subdivision like that I wouldn't think that they would be accepted. If they were accepted for maintenance, we would maintain them.

Mr. Derkee said the water that comes through this is strictly rain water. It comes off the end of two cul-de-sacs and there is a big drainage pipe at the end of the cul-de-sac on the curve and it also comes from run-off from the roofs of the homes and any ground.

Commissioner Willner asked if they have a Homeowner's Association?

Mr. Derkee said he doesn't believe there is one out there.

County Engineer Greg Curtis said he is not aware of the particulars of this situation, but he does know in a similar situation Attorney David Miller advised him that unless the County had for some reason made that a County ditch (not a legal drain, but a County ditch) that easement was required by the County but it was not something the County was going to accept. But it was something the County required and the Drainage Board, for instance, if it were theirs, could force those to be maintained by the property owners or the property owners themselves -- if they owned along there -- might be able to take legal action to force those to remain to be open. The instance he was talking to him about was a fence in the drainage easement -- and he would assume that this culvert would be similar. We have a number of people who have filled ditches in and put a pipe in along the County road and they receive our approval for that. He's not aware of anyone in his office approving these structures being put in. Also, in discussing with one of the consulting

engineering firms in town that do subdivision work, they told him that we have on occasion accepted these drainage easements the same as we have storm sewers. He is not aware of that and he has not found any documentation of that -- but there are some areas the drainage easements and the lake shorelines have been accepted on a so many cents per foot basis. He is not aware of that transpiring, but from what David Miller had discussed with him, that would be the only situation where we would be responsible for the maintenance of it. We might possibly be able to help in getting enforcement in keeping that clear, but we wouldn't be responsible for it. That was rather vague, but that was the best explanation he got.

Commissioner Willner said that when the developer dumped his trash on one of the lots we had the same problem. We did ask the developer to clean that up. We had no statutory authority to do that; we just asked him to do it as a favor to us and he did. So we could probably do the same thing here -- but he doesn't know that the Board would have any authority to order anybody to do anything.

Attorney John said, "You don't, if you don't have the easement."

Mr. Derkee asked if the Board can find out who has the easement.

Attorney John asked Mr. Curtis can look into this. Apparently Mr. Jeffers has not been able to find it.

Mr. Curtis said he is not exactly sure how long this subdivision has been in existence.

Mr. Borries said the subdivision couldn't be over two or three years old.

Mr. Derkee said Mr. Jeffers said he wrote and filed this final report to Garrison in December 1986 or January 1987, and he couldn't find it in either of those two months -- so he went for two years and didn't find any record.

Commissioner Borries asked, "How did Mr. Jeffers know that if he couldn't find it?"

Mr. Derkee said, "He just remembered working on this particular item."

Mr. Curtis said we can go through the Drainage Board Minutes and the Commissioners Minutes near that time, but if it isn't in the meeting minutes we will have no record that is official as to whether or not it has been accepted.

Commissioner Borries said the the Board accepts drainage plans to be approved at the Area Plan Commission meeting.

It was noted by Mr. Willner that this is just for the storm sewers and it shows the storm sewer plans were accepted by the Drainage Board on February 23, 1987 and the Road construction plans were approved on April 13, 1987.

In response to query from Commissioner Borries as to who the developer's engineer was on this project and whether or not he would have copies, Mr. Curtis said he believes Morley & Associates was. The drainage plan was approved. We require a drainage plan on every subdivision and it requires that those easements be set out -- but the County does not normally accept those for maintenance.

Mr. Borries pointed out that that is part of the APC code.

Mr. Curtis said this is a question his office would love to have resolved, because they get these calls all the time -- as to whether it is the County Engineer's responsibility, the responsibility of the County Surveyor or the County Highway -- or do the property owners take care of it -- or do the Homeowner Associations take care of it. Whose it is to take care of is always a point to which there is no clear answer.

Mr. Willner pointed out that if Mr. Derkee is talking about a designated cul-de-sac, the plans say there is a 20 ft. building setback line and a 20 ft. drainage and utility easement -- and it points to designated area. So it is a drainage and utility easement, right?

Mr. Curtis said, "Right, we have those in every subdivision."

Mr. Willner commented, "Yes, but we don't normally accept those. If there is some pipe in them that needs to be taken care of and they pay a fee to the County, then we will take care of that section of pipe -- if we agree with the construction. But that was not done on this one."

Mr. Curtis said, "Those pipes were not in the original drainage plans. We wouldn't accept that without running it through the Drainage Board Meeting."

Attorney John asked, "So what has been done out there has received no County approval?"

Mr. Willner confirmed that this is correct.

Mr. Curtis commented, "Insofar as the drainage easements, not that I am aware of. I might mention (I don't know whether it is Old Petersburg Place II or the original plat) that we have a storm sewer that is county accepted that the outlet of that pipe is in the ditch along the back side of this subdivision -- and we have gone in and maintained the outlets of the pipe -- but that particular location is an accepted storm sewer that the County has accepted. But as far as our maintenance otherwise, we've done nothing in that area." Mr. Curtis said he believes the property owner's name is Young. But that is the only location he knows of in there where we have done any work in a drainage easement -- and that was because it was the outlet of an accepted storm sewer."

Commissioner Willner said he believes Attorney John is saying is that if it is not covered by any County department, then it would be a private matter and they would need to go to Court to get some relief.

Attorney John said, "Right. If you do not have ownership rights to the use of that easement and the maintenance obligations, if someone is doing something in there that impairs your rights as a landowner or the adjacent landowner, it would be a private action. The only thing that would change that would be if, in fact, it shows that the County did accept that and maintains that. And to date I haven't heard anything to indicate that is the case."

Mr. Derkee asked if he can show the Board the letter from Garrison Developers and he did so.

Commissioner Borries said he thinks we need to find out where those records are. He is very sympathetic to Mr. Derkee's plight and he knows that it is certainly frustrating when you experience these kinds of things -- and he wishes the Board had a better answer. But he doesn't know in cases like this -- again, there is a subdivision plan approved, but he thinks he's taking it in terms of saying -- he knows we've accepted streets for maintenance -- but he is not aware of any kind of agreement the

Commissioners signed wherein the County maintains those easements back there. The Drainage Board does maintain legal drains -- and that is really their sole authority -- and that is a rather extensive system of legal drains which are really ditches. It seems to him we are going to have to find those records. If not, as homeowners they may have some legal grounds in several ways -- either with Mr. Garrison or with those homeowners who have installed those pipes within that drain, which were certainly not part of any plan.

Attorney John said he doesn't want to give any private legal advice, but it appears from the letter that a number of things that Mr. Garrison is saying are correct. It did take approval by these Boards on those particular plans. The reason for that is that the governmental entities want to be sure that when the construction is done it appears to be in compliance with all the rules and regulations regarding drainage, streets, and what have you. It apparently was done in that manner (he says 'apparently' -- because Mr. Jeffers was apparently out there inspecting as it was being done. Once the job is completed, it appears that there have been some changes made by some of the neighbors regarding the original plans and they may be in violation and they may be impairing your rights -- and that is where it becomes a private action in the event the County no longer has any obligation. He is not aware of the County accepting any drains such as Mr. Derkee is speaking about here. There may be exceptions and he thinks that is a job the homeowners are going to have to take upon themselves -- maybe with Mr. Curtis helping them -- seeing whether or not this is an exception and the County did accept those for maintenance. Nothing says that they have at this point. If they haven't, then the homeowners are going to have to take it upon themselves to enforce their rights there and make any necessary corrections -- he believes.

Mr. Derkee said, "So we're back to Square One. Will we be advised at a future date as to whether or not the County has ;it -- depending on what this report says that was filed?"

Commissioner Borries, "Yes, certainly I think this office can ask Mr. Jeffers to go back. I don't understand how he can tell you when he did the report and not have it. I wonder whether Area Plan has a copy. Surely someone ought to have a copy, because it hasn't been that long ago. We will try to provide you with an answer -- if there is any responsibility on the part of the County."

Mr. Derkee said, "We have a simple plan to fix it and make it very aesthetic for the neighborhood, but we had an engineer out as late as yesterday and he said he can't do a thing with the pipes there -- because part of his plan would include going right over the top of them and cover them. So it is quite a problem."

Attorney John asked, "Have you discussed it with the landowners who placed the pipes there? Are they amenable to that project?"

Mr. Derkee said, "Yes, and I think they' re pretty dug in."

Commissioner Borries said, "I think I can assure you -- without looking at the minutes -- that the Board did not allow those pipes to be put in there -- or give any authority. I can't think -- we at one time debated PVC pipe versus concrete and that sort of thing but, again, that was on some easements very near a street accepted for maintenance. But I just know that in a drainage easement we have not ever done that. Do you recall any such situation?"

Commissioner Willner responded in the negative.

Commissioner Borries continued,. "So I guess they have done so at their own expense and without any authority. So I think you all are going to have to resolve this as homeowners."

Mr. Derkee asked, "Will we be able to get in writing that you are not responsible so we can proceed? We don't want an attorney coming back over here and researching the thing again."

Commissioner Borries said the Board will be glad to do this.

Mr. John Roettger of 749 Christopher Drive offered brief comments saying that there are huge pipes that come off two of those cul-de-sacs that comes into that ditch and that is where the bulk of their water comes from. Of course, the ground absorbs part of that; but what comes into the street goes into the storm sewer and then it goes into the ditch -- and that is where they get the big flow of water that causes their erosion problems and all those kinds of things. He guesses this all goes back to whether or not the plan was proper at the beginning and whether the work was done according to plan specs.

Commissioner Borries said the only thing he can say is that the Board is very sympathetic. This year we've had 10 inches above the normal rainfall. Last year at this time we were considering anti-burning ordinances. Not being a soil expert or anything, he guesses our maintenance always has to do with the brick, the mortar and filling and that sort of thing. It is impossible to really get into whose water it really is -- that is the dilemma on that. The calculations are on the plan - with civil engineers telling the Board what they say is going to work. Then, as technical advisor, the Surveyor says that yes this will work, subject to what the APC Technical Committee says. And that is the best the Commissioners can do. In some respects, he guesses what the Commissioners do is afford a reasonable amount of assurance that things are going to work as well as possible. Otherwise, we might have someone who has a huge mountain and someone right in the valley -- without any standards whatsoever.

Commissioner Willner said there is one thing the Board can do, they can stop building on the other lots until the problem with the drainage has been settled. That is possible.

Mr. G. W. Kelly of 815 Christopher Drive said that Lot #17 would be the only lot that may not be sold. There is no home on that property at this point in time. His question to the Commissioners is, if the APC had some notes on the original plot that they saw, could they go through the APC to force the developer (Mr. Garrison) to go by what was written into the general notes on top of this plot?

Commissioner Willner said, "Yes."

Mr. Kelly continued, "Because it says here that the slope shall be less than 8% unless rip-rapping is used -- and there is a grade from top to bottom of considerably more than 8% and there is no rip-rap in this easement back there."

Mr. Willner said, "If he has already sold all the lots, then we're all in trouble."

Mr. Kelly stressed that he doesn't think things were done according to the plans and that is probably the biggest problem. That drainage easement was never actually graded out and never set according to the plans and therein lies the problem.

Commissioner Borries said, "They call them swales -- they are not really a ditch."

Mr. Kelly said, "Behind my house it is 4 ft. deep."

Commissioner Willner said he would appreciate it if Mr. Kelly would keep the Board informed, because this developer might come back with another development somewhere and then is when we could..."

Mr. Kelly said, "Thank you."

Commissioner Borries said the Board will report back to Mr Derkee and Mr. Roettger with regard as to whether or not the County has any authority -- or requested that they call Mr. Curtis or the Commission office.

RE: COUNTY ATTORNEY - CURT JOHN

Request for Permission to Hold Spot Shoot: Attorney John said it was brought to his attention that last week some individuals were here seeking Commission approval for the use of some property for the use of a spot shoot or gun shoot location. They had previously been to the Board of Zoning Appeals, at which time the BZA denied their request for the special use, which would allow them to use the property for those purposes.

Upon review, it would appear that in the event they are denied that use by the BZA, their recourse is to file with the Circuit or Superior Courts of this County their reasonings why that was improper or illegal. Their appeal is not to this Board; therefore, any action by this Board regarding that request would probably be considered null and void. He would recommend that this Boards notify those individuals that as of this time, unless something contrary should be brought to his attention, they would be in violation if they would use those premises for those purposes.

Commissioner Borries said that is probably why he could not recall a request like that ever coming before this Board previously. Would Attorney John want to cite the statute for the record.

Attorney John said this was just brought to his attention today and had the matter been brought up cold at the meeting, he doubts he would have known off the top of this head -- because he has never been involved with one of these either. But under Burns Statutes the citation is 36-7-4-1003. It appears that if the BZA denied their request, their alternative is not to come before this Board and ask that the decision be overturned, but to file with the Circuit or Superior Court. Again, he suggests a letter be sent to the individuals (and he would suggest it be sent via certified mail).

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

Commissioner Willner requested that Mr. Riney see that this is done.

Tax Certificate: With regard to the tax certificate matter (handed to him earlier in the meeting), he would like a couple of days. There appear to be some unanswered questions regarding the Tax Certificate. Not all the information he needs is contained here. Therefore, he would like an opportunity to talk to Auditor Sam Humphrey and the young lady in his office who handles this matter to see if this can be resolved.

Ordinance/Law Enforcement Fund: Commissioner Willner said he did talk with Attorney Miller re the Law Enforcement Fund ordinance and he said he believes this ordinance is in the best form we can possibly hope for and that the Board should approve it. Thus, a motion is entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the revised Law Enforcement ordinance was approved and signed. So ordered.

RE: APPROVAL OF BUILDING COMMISSIONER/LOCAL PLAN REVIEW

The meeting continued with Commissioner Willner reading the following request letter:

September 26, 1989

Indiana Department of Fire and Building Safety
1099 North Meridian, Suite 900
Indianapolis, Indiana 46204

Attention: State Building Commissioner, Gerald Dunn

Re: Local Plan Review

Dear Sir:

This letter constitutes our formal request to approve Building Commissioner Roger L. Lehman, C.B.O. for initiation of the Local Plan Review process for Evansville-Vanderburgh County pursuant to Rule 7, General Administrative Rules 675 IAC 12-7.

Building Commissioner Lehman has been in possession of his ICBO Certified Plans Examiner certificate since 1986 (copy enclosed) and has recently passed the State Plan Review Test with a 91%.

Evansville and Vanderburgh County have adopted all rules of the Commission under IC 22-13-2-3.

We will promptly notify you upon termination of employment or assignment to other duties of Building Commissioner Lehman.

We are pleased that Evansville-Vanderburgh County has become the first locality in the State to utilize this procedure to reduce the time needed by the office of the State Building Commissioner to issue a Design Release under 675 IAC 12-6.

Please provide official approval and proper seal at your earliest convenience.

Sincerely,

/s/ Frank F. McDonald II

Vanderburgh Co. Commissioners

Mayor, City of Evansville

/s/Robert Willner, President

/s/Richard Borries, V. Pres.

Encl: ICBO Plans Examiner Certificate
Signature Card

President Willner said what this letter means is that the plans for buildings do not need to go to Indianapolis if Mr. Lehman can sign off on them. This should save a goodly number of weeks lead time now for contractors to have their plans approved. A motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the letter was approved and signed. So ordered.

RE: OLD BUSINESS

Commissioner Willner entertained matters of Old Business to come before the Board.

Promissory Note/Evansville Dance Theater: Attorney John said he had a call from the Evansville Dance Theater and they said the check they mailed in for their September payment (\$100.00) has not cleared the bank. He requested that this be checked out. (It was subsequently determined the check had been quietused in and Mr. John was so informed.)

RE: SCHEDULED MEETINGS

Wed. October 4 2:30 p.m. County Council Meeting
 6:00 p.m. Area Plan Commission Mtg.

RE: CLAIMS

President Willner said he has no further claims to be presented for approval at this time.

RE: EMPLOYMENT CHANGES

Auditor (Appointments)

Daviette Redmond Transfer Clk. \$14,541/Yr. Eff: 10/2/89

Auditor (Releases)

Daviette Redmond Transfer Clk. \$14,541/Yr. Eff: 9/29/89
(To change account numbers)

Burdette Park (Appointments)

Shauntrece Crider Rink Guard \$4.00/Hr. Eff: 9/18/89
James Bengert Hd. Rink Cash. \$5.00/Hr. Eff: 9/13/89

Burdette Park (Releases)

Shauntrece Crider PTGC \$4.35/Hr. Eff: 9/17/89
James Bengert Day Camp Asst. \$5.50/Hr. Eff: 9/12/89

Pigeon Township Trustee (Appointments)

Judith Stricker Clerk \$16,183/Yr. Eff: 10/2/89

Prosecutor (Releases)

Daniel DeArmond Dep.Pros. \$25,922/Yr. Eff: 9/28/89

Center Assessor (Appointments)

Elizabeth Haggard PTOD \$35.00/Day Eff: 9/29/89

Center Assessor (Releases)

Candy Wells PT \$35.00/Day Eff: 9/9/89
Teresa Reisz PT \$35.00/Day Eff: 9/13/89
Betty J. Jarvis PT \$35.00/Day Eff: 9/20/89

Pigeon Assessor (Releases)

Viola R. Fulton PT \$35.00/Day Eff: 9/4/89

Adult Protective Services (Appointments)

Bradley S. Miller Investigator \$5.75/Hr. Eff: 10/2/89

Area Plan Commission (Appointments)

M. Janet Davis Zoning Enf. \$17,848/Yr. Eff: 10/1/89

Area Plan Commission (Releases)

M. Janet Davis	Zoning Enf.	\$16,872/Yr.	Eff: 10/1/89
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Pigeon Assessor (Appointments)

Mary Ann Eickhoff	3rd Deputy	\$16,030/Yr.	Eff: 9/11/89
Mary Marvel Ewing	5th Deputy	\$14,541/Yr.	Eff: 9/11/89
David Fox	Chief Dep.	\$17,624/Yr.	Eff: 10/2/89

Pigeon Assessor (Releases)

Mary Ann Eickhoff	3rd Deputy	\$14,557/Yr.	Eff: 9/11/89
Mary Marvel Ewing	5th Deputy	\$12,675/Yr.	Eff: 9/11/89
David Fox	Part Time	\$35.00/Day	Eff: 10/2/89
Judith Stricker	Chief Dep.	\$21,422/Yr.	Eff: 10/2/89

Circuit Court (Appointments)

Robert White	PTWR	\$5.00/Hr.	Eff: 9/19/89
Marty Mattingly	PT Bailiff	\$3.35/Hr.	Eff: 9/25/89

Circuit Court (Releases)

Robert White	PTCS	\$5.00/Hr.	Eff: 8/26/89
Marty Mattingly	PT Bailiff	\$3.35/Hr.	Eff: 9/22/90

County Highway (Appointments)

Ronald N. Martin	Truck Driver	\$9.23/Hr.	Eff: 9/26/89
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County Highway (Releases))

Ronald N. Martin	Equip. Oper.	\$9.42/Hr.	Eff: 9/25/89
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Drug & Alcohol Deferral (Releases)

Graden Nance	Counselor	\$19,110/Yr.	Eff: 10/2/89
(Medical LOA w/Insurance for 3 Months)			

Burdette Park (Releases)

William Stricker	PTGC	\$4.00/Hr.	Eff: 8/12/89
George Peaugh, Jr.	Rink Guard	\$4.00/Hr.	Eff: 6/17/89
Roger Storms	FT Guard	\$3.55/Hr.	Eff: 7/11/89
Mark Schuler	Counselor	\$4.00/Hr.	Eff: 8/30/89
Kelly Siekmann	Counselor	\$4.00/Hr.	Eff: 8/30/89
Jon Compton	Counselor	\$4.00/Hr.	Eff: 8/15/89
Beth Keeping	Counselor	\$4.00/Hr.	Eff: 8/29/89
Andrew Lewis	Counselor	\$4.00/Hr.	Eff: 8/29/89
Angela Ludwig	Counselor	\$4.00/Hr.	Eff: 8/22/89
Leslie Townsend	Counselor	\$4.00/Hr.	Eff: 8/15/89
Jamie Messel	Counselor	\$4.00/Hr.	Eff: 8/21/89
Kristen Doba	Counselor	\$4.00/Hr.	Eff: 8/21/89
Kelly Madden	Counselor	\$4.00/Hr.	Eff: 8/24/89
Clint Lauderdale	PTGC	\$4.00/Hr.	Eff: 7/21/89
Kelly Ungethiem	Pool Cashier	\$3.35/Hr.	Eff: 9/3/89
Eliz. Engelbrecht	PT Guard	\$3.35/Hr.	Eff: 8/12/89
Charles Winsor III	PT Guard	\$3.35/Hr.	Eff: 7/29/89
Albert Umbach III	PT Guard	\$3.60/Hr.	Eff: 8/19/89
John Bippus	Pool Asst.	\$40.00/Day	Eff: 9/17/89
Joeli Staley	Head Guard	\$35.00/Day	Eff: 8/11/89
Elizabeth Borries	Asst. H.G.	\$35.00/Day	Eff: 8/11/89
Shauntrece Crider	PTGC	\$4.35/Hr.	Eff: 9/17/89
Amy Roll	Pool Cash.	\$3.55/Hr.	Eff: 8/28/89
Robert Kirk	F.T. Guard	\$3.75/Hr.	Eff: 6/7/89
Jeff Sapp	Slide	\$3.35/Hr.	Eff: 9/17/89
Holly Harl	Slide	\$3.35/Hr.	Eff: 8/23/89
Angie Redmon	PT Guard	\$3.65/Hr.	Eff: 9/16/89
Andrew Hancock	PT Guard	\$3.45/Hr.	Eff: 8/11/89

Christina Hank	Slide	\$3.35/Hr.	Eff: 9/17/89
Julie Singer	Slide	\$3.35/Hr.	Eff: 9/17/89
Dionne Sloan	PTGC	\$4.00/Hr.	Eff: 8/6/89
Heather Wade	Pool Cash.	\$3.35/Hr.	Eff: 9/9/89
Rochelle Burmeister	Slide	\$3.35/Hr.	Eff: 6/13/89
Lisa Stuckey	DC Director	\$6.00/Hr.	Eff: 8/30/89
Jackie Jeffers	PT Guard	\$3.65/Hr.	Eff: 8/10/89
Stephanie Helfrich	Slide	\$3.55/Hr.	Eff: 8/29/89
Ron London	Slide	\$3.35/Hr.	Eff: 8/25/89
Bryce Mowbray	PT Guard	\$3.35/Hr.	Eff: 9/4/89
Chris LeDuc	PT Guard	\$3.45/Hr.	Eff: 9/2/89
Susan Patton	PT Guard	\$3.45/Hr.	Eff: 9/9/89
Amy Sundermeyer	PT Guard	\$3.40/Hr.	Eff: 9/9/89
Virginia Parsons	Slide	\$3.35/Hr.	Eff: 9/17/89
Phillip Davis	PTGC	\$4.00/Hr.	Eff: 8/20/89
Jason Martin	Slide	\$3.35/Hr.	Eff: 8/11/89
Amy Pangburn	Pool Cash.	\$3.35/Hr.	Eff: 8/18/89
Jeremy Kieffner	PT Guard	\$3.35/Hr.	Eff: 9/10/89
Erin Ranes	Slide	\$3.55/Hr.	Eff: 9/10/89
Steve Becher	PT Guard	\$3.35/Hr.	Eff: 9/9/89
Barbara Miller	PT Guard	\$3.40/Hr.	Eff: 8/15/89
Holly Wade	FT Guard	\$3.55/Hr.	Eff: 9/9/89
Ivy Meisberger	FT Guard	\$3.60/Hr.	Eff: 9/17/89
Klint Willis	Slide	\$3.35/Hr.	Eff: 9/2/89
Gregg Topper	PTGC	\$3.90/Hr.	Eff: 9/3/89
Michael Person	PTGC	\$4.00/Hr.	Eff: 7/11/89
Bob Hayes II	FT Guard	\$3.55/Hr.	Eff: 8/22/89
Darin Jackson	FT Guard	\$3.80/Hr.	Eff: 9/17/89
Susan Borries	PT Guard	\$3.35/Hr.	Eff: 9/3/89
Karen Williams	Pool Cashier	\$3.75/Hr.	Eff: 8/7/2/89
Brooke Ranes	FT Guard	\$3.60/Hr.	Eff: 8/17/89
Jeffrey Ludwig	PT Guard	\$3.80/Hr.	Eff: 9/10/89
Tiffany Clawson	Pool Cash.	\$3.35/Hr.	Eff: 8/12/89
Jeremy Jourdan	PT Guard	\$3.60/Hr.	Eff: 8/20/89
Brooke Turpin	FT Guard	\$3.60/Hr.	Eff: 8/20/89
Larry Beard	Slide	\$3.35/Hr.	Eff: 9/4/89
Dina Turpin	PT Guard	\$3.40/Hr.	Eff: 8/20/89
Matt Singer	PT Guard	\$3.40/Hr.	Eff: 9/17/89
Dan Kolb	PT Guard	\$3.35/Hr.	Eff: 9/16/89
Heather Wainman	Slide	\$3.35/Hr.	Eff: 8/11/89
Kendra Stinson	FT Guard	\$4.05/Hr.	Eff: 9/17/89
Wm. Calloway, Jr.	Slide	\$3.35/Hr.	Eff: 9/10/89
Jana Staley	PT Guard	\$3.35/Hr.	Eff: 9/17/89
Gabriel Reising	Slide	\$3.35/Hr.	Eff: 9/17/89
James Gerard	FT Guard	\$3.75/Hr.	Eff: 9/9/89
Andrew Young	PTGC	\$4.00/Hr.	Eff: 8/11/89
Erica SSeidehamel	Pool Cash.	\$3.55/Hr.	Eff: 8/25/89
Virginia Allen	PT Guard	\$3.35/Hr.	Eff: 8/25/89
Ben Streuh	Slide	\$3.35/Hr.	Eff: 9/10/89
Jeff Mitchell	Rink Guard	\$4.35/Hr.	Eff: 8/21/89
Matt Caton	PT Guard	\$3.55/Hr.	Eff: 8/10/89
Barbara Bain	Pool Cash.	\$3.50/Hr.	Eff: 8/10/89
Michael Powless	PTGC	\$4.00/Hr.	Eff: 6/12/89
Wm. Goldsmith	PTGC	\$4.00/Hr.	Eff: 8/25/89
Robert Keiffner	FU Guard	\$3.55/Hr.	Eff: 8/19/89
Nancy Buckman	PTGC	\$4.35/Hr.	Eff: 9/9/89
Clifford Harth	PT Guard	\$3.35/Hr.	Eff: 9/17/89
Jill McNaughton	PTGC	\$4.00/Hr.	Eff: 8/5/89
Scott Burkdoll	PTGC	\$4.00/Hr.	Eff: 6/8/89
Shawn Stanley	FT Guard	\$3.75/Hr.	Eff: 6/8/89
Rodney Pavlichek	PTGC	\$3.50/Hr.	Eff: 7/14/89
Blake Forester	PTGC	\$4.00/Hr.	Eff: 8/14/89
James Bengert	DC Asst.	\$5.50/Hr.	Eff: 9/12/89
Heidi Wallace	PT Guard	\$3.35/Hr.	Eff: 8/9/89
Nicholas Jankowski	PT Guard	\$3.35/Hr.	Eff: 9/16/89
Kristina Howard	PT Guard	\$3.45/Hr.	Eff: 8/15/89
Shawn Helmer	PT Guard	\$3.45/Hr.	Eff: 9/3/89
Brandon Schumate	PT Guard	\$3.40/Hr.	Eff: 9/9/89

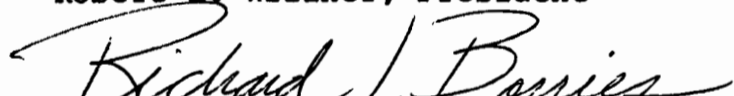
There being no further business to come before the Board,
President Willner declared the meeting recessed at 4:05 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Sam Humphrey/County Auditor
Curt John/County Attorney
Greg Curtis/County Engineer
Cletus Muensterman/County Highway
Jeff Harlan/Attorney
Darryl Veach/Veach, Nicholson, Griggs Assoc.
Chris Lenn/Chief Deputy Prosecutor
Louise Hall/Pigeon Trustee's Office
Jack Allis/Morley & Associates
William Campbell/Drug & Alcohol Deferral
David Derkee
John Roettger
Bill Kelly
Jerry Riney
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 9, 1989

I N D E X

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Request from Office of Surface Mining to do Borings on Kandsas Rd. & Boonville-New Harmony Rd. Boring in St. Joe Avenue Right-of-Way Problems with Raised Sewer Inlets Motz Road Culvert Proposed Road Standards Proposed Retirement Home/Daughters of Charity Claims United Consulting Engineers (\$1,799.11) Veach, Nicholson, Griggs (\$1,379.01) Veach, Nicholson, Griggs (\$2,115.00)	
County Highway - Cletus Muensterman.....	7
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MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 9, 1989

The Board of Commissioners met in session on Monday, October 9, 1989 at 2:30 p.m. in the Commissioners Hearing Room, with President Robert Willner presiding. Commissioner McClintock was absent.

RE: APPROVAL OF MINUTES

Commissioner Willner said the approval of minutes of September 25th will be deferred until such time as Commissioner McClintock is present and she and Commissioner Borries can approve same, as he was not present for the subject meeting.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting proceeded with President Willner conducting the auction of the one (1) remaining parcel of County-owned surplus real estate. Property is located at 808 Line Street. There were no bids from the audience and the sale will continue.

RE: ACTING COUNTY ATTORNEY - JEFF HARLAN

Acceptance of Checks/Alexander Ambulance Lawsuits: Mr. Harlan submitted the following payments on Alexander Ambulance Lawsuit collections:

Thomas Jarvis	. \$5.00
Stacy Kemper	\$10.00
Patricia Offutt	\$222.26
	<hr/>
Total	\$237.26

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the checks were accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

Litigation re Shortages in Treasurer's Office: Attorney Harlan said the next matter concerns the litigation commenced a couple of years ago concerning the shortages in the County Treasurer's Office. We now have in our possession Release documents and drafts from the insurance companies that have previously been approved in Executive Session and Attorney Miller is requesting that the Commissioners sign those so they can be forwarded to Indianapolis for further processing by the State Board of Accounts. Once the State has fully signed off on the drafts and the Settlement Agreements, all details of the settlement will be available from County Attorney Miller.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the documents were executed for forwarding to the State of Indiana. So ordered. (Attorney Harlan will provide the Secretary with copies of the Release documents for the Auditor's files.)

RE: REQUEST FOR WAIVER OF SIDEWALKS IN HARBOUR'S EDGE SUB

At last week's meeting, Mr. Jack Allis of Morley & Associates was present to represent Mr. Bud Bussing, developer of Harbour's Edge Subdivision, who had requested a waiver of sidewalks in the subject subdivision. The Board took the matter under advisement for one (1) week.

Mr. Curtis said Mr. Bussing's intentions are that this be an entirely private development. The streets are not intended to be accepted by the County -- nor are any of the other improvements -- and at a Commission meeting approximately three (3) weeks ago, we approved the construction plans for the streets in this development. Subsequent to that, they brought the request for waiver of sidewalks in this development.

Mr. Willner asked if Mr. Curtis has a recommendation for the Commissioners?

Mr. Curtis said he has never recommended one way or the other with regard to waiver of sidewalks and he would like to continue not to recommend one way or the other on waiver of sidewalks.

Commissioner Willner said, "What you are saying to us is if a sidewalk is to be installed, the developer will have to install it and if a sidewalk is to be repaired, the Homeowner's Association or

Mr. Curtis said, "If these sidewalks are required, the Homeowner's Association or whatever would be required to maintain them. And the developer, of course, would install them at his expense. If they are not to be installed, they would not have sidewalks to maintain. Of course, there are advantages to having sidewalks and there are advantages to not having to pay to maintain them."

Commissioner Borries said there had been a question along one length of it to where it fronts out to the Waterworks Road.

Following brief discussion, upon motion made by Commissioner Borries and seconded by Commissioner Willner, the request for waiver of sidewalks in Harbour's Edge Subdivision was approved. So ordered.

RE: COUNTY ENGINEER - GREG CURTIS

Request from the Office of Surface Mining to do some Split Spoon Boring on Kansas Road and Boonville-New Harmony Road between Petersburg Road and the east Vanderburgh County Line: Mr. Curtis said this is in relation to some information for the McCutchanville area residents. The borings they will be doing will be off the side of the road, yet in the right-of-way. They will need to close one lane of traffic temporarily while their machine is operating. Had they received approval last week, they would have started today. He would assume they would start any day and would continue for several weeks. Mr. Steve Bartholomew is here if the Board has further questions. Mr. Curtis said it is his recommendation that the County allow them to do this work. It is of benefit in determining the cause of some of the blasting problems out in that area. However, he wanted to bring it to the Board for their approval, because it was a little bit out of the ordinary insofar as what his office handles.

Commissioner Borries asked what all they do?

Mr. Curtis said they basically take a boring.

Mr. Steve Bartholomew of the Office of Surface Mining said he is a realty specialist. He has been meeting with some of the owners of property that have incurred some damage in the McCutchanville

and the Daylight area in the last week. As part of the monitoring they want to do in the area, they feel it is important for them to take some readings and do some drilling off the pavement but on the road right-of-way owned by the County on the Kansas and Boonville-New Harmony Road. That would be from Petersburg Road basically to the County Line (to the east Vanderburgh Line). If the Board has equipment or size of bore hole technical questions, he did bring someone along who essentially is going to be having the drill team doing the work. The Office of Surface Mining is doing this in cooperation with the Bureau of Mines out of Minneapolis and the Indiana Geologic Survey is the one that is going to actually be doing the drilling. He brought the gentleman along who runs that, if that would be helpful to the Commissioners. He doesn't know what kind of questions the Commissioners have.

Commissioner Willner asked what size hole they are going to drill.

Dr. Norman Hester, Director of the Indiana Geological Survey from Bloomington, Indiana introduced himself. He said they will be augur drilling with a small rig on the right-of-way. Really, they only need to straddle the ditch. It's a 4-wheel drive vehicle, not very big. They don't expect to be drilling any deeper than 20 ft. or 30 ft. in that area. The actual outside diameter size of the hole is 9 inches. It is a hollow-stem augur and they take samples down through the center of that. Those samples will be taken and sent to another party involved (the Corps of Engineers) at some location in Alabama. They will actually be doing the engineering test. Indiana Geological Survey is simply gathering geologic data for the Federal Office of Surface Mining.

Mr. Willner asked if they fill the hole when they are through?

Dr. Hester responded, "Absolutely; and after a certain depth (he thinks it is anything in excess of 20 ft.) we're required to use a plugging compound actually. So we follow all the rules and regulations that are set out by the Department of Natural Resources."

Mr. Willner asked, "If you're on the pavement or close to the pavement, will you have a flagman?"

Dr. Hester responded, "Yes. We have all the equipment necessary in both directions."

Mr. Willner asked, "Adequate insurance if we were to be sued?"

Dr. Hester replied, "I would say the Department of Natural Resources has adequate insurance."

Mr. Willner said, "I just want to hear you say yes."

Dr. Hester said, "Yes".

Mr. Willner asked, "Have you already started doing this process in Vanderburgh County?"

Dr. Hester responded, "No. We know the locations where we'd like to drill; it's the job of Steve Bartholomew and the Federal Office of Surface Mining to gain permission for us to drill. They decided to take that obligation on themselves."

Mr. Borries asked, "And the purpose is to determine -- you're going to collect the data and I assume the data is then going to be used by some agency (the Office of Surface Mining or)

Dr. Hester interrupted, "Along with the Bureau of Mines"..

Mr. Borries continued, "Along with the Bureau of Mines, to determine whether or not there are perhaps excessive seismological kinds of things going on?"

Dr. Hester said, "What we are gathering should help them make a more intelligent assessment. That is all we're doing. We're not trying to determine anything about damage or lack of damage. They need more geological information and that is why they called on us. We will probably be in the area about two (2) weeks; we don't expect to be any longer than that. It doesn't take long to drill those holes. If we don't run into problems, any one site should take no longer than an hour or two at any location -- so we really intend to be off the Kansas Road in one (1) day. We'll only be occupying that road for one (1) day really."

Mr. Willner asked, "You'll know where the telephone lines and the gas lines, etc. are -- so you miss them?"

Mr. Bartholomew interjected, "I've already called the 800-DIG number and they were out there today doing a lot of it. And the Evansville Water Company was also finding their lines. As far as your roads are concerned and several others there is a little problem -- because they have a private sewer -- but that is not your problem. That is my problem."

There being no further questions, a motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the request was approved. So ordered.

Boring in St. Joe Avenue Right-of-Way: While on the subject of borings, Commissioner Willner asked if Mr. Curtis knows who was boring in the St. Joe Avenue right-of-way last week between Mill Road and Allen's Lane-- was that a sewer cleaning outfit or something?

County Highway Superintendent Cletus Muensterman interjected that it was the City.

Problems with Raised Sewer Inlets: Commissioner Willner said now is also a good time to discuss raised sewer inlets, because we're going to have problems.

Mr. Curtis said he has contacted the Sewer Department and made them aware of these. They have yet to respond as to whether or not they are going to do anything. It was late last week when he got in touch with them, and they really haven't had sufficient time to respond.

Mr. Willner asked if we know how many of those there are?

Mr. Curtis said he just said "all" of them.

Mr. Muensterman said there are six (6) of them standing between 2-1/2" and 3" high -- and some of the steel is sticking out -- that's what's bad. If his snow blades go through there, we'll have a real bad catastrophe. He thinks the City has to be pushed to take care of this. It seems we have to push the City harder than we do anybody here lately. He hates to say it -- but it's the truth.

Commissioner Willner said either the Waterworks or the Sewer Department (do we know which) went through and re-sealed the manholes in the St. Joe Avenue roadway and left the inlets or the castings up two or three inches above the rest of the roadway. When the snow plow comes along, it is going to be a dead hit.

Mr. Muensterman said they started at Diamond Avenue and went to Allen's Lane and they have three (3) of them on the west lane.

(They also have the same situation in the City on Tekoppel Avenue by the overpass. Whoever is doing this is bringing them too high. He doesn't know who is doing this, as there is no company name on the side of the trucks.

Mr. Curtis said it was the Sewer Department. In response to query from Commissioner Willner, Mr. Borries said he advised the City this is an unacceptable situation and has asked them how they are going to remedy this.

Commissioner Willner asked that the minutes reflect that Mr. Curtis did make the City aware of the problem.

Motz Road Culvert: Mr. Curtis said we should be receiving shipment later this week on the culvert for Motz Road and we'll begin on that early next week.

Proposed Road Standards: It was noted by Mr. Curtis that this past week they had a meeting with a number of the members of the Home Builder's Association and developers with regard to the proposed standards that he and the City Engineer are preparing for approval by the Commission and the Board of Works -- trying to get them somewhat standard between the City and the County. They received a lot of productive, positive input, rather than just a session of yelling -- and he thinks things are going to be worked out for the most part.

Copies of Correspondence: Mr. Curtis said the Commissioners should have found copies of two letters in their mail boxes: One was a letter from the Board of Commissioners (signed by Mr. Willner) in regard to the Road Inspectors. The other was a letter he'd sent to the Council in regard to a request he'd made to the Personnel Committee that some positions in his department be re-classified. He'd just like to bring that up in the meeting and let the Commissioners know he'd appreciate any assistance they can give in seeing that request get approved. We have the position of Bridge Engineer yet to fill, and he doesn't feel we'll be able to find someone unless we get the salary up in a range competitive with the lower end of the market for that type of individual.

Proposed Retirement Home/Daughters of Charity:

Mr. Curtis said The Daughters of Charity of Vanderburgh County have at their site at 9400 New Harmony Road a small sewage treatment plant. They are in the process of planning for a retirement type of home on their property there. If they do that, they have to build a new sewage treatment plant. Thus they are going through the permit process with the Indiana Department of Environmental Management. The Department of Environmental Management has requested documentation that the Vanderburgh County Commissioners do not object to the proposed facility. The gentleman who contacted his office offered to be here today if need be. They are not in a great hurry and Mr. Curtis said he didn't think there'd be a problem. However, if the Commissioners would like for him to be here next week, he was more than agreeable to that. Basically, they have to enlarge their sewage treatment plant to build this retirement home. Thus, they are just going to build a new one that will facilitate their existing buildings as well as the retirement home planned for the future. He needs the Commissioners' statement of not objecting. They don't have to approve it; they just have to state they have no objections to the proposed facility.

Commissioner Borries said he guesses he doesn't have any objections to it. By the same token, at some point in the future he guesses he'd have some concerns as to who is going to maintain it.

Mr. Curtis said, "They are; it's on their property."

Mr. Borries said, "From time to time we've had experience here in this County where there have been some private sewage facilities develop (and he's sure the Daughters of Charity are not going to fall into this situation, because they are going to be here for a while) -- but there have been some developers who leave and then there is some great confusion on the part of the homeowners as to what to do with these facilities -- and there is an inevitable plea for the County to assume some kind of operation of this. He has no objections, but his concern is that it needs to be set in the understanding that at no point does the County intend to maintain that."

Mr. Curtis said, "His explanation to me was that this is going to be a private facility and because of the area they are in, they feel it is in their best interest to put in a sewage treatment plant of their own rather than to try and obtain City sewer. So they wouldn't have a sewer system that would be tied in to the City that someone might have to take over. It would be their own individual system. Here again, you are not giving approval for it to be built, they just want you to say you don't object to the facility being built."

Mr. Borries said there are members of the Health Department in the audience today. Thus, he again is only going to say that he doesn't have any objection to it as long as it is understood either in that agreement (or if the Commissioners need to sign something) that the County in no way will maintain this at a future date. That is his concern.

Commissioner Willner asked, "Can you tell me what kind of system they are going to have? How much acreage are we talking about?"

Mr. Curtis said, "They are planning an extended aeration plant with tertiary filters. They are basically building a mini-sewage treatment plant -- not a septic tank. They will be treating the sewage themselves and I am assuming that the effluent will be satisfactory to discharge into a stream or some sort of holding pond and would have an overflow. I have been involved when I was with the State Highway Department with some of their unit buildings of going through this process and that is what it sounds like to me."

Mr. Borries asked, "Do they have any indication of how large a building this is or how many members are going to be in the building?"

Mr. Curtis said he doesn't know about that. He then presented a copy of the architect's plans for the facility and offered comments and it was noted by Commissioner Borries that the architect will not design the sewers. They are going to abandon the old sewage treatment facility and install a new one.

Mr. Darryl Veach of Veach, Nicholson, Griggs Associates noted they have to obtain a permit from the State.

Mr. Curtis said they will have to get a State permit and....

Mr. Borries interrupted by saying, "For the record, those comments were made by Mr. Darryl Veach. We had asked his opinion regarding this and, Darryl, I don't ask for any kind of official okay on your part -- but you would say that the system, as planned, is at least adequate to serve their needs?"

Mr. Darryl Veach responded in the affirmative.

Commissioner Willner entertained a motion.

Mr. Curtis read the following: "The State Department of Environmental Management has requested documentation that the Vanderburgh County Commissioners do not object to the proposed facility."

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the Commission does not object to the facility and it should be noted that it is Commissioner Borries' concern that at no time does his non-objection indicate that the County of Vanderburgh would have any kind of responsibility for future maintenance of this facility. So ordered.

Commissioner Willner requested that Mr. Curtis write the requested letter. Mr. Curtis said he will do so and also will inform them that we will send them a copy of the minutes of this meeting to further explain.

President Willner asked Mr. Sam Elder of the City-County Health Department if this answers his question too?

Mr. Elder said they gave a letter of no objection. The reason they wanted the letter from them was so they could get a building permit. The Department of Environmental Management is the only agency that approves it.

Commissioner Willner said those were the comments of Mr. Elder and the Commission has no objections.

Claims: The meeting continued with Mr. Curtis submitting the following claims for approval:

United Consulting Engineers, Inc.: Claim for Eickhoff-Koressel Rd. Environmental Study in the amount of \$1,799.11. This is not quite a final billing for that project, as we haven't gotten through the hearing stage yet -- but it pays them up to where the project stands at the present time.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Veach, Nicholson, Griggs Associates: Claim with regard to Green River Rd. South Project in the amount of \$1,379.01. Mr. Curtis said he recommends the claim be paid.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Veach, Nicholson, Griggs Associates: Claim with regard to the Fulton-5th Avenue Bridge in the amount of \$2,115.00. Mr. Curtis' recommendation is that the claim be paid.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman said he had submitted his Weekly Reports and entertained questions.

Paving Program Progress Report: It was noted that Nuebling Road is completed and Baseline has been paved from the Old Princeton Rd. to U. S. Highway 41 and they have started on Baseline Rd. from Old State Rd. to Highway 57. This section is about 2.6 miles and will take a little longer, as it needs some upgrading in sections of the slopes. They are also trying to make the road more even and straighter.

They are installing culverts on Batey Rd. so that can be widened and paved. This is a project that has been laying around for about three (3) years and they've finally received permission to get in there and get with it.

In conclusion, Mr. Muensterman said we have paved about 3.5 miles of rock roads this year and we yet have two roads to do, which amount to approximately a half mile or a little better.

In response to query from Commissioner with regard to contractual paving and whether we're estimating that we'll get this all done and whether all of the contracts have been let, Mr. Curtis said all of the contracts for this year have been let. The Rogers Group, Inc., which has the bulk of the paving work to be done was supposed to be starting on the pavement preparation on Thursday or Friday of last week and they anticipate no problems in getting that done -- barring some very, very uncommon weather during the month of November. They expect to get the bulk of the work done this month.

With regard to the widening projects, etc., that Sam Oxley & Company received the bid on last week, they have indicated that they don't foresee any problems in completing that project by the required date of December 15th. It appears that everything should get finished yet this year.

Green River Rd.: Mr. Muensterman advised that Green River Rd. is now open -- it has been blocked.

Pot Holes: Mr. Muensterman requested that anyone knowing of any pot holes in the County should call 428-0573 (County Highway Garage) and they will be right out to repair same. We do have some culverts that need to be patched -- but they're doing that today.

Mr. Willner asked if at some time in the future Mr. Muensterman is going to declare Vanderburgh County pot hole free again?

Mr. Muensterman replied, "Before November 1st."

Repairs on Broadway: Commissioner Borries said at least one motorist had some concerns regarding a portion of Broadway. He's not sure whether the City has paved it or whether it was near the County line -- but the striping has not yet been done. Do we get any communication from the Board of Public Works regarding where we are with our striping program? The motorists was particularly concerned about night driving. It is a good surface, but it is not lighted well.

Mr. Muensterman said the day they finished paving, he had already reported that.

RE: REQUEST TO GO ON COUNCIL CALL - COMMISSIONERS

Commissioner Willner said he has a request to go on Council Call (Acct. #130-325) in the amount of \$5,880.00 re Hypertension Services/Health Contract. He asked Mr. Sam Elder of the City-County Health Department if he is present for purposes of addressing this.

Mr. Elder said he is present to answer questions should the Commissioners have any.

Mr. Willner said a notation on the request says, "We only have funds to cover this thru October, so we will need this amount to pay the County's portion for the balance of this year."

Mr. Elder said we had a grant from the Federal Government for a Hypertension program and they had cancelled it. Members of the County Council and the City Administration agreed to fund it. It

is his understanding that the County is going to fund half and the City is going to fund half through this year. The County's half is \$5,880.00 for the balance of the year.

Commissioner Borries asked Mr. Elder what happens for next year?

Mr. Elder said they had hoped the County would fund it again. It would be roughly \$20,000.

Mr. Borries said he has no objection to it. He thinks it is like a lot of things we do. We need to do these ongoing programs, but he is not sure the Commissioners budgeted anything for this. Someone may have to come back to address this so the Commissioners can put in an appropriation request to the Council for the 1990 budget. He wasn't personally aware of the program itself in terms of the funding commitment there.

Mr. Elder said that actually the County Council and the City Administration volunteered to do it.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the request was approved for November Council Call. So ordered.

RE: COUNTY CLERK - MONTHLY REPORT

The monthly report from the Clerk of the Circuit Court for period ending September 30, 1989 was presented.....report received and filed.

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

Also submitted was the monthly report of County billing from Alexander Ambulance Service, Inc. for the month of August.....report received and filed.

RE: ACCEPTANCE OF CHECKS

Evansville Dance Theater: Upon motion made by Commissioner Borries and seconded by Commissioner Willner, a check in the amount of \$100.00 from the Evansville Dance Theater (payment on promissory note to Vanderburgh Auditorium) was accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

Conrad Baker Foundation: A \$100.00 check from the Conrad Baker Foundation for parking lot rent for October 1989 was presented. Commissioner Willner said this is for the parking lot which was just purchased from Mr. McKinney. Commissioner Willner asked if there would there be a move by the Board to waive the rental fee for parking?

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the Board approved waiving of rental fee for the Conrad Baker Foundation for parking. So ordered.

Commissioner Willner asked Mr. Riney to see that the Conrad Baker Foundation receives their check back with the Board's compliments.

Commissioner Borries pointed out we're just trading dollars -- as they will be back asking for assistance. He said by purchasing some of this property we're looking at a long range plan and he is not going to expound on same at this time. It is always his feeling that before we embark on any ambitious plans for any expansion for County offices, we might want to consider any available space for County offices back into that grand old building -- because, to him, that would be one way we would be able to renovate it. Commissioner Willner agreed.

RE: TRAVEL REQUESTS

Veteran's Services: A travel request was presented from Veteran's Services to attend the Indiana Department of Veteran's Affairs County Services Officers meeting at the Veteran's Affairs Medical Center in Marion, IN on October 13, 1989. Mr. Wallace indicates they have allocated monies in their travel account for this expense.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the request was approved. So ordered.

County Clerk's Office: President Willner said County Clerk Betty Knight Smith is requesting lodging, travel and food expenses for November 12, 13 and 14 (two night's lodging), as well as registration fee of \$110.00 for herself and one deputy (Roberta Matlock) to attend Association of Indiana Counties Conference (not a State-called meeting).

Mr. Riney said this would be a total of \$550.00.

Mr. Borries said he thinks it important that County officials attend these. Upon motion made by Mr. Borries and seconded by Commissioner Willner, the request was granted. So ordered.

RE: REQUEST TO ADVERTISE FOR BIDS - COPIER/PROSECUTOR'S OFFICE

The meeting continued with Commissioner Willner submitting a request from the Purchasing Department to advertise for bids for a high volume copier for the Prosecutor's Office. The advertising dates are set for October 12 and 19, with bid opening scheduled for 2:30 p.m. on October 30, 1989.

In response to query from Commissioner Willner, Mr. Riney responded that according to Susan Jeffries of the Purchasing Department the Prosecutor's Office has sufficient funds for purchase of same.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the request was approved. So ordered.

RE: ORDINANCE RE FILLING OF PLATS AND PLAT SURVEYS

Mr. Willner said that County Auditor Sam Humphrey has requested that the Commissioners review an Ordinance to require the filing of plats and plat surveys with the Vanderburgh County Surveyor, instead of the County Auditor. The Ordinance says a filing fee of \$1.00 shall be paid at the time of filing to help us recoup some dollars. Copies are available for perusal by the Commissioners so they can go over the ordinance and ask any questions they might want to ask. This is just being introduced at this time to make them aware of the proposed ordinance.

RE: OLD BUSINESS

The Chair entertained matters of Old Business for discussion, but there were none.

RE: NEW BUSINESS

The Chair entertained matters of New Business for discussion, but there were none.

RE: SCHEDULED MEETINGS

It was noted by Commissioner Willner that today's agenda reflects scheduled meetings for the EUTS Technical Committee and the EUTS Policy Committee. Commissioner Borries said he attended a meeting on October 5th, so he is not sure they are going to have a meeting on October 12th. The Commissioners requested that Mr. Riney check with Rose Zigenfus of EUTS to determine whether meetings will be held on October 12th.

Mr. Curtis said they deferred the September meeting until October 5th.

Mr. Riney returned to the meeting and confirmed that the two EUTS meetings were held on October 5th and will not be held on October 12th.

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim in the amount of \$1,560.41 for legal services. Commissioner Willner said he has reviewed the claim and finds it to be in order.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

RE: EMPLOYMENT CHANGES

Circuit Court (Releases)

Deana Dunkel Reception Clk. \$12,576/Yr. Eff: 10/23/89
(Leave of Absence with Insurance/Surgery from 10/23/89 to 12/5/89)

Auditor (Appointments)

Donna Krowl Counter Clk. \$14,229/Yr. Eff: 10/9/89
Teresa Riney Transfer Clk. \$15,267/Yr. Eff: 10/9/89

Auditor (Releases)

Teresa Riney Counter Clk. \$14,229/Yr. Eff: 10/6/89
Peggy Rausch Part Time \$35.00/Day Eff: 9/15/89

Superior Court (Appointments)

Karen Conley Clk/Sec'y. \$14,541/Yr. Eff: 10/9/89

Superior Court (Releases)

Karen Conley Clk/Sec'y. \$13,848/Yr. Eff: 10/6/89

Center Assessor (Appointments)

Jane Wilkie PT Deputy \$35.00/Day Eff: 10/6/89
Tracy E. Cross PT Deputy \$35.00/Day Eff: 10/6/89

Perry Assessor (Appointments)

Nancy L. Locke PP Deputy \$16,030/Yr. Eff: 9/6/89

Perry Assessor (Releases)

Nancy L. Locke PP Deputy \$14,557/Yr. Eff: 9/6/89

County Clerk (Appointments)

Corey Kelly CS Clerk \$12,028/Yr. Eff: 9/25/89
Linda Bengert Deputy Clerk \$35.00/Day Eff: 10/2/89
Shannon Trafton Deputy Clerk \$35.00/Day Eff: 10/2/89

County Clerk (Releases)

Corey Kelly Misd. Clerk \$12,028/Yr. Eff: 9/22/89
Sharon Green Juvenile Clerk \$572.73/Pay Eff: 10/6/89

Pigeon Assessor (Releases)

Rebecca Petty Part Time \$35.00/Day Eff: 10/2/89


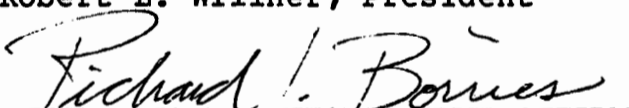
There being no further business to come before the Board,
President Willner declared the meeting adjourned at 3:50 p.m.

PRESENT:

Robert L. Willner/President
Richard J. Borries/Vice President
Sam Humphrey/Auditor
Jeff Harlan/Acting County Attorney
Greg Curtis/County Engineer
Cletus Muensterman/County Highway Supt.
Sam Elder/City-County Health Department
Jack Allis/Morley & Associates
Steve Bartholomew/Office of Surface Mining
Dr. Norman Hester/Director/Indiana Geological Survey
Darryl Veach/Veach, Nicholson, Griggs Associates
Jerry Riney/Supt. County Bldgs.
Others (Unidentified)
News Media

ABSENT: Carolyn McClintock/Commissioner

SECRETARY: Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, V. President

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 16, 1989

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MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 16, 1989

The Vanderburgh County Board of Commissioners met in session at 6:30 p.m. on Monday, October 16, 1989 in the Commissioners Hearing Room, with President Willner presiding.

RE: APPROVAL OF MINUTES

President Willner called the meeting to order and entertained a motion concerning approval of minutes of September 25 and October 9, 1989.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock for September 25th meeting, and motion was made by Commissioner Borries and was seconded by Commissioner Willner for the October 9th meeting. The minutes were approved, as engrossed by the County Auditor and reading of same waived. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting proceeded with President Willner offering the remaining parcel of County-owned surplus real estate at 808 Line Street (Tax Code: 11-90-21-74-5) for sale. There were no bids and the sale will continue.

RE: ORDER SETTING VOTER PRECINCTS IN VANDERBURGH COUNTY, INDIANA

Mr. Paul Bitts stated all he wanted the Commissioners to do tonight, because there was somebody sick on the election board, is that we need you to repass the resolution that you passed before approving the redistricting. I would advise you to either admend that date or do away with that date and just pass this one.

Willner asked what the date was on the other one.

The 25th day of September was given as the answer.

Mr. Paul Bitts stated that they need to get that passed tonight and also get it by the Auditor so we can send it to the State. Mr. Jeffries and I just had a conversation and we think that by within the next ten days we will be able to present to the Commissioners a bonified map of the Vanderburgh County with all the precinct lines for the Council as well as present district lines for the School Board and the Commissioners. Therefore, it will give you a list of all the people in each precincts.

Commissioner Borries asked if he was correct in assuming the old term "one-man, one vote" is that registered voters or is that by population in any one given district?

Mr. Bitts stated that that is registered voters. There is no way we could get an estimate on population in districts.

Commissioner Borries made a motion that they recind the motion of September 25, 1989 and pass the order of October 16, 1989 and was seconded by Commissioner McClintock.

RE: TRAFFIC ORDINANCE/CODE OF ORDINANCE - FIRST READING

Commissioner Willner stated that he was not real clear on this ordinance. This ordinance is on two roads. One is Darmstadt Road, and it says the speed limit on Darmstadt Road is changed as follows: Evansville City limits to the intersection of Mohr Road is 40 mph and from the intersection of Mohr Road to Darmstadt town limits is 35 mph. Either it should be the other way around, or something. The curve that we have the heaviest amount of accidents on would then be 40 mph and the rest of the road would be 35 mph. So, there is something wrong.

Commissioner Borries stated that he thought it was the other way around.

Commissioner McClintock read from the previous meeting that the speed limits were as Commissioner Willner read in the ordinance, with the dangerous curve having the higher speed limit.

Commissioner McClintock stated that it sounds like the ordinance should be sent back to EUTS.

In conclusion, it was decided that the ordinance will be sent back to EUTS.

RE: ORDINANCE RE PLATS & PLAT SURVEYS *

Commissioner Willner: "This ordinance was introduced to the Commissioners last week. In order to proceed we need a first hearing and final hearing date so that the ordinance can be heard a number of times. We can proceed, we can hold the first hearing on October 30th and the final hearing on November 6th. The fee for filing a plat in Vanderburgh County is \$1.00 in the Surveyor's Office. This shall cause all filing fees collected pursuant to this ordinance to be deposited in the County Surveyor's Coroner Preemption Fund.

Commissioner McClintock asked if the Recorder is going to collect on the County Surveyor's behalf?

Bill Jeffers stated that the Recorder needs to do this. In this case, our office, the County Engineer's Office, and then sent it to the Coroner's Fund.

Commissioner Willner asked if this is what is handled by the Auditor's Office.

Commissioner Borries asked if this was another \$1.00 being assessed, or is it in lieu of or in place of the other \$1.00?

Bill Jeffers: "No, it is my understanding that, at this time the Auditor's Office collects the \$1.00. All the monies collected by our office are collected by Quietus in the Auditor's Office. We don't actually handle cash. This would be the same deal.

Commissioner Borries asked if this was just going to be a change on who was going to collect the \$1.00.

Bill Jeffers said whoever collects the dollar and who does the work. It would be the same dollar that is now being collected in the Auditor's Office for the work they do now, we would be doing the work and collecting the dollar. It is my understanding the the Legislature passed a new bill that allows the County Surveyor's Office to prepare the maps, and plats that are now being prepared by the Auditor's Office for use by the Assessor. When someone comes in and partitions off a parcel from a parent parcel, the fee for that is \$1.00. The ladies in the Auditor's Office collect this dollar and they do the partitioning on paper and then collect the dollar for the fee. Then those books are subsequently used by the Assessor in preparing tax assessments.

*Advertised for First Reading on November 6th and Final Reading on November 13th. (Note: Hearings subsequently cancelled on October 30th per Attorney Miller; see minutes of October 30th meeting.)

Commissioner McClintock made a motion that the public hearings be set for the ordinance of Vanderburgh County to require the filing of plats and plat surveys for the Vanderburgh Surveyor with the first hearing set for October 30, 1989 and the final hearing on November 6, 1989. The motion was seconded by Commissioner Borries. So ordered.

RE: EXECUTION OF QUIT CLAIM DEEDS FOR SURPLUS REAL ESTATE
Which has been sold (7 parcels).

Commissioner Borries made a motion to execute the Quit Claim Deeds for surplus real estate and was seconded by Commissioner McClintock.

RE: TRAVEL REQUESTS

County Auditor

Commissioner Willner stated that the County Auditor has asked permission to go to Indianapolis for the purpose of attending a meeting of Association of Indiana Counties 1989 Annual Conference on November 12, 13 & 14th.

Commissioner McClintock moved that the travel request be approved and was seconded by Commissioner Borries.

Commissioner Willner stated that the Surveyor's Office is requesting that Chris Kerns, Instrument Man for the Surveyor's Office, be allowed to travel to Purdue to take a renewal test in Right-Away Pesticide Application. This test and license is required for his job description and is needed to monitor chemical applications to the County. Requested that he be allowed to travel expenses, including a nights lodging and will be taking the test on November 6 & 7th.

There was some question as to whether Cletus Muensterman of the County Highway Department may have some employee that is required to take the same test. If so, should this be held up until that is decided?

In conclusion, it was decided that the request be held up until the County Highway Dept. get back to the Commissioners and let them know if they are required to send and license an employee from their department. This way both employees can be sent together.

RE: COUNTY ATTORNEY - CURT JOHN

The County Attorney (Curt John) was asked if he had anything to present and he stated he had nothing.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said he had submitted his Weekly Work Reports and Absentee Reports to the Commissioners for period of October 6 thru October 12, 1989. Are there any questions or comments?

Commissioner Borries stated that when the Highway Department did the striping on Broadway Avenue, that he has had several motorist, particularly the one that brought it to my attention, said it was much better. At night, it was so black out there that you just kind of faded off the road. You couldn't figure out where the road ended without street lights. That yellow line really helped.

Cletus Muensterman said that they had only received two calls on potholes. But the Highway Department were out finding the potholes themselves.

Commissioner Borries state that he knows this has been discussed before, but he just wanted to confirm. While coming back from Purdue this weekend, I drove Heckel Road and came in by Oak Hill Road. Is part of Oak Hill on contract this year to be paved?

Cletus Muensterman stated that Oak Hill and Heckel were shceduled to be worked on last week.

Commissioner Borries said the only other road he suggests the Highway Department look at is just south of that Pigeon Creek bridge. You need to monitor that stretch on Green River Road.

Commissioner Borries continued saying that the stretch of road is alergatering pretty bad. I know that we have a project starting there but I'm just saying that we need to monitor this winter.

RE: COUNTY ENGINEER - GREG CURTIS

On my first report, on the paving contract stage, anticipated that they would have the pavement preperation completed today and barring bad weather forecasts, they anticipated they would start paving on Wednesday, on intersection project. They will start tearing on curves on St. Joseph.

First item I have is in regard to Boonville-New Harmony Road extension project. I advised each of you, prior to the meeting today, of change overs that I would be bringing to the meeting.

We had a condition in the sub-grade to the area of bridge project approximately six to eight weeks to fill. Its a very unstable sub-grade condition that was primiarily due to the Indiana Department of Highways and the Department of Transportation. Their test results they sent to you to empower construction engineering. They sent incorrect data back. Basically, what happened, as a result of that was they had to aquire the fills that brought it up. So, therefore what we have is a very unstable fill. The State Highway feels that this should be classified as construction error and that being the case, the State Highway would participate in 75% of it. State Highway was however, reluctant to agree that there was an error. Therefore, we had a meeting this past Friday, 10/13/89. It was decided at that meeting, to go with a lime stabilization, which basically, will solidify the opportunity to come back and sub-grade, an almost condition similar to concrete. Cost of that will have to be more than 25% by the County and 75% by the Federal Government. I have a change order for that (#005), it amounts to \$37,748.75. The State Highway Department has indicated that they are in agreement with that and I don't anticipate any problems whatsoever with the change over. I have to say that I am very reluctant to carry this change over but it is not the contractor's responsibility to cause the State of Indiana and it's representative of the Federal Highway Department. They are the ones who made the error. Our portion will be 1/4 of that amount.

Commissioner Borries said "I know that since you are bringing my attention to this...I don't like these but I do understand the situation. Yes, I will support it in view of the fact of what the other alternative is, and I always ask for an alternative. You are saying that if they take all the soil out, the cost is outrageous.

Mr. Curtis said the cost was anticipated for removing the fill and letting it dry out and replacing it would be approximately \$100,000.00. The State Highway preferred alternative was to let it set there and see if it dries out. However, there were a number of experts that felt that it would do nothing by just letting it set there. In light of that, I don't really see any other alternatives.

Commissioner Willner stated that he did drive his van over it and it sunk down maybe 4 inches. There are particularlyly two spots in there that seems very unstable. It's like jelly. You can step on it and shake it with your foot. There's no question that we need to do something, and I guess you're telling me this is it.

Commissioner McClintock made a motion to approve the change order.

Mr. Curtis stated he brought an order for \$18,512.31 for Construction Engineering Services performed for Boonville-New Harmony Road Extension.

Commissioner McClintock made a motion that this claim be allowed and was seconded by Commissioner Borries. So ordered.

Mr. Curtis said he had a claim from Sam Oxley Company, Inc. in Jasper in regards to contract paving for various roads in the amount of \$286,005.20 VC-09-06-01

Commissioner McClintock made a motion that the claim be allowed and was seconded by Commissioner Borries. So ordered.

Mr. Curtis said also, on the paving contract that Rogers Group has on Oak Hill Road and Green River Road, he has been discussing with the Rogers Group and it was felt that it would be in the County's best interest to have these roads marked and paved between the time they are completed and the time they are striped. Even if the Traffic Engineering Department gets out there the next day and stripes the road, it's a very dangerous situation on high volume roads, such as the two roads are. At this time I don't know what the amount will be. Pavement costs \$1.50 per foot with one foot of striping every 40 feet. We have also found in the contract, an error that I made in the calculations section, of the road I am now going to withdraw the section of road. So, therefore, we are going to have bids to do and paving costs. I will be bringing a change order on this and it will be for a completely different amount. VC 89-09-03

We have a right of way agreement from the Premier Group Ltd., which is more a portion of Royal Avenue adjacent to Royal Commercial Sub-division. I reviewed things and feel everything seems to be in order. I'd like to request that the sign absolutely be put there.

Commissioner Willner made a motion that the right of way and signage be approved and was seconded by Commissioner Borries.

Mr. Curtis said he delivered a letter of explanation, as well as a transfer and a copy of the transfer made for the bridge. In the budget this year, there is a \$20,000 line item under Mosquito Road Bridge and two of them were zero before the bridge was opened. So, it was zeroed when the bridge was closed. I'm going to ask the County Council to transfer the money into the bridge fund that we have closed. My office has prepared a bid advertisement that I would like you to sign this evening for going ahead and demolishing the old structure and driving pilings for a new bridge. We can do that before winter, if the weather is not too adverse. At this time we don't have the contract, so, when it does come time to build the bridge, with all the work to do done, we will be able to get it done prior to the farmers being out in their fields, next spring.

So ordered. Bids will be received until Monday, November 6, 1989 at 2:30pm.

Mr. Curtis requested to go to Jasper, Indiana, Indian Department of Transportation is putting on a workshop on Federal Highway Assistants. I would like to attend this workshop.

Commissioner Borries moved that the Commissioners grant the request for travel and was seconded by Commissioner Willner.

Mr. Curtis also wanted to bring up information he received from the United Consultants for the Engineering meeting. I wanted to bring this to the Commissioners attention. We had our meeting last month on the condition of Delaware and Franklin Street projects. It appears on the Columbia and Delaware expressway that the estimated construction costs for that project will be \$2,333,600.00. That's in 1990 dollars, and that will be an 80/20 project in funding. Next week, I hope to have the Engineering Agreement signed for that. On the Franklin Street Bridge, we have a little bit different situation. We have a cost estimate for re-construction, which would be \$1,583,700.00. However, someone down in the Federal Highway Department, in the Department of Transportation, thought it would be in the County's best interest to do a feasibility study on the Franklin Street Bridge because of the poor condition that it has remained in. They feel they might likely, when it comes time to review the plans, they might tell us its time to replace the bridge. So, if we do this feasibility study, and get their approval on our choice of action afterwards, we wouldn't be in conflict or be running from one department to another. United is going to be submitting an agreement on that project but basically, it will be for a re-construction project. We will be able to terminate that agreement.

RE: REQUEST TO GO ON COUNCIL CALL - COUNTY COMMISSIONERS

A request to go on Council Call re transfer of funds for legal advertising, legal services and soldiers burial to pay outstanding bills was submitted.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL - DRAINAGE BOARD

A request to go on Council Call in the amount of \$226.00 to meet Drainage payroll to year's end, plus Social Security was submitted.

Upon motion made by Commissioner Borries and was seconded by Commissioner Willner. So ordered.

RE: COUNTY TREASURER - MONTHLY REPORT

Commissioner Willner " We have a County Treasurer monthly report to be received and filed."

RE: DATA PROCESSING BOARD - REPLACEMENTS

Commissioner Willner stated that we need at least one replacement for the Data Processing Board. Mr. William Jones has resigned and possibly Mr. Nolan may not be able to serve as well. If anyone has a suggestion as to a replacement please pass them on to me.

RE: CLAIMS

No claims

RE: SCHEDULED MEETINGS

The next scheduled meeting will be Monday, October 23, 1989 is the Drainage Board Meeting.

RE: EMPLOYMENT CHANGES

<u>SHERIFF/JAIL</u>	(Appointments)		
William C. Teague	Correction Office	\$15,668/Yr.	Eff: 10/10/89
<u>SHERIFF/JAIL</u>	(Releases)		
Steven Pearce	Correction Officer	\$16,451/Yr.	Eff: 10/6/89
<u>KNIGHT TOWNSHIP ASSESSOR</u>	(Appointments)		
Alfred J. Inkenhaus	Deputy	\$35/day	Eff: 9/28/89
Jackie S. Hammer	Deputy	\$35/day	Eff: 9/29/89
Leon Collins	Deputy	\$35/day	Eff: 9/27/89
<u>KNIGHT TOWNSHIP ASSESSOR</u>	(Releases)		
Alfred J. Inkenhaus	Deputy	\$35/day	Eff: 9/28/89
Jackie S. Hammer	Deputy	\$35/day	Eff: 9/29/89
Leon Collins	Deputy	\$35/day	Eff: 9/27/89

RE: EMPLOYMENT CHANGES

<u>VANDEBURGH SUPERIOR COURT</u>		(Appointments)	
Cynthia A. Lutgring	Court Reporter	\$19,834/Yr.	Eff: 10/9/89
<u>VANDEBURGH SUPERIOR COURT</u>		(Releases)	
Sylvia Harrawood	Court Reporter	\$20,825/Yr.	Eff: 10/6/89
<u>CENTER ASSESSOR OFFICE</u>		(Appointments)	
Debbie Burch	Deputy Assessor	\$15,267/Yr.	Eff: 9/6/89
Donald Cobb	Deputy Assessor	\$13,204	Eff: 9/6/89
<u>CENTER ASSESSOR OFFICE</u>		(Releases)	
Debbie Burch	Deputy Assessor	\$14,229/Yr.	Eff: 9/6/89
Donald Cobb	Deputy Assessor	\$12,576/Yr.	Eff: 9/6/89
<u>KNIGHT TOWNSHIP ASSESSOR</u>		(Releases)	
Mary Margaret Lloyd	Deputy	\$35/day	Eff: 9/29/89
Paula Jacquelyn Baughn	Deputy	\$35/day	Eff: 9/29/89
Steve R. Folz	Deputy	\$35/day	Eff: 9/28/89
<u>CIRCUIT COURT</u>		(Appointments)	
Wanda Ringham	Court Reporter-Extra Typing	\$2/page	Eff: 10/9/89
<u>VANDEBURGH SUPERIOR COURT</u>		(Appointments)	
Sylvia Harrawood	Court Reporter	\$560.63	Eff: 10/9/89
<u>VANDERUBURGH SUPERIOR COURT</u>		(Releases)	
Sylvia Harrawood	Court Reporter	\$560.63	Eff: 10/17/89
<u>COUNTY CLERK</u>		(Appointments)	
Shannon E. Trafton	Part-time	\$5/hr.	Eff: 10/2/89
Jessica Pace	Part-time	\$5/hr.	Eff: 10/16/89
Betty R. Dayvolt	Part-time	\$5/hr.	Eff: 10/16/89
Linda S. Bengert	Part-time	\$5/hr.	Eff: 10/2/89
<u>COUNTY CLERK</u>		(Releases)	
Tina Clouse	Deputy Clerk	\$12,028/Yr.	Eff: 10/9/89
Robyn Mastison	Deputy Clerk	\$5/Hr.	Eff: 10/9/89
<u>COUNTY CLERK</u>		(Appointments)	
La Nelle Brenner	Deputy Clerk	\$13,204/Yr.	Eff: 10/9/89
Robyn Mastison	Deputy Clerk	\$12,208/Yr.	Eff: 10/9/89
Donna Mosby	Deputy Clerk	\$12,628/Yr.	Eff: 10/9/89
Tina Clouse	Deputy Clerk	\$12,628/Yr.	Eff: 10/9/89

COUNTY CLERK

(Releases)

La Nelle Brenner	Deputy Clerk	\$12,576/Yr.	Eff: 10/9/89
Sharon Green	Deputy Clerk	\$14,891/Yr.	Eff: 10/9/89
Dorothea Buente	Deputy Clerk	\$15,348/Yr.	Eff: 10/9/89
Donna Mosby	Deputy Clerk	\$12,208/Yr.	Eff: 10/9/89

VANDEBURGH COUNTY ASSESSOR

(Releases)

Beverly Nance	Reassessment Deputy	\$11,126.44/Yr.	Eff: 10/13/89
Virginia M. Wallace	Reassessment Deputy	\$11,126.44/Yr.	Eff: 10/13/89

PIGEON TOWNSHIP ASSESSOR

(Appointments)

Beverly Nance	Deputy	\$13,204/Yr.	Eff: 10/16/89
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SIMON'S GOVERNMENTAL SERVICES

Commissioner Willner stated that before we get to the rezoning he had one other thing. " I have a letter from an Attorney in New Albany, Indiana, representing Simon's Governmental Services, saying that he was of the opinion that we should pay Simon's Governmental Services for his equity work in Vanderburgh County Reassessment. I have turned that letter over to Attorney Miller for an answer and I have notified Attorney Schopmeyer that he should give his input to Attorney Miller and forward a letter to them. I would hope that in doing so would stop a lawsuit. I'm not sure, but I think it was pretty threatening that the City had to talk with the State Board of Accounts and they felt like somebody did some work that they need to get paid for. So, we need to remind them that we did have a contract that did not specify any overruns or anything. So, Attorney Schopmeyer and Attorney Miller are handling that situation."

RE: REZONING PETITIONS

1st Reading: VC-19-89/Petitioner, Southwestern Indiana Southern Baptist Association

Commissioner Willner: Southwestern Indiana Southern Baptist Association is requesting a rezoning from agriculture to R-2. The existing land is vacant and the proposed land is a duplex apartment. Common address is Oak Hill Road at the intersection of Whetstone.

Commissioner Willner asked if there were any questions of VC-19-89. There were none. Commissioner Borries made a motion to forward to the Area Planning Commission and was seconded by Commissioner McClintock. So ordered.

1st Reading: VC-20-89/Petitioners, Gene & Mary Bays

The property affected address is Oak Grove Road, 200 feet west of the intersection formed by Burkhardt and Oak Grove Road. The zoning is now agricultural and they are asking for a zoning of C-4. The present existing land uses are single family residents and the proposed land use is general commercial.

Commissioner Willner asked for a motion on VC-20-89. Commissioner Borries made a motion to approve VC-20-89 and Commissioner McClintock seconded. So ordered.

1st Reading: VC-21-89/Petitioner, H. Glenn Moore

The common address is St. Joseph Avenue and Commercial Court. The present zoning is C-4 and they are asking for a zoning of M-1. The existing land use is vacant. The proposed land use is a automobile body shop. The owner of record is Woodall. He currently has a body shop in that neighborhood but it is without the M-1 because he wants to build a new body shop. Commissioner Borries moved to approve VC-21-89 and was seconded by Commissioner McClintock. So Ordered.

NOTE: Commissioner Willner stated that before we begin on 3rd readings, he wanted to ask if there was anyone in the audience for VC-13-89/James Rittenhouse or VC-14-89/Bettye Davis & Carol Lant, which have been continued until November. Also, VC-18-89/Music Ministries, Inc. has been withdrawn. There were no replies.

3rd READING:

VC-16-89/Petitioner, Kim Epperson

Kim Epperson stated she is the petitioner requesting the rezoning of a portion of the property located at 13659 Highway 41 North from agriculture to C-1, for use as a travel agency. The area for which I am requesting rezoning, is a 360 sq. ft. area contained within a building located at the aforementioned address. The remainder of the building is to remain zoned agriculture for use by my husband, Stan Epperson and his partner, Dr. Butler, as a veterinary clinic. I have been before the Area Plan Commission twice.

Some portion of tape is missing or ineligible.

Another business allowable, under the C-1 zoning, that it would be one less desirable to him and to the other neighbors in adjacent property. Out of consideration for their concerns and to allay the fears that might have been unspoken by any adjacent property owners and/or neighbors, I filed a restricted use commitment, restricting the use of the property in question, to travel agency only. It is my understanding, and I will go upon record as saying as much, that should another business ever come to occupy those premises, that I would make it known to any potential buyers, that further rezoning would be required for another business to be located in those premises. With the restricted use commitment, in effect at the second Area Plan Commission meeting, I did receive a 7 to 2 approval vote for this rezoning request. Also, at the last hearing, I might add that there were no remonstrators present. I ask you, therefore, this evening, to approve or accept the recommendation of the Area Plan Commission and approve my request for this rezoning. I ask you not only to consider the points I have made but also the following: First of all, the area in question is small. It measures 360 sq. feet, which comes roughly to 5/100 of an acre. It is wholly contained within a commercially used building, and at the present, and while I acknowledge the fact that it is not commercially zoned, it is being used commercially. No further curb cuts will be necessary off of Highway 41. In that there is already access to the clinic, currently in operation there, I feel that the travel agency is a business appropriate to this area. It would be a small but valid point to consider that in the future should a potential developer or corporation, etc. decide or consider relocating to the industrial corridor, just north of my property, that it would serve as a small incentive indicating to them that Area Plan Commission and the County Commissioners are trying to develop that area commercially. The business of a travel agency is conducted primarily over the phone. As a result, I don't anticipate an increase in the amount of traffic coming to this location or leaving from it. I don't feel that this is a spot rezoning. Immediately to the north lies Buslers. It is zoned commercially under a C-4. It is operated as a gas station/mini market. A lot of cars come & go from there in a days time. Just north of that, from which according to the Area Plan Commission master plan, (formulated in 1987) heavy industrialization is anticipated there by the year 2000. I will conclude now with a request to consider all the points I've made and to approve for rezoning the property in question. I welcome any questions you might have at this time.

Commission Borries asked if Ms. Epperson owns the property all the way to Buslers.

Ms. Epperson stated that she does own the property and that it does come to a point, as the plat indicates.

Commissioner Willner called for any remonstrators. There were none.

Commissioner Borries moved that VC-16-89 be approved (with stipulation to limit development) and was seconded by Commissioner McClintock.

Commissioner Willner stated that a motion has been made and seconded. We will now have a roll call vote. Commissioner McClintock voted yes, Commissioner Borries voted yes and Commissioner Willner voted yes. The motion was granted.

3rd READING: VC-17-89/Petitioner, Phillip Garrison

Mr. Phillip Garrison is being represented by Mr. James Morley.

Mr. Morley stated that he had in front of him, a proposed site plan for a petition to rezone from the current C-1 zoning to C-2 zoning. Two commercial lots in front of Old Petersburg Place. These lots have been zoned previously, a previous petition was shown to the Commissioners involving one large building (actually two large buildings because there is a partition in the middle of it). The request is to go to the village complex design. The Area Plan Commission has indicated that there is a problem with the number of residents within each of the building and that if there are greater than two it should be zoned as C-2 not C-1. And it's in the in-use group 8, referenced to shopping centers being more than two uses. The request tonight is for this zoning to C-2 to allow this arrangement as you see here. The property has water, sewer, storm drainage across the back. The Evansville Urban Transportation study examined the sight, and were asked to look to determine whether or not it should go forward with the development as originally presented which was entrances onto Greendale and Petersburg Place only, or whether it should have an entrance on Old Petersburg Road. Rose Zigenfus has responded, and I believe you have a copy of her letter, that a proposed entrance on Old Petersburg Road with the widening of Old Petersburg between the two other streets in that 600 foot distance, would be a better way of entering the commercial area. The developer is committing to do that, create the four-laning of that part, or fill-in of the accel-decel lanes on both sides of Old Petersburg Road between the two entrances. The concept calls for a residential appearing structure, not one of all metal and steel but of sloped roof, shingle building that would blend in with the character of the neighborhood than say a large strip building. The property and the development of this property was included in the original drainage plans presented to the County for the subdivision. Property drains to a storm water detention lake has been completed as designed and approved by the County. I think those are all of the key things that I have to mention. I would be happy to answer any questions you might have.

Commissioner Willner asked the audience if they had any particular questions of Mr. Morley or Mr. Garrison. We will start with the Commissioners. Is there any questions from the Commissioners?

Commissioner McClintock: "Jim, could you explain the traffic pattern or proposal by the EUTS?"

Mr. Morley: "Currently at Petersburg Place, which is the main entrance to Old Petersburg Place sub-division there is an accel-decel lane on each side and a passing lane. At Greendale there is also an accel-decel tapered and a passing lane is on the other side. And what Ms. Zigenfus recommended that we do is to complete the construction of that traffic lane all the way across, some 400-500 feet separate them, on the north side and the south side of the highway, so that the development takes its main traffic into and out of a main entrance that is farther away from these residential entrances and also at a point where there is better sight visibility up and down Old Petersburg Road than exists at either the two entrances. I believe Rose Zigenfus has written a letter that explains the position.

Commissioner McClintock asked where the City limits were.

Mr. Morley stated the City limits, at this point, is the road itself.

Commissioner Borries, "Jim, you mentioned here in the minutes of the Area Plan Commission, that the intention of the zoning use, at that time, C-1 uses is exactly the intention today.

Mr. Morley stated that was correct.

Commissioner Borries, "What did you mean by that?"

Mr. Morley: "The use of the property was to be offices and retail spaces that would be compatible with the neighborhood, not uses that go on into the night, but provide offices and retail space that would fit this kind of neighborhood. Obviously, with 5100 cars on Old Petersburg Road, your not going to attract a high volume business, you know, fast food chains. That's not going to be attracted to this location because there's not enough traffic on Old Petersburg Road.

Commissioner Willner asked for remonstrators comments, and if there was a spokesperson for the group.

Kyle Lauderman 6810 Southport: "I'm a St. Petersburg, Old Petersburg Place resident. I'm not the sole speaker for the group. I'm the lead off speaker. I think the main thing, well, the initial thing I wanted to say was that we have 200 plus homes there valued, on average, \$100,000.00 each. It's a sizable investment and I'm sure that few if any invisioned living behind any retail stores. We're not happy with a C-1 zoning, but that apparently is given at this point, so we wish to try to restrain additional development as allowed under C-2. We have signed petition of 174 signatures to that effect. I'm not sure of the procedure, I don't know if this is something that I turn over to you.

Commissioner Willner received the petition, and said, "We will enter them into the record. This is by your count 174?"

Mr. Lauderman stated this was correct.

Commissioner Willner said, "Let the record, show... Are most of these signatures within your sub-division?"

Mr. Lauderman said, "Yes, they all are. Well, I'm sorry. Let me clarify; this is a combination of Old Petersburg Place and Greenbriar section."

Commissioner Willner, "Let the record so show."

Commissioner McClintock asked where Greenbriar was.

Jim Heinz, "I'm representing Greenbriar. My address is 515 Pleasant View and I want to bring up two points: The first point is, Mr. Morley never did answer your question about why rezoning was requested from C-1 to C-2. If this particular layout can be presented as it is for C-2 construction, let it be so. I looked at the corner of Petersburg and Greendale. We call it a 90, it's a dead man's 90 is basically what it is. We have a problem on our particular development with the entrance to Greendale then directly into Mr. Garrison's shopping center. I noticed these two buildings on the side have a side entrances, indicating that there will be parking along Greendale. Not only Greendale but also Pleasant View and this is where I'm located, at 4 houses away from the so called shopping center.

Commissioner McClintock asked Mr. Heinz to slow down a little bit. "Parking on Greendale and where else?"

Mr. Heinz, "Pleasant View. Pleasant View runs about right opposite of the main entrance to Mr. Garrison's sub-division. We have enough traffic problems as it is. I live on Pleasant View and my main concern is traffic and the clutter from a shopping center. We have 15 kids that are under 6 years old on Pleasant View and its used as a racetrack now, a cut through between Old Petersburg Road and Old State Road. We are very concerned about the safety of our children. I would imagine most of us would be.

Mr. Jim Heinz, "All this is going to cause, besides the safety hazards here, along the 90 and over here east of the sub-division is a hump in the road, which is a blind man's spot also. You come over this hump and immediately turn into the main entrance of Petersburg Place, which is another blind spot. So here, we are talking two blind spots, one on the east side and one on the west side. This is really going to cause some problems. People have, I've almost been hit here. A person has been hit here. Putting up an auxiliary lane from here to here is not going to solve the problem. Cutting 100 feet off the golf course will solve a problem. I don't know who is going to be responsible or who is going to be liable for an accident. An accident could occur at that particular point, or at this point up the hill because its 30 mph along Petersburg Place. Pleasant View is 45mph. All these county roads is 45 mph. I don't know who is going to be liable for an accident maybe cause because of the traffic flow that this C-2 classification is going to cause. We are not even talking cars. We're talking trucks. We can live with C-1 (we have to) but I see no justification to change it to C-2. I can go with businesses that close down at 5:00pm I think we can all go with businesses that close down at 5pm, because in the evening we have peace and quiet and a peace of mind, which we all need. We are professional people. We like to relax. But, I feel we are talking safety wise, we are talking about two spots on Petersburg Road that are going to cause a lot of difficulty. It already has caused a lot of difficulty. We are going to cause a traffic congestion on Greendale because of the parking situation. We are going to cause more traffic to cut through from Petersburg Place to Old State Road. There's no two ways about it. And there's nothing that's going to stop that traffic. Like I stated before bringing in 11 buildings, you have 11 different people or suppliers that are going to ship things in and out of there. Petersburg Road is deteriorating as it is. They can't even keep gravel on that road, on the banks of that road, more or less try to keep semis or light (2 or 3 ton) trucks off it. I would say as far as Greendale or Greenbriar association concerned is that we're concerned about safety. In that total area there is an investment of about \$12 million to get away from what Mr. Garrison wants to put there. We can't do anything about it. If the man wants to build this right now, under C-1 classification, let it be so. We can't stop it, but we can stop a C-2 classification. We don't want a tavern. We don't know what the man is thinking down the road, 4 or 5 years down the road. Now, 4 or 5 years down the road, I don't know what this classification was but it wasn't C-1. It might have been agriculture. That was classified as C-1 prior to any type of building, residential building. And after the C-1 classification was given to Mr. Garrison, then the sub-division popped up. I feel that I can live with C-1, we have to live with a C-1 classification. On October 4th they indicated that this could be built with a C-1 classification. But we are going to have a hard time accepting the traffic. Like I stated before, I don't know who is going to be liable for anybody that's going to be injured in an accident there. There's just no way to get around it, the way the road is right now. It has no emergency pull-off. It has a ditch that is 3 ft. deep, coming down the hill by the fire hydrant. You're probably familiar with it. You can't keep gravel in it, in the first place, and that's my main concern is for the safety aspects and besides I don't even want that but there's not anything we can do about that.

David Durkee - Address: 801 Christopher Drive. On October 2nd, I and some other homeowners, attended the County Commissioners meeting. We came to you people because we have drainage problems. I think the focus of what I want to say is drainage. I'm not going to rehash everything that was said at that meeting a few weeks ago, but I am here to say that there are residents on St. Thomas, Lancaster, and Christopher Drive that have a serious drainage problem. From what I see of the proposed development here, there's going to be added water shed, and that is going to add to our existing drainage problems. What I'm proposing is that nothing be developed, no zoning be changed, until existing problems in these neighborhoods are corrected.

Robert Schoenenberger 545 Hilton Court. I'd like to speak to the fact that commercial development, a retail customers from development, such as C-2 would bring into the area is not needed in that area. If we look at the top of the hill, we've got cleaning establishments, we've got service stations, we've got pharmacies, and in the immediate area of North Park which can supply the needs of the people in our area, we don't need any other retail type establishments there. Offices, or attorney's offices or doctor's offices, something like that, would be acceptable as a C-1 development, which could easily be used in this division. At the zoning meeting, two alternatives were offered to Mr. Morley. One was to sub-divide the area into C-1 into two different C-1 areas in order to plot it out. Sunny Laughlin offered him an opportunity to make some covenants in the C-2 to limit it to what we would accept. Mr. Garrison did not see fit to agree to any of this. I would recommend to the Commissioners that this zoning change to C-2 be denied and kept at C-1. Thank you.

Tom Norton 515 Barkley Court. I don't think I have a whole lot to add. I think they have covered the world so far. As some of you may know, I am an attorney but I am leaving my shingle at home tonight and speaking for myself and not in a representative capacity. I think the first and foremost question is whether or not this can be done under a C-1 classification. I think when you pose the question to the petitioner you'll find that their response or understanding of the law is that they could split some of these larger buildings and confine them to two uses per building, and it would satisfy zoning requirements. I think that is the understanding from the Area Plan Commission. It leaves me to the question, why are we going up a step. If we can do this under C-1. The reasons we are here can only be to increase the potential uses that are there. I think the neighbors that have spoken tonight, are not willing to commit to additional uses in that area. There's another thing that bothers me about this, and maybe it's not something that goes necessarily to the present petition but, I think maybe the Commission should look at these kind of concepts in the future that where there's C-1 zoning shortly in advance of a residential sub-division that comes in immediately behind it, I don't know who was here or what, but it's got to present a problem and simply because at that time the only remonstrators you had were birds and chickens. You should take into account what is coming down the pipe. If you see a sub-division coming in behind there. I think you have to look at this over-all area, and it's development is primarily residential. You can say, yes there's a golf course across the road and you can say, look down the road there's M-1 there. What are you going to have then? We've got primarily residential there now. You open up this to larger development, increase the uses that are there now, and that could strip all the way to Highway 41 if your not careful. I think it would do a substantial injustice to the people that have invested quite a bit of money out there. One other final consideration I have that I've mentioned in the letters to you, is that there were private restrictions interposed on Old Petersburg Place. There's obviously going to be a question of interpretation of those restrictions: whether they limited all lots within that sub-division to residential use. I think I submitted a copy of those to you in advance, if you don't have them in your files. The question that will pose before you is that Old Petersburg Place had a filing of restrictive covenant, and item 1 in that restricted covenant said all the lots in sub-division would be residential lots. I realize that the preamble to that lots 92 & 93 are the lots that are up for consideration this evening. There's a danger in a document like that because people who would read it, coming into purchasing a house in that sub-division, might be lead to believe that all their lots in that sub-division are going to be residential. Now, that's not your concern, I suspect in this given situation, but is should give lip service to what these people thought they were bargaining for when they were out there, and if you think they are angry, maybe that's part of it. Thank you.

Debbie Kunkel - Address: 525 Hilton Court. I was just wondering whenever this whole development was developed, Petersburg Place, and the package was all set up, and they were trying to get people out there, and he knew that it was C-1 then, Did you offer this in the package? Did you say that there were going to be retail stores and things then? Oh, did you? I'm asking that, whenever you developed this and it was going to be a fine place to live and build your home, did you ask all these people if these retail stores were going to be developed, would they build there then?

Mr. Morley "The property was zoned commercial at the time the subdivision was zoned for residential. Its been zoned for years. There's a piece on down the other side of Hamilton's house that has been zoned C-1 long before we ever came on the scene.

Debbie Kunkel, "Okay, but I'm saying if this was such a fine idea and would you have liked to offer this to these people? To let them know that this was going to be coming to their neighborhood, you know, that it was an added attraction.

Mr. Morley, "It certainly can be an added enhancement to the neighborhood.

Debbie Kunkel, "Oh, could it? I wish it they could have known about it and you could have seen how many would have bought your lot then.

Wayne Harmes Address: 6700 Southport Dr. My neighbors have pretty well spoke our peace, I think. I just want to irradiate the thought of the safety and I'd like to ask the Commissioners. Are you all familiar, really familiar with Petersburg Road, coming down that hill? How often do you travel that road? Mr. Garrison is talking about putting a deceleration lane on the south side of the street. That's great. But, when you come to the curve, it throws you to the middle of the road, because of the grade of the road and the deceleration lane, unless you absolutely stop it's not going to do you any good. And, when you come down the hill, you almost have got to come past the intersection to get into Glendale before you can see that it's clear to make a left-hand turn. As the first gentleman said: That's our primary concern. We are going to have to live with some kind of a retail development up there, but we don't want the added traffic that prime time because were afraid of what's going to come down the road. Cause your not able to get in and out now. You add traffic to it, you're not going to be able to get in or out again. Thank you.

Dennis King Address: 811 Christopher Drive. Me and a few of my colleague were the ones who were going around and getting the petitions filled for this action. During the course of petition taking, we did have a chance to talk to the people of our neighborhood and the major consensus was that C-1 is obviously inevitable but, with light of some-kind of restriction I think it's been brought up, but not clear enough for my liking. If we could impose or suggest or ask for some sort of restrictive covenant to curtail the type of business that go into that C-1 establishment to maintain a 9-5 type of business, anotherwards, limit the traffic after hours. Limit the weekend mess that we are going to have. Avoiding the so-called hang-out that our teenagers are already looking to have. And our neighborhood is full of kids, God bless every one of them, But, we don't want to bring back or bring into this neighborhood any additional kids or traffic that is not necessary to be there. With this type of business that would go into the evening hours, we are going to look at trash, traffic, vandalism, and just plain sightseers. We have a lovely neighborhood, granted. Mr. Garrison gave us a lovely opportunity to build a beautiful neighborhood. We want to keep it that way. We don't want to have outsiders just venturing through, at their leasure, at their hours, and soiling our neighborhood. That's basically, what I want to put it, in a nut shell as far as curtailing the type of businesses that would be respectable for our neighborhood, 9-5, no after-hours, no weekends. Thank you.

Commissioner Willner, "Mr. King, I appreciate what you're saying, but this Commission cannot restrict anything other than a C-2 zoning. We could do that. But, weekend traffic to a business is something that we just can't do. The time that a business may be opened is not available to use either. I understand where your coming from, but we cannot do that. Our choice is to zone it C-2 or to leave it C-1 and I understand what you are saying, but we cannot do those things.

Commissioner Willner asked if there were any other remonstrators. There were none. Commissioner Willner asked if there were any question from the Commissioners.

Commissioner McClintock, "Mr. Morley, I wondered if you could explain why you wanted to rezone from C-1 to C-2.

Mr. Morley, "I think that Veverly may even have copies of the ordinance, the zoning ordinance with you but, we have here a plan 4000-4500 sq. foot office plans that have been prepared indicate a division of four uses within that building. Those four uses cannot be, according to the interpretation that we have from the Area PLAN Commission, we cannot have four uses within a building. We must, if the buildings are that dimension, we must have larger uses and limited to two uses within any building, not four. And, as Mr. Garrison was examining his options of who would lease these, the feeling was that smaller type of office or retail establishment would be more marketable in an area like this where the traffic (5100 cars on Old Petersburg Road) of course, it's not Green River Road, it's not a high commercial strip so, that was the desire to create the smaller leasable areas within the buildings. I believe that's correct, isn't it, Beverly, the number os uses, and the sight plan (floor plan) that Mr. Garrison has, are drawn with four uses in the larger buildings.

Commissioner McClintock, And, could you also address the question about parking on Breendale and Pleasant View, which was brought up by Mr. Heinz?

Mr. Morley, The car parking spaces and I guess it's not listed on this particular think, oh, it's on the other side. There are 166 spaces for parking. All of the spaces are required by that type of a shopping center, a retail shopping center. The same ratio that you would find at Eastland Mall or any other shopping center that attracts a large number of customers. In a small single user, you might not have to have that many parking places. But, this is set up that way. Now, as the Commissioners know, not being any houses on there, it would be a reasonably simple matter for you to determine that no parking signs be erected along that. And you do have the power to do that. That, of course, none of the parking spaces along the street are allowed to be counted with anything. So, the concern that could be a problem can be eliminated. I believe each street that you do that to has to take formal action from the Commissioners.

Commissioner McClintock asked why Mr. Morley has a side entrance in the proposal.

Mr. Morley, The side entrance is because there is an assumption that people within the sub-division would also have use for the offices, whether there's a dentist office, or a retail establishment of some kind, and to come to a situation where you would pull out on the road and immediately pull back in again, rather than being in the flow of traffic. It's pretty obvious that most groups, with the main sign in the entrance being a big one right at the center, that most people traveling to this development would come to the center entrance but if you live back at this street and you did want to go there, that eliminates the need to pull out on the road and then back in. The zoning of this property was noted on the sub-division plan that everyone had. It was all listed as C-1. It was current right from the beginning. It's listed on the sub-division plan.

Tom Norton, What's to stop you under a C-1 from dividing those larger buildings, just separating them?

Mr. Morley, The general concept was to provide some variation in the building designs, with some larger, some smaller. If these were chopped in two then they would all be exactly the same size building. The particular building that is drawn, here is one of the larger ones. (4000 sq. ft.) It was for size variation.

Jim Heinz: Mr. Morley, what will keep people from entering here and then shooting down Pleasant View Drive? (which they do already) Its ridiculous the amount of traffic we have already.

Mr. Morley : Mr. Heinz's question was, Would this encourage people to enter the commercial, cut through the middle of the parking lot and then up Pleasant View, and where he's talking about involves right here, coming in the center of the development, coming through here, and then exiting at this point and going up through Pleasant View. Mr. Heinz, I'm sure that if someone were from this development, they would exit here, but as far as a short cut is concerned, if you come off here, you noticed, that traffic islands that you would have to go around. I don't think it would be a problem.

Mr. Heinz: Mr. Morley, its alot shorter to cut down Pleasant View than it is to go down Petersburg Road, Oak Hill.

Carolyn Coon: 515 Hilton Court. I have a son, who lives in Evergreen Acres who uses this cut off, and do you ever use the cut off. because you live on Old State?

Mr. Morley: Yes, I do.

Ms. Coon: Why would anybody go up to Petersburg Road if they going out the other way? They won't do it. This exit, right here.

Commissioner McClintock: "Are you talking about the center?

Ms. Coon: No, I'm talking about the exit at Greendale, which everybody who lives on Briar Court, Pinehurst, Greenhill, Evergreen Acres, Old State, uses this cut off instead of going to the "Y" and stopping twice.

Mr. Morley: I think what her proposal is would be to block this entrance so that anyone using the commercial would come back out onto Old Petersburg and then come back into Greendale, if they took the cut off that she's talking about. I don't know that it wouldn't prevent people from doing what they are doing now..

Ms. Coon: "It would help."

Commissioner McClintock: "Okay, before going any further discussing the sight plan, Bev Behme, from Area Plan Commission, has just pointed out that we're not approving this sight plan anyway. All we're approving is the zoning. Then the sight plan still has to be approved by the Sight Review Committee. So, any discussing of the roads, or the sidewalks, or all that, we don't do. Regardless of whether it's C-1 or C-2, it still has to go. Neither has been to Sight Review.

Dave Durkee: "Mr. Morley, did you design the drainage system for Petersburg Place I?

Mr. Morley: Yes, I did.

Mr. Durkee: "Did you design the drainage systems for Petersuburg Place II?

Mr. Morley: "Yes, I did."

Dave Durkee: "Okay, and you prepared this drainage report for the lake?

Mr. Morley: "Yes, I did."

Dave Durkee: "Will there be water shed run off from this development into that lake eventually?

Mr. Morley: "Yes, there will."

Dave Durkee: "Okay, did you design the drainage for the drainage easement behind Landcaster, St. Thomas and Christopher Drive?"

Mr. Morley: "There is a drainage easement going north along the back of the sub-division."

Mr. Durkee: "Yes, did you design that?"

Mr. Morley: "That drainage easement is not designed. There is a design drainage slate, yes."

Mr. Durkee: "Okay, and did you design it?"

Mr. Morley: "Yes."

Mr. Durkee: "Okay, I have a question, as we came to this meeting tonight, and we watched the waters rise in our back yard. I have one question. Will this development make those waters rise higher?"

Mr. Morley: "No."

Mr. Durkee: "They won't?"

Mr. Morley: "No."

Mr. Durkee: "Well, I'll believe that when I see it, as the waters approach my house."

Commissioner McClintock: "Mr. Durkee, we were just discussing this afternoon, with representative from the County Surveyor's Office, to discuss the problem that you had called about several weeks ago. Bill, do you want to address that?"

Bill Jeffers: County Surveyor's Office: I'll address the question will the run off from this sight effect ...

Commissioner McClintock: "Bill, what I want you to talk about, What had happened out there and why there is a problem with that ditch.

Bill Jeffers: "But, the question is: will the run off from this site effect the swell behind Mr. Durkee's house. And the answer, as Mr. Morley indicated is no. The run off from this sight goes into the creek that's behind Southport or St. Clare, where several of these people live and they have several foot bridges across the creek and they have built swingsets and picnic grounds on this commercial property here. That's the creek I'm talking about. That drains directly into the retention pond or retention lake and the spill over from the retention lake drains into a branch of little Pigeon Creek and not into the swell behind Mr. Durkee's house. So, the water leaving the detention lake or any water that enters the retention lake, including water from this sight will not pass through the swell behind Mr. Durkee's house.

Commissioner McClintock: "While you're at the podium. Will you explain to Mr. Durkee, where we are on the ditch. We are proceeding with the ditch.

Bill Jeffers: "Mr. Durkee and his wife have been in the Surveyor's Office at a time when we were working on the precinct maps and I didn't have much time to talk to them. And, I made a mistake and told them that I had made a report to the Drainage Board and indicated that it was in December of 1987. In fact, that report was made to the Commissioners and it's in the Commissioner's minutes of 1987. December. At which time the Commissioners asked our office to inspect the finished street and drainage improvements and make comment on the ability of them to drain Petersburg, and to make comment on whether they conform with the drainage plan sent to the Drainage Board by Mr. Morley on behalf of Mr. Garrison. At that time, Mr. Garrison happened upon me in the development, I was on Christopher Court, and I pointed out that the drainage swell, behind what is now Mr. Durkee's house, that that drainage swell had been damaged by the actions of at least one Utility Company installing utilities by trenching through the drainage swell. Previous to that action by the Utility Company the drainage was installed approximately in conformance with the plan that was presented to the Drainage Board. The reason I say approximately is because there was an existing sewer out there with the man holes and the desire of some of the people buying property to build out there to save some of the trees it wasn't an exact straight ditch from one end of the sub-division to the other. It did have some very minor bends in it to avoid the sewer manhole, south of Mr. Durkee, two lots, and it would I've also had contact with several of these people over the period of three years, on drainage out there. The ditch was in. The Utility Company destroyed it. It was December, and it was muddy when I was out there and when I made my report to the Commissioners, they accepted the street and drainage improvements, stipulated on Mr. Garrison going back in and regrading that ditch to conform with the drainage plans during the next construction season. It was impossible for him to do it December, January, and February of 1987 and 1988.

Mr. Jeffers: (Continued) He did go back in, in the summer of 1988, and reshaped the drainage channel that we are talking about, and together with his efforts and the efforts of the residents who subsequently landscaped their lawns, the drainage channel was approximately in conformance with the plans submitted by Mr. Morley in 1985 or 1986, which Mr. Durkee has a copy of. I went out there today, to see what all the hubbub was about I went out there at approximately 12:30. And, if someone were to go out there and view it, I could show them that there is still evidence that the drainage channel was in conformance with the drainage plan prior to some alterations that have occurred due to natural weathering and the installation of two 12" corrugated plastic pipes, which are far too small to handle the flow of water that that ditch was designed for. At the discharged end of those pipes, at the southeast corner of Mr. Kelly's property, the discharge has been channelized so that it has eroded the bottom of his ditch, because it increased the velocity and speed that the water travels and damaged his portion of the ditch. Upstream of the pipes, and the pipes cover two lots, the water backs up because the pipes are too small to handle the flow. There's at least two 12" reinforcement concrete pipes at the end of the cul-de-sacs of Thomas Court and one other Court there, and those are discharging greater amounts of water than a 12" corrugated plastic pipe can handle. Also, got down and looked through the pipe and you can't see from one end to the other, indicating that it's not a straight run of pipe and therefore, it can't carry the maximum amount of water that it was designed to carry in the first place. Went back at 3:30 pm, after this little downpour we had, and that pipe was running plumb full of water. It had about 1" of head space at the downstream end. At the upstream end it was plumb full of water and water was backing up, and the pipes leaving the two cul-de-sacs were not running more than half full at that time, indicating again, that those two pieces of 12" pipe that were also obviously installed counter to the recommendation of the manufacturer and cannot handle the flow of water leaving there. So, regardless of whether this development goes in or not, and I'm not voicing my opinion about this development, for it or against it, I'm just saying this development won't solve that problem and it won't effect it adversely. That is an independent problem of this development.

Commissioner McClintock: "That you are working on." The ditch"

Bill Jeffers: "The ditch behind Christopher Court."

Mr. Durkee: "I just want to I guess for the record, correct two statements that Mr. Jeffers made. First of all, the ditch behind my property has not been touched since Christopher Drive was a dirt road and didn't have a house on it. It has not been reworked. The other thing is, the report that I had, I have been looking for for approximately a month and a half, and I have never had it and I don't have it now.

Commissioner McClintock: "Which report is that Mr. Durkee?"

Mr. Durkee: "I guess the final report to the Commissioners. I've gone through all the drainage minutes. I've spent alot of time down here. I don't have it.

Steve Pendley: Address: 601 St. Clare Drive. That is the northwest corner. My house backs up to the sub-division. I just want to make two quick points. One, with the respect to the flooding. Being at that corner, I have experienced numerous occasions of flooding of Greendale. From curb to curb and for at least an hour after heavy rain, a length of street, I'd say from 100-150 ft. wide, almost a foot deep. The height of the curb. The water coming out under Greendale, discharged from a conduit, I'd say approximately 3 ft in diameter, flows full under heavy rains. The water now coming in off the field, from the proposed sub-division, adding to that ditch, bring on, on occasion has brought the water to the top of the ditch and over the edge. At the other end of the sub-division where the conduit goes under the street, it's the same size conduit. You don't have to be an engineer to know that it won't handle the added water that comes in off the sub-division, particularly after it's paved. And, there's more opportunity for run off into that ditch. Presently, the water coming in off of Greendale has come half-way up to the back of my house on occasion. And I've had erosion problems and I've had to reseed. The other problem is the, with respect to the rezoning. When I closed on my house, I did know of the commercial zoning, C-1 zoning. I had to ask to find that out, though. Being concerned about it, I asked Mark Weetsit, of Mid-West Federal, to sit in on my closing with Mr. Garrison's representative, Joe Halburt, Jr. and twice, I put to him that question as to whether or not, any attempt would be made to seek rezoning. I said that

if there was any rezoning attempt or if there was any thought of doing that, that I would not buy. I would not close on the house. And I received assurances twice during closing, that there would be no attempt to seek rezoning from C-1 to any higher commercial rezoning.

Commissioner Willner: "Is that by word of mouth, sir?"

Mr. Pendley: "Yes." Thank you.

Donna Scott: Address: 6621 Greendale. We were the first people that bought in the sub-division. Mr. Garrison told us personally, that it would be only office buildings.

Commissioner McClintock: "Mr. Morley, would you address Steve Pendley concern about the drainage. Is it the same drainage or is it going to work differently, or what?"

Mr. Morley: "The drainage question that he talked about is on Greendale is the entire length of the county drainage ditch and the problem with that flow is mainly beneath the other streets. It backs up in the ditch.

Commissioner McClintock: "So, how is this drainage supposed to work?"

Mr. Morley: "The drainage from this commercial development goes into the very large natural drain that exists to the north along this property. Along Greendale the drainage from the west is into a large storm sewer and there are inlets at the just north of the intersection of Pleasant View and Greendale. There is an inlet that has been repeatedly blocked with, and I don't know yet if the area is cleaned up, but there were some localized flooding in that area due to the capacity of inlets and the debris that was present. I am aware of that water back-up and had talked to the developers of Greenbriar about that inlet. It again, it was not from this stream backing up into that area. But there was a problem with inlet around that debris & it did create a problem.

Claudete Howell: Address 546 Hilton Court. My only concern, I have just moved into this area from Cincinnati, Ohio. We looked around town and we finally decided on this sub-division because of the calmness and peace of it. It's a beautiful area. My concern, I don't know this gentleman, but just from comments around the neighborhood, and just from attending this meeting, is that the same greed in getting Petersburg established, and word of mouth, that what is going to happen after this is approved to C-2. The C-1 is there. We don't even want that. There are certain elements that we have to accept. We don't want "No Parking" signs on our street. Would this gentleman want this on his street? I feel if you are going to put something in someone else's sub-division, you must take into consideration what you want in your sub-division, and why you moved to the place where you are currently living. Now, I realize that everyone has to make a living. I have to make a living. But, when greed is going to come in and we are going to make decisions that will ruin everything totally, this is my concern. What will happen after this is approved. And, this is what the chief concern is. Power, greed. You know, what is next? That is our total concern, and I wish you would consider this on your decision.

Commissioner Willner: "Anyone else wishing to be heard?" Hearing none. "Okay, let me close the remonstrating period and turn to the Commissioners. I have a couple of things I need to bring me up to date on myself. If I understand Beverly Behme, with the Area Plan Commission. With eleven buildings, as we see up here, with a C-1 zoning, there could be 22 businesses. Is that correct?"

Beverly Behme: "That is correct"

Commissioner Willner: "With a C-2, there could be 44 businesses. Is that correct?"

Beverly Behme: "Well, there could be more."

Commissioner Willner: "Or more, 44 or more business. One other thing, that I need to have answered here. Bill, usually this Drainage Board of which I am a member of, is very particular about drainage. As you all know the Eastside of our County is very flat and we, at one time, considered a moratorium against building on the Eastside, and we've had to do something, and we did and it has worked very well. We have somehow escaped that moratorium. But, in so doing, we have always either required there to be a owner's association or the developer was required to keep open drainage swells. Did we not do that in this case?"

Bill Jeffers: I think originally, when this was proposed, it was still contemplated to be a homeowners association, was that the original concept, that there would be a homeowners association to maintain drainage but then the new ordinance took effect where they submitted .50 a lineal foot? That's for pipe only. Okay, currently the homeowners are responsible for maintaining open drainage swells as they cross their property and if the sub-developer, Mr. Garrison, has submitted .50 a lineal ft. for the pipe, the County will take care of damage to the pipe, such as collapses or separations. One thing you may remember or not remember from the report, that this creek, I still call it a creek, Portions of that ditch or creek were judged to be sufficient to handle the run off that would be created by this development including commercial and portions needed to be dressed up somewhat, portions were dressed up but by the time the development had gotten to the point that they are ready for acceptance, several houses had been built along St. Clare, and had expressed a desire, the homeowners along St. Clare, or some of them, to leave that creek in a more natural state. In order for us to make it sufficient to handle a 100 year rainstorm or something like that, you'd have to rip all the trees out of there and lay the banks back and the homeowners did not want that. They wanted a natural separation between their lots, (now, I'm not saying all of you, I'm just saying some of the homeowners that may still live there, remember this, wanted a natural separation) and what they knew was going to be commercial. Some of them did not know that it was going to be developed commercial obviously. They have said that here tonight, but there was that sentiment expressed, I heard it. Again, I'm not for it or against it. I'm a neighbor, myself. I use that cut through to get to my house on occasion, two or three times a year, but I've also used it to check on your drainage for the last three years. Also, those bridges, we have warned those people that those bridges posed a impediment to drainage and some of the homeowners have built retaining walls into the ditch.

Helen Thompson: Address: I live on the very corner of St. Clare and Petersburg Road. Our house was flooded in April. I have videos that show you that and it was run over the road where a gentleman has now built his house and God forbid if it ever floods cause it will dump it. They have continued to dump cement. I was petrified because the water just kept moving up and moving up. We got the video camera out. The water was just coming on and on, and as a result of this metro keep dumping all this cement there, it has blocked this other opening and nobody has ever done anything about it. I live there, I've seen it and I almost got killed trying to get the water out of there.

Commissioner Willner: "Does any of you know of any organization that had ever been started in your sub-division, a homeowners association? Anybody? Regardless of the outcome of this rezoning, you certainly need to do that. I'm going to go back to the drainage minutes and see if we goofed somewhere. I don't know that we did but, something is wrong here and I'd like to find out what it is. There has to be a homeowners association and you have to have some teeth or these ditches will never work. There's no question about it. It's just the way it is. Are there any other questions the Commissioners have before this vote? Hearing none, may I have a motion?"

Commissioner McClintock asked to take a recess to talk to the County Attorney.

Commissioner Willner asked if there were any other questions or comments before the vote.

Commissioner McClintock "There is one other question that I still have. On the C-1 to C-2, could you, why is it that you were not willing to restrict the uses within those buildings?" I think that is the big problem"

Mr. Morley: Is the question restrict the uses to those uses included in a C-1? I think the C-1 includes the uses up to use group 7 and then C-2 is use group 8. I believe, the only thing in use seem to be a reasonable possibility of being something that might be out there, you know, a furniture store, a liquor store, I think Beverly Behme has a copy of those uses. There's not any, to the development there's not, the reason is not because of the use group. The use group is not the problem.

Commissioner McClintock: "Okay, I understand what you are saying. What I'm asking you is what I'm hearing from these people, that's there problem.

Mr. Morley: "I can't speak for the Developer on whether he would agree to limit the use groups to those uses of a C-1. Is that essentially what your asking?

Commissioner McClintock: "Or, would you be willing to limit the uses at all?" You wouldn't have to say just C-1 use groups 1-7. You can say C-1, you would limit say use groups 1 thru 7 and use group, oh I don't know, a laundromat.

Mr. Morley: "Perhaps Mr. Garrison could respond. His response to me was that that would unnecessarily complicate language when someone looks and sees a C-2, then goes to the book and sees what is on that list and that makes it complicated because it's zoned a C-2 but not everything on the C-2 isn't there. But, as far as if he's willing to make any commitments, only Mr. Garrison can speak to that.

Mr. Garrison: "As I've said, it's never been the use groups that we were looking for. We had thought all along we could build this development in C-1. Never seeking a C-2 zoning. Back in the original plan report, it was stated that the time the development was zoned C-1, that it was to be used for office, and service orientated retail. That has never changed to this day. The problem we came into is when we went from the long strips in our design to something that's more aesthetically pleasing, but we ended up, because of the number of tenants under one roof. We had to go to the C-2. It has nothing to do with the use groups. We're not looking for more use groups. This property was zoned back in 1986-87 long the sub-division. There has been a piece that was C-1 on the other side of Hamilton's house that was zoned C-1 long before we ever zoned this property. It was zoned at the time. It has always had the same intended use, from the very beginning. We have never changed that. The restrictions of that is what makes us go to C-2. That's our only problem. I understand about these things they are concerned about other use groups in there, but I have to go to a C-2 in order that work. I'm restricted by that. That's the problem, as I think you're all aware of. We are discussing drainage issues tonight and everything but zoning ordinances. There again, I think that we have not changed from day one as our intended purposes for this property.

Commissioner Willner: "Are there any other questions?" If not, may I have a motion."

Commissioner Borries: "I move that VC-17-89 be approved."

Commissioner McClintock "I will second"

Commissioner Willner: "Sir, let me just have you understand the procedure here. The motion must be made in the affirmative but still may be voted down, okay." Don't get upset. The motion has been made and seconded to approve this zoning. We will now have a roll call vote.

Commissioner McClintock: "Yes"

Commissioner Borries: "No"

Commissioner Willner: "And I vote No. Mr. Garrison, would you stay just a minute? I know you think that this is a bitter pill and maybe it is. I haven't walked a mile in your shoes. I would ask you to do one thing: To continue the individual home or the individual businesses instead of the strip zoning. It would do me a big favor. Maybe, I don't deserve it. I would still appreciate it if you would do that. And, I wanted to say that.

Mr. Garrison: "We've stated from the very beginning, the property was zoned for this specific use. We zoned it for 600 ft. strip center and we came up with half the square footage and a better design that would blend with the neighborhood. I think they like the strip center.

Commissioner Willner: "Bill, the only thing I'm saying is, Really what scared me was the number of businesses going in there. North Park doesn't have 44 and that's what scared me.

Mr. Garrison: "We tried to offer space that was small in nature where we would get an insurance agent, someone small, small businesses. Thank you.

Commissioner Willner: Thank you for coming down, and I appreciate your efforts.

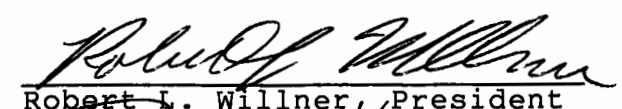
Meeting Adjourned


PRESENT:


Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Curt John/County Attorney
Cindy Mayo/Chief Deputy Auditor
Greg Curtis/County Engineer
Cletus Muensterman/County Highway Supt.
Paul Bitz/Voter's Registration
Bill Jeffers/Chief Deputy Surveyor
Kim Epperson
Phillip Garrison/Garrison Development Corp.
James Morley/Morley & Associates
Kyle Lauderdale
Jim Heinz
David Durkee
Tom Norton
Debbie Kunkel
Dennis King
Carolyn Kuhn
Beverly Behme/Area Plan Commission
Helen Thompson
Tom Bernardin
Jack & Debbie Kunkel
Kent & Barbara Pruitt
Linda Knight
Ken & Mary Noelle
Jerry Scott
Donna Scott
Mike Riffert
George Krack
Marion L. Meier
Rose Gerth
Kim Gerth
Carol Hudgions
J. A. Hudgions
C. Childs
Jim Ames
Cathe Fulcher
Sharon Durkee
Wanda Shore
Marvin Shore
Claudette Howell
Mr. & Mrs. Kevin Gibson
Jack & Maggie Runyon
Steve Pendley
Issac O. Miller
Mr. & Mrs. G. Croft
Mrs. Melissa King
Dennis L. King
Charles Kuhn
Roy Burk
M. Wafa
Pat Pohlman
Shane Rummell
Lewis Fugate
Wayne Harmes
Jerry Riney/Supt. of Bldgs.
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

(Transcribed by Karen Hadfield
(Proofed by Margie Meeks)


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 23, 1989

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MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 23, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, October 23, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

President Willner called the meeting to order and entertained a motion concerning approval of minutes of the meeting held on October 2, 1989.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting continued with President Willner once again offering for sale the one (1) remaining parcel of County-owned surplus real estate located at 808 Line Street. There were no bids from the audience and the sale will continue.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN DENZER ESTATES SUB

It was noted that Mr. Robert Yeager, developer of Denzer Estates Subdivision, and his Consulting Engineer, Mr. Steve Hahn, are present today with regard to request for waiver of sidewalks in Denzer Estates Sub.

Commissioner Borries asked if this subdivision has been reviewed by the Area Plan Commission Subdivision Review Committee?

Mr. Hahn pointed out that this area is rural in nature and submitted photographs of the subdivision. The smallest lot is 2.52 acres, and there are seven (7) lots.

Commissioner Willner asked Chief Deputy Surveyor Bill Jeffers if he has seen this subdivision.

Mr. Jeffers said he has and drainage approval would come from the Commissioners, as the Drainage Board. Today the developer is requesting waiver of sidewalks only.

Mr. Steve Hahn identified himself and said he resides at 801 Mels Drive and he is the engineer for the developers, Robert & Ruth Yeager. In response to query from Commissioner Willner, Mr. Hahn said the Area Plan Commission has reviewed the subdivision and it was approved. There are no other subdivisions in the area and no residences that have sidewalks along the roads or streets. The road along the East side of the property was paved for the first time this summer. Discussion of a general nature ensued between Messrs. Willner and Hahn and Commissioner McClintock regarding the subdivision plans, with much of it inaudible because Mr. Hahn was softspoken and was away from the microphone.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request for waiver of sidewalks in Denzer Estates was approved. So ordered.

RE: COUNTY ATTORNEY/CURT JOHN

Commissioner Willner then entertained questions of County Attorney Curt John. There were none.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said the Commissioners have received his Weekly Report and asked if they have any questions.

City Signs: Commissioner McClintock said she called the City Traffic Department concerning a City sign. Approximately how long does it take to get a sign -- a street sign with a name on it?

Mr. Muensterman said he turns his requests in to Mr. Curtis. and he, in turn, contacts the City regarding signs.

Mr. Curtis said that if they have to order the sign, four (4) weeks wouldn't be uncommon. However, they make the majority of their signs.

Downed Stop Sign/Frontage Rd. & Old Princeton Road: Commissioner Willner said while signs are being discussed, there is a Stop sign down at Frontage Rd. and Old Princeton Rd. He had a call regarding that this morning. The caller also said that at the bridge overpass of I-164 there are two roads coming in from the west and the east and you cannot see oncoming traffic.. He would like a Slow sign saying there are two (2) side roads there and the two side roads are County Line Road and Frontage Road. Mr. Curtis might want to send someone out to study that.

Paving Program Status Report: Mr. Muensterman reported they were down two days last week (Thursday and Friday). They are still paving on Baseline Road and we still have three (3) roads to go.

RE: COUNTY ENGINEER - GREG CURTIS

Paving Program: Mr. Curtis said that with regard to paving contracts, Kansas Road is finished and they are going to start on Green River Road sometime today. They have done some work on St. Joe Avenue and are prepring for the widening of Inglefield Road. After they finish Green River Road, they will start on Heckel Road.

Franklin Street - Engineering Agreement (Project ME-290): Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the engineering agreement with United Consulting Engineers for the reconstruction of Bridge #4, which carries Franklin Street over Pigeon Creek, was approved at a total estimated project cost of \$1,583,700.00.

Columbia-Delaware Street - Engineering Agreement (Project ME-140): Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the engineering agreement with United Consulting Engineers for the reconstruction of Bridge #1-C, which is the Columbia Avenue Connection over Pigeon Creek, was approved at a total estimated project cost of \$2,333,600.00. So ordered.

It was noted by Mr. Curtis that with regard to Bridge #4 (Franklin Street Bridge) if we do a feasibility study as to whether to do a rehab or a replacement, once we pay for one, if the State decides that due to the funding situation that we should have done the other, we might possibly have to either proceed with the project at 100% local funding or else go back and have the bridge re-designed for the other alternative. Therefore, this contract is set up such that we would get through the feasibility study and at that point this agreement would terminate if it were determined that we would be replacing the

structure -- if we are going to rehabilitate the structure -- this agreement is for going ahead with rehabilitation. The feasibility study requires that we do all of the same investigation as that which would be needed for a rehabilitation project. The amount on the Franklin Street design contract would then be \$155,400.00 and the amount of that \$155,400.00 for the feasibility would be \$25,000.

The Columbia-Delaware Street Bridge #1-C is also a rehab job. This is just a straight forward agreement and the total amount of the agreement is not to exceed \$161,700. That is based on estimated construction cost of \$2,333,600. As stated last week, those will be 80% funded by the Department of Transportation.

Claims/Bernardin, Lochmueller & Assoc.: Mr. Curtis said that due to our not having sufficient monies in the bridge inspection account, he has two (2) claims to Bernardin, Lochmueller & Associates rather than just one, as follows:

\$1,591.25 (August)
\$ 795.63 (September)

It was Mr. Curtis' recommendation that the claims be approved for payment. This is for Phase I; Phase II (the Re-Inspection) will be two years from now.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claims were approved. So ordered.

The third claim to Bernardin, Lochmueller is for Preliminary Engineering for Design of Interchange @ S.R. 62 & U.S.I. in the amount of \$5,372.00. It was Mr. Curtis' recommendation that the claim be approved.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered.

Change Orders/Project VC-89-09-01: As he advised the Board last week, he has change orders for the paving contracts. The Rogers Group, Inc. has both Projects VC-89-09-01 and VC-89-09-3. On VC-89-09-01 we had a decrease of 925 tons due to an inaccurate width on one of the roads we were planning to pave. This amounts to a \$22,597.75 decrease, which is 12% of that contract item. On VC-89-09-03, he has a increase of 1,176 l.f. for \$1,764.00 and an increase in the No. 11 surface base of 845. tons for \$20,833.12, which makes a total of \$22,597.12 increase in that contract. Both he and the contractor have signed these change orders and he would recommend the Board approve same.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the two change orders were approved. So ordered.

Transfer of Funds/T. J. Maax Signal: Mr. Curtis said he also has a transfer request concerning the T. J. Maax signal. He wanted to advise the Board in this regard and obtain their permission for that transfer. This would be from the Lynch Rd. Extension account into the Lynch Road Light Account. It is for the portion of the light we were to pay for. Auditor Sam Humphrey received a letter stating that the City would like for the County to pay for their 50% of this project of putting a light on the road at the T. J. Maax location. Upon investigation of that we had agreed that at some point in time to pay 50% of that project up to \$20,000. We evidently were invoiced for that by the City for our portion back in June and there was no money to pay for it. He is requesting a transfer, rather than an appropriation, simply because of the time left in this year. We have sufficient funds for the transfer. After the transfer transaction, the Lynch Road Extension account will have a balance of \$772,000 -- so he doesn't think that will be a problem.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved. So ordered.

Speed Limit/Darmstadt Road: Mr. Curtis said that last week we had a speed limit survey on Darmstadt Road that was questioned. The area between the Evansville City Limits and Mohr Road was not studied and EUTS indicated that they would have the same recommendation for that section as for the other section -- which would mean they would be recommending a speed limit of 35 mph from City Limits to City Limits. If the Board would like, he will forward that information to the Attorney so he can draft an ordinance.

Commissioner Willner asked why we asked for the portion of Darmstadt Rd. from Mohr Rd. to Darmstadt City Limits to be studied? Why was it split?

Mr. Curtis said he receives requests in his office at various times to study a section of road for a speed limit and that was one of the requests. From what he understands, the speed limit is presently 40 mph from the City Limits to Mohr Rd. and 45 mph from Mohr Rd. to Darmstadt. To be honest with the Commissioners, he would imagine the reason that the study on the northern section was requested was because the person initiating the study wanted it 40 mph there, as well. However, the speed study indicated that the 85th percentile speed was 34 mph, which means that it would be set at 35 mph -- or that would be the normal thing to do by the regulations that have been set up for doing that sort of thing. However, EUTS also indicated that their traffic counts and the information that they received would be the same for the southern section as for the northern section.

Commissioner Willner stated, "Then you have the possibility when you leave Darmstadt that is 40 mph and when you hit the County you get down to 35 mph and when you hit the City you speed up to 40 mph again. That doesn't really make good sense, does it? The speed limit should match the City Limits of both towns."

Commissioner McClintock asked, "Well, what do we want to do here?"

Mr. Curtis responded, "That is what I am asking you."

Commissioner Borries said, "I haven't driven it nearly as much as Bob (Willner), but the main difference would be that that is a tricky road. Once you leave Evansville City Limits until you get near Darmstadt (and even into Darmstadt) there are some curves on there that are tough. That is a road that was built and has been traveled as long as Commissioner Willner has been driving. He would say it is a 1940's road -- wouldn't you think?" And he doesn't know how many accidents there have been there at Mohr Road -- or just north of Mohr Rd. When you look at it realistically, if you set it at 35 mph, how fast are people going to go?

Commissioner Willner said, "Before that."

Mr. Curtis said that at the present time the 85th percentile (which means 85% of the cars) are going less than 35 mph. It's that other 15% that we hear about.

Commissioner Willner said the problem there isn't speed -- it's something else other than the speed limit.

Mr. Curtis said he will bring this up again next week -- and let the Commissioners think about it in the interim.

Boonville-New Harmony Rd. Extension Project: In response to query from Commissioner Willner, Mr. Curtis said they started last Tuesday on the line stabilization. However, due to the weather they didn't get a huge amount of work done the latter part of last week. He does believe they worked Friday and part of Saturday. But this is proceeding and we still expect it to be finished yet this year.

Bridge/Boonville-New Harmony West: Again, in response to query from Commissioner Willner, Mr. Curtis said that half of the concrete railing on the bridge has been poured and the other half should be poured this week. They hope to be winding this project up well ahead of schedule.

RE: TRAVEL REQUEST - COUNTY SURVEYOR

President Willner said the Board was holding the travel request from the County Surveyor with regard to renewal test to be licensed in "Right of Way Pesticide Application". The test is to be given at Purdue University on November 6 and 7. He asked Mr. Jeffers if they still want to go?

Mr. Jeffers responded in the affirmative.

Mr. Willner asked if Mr. Muensterman has information regarding his pesticide application?

Mr. Muensterman replied that he talked with the agent and he said they didn't need a certified man. All they needed was what they call a P.A. -- and he can get that down here through the agent. He just has to go up and complete some papers. It is his understanding that the law does not require it.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Surveyor's travel request was approved. So ordered.

RE: NEW BUSINESS

Introduction of Mike Mode: Commissioner McClintock said she wants to introduce Mike Mode, who is a student at the University of Southern Indiana. He will be interning with both the Commission and the Council this fall and has already been working on one project. She asked that Mr. Mode update the Board.

Mr. Mode said he has two meetings set up with the marketing representatives for St. Mary's and Welborn concerning the OccuMed proposals they presented to the Commission. He will just run a comparison between the two to determine which is the most cost effective for the Commission.

We also have the DADS Employee Assistance Program. They are wanting us to accept that. But Welborn also has that in their OccuMed proposal, so we'll have to see which would be the cheaper route to go.

Commissioner McClintock asked if Mr. Mode ever heard from the Y?

Mr. Mode said he contacted the person who was supposed to have been in charge of that. She had no idea of what he was talking about (Mary England) -- and she'd never heard anything about the Wellness Program, didn't know anything was sent in -- she had no idea. She said he needed to get in touch with Morgan Fulton, the Senior Physical Director, and he might know something about it.

Commissioner McClintock said that when she talked with Mr. Owen to see if it was all right with Council if this is what Mike worked on, he indicated that the Y was going to send us yet another proposal for our employees -- a Fitness kind of deal.

She told Mike that while we're doing this -- we might as well do it all at the same time. She hasn't seen anything -- so she doesn't know if they have submitted a proposal. But we need to know if they are.

Mr. Mode said he will contact Mr. Fulton to see if he has any indication.

Commissioner Willner said he did meet with representatives of the Y and they indicated that they would like to offer a program for all of the Vanderburgh County employees to use the facilities at the Y for Physical Fitness in their daily routines and that they would be submitting something to us in the future on price and the persons who have been using the facilities in the past -- such as the Sheriff's Department. So this information is probably forthcoming.

Commissioner McClintock asked Mr. Willner who he talked to?

Mr. Willner said it was the new Director -- Eric Ellsworth. He is an Evansville resident of some ten (10) years ago -- but just recently returned.

Inventory Project: Commissioner McClintock said we need to discuss an inventory project -- Commissioner Willner would like to see that.

County Office Hours: Commissioner McClintock said the other thing she discussed with Council President Mark Owen was doing a study on the hours and times the County offices are open -- so we can best determine how to implement this policy that the County Council wants to implement of the 40 hour work week and either change or match the County policy. She believes it now says 8:30 a.m. to 5:00 p.m.

Intern Program" Continuing, Commissioner McClintock said when she talked with Mr. Owen he said they did include \$1,500 in the budget for the Intern Program, but that was for the year 1990. He did believe that we had the money -- but the Commissioners need to request to go on Council Call to request a \$500 appropriation for an intern stipend for this fall.

Commissioner Willner said he thought it was for next year.

Commissioner McClintock said she talked to Mark. Mike Mode has agreed that even if we don't come up with the stipend he will do this study -- he is such a good guy. But Mr. Owen thinks they have the money.

Commissioner Willner said he doesn't have a problem with that -- but he thought Commissioner McClintock had requested it for next year.

Commissioner McClintock said she had.

Auditor Humphrey said we have \$280.00.

Commissioner McClintock asked Mr. Mode how \$280.00 sounds and he said fine. Commissioner McClintock then asked if we need to go on Council Call for that?

Auditor Humphrey said, "Not for that; you can just transfer it. If you need more money, you will then have to go on Council Call."

Employee Assistance Program: Commissioner McClintock said we need to find out if they are indeed going to have the DADS program; whether, indeed, they are going to have an Employees Assistance Program. When Mike talked to them, he said he is

still waiting on the powers that be to tell them whether they are even going to offer this. She thinks the Commission needs to set up something with Bill Campbell.

Commissioner Borries said it is his understanding that that was dropped as part of their request for 1990. But he thinks Commissioner McClintock is right -- we do need to proceed. Mike might want to check with Southwestern Indiana Mental Health, because he knows they have a lot of Employee Assistance Programs with a lot of different groups -- and he doesn't know if the County utilizes any of their services or not. It seems to him we might -- and that might be another area we need to pursue a bit. He thinks the Commissioners shared the concern the last time that there could be some concerns about confidentiality and the whole aspect of therapy if it is related to a Court-ordered type project and something that is done in house. Some businesses do -- some don't. But he has some concerns about the effectiveness. He doesn't think this Board was involved much in the planning or the vision of that, since that is a department set up and/or administered in some way through the Courts. He supposes it was an idea discussed there, but it was never discussed by this Board until this past summer -- when it was then dropped. He thinks we can certainly discuss that and Mike can perhaps talk to Mr. Campbell and begin to get some of his thoughts down. However, Commissioner Willner said he would want to reserve the right to get any kind of approval for that until....

Commissioner McClintock said, "Well, that is kind of part of the problem. He called over there and then Mr. Campbell indicated to Mike that that decision still had not been made -- as whether they are even going to offer the program. I've been over there and talked to them --

Mr. Borries asked, "What did they tell you?"

Ms. McClintock responded, "That they are just waiting on the Courts -- and, frankly, I am confused about who is in charge of the program in the first place."

Commissioner Willner said, "Judge Brune is in charge of the program."

Commissioner McClintock continued, "So I guess they are waiting for Judge Brune to decide. So should we contact Judge Brune and tell him we are trying to put this together and we need to know something? What is the recommendation going to be?"

Commissioner Borries said he thinks we could. It is his feeling that if we have a number of agencies that are providing these services -- and we have talked with hospitals here and we've talked with other agencies, such as Southwestern Indiana Mental Health -- he just doesn't know whether or not we need to get into that expense at this time. He has some questions about that. It seems to him that the Courts and everybody has enough to do right now with what we have on the plate -- and he just doesn't know whether we want to fill it up that much more.

Commissioner McClintock said they told Mike there isn't any additional cost, because we've already put the money in the budget for the person who was moved over there. But there is cost; even if there is no direct cost, there is still indirect cost for those employees who are doing that instead of doing something else.

Civil Defense Advisory Council: Ms. McClintock said she guesses all the Commissioners received the Mayor's letter re the Civil Defense Advisory Council.

Commissioner Willner said he will get to that in a minute.

Downspout Problem at Vanderburgh Auditorium: Commissioner Willner called upon Mr. Jerry Riney to give a report on the downspout problem at Vanderburgh Auditorium.

Mr. Riney said he has talked with Rick Higgings, Auditorium Manager; Don Chambliss from the Auditorium, and Roger Lehman, Building Commissioner. We have a pipe coming from the roof down to the ground that is broken and leaking and caused damage to the Auditorium this past week. He has three proposals (they had two, and he had them get a third one) to repair this cast iron drain running from the roof to the ground. The roofing company can then come in and repair the roof. But they can't repair it until this is done. The proposals are as follows:

Sterling Boiler & Mechanical, Inc.	\$1,925.00
PPMI	\$2,400.00
A.R.C. Mechanical Co.	\$3,489.00

The proposals are all for the same work and the same materials. It is their recommendation that Sterling Boiler & Mechanical, Inc. receive the contract.

Commissioner Willner asked Mr. Riney if he has sufficient funds in his budget to cover the contract and Mr. Riney confirmed that he does -- in his budget.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the contract for repairs was awarded to Sterline Boiler & Mechanical, Inc. in the amount of \$1,925.00. So ordered.

RE: SCHEDULED MEETINGS

Wed.	Oct. 25	2:00 p.m.	County Council Personnel Mtg.
		2:30 p.m.	County Council Finance Mtg.

RE: CLAIMS

Conrad Baker Foundation, Inc.: Claim presented in the amount of \$25,000.00 for the Cupola Repair Project.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered.

RE: NEW BUSINESS

Civil Defense Advisory Council: Returning to the matter of the Civil Defense Advisory Council, Commissioner Willner said the Civil Defense Agreement between the City and the County has been signed and we now need three (3) persons representing the County to serve on the Advisory Council. The City has appointed the following individuals to serve as their four (4) representatives:

Ray Hamner, Chief of Police
Doug Wilcox, Fire Chief
Roger Lehman, Building Commissioner
Jack Danks, Director of Transportation Services

The Commissioners need to come up with three (3) appointments and he'd like to have that done by next week.

Data Processing Board: The Commissioners also need two (2) citizen appointees to the Data Processing Board to replace Messrs. William Jones and Ernest Nolan.

Commissioner McClintock asked whether Mr. Jerry Newhouse is a City or a County appointee. Mr. Willner said he is sure he is a City appointee.

Mr. Willner said he also would like to make these appointments by next week if possible.

1990 Census: Commissioner Borries said he was in Indianapolis this past week and read, with concern, something that has real ramifications for us as a County, and also in Indiana. In a major victory for States with large immigrant populations, State and House negotiators agreed Thursday to allow illegal aliens to be counted in the 1990 Census. This really concerns him because he thinks that this Board, as a County-wide Board, needs to be very supportive and also insist probably through schools and whatever agencies possible, that we get an accurate count in the Census coming up in 1990, because it has some ramifications for our community and our state in terms of Federal funding, as well as even representation in the Federal government. Indiana could lose a seat in Congress. We could lose a population count -- maybe even college students (for instance, he has a daughter at Purdue) -- and be very careful to be sure that they not only are counted but that they are included in all of our Census figures. And we need to be as accurate as possible and not be under counted. Frankly, he has some concerns about this that he wants to relay to our own Congressmen, because he thinks that obviously these illegal aliens will really help states such as California, Texas, Florida, etc., which he realizes are probably straining in social services to serve these people. But he also realizes that that is also part of our tax dollars and our representation -- and, again, he wants to try to raise our awareness here that we must do all we can. Perhaps Mike Mode might be able to assist again to insure that we get an accurate count in the 1990 Census so we don't lose representation in Congress and Federal funds. It's a real concern he has and he wants to call that concern to this Board's attention.

RE: EMPLOYMENT CHANGES

Voters Registration (Appointments)

Sheila D. Swope	Dep. Reg.	\$12,506/Yr.	Eff: 10/23/89
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Commissioners (Appointments)

Mike Mode	PT Asst.	\$5.00/Hr.	Eff: 10/20/89
	*Not to exceed \$280.00		
Karen Hadfield	Sec'y.	\$6,314/Yr.	Eff: 10/16/89

Auditor (Appointments)

Lisa Tieken	Counter Clk.	\$12,576/Yr.	Eff: 10/18/89
Nancy Dale	Counter Clk.	\$12,576/Yr.	Eff: 10/25/89

Circuit Court (Appointments)

Michael K. Peeler	AISP D/S	\$22,773/Yr.	Eff: 10/24/89
Jerry F. Steckler	Disp. Tech.	\$19,120/Yr.	Eff: 10/24/89
Roy w. Tuley	Antabuse Mon.	\$5.00/Hr.	Eff: 10/11/89

Circuit Court (Releases)

Benjamin H. Evans	AISP D/S	\$22,773/Yr.	Eff: 10/23/89
Michael K. Peeler	Disp. Tech.	\$19,120/Yr.	Eff: 10/23/89

Burdette Park (Appointments)

Wm. R. Coleman	Security	\$12.00/Hr.	Eff: 10/7/89
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Burdette Park (Releases)

James Little	PTGC	\$4.00/Hr.	Eff: 8/12/89
Amy Moore	PT Guard	\$3.40/Hr.	Eff: 5/25/89
Cole Seikmann	PTGC	\$4.00/Hr.	Eff: 9/2/89
Todd Halbrook	Rink D.J.	\$4.00/Hr.	Eff: 10/18/89

Auditorium (Appointments)

Guyla Payne	Sec.Bkkpr.	\$13,1848/Yr.	Eff: 10/17/89
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Auditorium (Releases)

Karen Hadfield	Sec. Bkkpr.	\$14,541/Yr.	Eff: 10/17/89
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Knight Township Assessor (Appointments)

Amy Elizabeth Koonce	Deputy	\$35.00/Day	Eff: 10/18/89
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Prosecutor (Appointments)

Ronald W. Bell	Dep. Pros.	\$23,000/Yr.	Eff: 10/23/89
Michael E. Clay	Dep. Pros.	\$22,000/Yr.	Eff: 10/23/89

County Council (Appointments)

Karen Hadfield	Sec'y.	\$6,314/Yr.	Eff: 10/16/89
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There being no further business to come before the Board,
President Willner declared the meeting recessed at 3:25 p.m.

PRESENT:

Robert L. Willner/President
Richard J. Borries/Vice President
Carolyn McClintock/Member
Sam Humphrey/Auditor
Curt John/County Attorney
Greg Curtis/County Engineer
Cletus Muensterman/County Highway Supt.
Wm. Jeffers/Chief Deputy Surveyor
Mike Mode/Intern
Robert Gulick/SIGECO
Steve Hahn/Engineer Consultant
Robert Yeager
Jerry Riney/Supt. County Bldgs.
News Media

SECRETARY: Joanne A. Matthews

Robert L. Willner, President

Richard J. Borries, V. President

Carolyn McClintock/Member

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 30, 1989

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Ordinance re Campaign Contributions (Attorney Miller authorized to seek Atty. General's Opinion) Thermotron Inc./Settlement (\$22,000) Letter to Commercial Banks re Bond Issue (Attorney authorized to send to four banks, including People's) Acceptance of Checks re Alexander Lawsuit Collections Sign Ordinance (APC to contact sign companies and input to be received by Commissioners no later than December 4, 1989) Reading of Bids re High Volume Copier (Prosecutor & Purchasing to make recommendation to the Board on 11/6/89)	
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MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 30, 1989

The Board of Commissioners of Vanderburgh County met in session at 2:30 p.m. on Monday, October 30, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

The meeting was called to order by President Robert Willner, who subsequently entertained a motion concerning approval of minutes.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes of September 5, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of October 23, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS RE HIGH VOLUME COPIER
FOR COUNTY PROSECUTOR'S OFFICE

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Attorney David Miller was authorized to open the (4) bids received re high volume copier for the County Prosecutor's Office, which will be read into the record later in the session.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting proceeded with Commissioner Willner once again offering for sale the remaining one (1) parcel of surplus County-owned real estate at 808 Line Street.

There were no bids from the audience and the sale will continue.

RE: REQUEST RE COUNTY EASEMENT/OLD STATE SUBDIVISION I
(OWNER, ALBERT MCDOWELL) - LES SHIVELY, ATTY.

It was noted by President Willner that because of an emergency Attorney Shively could not attend today's meeting; thus, this matter will be deferred.

RE: COUNTY ATTORNEY - DAVID MILLER

President Willner called upon County Attorney David Miller for his report.

Attorney Miller said he has a number of things to bring before the Board today, and there are some people in the audience who need to catch a plane, so he will make his report rapidly.

- a) Ordinance re Campaign Contributions: At the initial instance of Commissioner McClintock, he has done a draft of a campaign contribution ordinance and has done some research into the matter. He has a draft pretty much in final form. However, he has a threshold problem with that ordinance in that he believes, based upon the research he has done, that the matter of campaign contributions in this field has been pre-empted by State

Statute and may therefore be unconstitutional. He has had some preliminary contact with the Attorney General's Office and have asked preliminarily if they would be interested in providing us with an Attorney General's opinion on the matter and he has a positive indication. Therefore, he would suggest to the Commissioners that before we get into all of the work that is necessary to finalize the language of an ordinance, advertise it, discuss it, and pass it, that we get an Attorney General's opinion on the constitutionality of such an ordinance. Therefore, he asks that the Board give him the authority to do that.

Motion authorizing Attorney Miller to seek an Attorney General's opinion was made by Commissioner Borries with a second from Commissioner McClintock. So ordered.

- b) Thermotron, Inc./Settlement: Attorney Miller said that for as long as a year we have had an ongoing disagreement with Thermotron, Inc., a contractor for certain services at the Vanderburgh Auditorium. Our positions have been -- he thinks it is fair to say -- diametrically opposed in many ways. We have just concluded (and by 'just concluded' he means a few minutes ago) a meeting with Thermotron's officers and its legal counsel from St. Louis and we have reached a proposed settlement, which he is prepared to recommend to the Board. The reason he is doing this otherwise than in an Executive Session is because these gentlemen traveled all the way over here and since the Commission meeting is so convenient. He will be happy to answer questions as to how he can justify the figure if the Board so desires. But he is proposing to the Commission that they authorize the County to pay to Thermotron, Inc. the sum of \$22,000 in full settlement of all of the claims of Thermotron for a release by Thermotron from any further obligation to Thermotron and the County would release Thermotron from any further obligation to the County. The \$22,000 settlement, in his mind, is fair and certainly justifiable under the circumstances and given the litigation costs that the County would be facing. Therefore, he recommends it to the Board for final approval today so these gentlemen can know that they have a deal or they don't have a deal. If we have a deal, then we can start processing the settlement papers. If we don't, they're going to sue us and we'll do that kind of thing.

Commissioner Willner commented -- "What do we keep and what goes?"

Attorney Miller continued, "That is part of the settlement. In addition to the \$22,000, there is some personal property that Thermotron placed on the premises. We will be retaining a water softener that is in place, hooked up, and operating, which we have been leasing from Thermotron. Thermotron will take repossession of any parts that are on the premises that they placed on the premises for use on our equipment when needed; some steel shelving that belongs to Thermotron; an ice maker; ladders and some cooler slats (if they are there). And the lease agreement will be terminated and we will become the owner of the water softener. That is all part of the \$22,000 settlement.

President Willner entertained questions from the Board.

Commissioner McClintock said, "\$22,000 plus....."

Attorney Miller said, "\$22,000 plus the return of that personal property, except the water softener, which we retain. And we are released from the lease on the water softener."

Ms. McClintock asked, "So what is the value of the water softener?"

Attorney Miller said, "\$1,500 to \$2,000."

Ms. McClintock asked, "And how can you justify the \$22,000?"

Attorney Miller said, "We have had the use of the water softener and the ice maker under a lease that requires a payment of about \$225.00 per month for the last fourteen (14) months or so and have not paid any rent. So that is about \$2,925 or something like that. We did not pay the monthly service charges for November and December of 1988, which when added together would total something around \$8,400. (Someone from the audience stated the figure as \$8,592.76, and Mr. Miller said he didn't bring his notes with him.) Continuing, Mr. Miller said they did replace a coil late last year for an agreed price of somewhere around \$7,300, which we have withheld payment on pending the resolution of this matter. And then there is the price of the water softener and I think if you add all of those things up you will come up with about \$20,000 plus. Their claim was in the area of \$30,000 to \$40,000 and we settled on \$22,000."

Commissioner Willner entertained further questions of Attorney Miller or Thermotron, Inc.

Commissioner McClintock said she gets \$20,317.76.

Attorney Miller said, "You have to understand that those are my figures. Now, they had some figures that indicated to them that the slats that we are talking about were worth about \$3,000 -- and we say there are no slats there. They say if they are not there we owe them for them. We say no. So we split the difference on that and it came to around \$22,000."

Ms. McClintock asked, "And how much would we spend in litigation if Thermotron sued us?"

Attorney Miller said he wouldn't be surprised if we'd spend \$20,000 by the time it was all over. (He said, "I'm very reasonable, but it takes a lot of time to do those things.")

Ms. McClintock asked, "Wasn't the contract with Thermotron supposed to be cancelled in November 1988?"

Attorney Miller said, "There was a cancellation letter sent October 16, 1988. The contract required at least thirty (30) days notice on the first day of the month preceding the month when the cancellation was to occur. The fact is that Thermotron did do some work subsequent to the cancellation letter. Mr. Willner has specific recollection of their people being there on election night in 1988. Their contention is that the contract was never totally cancelled nor was it properly cancelled when it was cancelled. We disagree with that. We also disagree with their claims for additional monies in 1989. They are giving up those claims; we are giving up some of our claims -- and this is just avoiding a very difficult lawsuit for both parties. We did owe them the \$7,300. We do have their water softener. We have

been leasing the water softener and the ice machine. So virtually everything that you see that composes the \$22,000 was, in one way or another, received -- other than, in our view, the December service -- and that is just what compromise is all about."

President Willner entertained further questions of either Attorney Miller or Thermotron.

Commissioner Borries said, "Obviously, I will concur with the Attorney's opinion. I do believe that the contract was cancelled. But I believe his argument is a rational one in view of the rather complicated nature at this point of how the entire situation would be ended. I will, based upon Attorney Miller's recommendation move that the settlement agreement be approved."

Commissioner McClintock asked, "So you are moving that we spend \$22,000 to settle with Thermotron?"

Commissioner Borries responded, "Yes."

Ms. McClintock asked, "I wonder if you would consider an amendment to that motion?"

Commissioner Willner said we need a second to the motion and then we can have discussion, if she so desires.

Ms. McClintock said, "Okay, I will second. Since there is some question as to whether these cooler slats do indeed exist or do not exist and they are supposed to be valued at \$3,000...."

Attorney Miller interrupted, "We are satisfied they are not there."

Ms. McClintock asked, "Okay, then why are they on the list?"

Attorney Miller responded, "Because they say they are entitled to the return of them. We say that they were either not left there at all, or they were left there and either destroyed, taken away, or inadvertently thrown away because we didn't think they were any good. They say they were worth \$3,000. We say we never had them. So we compromised at \$1,500 and we know they are not there. If they are there, they can have them -- they are no good to us."

Commissioner McClintock said, "Okay, but I think you are missing my point. They are both places. We are paying them \$1,500 for these things we don't want. But they are also on the list of things that they can indeed take out of the Auditorium if they do indeed exist. So they either need to be off of the list of what they get and we pay them for them -- or they need to be on the list of what they get and we don't pay them for them -- if indeed they do exist. I don't understand why they are listed both places."

Attorney Miller countered, "Well, if that were the only uncertainty in all of the ingredients of the settlement, you may well have a point. But to their way of thinking they are giving up claims totaling perhaps \$10,000, \$15,000 or perhaps \$18,000 already. To our way of thinking we're paying a little more than we owe in order to avoid the litigation and after the long discussions we have had with these gentlemen, I just don't think you're going to get that kind of agreement from them. I don't think that they would do that. They have agreed

to a number. They think we owe them a lot more. We think we owe them a lot less. And in order for us not to spend approximately that much finding out who is right, we've reached this compromise."

Ms. McClintock said, "I am still confused as to why a company that was sent a letter by the President of the County Commission telling them that their contract was cancelled would continue to do work at the facility and expect payment for it. It confuses me. If anybody sent me a letter saying cease and desist, I would cease and desist."

Attorney Miller said, "The letter said that their contract obligations as to the maintenance of the air conditioning aspects of the equipment were to be cancelled as of that day. That was not by its terms, according to their interpretation, a cancellation of the entire agreement. There were other responsibilities in the agreement other than the air conditioning responsibilities. The contract in one place just provided for a termination on thirty (30) days notice and in another place it provided for termination by Certified Mail on or before a certain date referring to another certain date. There are a number of uncertainties on both sides in the situation."

President Willner asked if there is any other discussion? If not, the motion has been made to settle with Thermotron for \$22,000 and the Board will have a roll call vote on that motion: Commissioner McClintock, Abstained; Commissioner Borries, yes; and Commissioner Willner, yes.

Commissioner Willner continued, "I really don't think an explanation on my part is needed. I didn't vote to begin with to cancel their contract. It was done during an election campaign and in the heat of battle I think there were some points to be gained one way or the other -- and I did abstain from that vote. I was also with David (Miller) this morning and I think the \$22,000 is a much better solution than the alternative. Therefore, I am glad that this is over with. If you gentlemen would care to have a copy of the minutes, you can contact them."

Attorney Miller interrupted, "I will be sending them a release, etc., to be signed."

Commissioner Willner expressed appreciation to the Thermotron representatives for their trip to Evansville with regard to this matter.

- c) Letter to Commercial Banks in Evansville re Bond Issue: Attorney Miller said what the Commissioners have before them is a copy of the letter he is proposing we send to the three (3) major commercial banks in Evansville, growing out of a meeting with the bond issue planning committee a week ago Friday. The situation is that there will be a period of time following the sale of the bonds for the Union Township and U.S.I. improvements when the money will not be spent and we will have it on deposit and invested. The situation is further that there is a limited amount of income that the County is entitled to earn on this money because of arbitrage rules which would require that any earnings over and above those certain limited amounts would have to be paid directly to the Federal Government as arbitrage. The situation further is that we need to have a Transfer Agent for the bonds in case the bonds are purchased and

sold during the time that they are outstanding -- and we need to name one (1) of these banks or some bank with Trust powers as a Trustee, to whom monthly payments can be made by the County Treasurer. And those monthly payments are going to be the amounts that will be ultimately dedicated to the repayment of the bond in the semi-annual installments. That money has to be managed. The payments will have to be made to the bond holders by the Trustee. One or more of these banks may be willing to serve as Trustee on more favorable terms to us than one of the other banks for some reason connected with the state of their operation at the present time, how badly they want to hold this money, how badly they want to be the Transfer Agent, etc. So we are asking them to give us a package proposal and to propose, if they are not interested in the package, whether they would be interested in simply serving as Trustee, and if they would do that, if they would have a charge, what it would be, etc. What we are trying to do is to convince one or the other of these banks not to charge us anything to serve as Trustee, because that will drive up the cost of this money -- and the better deal we can get, the better off we are going to be. He is suggesting that this is in the nature of a professional service and we asked for proposals from our three (3) local banks. He believes this is an appropriate way to do this and give them the opportunity to serve in these capacities.

Commissioner Willner entertained questions of Attorney Miller.

Commissioner McClintock asked if these are the only three institutions in town that are capable of providing this service?

Attorney Miller responded, "Well, I think so. People's Bank, to my knowledge, does have a Trust Department; but People's is not a nationally chartered bank. People's is operating under a State charter and because of the Federal Securities regulations that are involved with these bonds and because of the size of the initial deposit, some bank is going to get \$10 million dumped into it all in approximately a day. And these three banks, to my mind, have the requisite size to handle that kind of thing. And I certainly do not mean this in any way as derogatory to People's. But these are the only three banks that I think are geared up to do this at this point."

Ms. McClintock asked, "And no Savings & Loan -- I mean Union Federal, Permanent Savings, etc.?"

Attorney Miller said, "None of them have Trust powers -- and I'm looking for a package deal."

Ms. McClintock said, "I understand what you are looking for; I just don't want People's to come back to us."

Attorney Miller said, "I'll send People's a similar letter if you tell me to."

Ms. McClintock asked, "Why don't we do that?"

Attorney Miller said, "Then if they give us the best proposal, we are going to have to look at all the statutes that tell us whether or not they can do it. I know these guys can do it -- but I will send them a letter."

Commissioner Willner entertained further questions.

Attorney Miller said, "So I should send the letter -- but I should send it to People's too? Is that the directive?"

Commissioner Willner entertained a motion.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the banks are to be notified of the requirements concerning trust of the sale of these bonds and that People's Bank also be notified and a determination will be made to see if all those who wish to bid qualify. So ordered.

- d) Acceptance of Checks/Alexander Ambulance Lawsuit Collections: The meeting continued with Attorney Miller submitting the following checks with regard to the Alexander Ambulance Lawsuit Collections:

Elizabeth Boyle	\$10.00
Thomas Yeates	\$ 5.00
Daniel McFarland	\$30.00
Thomas Jarvis	\$ 5.00
Patricia Offutt	<u>\$115.58</u>

Total \$165.58

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the checks were accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

Commissioner Willner requested that Mrs. Meeks stamp the checks. He also took the opportunity to welcome Mrs. Meeks back from vacation. He said she looks a lot better than when left -- she got an attitude adjustment. (Mrs. Meeks had been on vacation following a recent illness.)

RE: SIGN ORDINANCE

The meeting continued with President Willner recognizing Mr. David Mounts of Mounts Electric, Inc., who was present with regard to the Sign Ordinance, which the Board probably is going to be rejecting in the next few minutes. He said Mr. Mounts is going to submit related information to the Board.

Mr. Mounts said he has recommendations concerning the Sign Ordinance which he hopes can be considered after the County Commission rejects the existing proposed changes. He will go over the recommendations item by item:

On Premise - County:

- 1) Limit the height of signs on M-1, M-2, & M-3 zoned property to 65 ft.

Ms. McClintock asked what it is now?

Mr. Mounts said that on property zoned M-1, M-2, and M-3, it is unlimited. There is no limitation at all right now and this is what led to the 105 ft. McDonald sign on St. Joe Avenue at Maryland Street.

Mr. Willner said the question is whether it is 65 ft. from the ground to the bottom of the sign or to the top of the sign?

Mr. Mounts said it is to the top of the sign. He said this is one of the major concerns of the APC and the community, especially the West Side Improvement Association.

- 2) Do not allow any sign (on a building) to extend above the roofline of the building.

Mr. Mounts said this is just another beautification thing.

- 3) Prohibit signs which require guy-wires.

This is just another beautification thing. He thinks many here will agree that wires are ugly, guy-wires are ugly (and dangerous).

- 4) Establish a program, or provide language in the ordinance, for the removal of abandoned and/or dilapidated signs.

Mr. Mounts said that one of the sign companies (Ad-Craft) proposed to the APC in December 1988 and offered free labor and equipment to do this if a program were set up. To date, he is told that hasn't even been responded to.

Ms. McClintock asked if that is still available if someone would respond?

Mr. Mounts said he can't speak for the sign companies; it could be -- it is a possibility.

- 5) Require electrical wiring for free standing signs on newly constructed building sites to be installed underground.
- 6) Prohibit variances which allow signs to be placed in right-of-way.

Off-Premise - County:

- 1) Increase the distance required between off-premise signs from 300 ft. to 500 ft.

Mr. Mounts said it is presently 500 ft. on State and Federal Highways -- but other streets and highways in the County can be 300 ft. He would suggest this be made uniform and we have 500 ft. across the board.

- 2) Reduce allowable space from 1,000 sq. ft. to 700 sq. ft. for each sign face.

Mr. Mounts said he doesn't think there will be any objections. He believes this was one of the agreed items on the other sign proposal.

- 3) Limit the maximum sign height to 65 ft.

Ms. McClintock asked if there is currently a limit on that?

Mr. Mounts said he believes it is currently 80 ft.

- 4) Revise existing ordinance to allow for replacement of storm-damaged, legal non-conforming signs.

Mr. Mounts said that at the present time this can't be done. And a major part of the smaller companies that have off-premise signs this would apply to.

- 5) Provide language for removal of dilapidated and abandoned signs.

Mr. Mounts said they would like this -- or establish a program for that somewhere.

President Willner asked Mr. Mounts if he will tell the Commission how many companies or persons agree with these recommendations.

Mr. Mounts said he has discussed these items with several sign companies. He doesn't believe there will be a major objection from any of them. There may be some minor objection -- but he doesn't believe there will be. There was one item they had originally discussed, but it has been left off not only because it would receive some objection from some sign companies, but it looked like it would be an administrative nightmare and it may have taken one person just to administer that particular proposal. Thus, he removed it earlier last week.

Commissioner Willner entertained further questions of Mr. Mounts.

Commissioner Borries asked, "David, how many people would you say are involved in occupations that have to do with signs? Either through electrical signs or your large signs?"

Mr. Mounts responded, "In Evansville and Vanderburgh County there are probably 275 to 300 people employed in the sign industry -- both on-premise and off-premise."

Ms. McClintock asked, "Was there any further discussion among the sign companies about the scenic corridors that were discussed -- the non-commercial, etc.?"

Mr. Mounts replied, "Only to the extent that we didn't want to see them get started."

Ms. McClintock said, "It is my understanding that we need to reject the ordinance as proposed by the Area Plan Commission and then give these recommendations to the Commission for their consideration."

Commissioner Willner said, "I think we need to send these recommendations to other sign companies and get their input as well -- and give it a time period before we reconsider this."

Ms. McClintock said, "I thought you talked to the companies."

Mr. Mounts said, "I have talked to most of the sign companies -- not all of them. There are many small sign companies (one and two men shops) that I have not discussed these with."

Ms. McClintock asked, "So we would still be within the forty-five (45) days if we tabled it today?"

Commissioner Willner said, "I think we are all in agreement that we are going to reject the present change and ask that these be considered. Is that correct?"

Mr. Mounts said, "I believe that has to be done today."

Ms. McClintock said, "And then we can notify the..."

Mr. Mounts interjected, "I believe if it is not rejected that it becomes law on November 15th. I believe it

does."

Commissioner Borries said, "Let me just say that often times I think in so many instances we are all bombarded with a lot of complicated information and it is sometimes very hard for all of us to comprehend that. And I am sure there have been people concerned about beautification, really as well as all of us are. But I think also when you're looking at some 300 jobs in our community that are related to this, I also feel that you, David, are to be commended. You have lived in this community I don't know how many years -- but I know you've been active as an official at various high school basketball and other events, so you've made your livelihood and been a part of this community -- and I believe that this in many cases should really be commended, because it also involves people whose livelihood is at stake, putting in some self-regulated kinds of aspects. I mean, it's not as if you are totally irresponsible in this situation. And I believe as Carolyn (McClintock) has pointed out, there was some concern about scenic corridors. But those corridors under the current ordinance are going to be in effect and there cannot be any changes in those in terms of historic preservations or any kind of corridors that currently exist. All the way out the Lloyd Expressway, for example, on the south side you don't see them until you come to certain areas there in which they are already allowed. So, again, I want to commend you and the group for doing, in my opinion, a very good job of self-regulation in terms of acting responsibly for what some have seen as a community issue -- but at least you've moved forward here and said some very positive things and also some things that will, in fact improve the ordinance that we have.

One final aspect. I don't know if we can do this or not. I guess we probably will have to have our attorneys look at it. My concern has always been enforcement and I am heartened to see -- I guess it was the Board of Zoning Appeals -- reject what was going to be a radically different kind of new sign proposed. But already now it is causing some reconsideration on economic development and whether or not these people are going to build in this particular site. Be that as it may, enforcement I think is important. Perhaps -- and I don't know whether we can do this or not -- when a group or business is cited for not following the ordinance, is there a way in which you can assess a penalty from the time that they are cited, or do you have to wait until the matter is brought before a Court? I am not clear as to how that can be done."

Attorney Miller commented, "Well, that is up to the Court. If a citation is issued and if the citation is contested, then it will come to a Court to determine whether the citation is justified and, if so, just how long and to what extent a fine should be imposed. Your citations can set forth the date of the violation and if the ordinance is properly written, they can also provide for the multiplication of the fine as a continuing violation over a period of time."

Commissioner Borries said, "That is what I would like to explore. Maybe then, if we got serious about this from that standpoint, we would begin to see some compliance in that area along the lines of what the current ordinance already prohibits and what it already allows. But I would like this Board -- and perhaps the Area Plan Commission -- to consider that -- to setting that citation. I don't want it to be either illegal or

excessive. That is why I was asking David's opinion on this. But I think that when a group is cited -- and I understand it could be a real estate company or whatever -- it doesn't necessarily have to be just a sign manufacture -- someone who is not in compliance with what the current ordinance says -- there is a citation given. I think we sometimes have difficulty in enforcing all of that and perhaps we ought to look at toughening our standards or at least toughening our enforcing standards to that effect.

Mr. Mounts said, "That has been our position all along, Mr. Borries, that we feel like consistent and fair interpretation and enforcement of the ordinance is what we need now. It helps the existing ordinance and our feelings were that the APC felt like they needed a new ordinance to enforce it and we didn't believe that was true.

Commissioner Willner said, "David, I, too, appreciate your input and certainly we will move forward and see if we can't get something that everybody can live with. Thank you."

Commissioner Borries again thanked Mr. Mounts.

President Willner said he would now entertain a motion to reject the new Sign Ordinance as it is in its current language.

Motion to this effect was made by Commissioner McClintock, with a second from Commissioner Borries.

Commissioner Willner then asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner yes. Commissioner Willner declared the Sign Ordinance rejected by unanimous roll call vote. So ordered.

Ms. McClintock asked how the County is going to contact these other sign companies?

Commissioner Willner said he thinks the Board needs to pass these recommendations on to the Area Plan Commission and tell Mrs. Cunningham that the Board wants to hear from each and every one who wants to have some input and then pass that input back to the Commission.

Commissioner Borries said since Commissioner McClintock is a member, would she want to present these to the APC to see if we can have the recommendations drafted into some kind of ordinance form.

Commissioner Willner suggested we get the input first.

Commissioner McClintock asked, "So Mrs. Cunningham should send a letter out to all the groups that originally were contacted and tell them basically the same thing -- to reply to us, in writing, by when?"

Commissioner Willner asked if the Board wants to wait until after the first of the year or do it before then?

Commissioner McClintock said she would like to do something before then. The APC has a meeting this coming Wednesday (November 1st) and then they will have a meeting the first week of December.

Commissioner Borries suggested we get the responses prior to the APC December meeting. That way any

changes could be drafted in ordinance form and, hopefully, could they be in effect by the first of the year?

Commissioner McClintock said, "Probably not, but at least we could be moving in that direction. If we wait until after the first of the year, it will be April."

It was the consensus that the Board should have the comments by no later than Monday, December 4, 1989.

RE: READING OF BIDS RE HIGH VOLUME COPIER FOR THE
COUNTY PROSECUTOR'S OFFICE

Attorney Miller confirmed there were four (4) bids received, as follows:

Rem-Kay.....(Envelope returned, but no bid)
The Lang Company...Bid of \$13,346.00 for a Minolta EP8600
Royal Office Products...Bid of \$10,244.00 for a Sharp SF9750
Xerox Corporation.....Bid of \$20,250.00 for Xerox 1065
Modern Business Systems..Bid of \$13,425.00 for a Ricoh FT7060

Xerox's Bid Bond is not executed by the principal, although it is executed by the surety. His feeling is that that Bid Bond may be invalid, since a surety can't be a surety for somebody who isn't there. So the Bid Bond is of questionable validity.

The original Bid Bond for Modern Business Systems is not enclosed.

However, they have enclosed a telefaxed copy which is, according to the materials, enroute. He thinks that would be satisfactory, assuming the one that shows up is identical to the one they included. If it is identical to the Faxed version, he is prepared to accept that as an appropriate Bid Bond.

Attorney Miller said some of these proposals include supplementary proposals for service agreements, which may affect our judgment. Some of them include delivery charges; some of them have no delivery charges. Therefore, he would recommend to the Board that the bids be taken under advisement and the Prosecutor's Office and the Purchasing Department subsequently make a recommendation.

Commissioner Willner entertained a motion to this effect.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bids are to be taken under advisement and a recommendation made by Purchasing and the Prosecutor's Office at next week's meeting. So ordered.

Commissioner Willner noted the \$10,244 bid of Royal and the \$20,250 bid of Xerox, saying the comparison he wants to make is that one is twice as high as the other -- and we're talking about a copy machine. That's kind of strange that there would be that much difference -- he's amazed at that.

Attorney Miller said that is the cost of bells and whistles, he guesses.

Commissioner Willner said he is not making any complaints -- just directing the Board's attention to this. He then asked Sandy Millard of the Prosecutor's Office whether she has sufficient funds in the Prosecutor's budget. He said the Commission needs to know at the time they award the bid that there is enough money.

Ms. Millard said if they don't have sufficient funds, they will not get the copier.

Mr. Willner commented, "That is exactly correct."

RE: PROGRESS REPORT - MIKE MOADE

Commissioner McClintock requested that Mr. Moade give a report as to what he has been doing this past week.

OccuMed Program: Mr. Moade said he met with Mary Ann Sturgis at Welborn Hospital and Maureen O'Connor at St. Mary's Hospital concerning the Occupational Medical Proposals and right now he is working on a comparison between the two proposals.

EAP Program: Gary Morgan of the Southwestern Mental Health Center was also contacted concerning the EAP Program and he and Mr. Moade will be meeting on Monday, November 6th, at which time Mr. Morgan is going to submit a proposal.

Physical Fitness Program: Mr. Moade said he has also contacted Lonnie Rahm from the City Police Department. He'd gone to the Cooper Clinic in Dallas, TX. This is a clinic where a lot of the DA, FBI, CIA, etc., go to implement physical fitness programs for their employees. From what he has found out, it is supposed to be the clinic to go to for this particular type of physical fitness training for employees. He talked to Gerald Bailey of the Fire Department and they are also wanting to send some people down there. Thus, Mr. Moade said he thought perhaps this might be something we'd want to look into.

Mr. Moade also talked with Eric Ellsworth, the new director at the Y.M.C.A., concerning their Fitness Program and he wants Mr. Moade to stop by and meet with him next week. He will show him around and go over a proposal at that time.

Commissioner McClintock reported that as discussed last week, she wrote a letter to Judge Brune (a copy was put in both Mr. Willner's and Mr. Borries' mailbox) as to whether the DADS proposal for EAP was still valid or whatever. He came over just before the meeting today and spoke with her and Mike Moade. He still needs to talk to the other Judges. They have a meeting on Wednesday and he will give her a call and let her know whether indeed they still want to offer that program to us and then we will decide whether we want to use them or someone else.

Mr. Moade is also going to talk with Mr. McAdams at ALCOA, because they have an in-house program, which is basically what the DADS Program would be. Mike Moade will follow up with getting a copy of their program and talk to Mr. McAdams about how it works -- because there was some concern about having an EAP Program in house. She also understands Mr. Willner is talking to the Director at the Y.M.C.A. She noted that the Fitness Program Mr. Moade was speaking of was for Law Enforcement Officers, in particular.

Commissioner Borries noted it is probably Dr. Kenneth Cooper, who is one of the world renowned runners -- and you're talking a pretty rigorous program there. That is probably one of the best programs in the nation.

(End of Side "A", Tape #1)

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said he had submitted his Weekly Reports on Friday and entertained questions of the Commissioners.

Paving Program Status Report: It was noted by Mr. Muensterman that the County crews are probably ending their paving program this next week -- if the weather stays nice. He will be giving a report on the paving mileage they have done this year. They also have another day of patching. It's not chuckholes as much as it is the shoulder of the roads. They are trying to build them up. Insofar as chuckholes, he hasn't received a report from anyone.

Mr. Willner entertained questions of Mr. Muensterman and there were none.

RE: COUNTY ENGINEER - GREG CURTIS

President Willner called upon County Engineer Greg Curtis for a report. Mr. Curtis said he has nothing to report today.

Mr. Willner entertained questions of Mr. Curtis.

Commissioner Borries said that although Cletus' group has done a fine job, he is pleased to see the work done on North Green River Rd. and also Heckel Road -- so he knows the contractor is on schedule.

Mr. Curtis said we are still on schedule to complete the contracts in the allotted time.

Earthquakes/County Bridge Structures, etc.: Commissioner McClintock said that with all the talk about earthquakes in light of what happened in San Francisco -- someone asked her earlier whether in our Bridge Inspection (the contract we currently have with Bernardin, Lochmueller & Associates) is that something that is part of what they are looking at for us? Whether those structures would be safe and sound in the event of an earthquake in this area? Or is that something else that we need to address?

Mr. Curtis responded, "As far as the things you can see externally on a bridge, it is obvious. You can pour a slab of concrete and until you really break it open you don't know whether there is any steel in it. As far as how the bridge was designed inside the concrete, etc., you can't determine that in a bridge inspection. But insofar as condition and problems that exist that are evident by a visual inspection, anything that would pertain to that -- yes, that would be included in that bridge inspection contract that we have. In other words, what I am trying to say is that while that is true, that doesn't mean that all of the bridges have been designed to withstand earthquakes of the magnitude of the one in San Francisco."

Commissioner Willner said, "Probably all of our bridges will take 3.5 on the Richter Scale and none of them will take 7.1."

Mr. Curtis said, "I have no idea. You know, almost any bridge that is designed way over a very large safety factor into the design as far as load carrying, etc. And as far as what type of magnitude of earthquake that that would withstand, I don't have any idea what the past ones would. But the future bridges that are built, the Department of Transportation as well as AASHTO (American Association of State Highway and Transportation Officials) have adopted standards that require minimum design requirements. Now I still don't think that is of the magnitude that the new bridges in California have to be designed to -- but that is because of the likelihood of earthquakes being radically different between here and there. They have then very frequently."

Commissioner McClintock said, "But it is my understanding that we also live on this fault -- so just because we haven't had one in a while and we haven't had one that is 6.5 or 7.0 doesn't mean that we couldn't have one tomorrow afternoon."

Mr. Curtis said, "Correct."

Ms. McClintock continued, "So, perhaps we should be adopting the same bridge standards that they use in California. It seems to me that we're not planning for the future very well if we don't go ahead and adopt those same standards -- because, in my mind and in the minds of a lot of people in this community, we have

the same type of threat that they do in California. And, of course, there has been a lot of discussion about Memphis being at the end of the fault."

Mr. Curtis commented, "That is something that can be looked into and possibly standards or ordinances or whatever be passed for. At this time there exists nothing that Vanderburgh County has as to what standard bridges, etc., will be built to other than what is specified in the building code for buildings, etc. We generally go by the Department of Transportation and the ASHTO guidelines."

Ms. McClintock asked, "Can you find out what the difference is between what we are currently designing to and what the regulations are in the State of California and let us know what those are -- so we can determine whether we want to adopt those?"

Mr. Curtis said, "I will look into that."

Ms. McClintock then asked, "And what are we going to do about those old bridges?"

Mr. Curtis said, "That is a maintenance problem -- and, you know, I'm not sure short of tearing them down and re-building them if a bridge is significantly sub-standard to an earthquake design. I'm not sure of anything short of tearing it down and re-building it that you could do. It's not so much the driving surface that becomes endangered (as you saw on Interstate 880 in Oakland) as it is the columns that hold the surface up. That is the part that goes down into the ground and that would require completely re-building the bridge to bring those up to a standard -- if they are sub-standard. And many of the bridges in Vanderburgh County you won't know if they are sub-standard unless you tear them apart to see -- because there are no plans to many of the older bridges in the County. A number of them were built without plans."

Ms. McClintock asked, "Could you talk to our Bridge Inspection Consultant and see whether they have given any thought to this -- then come back and report to this Board?"

Mr. Curtis said he will talk to a number of people "in the know" about earthquake design and get back with the Board in a couple of weeks or so.

Commissioner Willner said he thinks we have one person in the County who was pretty knowledgeable about that and that was the former Building Commissioner, Jesse Crooks. The fact is, he wrote a book on what might happen to our area if we had an earthquake of 7.1 magnitude on the Richter scale. Jesse Crooks is the only quasi-earthquake knowledgeable individual in the community that he knows of.

Ms. McClintock said, "He's retired and has plenty of time."

Someone noted that he works for Morley & Associates.

Commissioner Borries asked, "Now, aren't the AASHTO standards that you mentioned set up on a nationwide formula?"

Mr. Curtis said, "Very generally. The Federal Highway Administration for highway purposes adopts the AASHTO standards, which is, as I said, the Association of State Highway and Transportation Officials. They are made up of people from different states, etc. Generally they are engineers, designers, and builders who get together and set these standards and the Federal Highway uses those as guidelines that must be met. They can be exceeded -- but they must be met for monetary Federal Highway participation in construction projects. The State of Indiana, for the most part, just rubber stamps the AASHTO guidelines and in some specific instances they will add to them something that might possibly exceed. But in all cases those AASHTO guidelines must be met for Federal Highway participation."

Commissioner Borries said, "The reason I was asking is because I know that building codes have been upgraded on newer buildings to reflect the possibilities of an earthquake and designs have been different. And I think we saw that happen in San Francisco, where a lot of the newer buildings really escaped damage and a lot of the older structures seemed to be the hardest hit. So I know the building codes have been updated and I thought perhaps AASHTO had done the same thing."

Mr. Curtis said, "I don't know what year it was in. It was in the mid 80's that AASHTO did incorporate earthquake design, but I don't know to what degree. I mean I don't know what degree earthquake that you are basically designing those structures for."

Attorney Miller said, "I think there is also a substantial difference. There was an experience out there between damaged buildings that are seated in bedrock as opposed to damage to buildings that were seated in fill or sandier materials -- and that seemed to me to be something that..."

Mr. Curtis interjected, "Right. They said that the sandier soils or sandier areas whenever the earthquake would start, it basically made it like quicksand and the building would just fall."

Commissioner Willner entertained further questions of Mr. Curtis. There were none.

RE: ACCEPTANCE OF CHECK/TEL-MEDIA CORPORATION

The meeting continued with President Willner presenting a check from Tel-Media Corporation in the amount of \$206.93, together with cover letter. The letter said:

" This is to certify that gross revenue for cable services for residences in Vanderburgh County for the period of July 1, 1989 thru September 30, 1989 amounted to \$6,897.77. A check for the 3% franchise fee in the amount of \$206.93 is enclosed."

Commissioner Willner asked if this is the same company that we negotiated a 5% fee, or is it a different company?

It was determined that this is a different company.

Mr. Willner asked whether the Board should not also negotiate a 5% fee with this company for 1990?

It was the consensus of the Board that we should do so.

Mr. Willner requested that Mr. Jerry Riney acknowledge the check on behalf of the Commission and seek a 5% franchise fee for 1990, if we have not already done so.

There was some question as to which cable company serves which part of Vanderburgh County. Mr. Riney said he will make a report at next week's meeting as to which area is served by which cable company.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the check was accepted, endorsed, and given to Ms. Matthews for deposit into the County General Fund. So ordered.

RE: TRAVEL REQUEST - COUNTY RECORDER

A request for travel was presented from the County Recorder, as follows:

October 26, 1989

Robert Willner, President
County Commissioners

Dear Bob,

I would like permission to attend a meeting of the Indiana Recorders Association held in connection with the Indiana Counties Conference on November 13, 1989 at the Adams Mark Hotel in Indianapolis, Indiana. There is enough money in my travel account to cover the expense.

/s/ Bob Steele
County Recorder

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved. So ordered.

RE: COUNTY APPOINTMENTS

Data Processing Board: Mr. Willner said Commissioners Borries and McClintock have names of appointees to the Data Processing Board, as follows:

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Michael Russ of 1612 Brookside Drive was appointed. So ordered. Mr. Russ is a contact teacher who works in computers and data processing. He has had experience with IBM and also with Apple.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Ms. Valerie Denton of 1231 Southeast Riverside Drive was appointed. So ordered. Ms. Denton is the owner of Prime Data, Inc., a small computer company. She specializes in computer uses, writing computer programs and computer training.

Civil Defense Advisory Council: President Willner said the Board has three names to submit for the Civil Defense Advisory Council (two of them have not been asked yet). Sheriff Clarence Shepard has consented to serve in this capacity. The Volunteer Fireman was John Buckman of German Township. The third appointee was Paul Bitz of Voter's Registration. Mr. Willner then entertained a motion.

Commissioner McClintock said she is confused about Paul Bitz.

Mr. Riney said Mr. Bitz requested to be appointed.

Ms. McClintock said he may have a lot of qualifications; she likes him and doesn't have any problem with him, but.....

Mr. Willner said they thought of names, addresses, and places where people live -- in an emergency.

Mr. Riney commented that Mr. Bitz is a go-getter.

Ms. McClintock said, "Oh, I know. Okay. If he wants to do it."

Mr. Borries noted that Mr. Bitz was Safety Commander or something with the VFW and he had an ongoing interest and we did feel he would have quick access to ...

Mr. Riney interjected, "He does know a lot about what goes on in Vanderburgh County."

Ms. McClintock asked, "Can we appoint more than three (3) members?"

Mr. Borries said, "Sure."

Mr. Willner said, "No, no -- I don't think so."

Mr. Riney said, "The City appoints four (4) and the Commission appoints three (3)."

Ms. McClintock asked, "Can there be people attend who don't vote?"

Mr. Borries said, "Oh yes, the meetings have to be open to the public."

Ms. McClintock said, "The only reason that I raised the question was if we have Sheriff Shepard and John Buckman -- and then appoint Paul Bitz -- we don't have anyone on our Civil Defense Advisory Council that is related at all to medical or emergency medical services. And I have suggested that clearly we need someone with some of that background. In a disaster your primary concern is loss of life -- and we don't have anyone representing that interest or area of expertise. While she hasn't talked to him, Joe Gamble (who is at Welborn) has been Chairman of the State Emergency Commission for several years and maybe he doesn't need to be on the Commission -- or someone like that -- but I think it would be nice to have someone like that in an advisory capacity to this Council. I think it's important and I bring that to the table. We have two firemen, two policemen -- and I think that's good. We need that kind of cooperative effort."

Mr. Borries asked, "Who does the City have on there?"

Mr. Riney said:
Ray Hamner, Police Chief
Doug Wilcox, Fire Department
Roger Lehman, Building Inspector
Jack Danks, Board of Public Works

In response to query from the other Commissioners, Ms. McClintock said Mr. Gamble is not a doctor. He started with the Lifeline Program; he actually is a nurse.

Mr. Willner said, "And we talked about Alexander Ambulance being on there, too. And we thought maybe they were two distinct other problems than Civil Defense -- but it might be well to have an Advisory Panel."

Auditor Humphrey noted that there is a whole group of doctors in town who specialize strictly in emergency medicine. Each hospital has a team.

Ms. McClintock said, "I may be wrong, but I believe one (1) of the hospitals was to be selected as the Emergency Medical Center for Vanderburgh County in the case of a disaster. The State does that now. And I believe (there was a big flurry and everyone built new emergency rooms) Welborn Hospital was selected. So perhaps we should find out which institution is designated as the Emergency Medical Center -- it might be Deaconess Hospital -- and then find someone from that institution to serve as an Advisor. And I could do that if you want me to.

Messrs. Borries and Willner said that would be fine.

Ms. McClintock said we can go ahead and vote on the aforementioned nominees so they can go ahead and get started.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Messrs. Shepard, Buckman, and Bitz were appointed to the Civil Defense Advisory Council. So ordered.

RE: REQUEST FROM FORMER COUNTY ENGINEER ANDY EASLEY
REQUESTING BACK PAY

President Willner said he does need to bring up one item. He received a letter from former County Engineer Andy Easley regarding his service with Vanderburgh County and his dilemma. He will read the letter and ask for the Board's guidance. The letter reads as follows:

September 5, 1989

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

Dear Commissioner Willner:

As you know, I was found not guilty on the charge of forgery and conspiracy to commit forgery by the Vanderburgh County Court Jury on May 4, 1989. As you are aware, as a result of the charge I was suspended without pay from the position as Vanderburgh County Highway Engineer. When I was suspended, Rick Borries and I had a long conversation about the ramifications of this suspension. He gave me his word and promised me that if I was found not guilty of the charge I would be reinstated to the position of County Engineer and I would receive back pay.

As you know, after repeated trial delays my employment was terminated and a new County Engineer was hired to replace me. As everyone knows, the charges which brought about my suspension had no connection with the position of County Engineer nor, as a matter of fact, were alleged to have occurred several years before I was appointed to that position. The Vanderburgh County Auditor's records indicate that the term of suspension was effective from July 4, 1988 and that my termination was effective on December 27, 1988.

It is requested that you order the County Auditor to pay me back wages that I would have received during my term of suspension. It is my understanding that the decision on back pay is within the discretion of the Board of County Commissioners as the Executive body of Vanderburgh County. I have paid considerable attorney fees and suffered a loss of reputation and business. Considering the problem of health insurance for my wife, along with my other losses, I may never recover from being punished indirectly for crimes of which I was only accused.

As you know, my previous legal counsel, Alan Kissinger, is no longer representing me in this matter. However, I do intend to pursue my legal remedies with another attorney. If we cannot reach an agreement on back pay in consideration for the representation and the promises that were made to me, I feel that I would definitely prevail if it became necessary for me to file a lawsuit for back wages. I also believe that there is a possibility that I may be reinstated as County Engineer and may be awarded damages.

Thank you for your consideration in this matter. I will be happy to appear at any regularly scheduled or special meeting to give any additional information or to answer any questions you may have.

Very Sincerely,

/s/ R. Andrew Easley, Jr.

Commissioner Willner said he would ask for some input at this time. "I would consider that there are numerous ways the Commissioners could go; we could say yes, no, or qualify the dollar amount. We could ask the County Council to appropriate additional monies to pay Andy. We could pass that on with our approval or with our disapproval or no approval at all. So these are just some of the things that are open to us. If you have any feeling as to what I should inform Andy, at the feeling of the Commissioners I will do so. And you may wish to have David (Miller) give you the County Attorney's opinion."

"Commissioner Borries said, "That is exactly what I will do. I would only say at this time that there certainly would be an obvious difference in certain points that Mr. Easley has said in his letter. And, at this time -- because he has indicated that perhaps there could be legal action -- or at least implied some kind of pending legal action -- I would at this point defer to the County Attorney."

Attorney Miller commented, "There are several points that need to be made. First of all, Mr. Easley has, in fact, put himself in the position of being the County's adversary in terms of a potential claim here. So my first advice to the Commissioners, both individually and as a body, is to make no public statements regarding the merit or lack of merit of the claim. You obviously have the discretion, if you wish to do so, either now or later after giving it some consideration and after we can discuss it perhaps in an Executive Session -- you have the discretion to make a payment or a proposal essentially either out of your desire to avoid litigation or your desire to recognize one or another of Mr. Easley's personal difficulties -- although none of these, in my judgment, are your obligation. I do not believe based on the information that is set forth in that letter that the County would have any obligation to pay Mr. Easley back pay, simply because there is no consideration for any -- even if Mr. Borries made such a promise, which I understand he contends he did not -- but even if he did, there is no consideration flowing back to the County from Mr. Easley in return for the promise to give him his back pay in the event he is acquitted."

In the second place, Mr. Borries would not have had the legal authority to make a promise that is binding on this County because the only binding promises that can be made upon this County are made through the minutes of this Commission. And there was certainly no quote by this Commission that I am aware of that would support such a promise. In any event, Mr. Easley's case is not perhaps simply limited to the legal situation. You may wish to discuss it further. I encourage you if you do, to discuss it in an Executive Session before this matter is taken any further in a public meeting."

Commissioner McClintock asked when an Executive Session can be set? "I think this is something that we should discuss and get settled quickly."

Attorney Miller said, "You can have an Executive Session within ten (10) days -- unless it is an emergency."

Ms. McClintock asked, "So we can have one two weeks from today? November 13th."

Attorney Miller said, "You can if you don't want to talk to me. As a matter of fact, I can send one of the people from our office who does employment law. I am going to be out of the City on depositions, if that is when you want to have it."

Commissioner McClintock said the next Monday would be November 20th, which is a night meeting. The Commission could meet at 5:30 p.m. Attorney Miller could attend then?

Attorney Miller confirmed that he could.

Attorney Miller requested that Ms. Matthews get with him on the language for the legal advertisement.

Commissioner Willner said it seems to him the Commissioners have something else on the 20th -- a meeting on the bond issue or something -- but no one seemed to be sure about this.

Commissioner McClintock said she did receive a copy of the letter from Mr. Easley and it did raise some concerns she has about not just Mr. Easley, but just in general as to how our Personnel Policy deals exactly with this kind of situation. And it is not written anywhere -- what happens when someone gets arrested.

Commissioner Willner interjected, "Indicted."

Commissioner Borries said, "Wait a minute. Under our system of justice one is innocent -- we must prove our guilt. Number 1 - okay? And that is all I am going to say on that. There was never any implication I think of guilt or innocence in regards to that."

Attorney Miller commented, "I think the point is that Mr. Easley's suspension was not intended to be related in any way to our comment upon his guilt or innocence. It had to do with other matters that were ongoing before the Commissioners."

Ms. McClintock said, "Okay, I understand that. What I am saying is that our policy doesn't deal at all with anybody -- forget Mr. Easley. Joe Blow who works down in the County Clerk's office gets arrested for shoplifting -- I don't know. What happens to that employee and what is the procedure that we follow? It is not outlined here and it occurs to me that we should have it somewhere in writing."

Attorney Miller said, "I am not sure that is right. There is a whole body of Federal Law that tells us what we can and cannot do and if you start writing it down..."

Ms. McClintock interrupted, "Can we get a copy? Is it something that should be an attachment to our Personnel Policy?"

Attorney Miller responded, "What I am talking about is statutes and case law that would fill this room -- and"

Ms. McClintock interrupted, "I understand that, David, I deal with employees; I am an employer -- I've employed lots of people. Does each department in this county know how to handle that situation? And could we get ourselves in some kind of sticky situation at some point because someone does not follow all that complicated Federal Law and statutes and all of that?"

Attorney Miller said, "We probably could. But we probably can't solve it or avoid it by having something. The employment policy statement we have I don't think could accommodate it is what I am saying. There are so many variations and so many unknowns that you would have to deal with in each individual instance. I think what we would be better advised to do -- and I will be happy to meet with you and go over whatever you have in mind -- but I think it is clear that if an employee's actions on the job or related to his job result in some way in a conviction, then there is a clear right on the part of the employer to take action. Until that point I think that that person is presumed innocent and the only basis for dismissal is the same basis that you would have for any other employee at will and that is what every employee is in this County is -- an employee at will -- and if that employee is not performing up to standards and that employee is not timely and if that employee is not obeying instructions from superiors, those things are grounds for dismissal. And we

need to follow the employee policy in that regard and make sure that it is applied in a consistent manner on the basis that sex makes no difference, race, creed -- those things all have to be complied with. But when you start defining the initiation of a criminal action as a matter that bears a relationship to one's employment, that is when you start causing yourself trouble rather than avoiding it. I don't think we should do it. But I will be happy to meet with you to go further if you want to."

RE: STATE ECONOMIC DEVELOPMENT PROGRAM GRANT

The meeting proceeded with President Willner saying that the State of Indiana Department of Commerce has indicated that there will be a figure of \$8 million to \$11 million eligible for the Indiana communities in 1989-1990 cycle for an Economic Development Program, which now replaces the Community Improvement Program. There are some guidelines of some of the things we could do to apply for this grant and he has asked different persons to go down the list and mark their likes and dislikes. One of the things that is mentioned in the eligible activities is demolition. The first thing that comes to his mind is that the County is going to demolish the Folz building and the Raben building when we become legal owners of that. Another thing is the installation of parking facilities. Somebody has said we could use it for the Old Court House and the Old Jail and the Coliseum; Park and Recreation Facilities; Water Treatment and Sewer Lines; Volunteer Fire Departments, etc. The Commission needs to come up with one (1) of those categories and ask DMD to write this grant. The Commissioners need to go through the list and put down their likes and then get together yet today after the Commission meeting to make a decision and subsequently ask Mariann Kolb to write this grant.

RE: BURDETTE PARK - MONTHLY FINANCIAL REPORT

The monthly Financial Report from Burdette Park for period ending September 30, 1989 was submitted.....report received and filed. Commissioner Willner noted he has not yet had an opportunity to review the report.

RE: CLAIMS

President Willner said he has no claims to be presented for approval today.

RE: HOLIDAY CLOSING

It was announced by Commissioner Willner that all County offices will be closed on Friday, November 10, 1989, in observance of Veteran's Day.

RE: SCHEDULED MEETINGS

Wed.	Nov. 1	2:30 p.m. 6:00 p.m. 7:00 p.m.	County Council Meeting Area Plan Commission Mtg. Public Hearing re Eickhoff/ Koressel Rd. (USI/Dining Room (Room 309)
Mon.	Nov. 6	2:30 p.m.	Bid Opening re Demolition & Pile Driving on Bridge #35 (Mosquito Rd.)
Wed.	Nov. 8	1-3 p.m.	PERF Seminar re Life Insurance & Hospitalization Programs for Retirees (Room 301)

RE: ORDINANCE RE PLATS & PLAT SURVEYS

Commissioner Willner said today's agenda indicates the First Reading of Ordinance re Plats & Plat Surveys will be held on Monday, November 6th at 2:30 p.m. Attorney Miller has some remarks that he would like to make individually -- maybe at the Executive Session -- concerning plats and plat surveys.

Attorney Miller said he wasn't aware there was a meeting set up nor was he aware that that ordinance had been scheduled for First Reading. (Commissioner Willner said it really hadn't.) Continuing, Attorney Miller said, "I don't think it should be and I think that there needs to be some research done and I have not done it. All I have done is look at that ordinance and I have looked at the statutes that the proposed ordinance seeks to address and my feeling is that that needs a lot more thought before you go forward with it. So don't do that."

Commissioner Willner said, "We really hadn't scheduled that for First Reading; that ordinance was for your prior knowledge."

Attorney Miller said, "I think I sent you a letter about it and so I would appreciate it if you would not do anything about it at this point."

Mr. Willner said, "Scratch November 6th where it says First Reading for Ordinance re Plats and Plat Surveys."

RE: NEW BUSINESS

Request To Go on Council Call re Funds for Postage (\$10,000):
Commissioner Willner recognized Mr. Jerry Riney, who stated he has been informed that come December we will have insufficient funds in the Postage account to pay the United States Post Office -- and it must be paid in advance or the mail stops. At this point in time we have been spending on the average of \$9,000 per month. We have \$8,000 in the account for November and we must have another \$10,000 to finish November and for the month of December. This will either have to be a new appropriation (which is going to run close to get it back here) or we have one account we could take it out of and that is Economic Development (not the Chamber of Commerce account but the other Economic Development account in which we have \$45,000.

Commissioner Willner said he doesn't think we can do that. That money has been returned from a State program and I think it has to stay in there -- that's just my opinion.

Mr. Riney said, "There is no other place in our budget where we can get \$10,000 -- I've looked through the accounts -- so we must go for a new appropriation. Thus, I am requesting to go on Council Call for \$10,000 appropriation for postage.

Mr. Willner asked if Mr. Riney has looked in the Commissioners' account.

Mr. Riney responded, "Your budget is the one I've looked in -- not mine -- because I don't have it.

Commissioner Willner asked, "Would some of the other officeholders (the Auditor or the Treasurer) have any extra funds that...."

Mr. Riney said, "Oh, I didn't know that you could transfer from one officeholder to another officeholder's account."

Auditor Humphrey interjected, "You can't."

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, approval was given to go on Council Call for the \$10,000 if we cannot find monies to transfer.

It was noted by Commissioner Willner that the request was to have been submitted by October 15th to go on the November Council Call. Can we be on for December?

In response to query from the Commissioners, Auditor Humphrey said we can put it on Council Call if we talk to Council and they agree to appropriate the money.

RE: OLD BUSINESS

Commissioner Willner asked if there is any Old Business to come before the Board.

Groundbreaking Ceremony/Joint Dept. of Central Dispatch:

Commissioner Borries said he would like to notify the Board that the Joint Department of Central Dispatch is going to have a Groundbreaking Ceremony to which the Commissioners are invited--since the County will be the major funder in this, as well. The ceremony will take place tomorrow, October 31st, at 2::00 p.m. at the corner of New Harmony Way and Golfmoor Rd. in the area of the Helfrich Golf Course. This is on City property. The construction cost is \$1/2 million and the facility should be completed by March 1990. It will house the operating center of the new City/County E-911 facility. This center will answer all the 911 calls from Vanderburgh County and dispatch the Police, Ambulance, and Fire services. Simultaneously, a new Radio Tower will be constructed for the facility. Also, to address a bit of what Carolyn said, it does have, he thinks, earthquake standards to which it has to be built and there has to be a certain kind of floor in there -- so it is designed in accordance with all kinds of disaster-type occurrences, such as an earthquake.

Commissioner McClintock asked whether the \$1/2 million cost includes the Radio Tower?

Commissioner Borries said he believes it does.

Ms. McClintock asked, "Who is in charge of working on that?"

Mr. Borries said, "Our contracting is doing the building."

Ms. McClintock asked, "Who is doing the Radio Tower?"

Mr. Borries said a Radio Tower will be constructed on the same site by Nationwide Tire Company of Henderson, KY.

Ms. McClintock said, "The reason I am asking all the questions about this tower is that I'm not sure they need to have their own tower -- and those are very, very expensive. You can lease space on towers. I was wondering if that has been looked into at all before we go to the expense of building a tower."

Commissioner Borries said, "My feeling is that it has. I can't cite you specific points, but that was a major concern as to why, for example, because of the disaster preparedness type situations and the eventuality of any kind of a hazard -- one of the reasons this Joint Department of Central Dispatch was not going to be located in this building - that they had to get outside of the tall structures act in terms of the tower -- and that is why they put it out there, because they could not go and find a better location in the County at that point. There was some discussion of perhaps locating it out near Burdette Park but, again, they needed to find as central a location as possible within the County and that is why this particular property was selected."

Ms. McClintock, "I was just wondering if a satellite to someone else's tower might do the same thing -- then you wouldn't have a huge tower in that neighborhood and it clearly would be much cheaper. I'll be happy to check if I know who is in charge of it."

Commissioner Borries said the gentleman who is now Director of the Joint Department of Central Dispatch (and he was hired after an interview process) is Charles Cortright.

Ms. McClintock asked where his office is located.

Mr. Borries said his office is currently in this building -- but he can't give Ms. McClintock the exact room number.

Auditor Humphrey said Captain Jim Kleeman can also fill Ms. McClintock in on this.

Mr. Borries said they are currently operating out of 15 N.W. 7th Street -- is that this building?

It was confirmed that this is the Civic Center address.

RE: REQUEST FOR TRANSFER OF FUNDS FOR PAVING PROGRAM

It was noted by Commissioner Willner that the County Highway Garage is out of paving funds and they have a few miles yet that we're trying to pave. They need a \$90,000 transfer from the Lynch Rd. account, Oak Grove and Local Roads & Streets to the Bituminous Materials account. He said if the Commissioners want to approve this, it is fine with him. Or, if they want to quit paving --

It was the consensus of the Board that we should finish the paving.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the transfer of funds was approved. So ordered.

Commissioner Borries said he would like to have some kind of report as to how much money will be needed in that Lynch Road account. He assumes that is for engineering studies and...

Mr. Curtis interjected that there is approximately \$784,000 in the account. (He offered further comments, but they were inaudible because he was speaking from the side of the room and not from the podium.) He did continue by saying that Council had asked them not to encumber money from this year to next year unless we have a contract for it -- so that money will go back in on January 1, 1990.

Commissioner Borries thanked Mr. Curtis for the information, but said his concern on Lynch Road still is that of all the local projects we are going to do -- that one probably will be the most expensive -- so when that thing hits construction we're talking about a lot of money -- even for our local match.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the transfer of funds was approved, as requested. So ordered.

(END OF SIDE "B", TAPE #1)

RE: EMPLOYMENT CHANGES

Prosecutor (Appointments)

Ronald W. Bell Dep. Pros. \$23,500/Yr. Eff: 10/23/89

Prosecutor (Releases)

Ronald W. Bell Dep. Pros. \$23,000/Yr. Eff: 10/25/89

Voters Registration (Appointments)

Terry Bitz Deputy \$35.00/Day Eff: 10/23/89
Wayne Kirk Deputy \$35.00/Day Eff: 10/23/89

Treasurer (Appointments)

Carolyn S. Reimann Part Time \$35.00/Day Eff: 10/23/89
Deborah Henson Part Time \$35.00/Day Eff: 10/23/89

Sheriff (Appointments)

Michelle West Part Time \$5.00/Hr. Eff: 10/23/89

Sheriff (Releases)

Sandra Ko Part Time \$5.00/Hr. Eff: 10/23/89

County Highway (Appointments)

Jeffrey Mitchell Equip. Oper. \$9.42/Hr. Eff: 10/20/89
Mark A. Montgomery Asst. Mech. \$9.42/Hr. Eff: 10/23/89

County Highway (Releases)

Jeffrey Mitchell Asst. Mech. \$9.42/Hr. Eff: 10/19/89
Mark A. Montgomery Rd. Foreman \$19 860/Yr. Eff: 10/20/89

Armstrong Township Assessor (Appointments)

Emily Kron Part Time \$35.00/Day Eff: 10/12/89

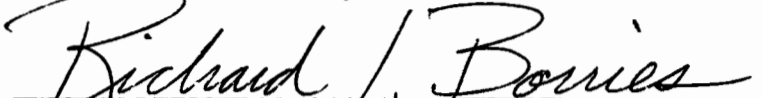
There being no further business to come before the Board,
President Willner declared the meeting recessed at 4:35 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
David V. Miller, County Attorney
Sam Humphrey, County Auditor
Cindy Mayo, Chief Deputy Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Jerry Riney, Supt. of County Bldgs.
Mike Moade, Intern/Commission & Council
Susan Jeffries, Purchasing Dept.
Thermotron Representatives & Legal Counsel
David Mounts, Mounts Electric, Inc.
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClinton, Member

*Presented
by David M. Moutts
10/30/89*

RECOMMENDATIONS FOR SIGN ORDINANCE CHANGES

ON PREMISE - COUNTY

Limit the height of signs on M-1, M-2 & M-3 zoned property to 65 ft.

Do not allow any sign (on a building) to extend above the roofline of the building.

Prohibit signs which require guy-wires.

Establish a program, or provide language in the ordinance, for the removal of abandoned and/or dilapidated signs.

Require electrical wiring for free standing signs on newly constructed building sites to be installed underground.

Prohibit variances which allow signs to be placed in right-of-way.

OFF-PREMISE - COUNTY

Increase distance required between off-premise signs from 300' to 500'.

Reduce allowable space from 1000 sq. ft. to 700 sq. ft. for each sign face.

Limit maximum sign height to 65'.

Revise existing ordinance to allow for replacement of storm-damaged, legal non-conforming signs.

Provide language for removal of dilapidated and abandoned signs.

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 6, 1989

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MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 6, 1989

The Board of Commissioners of Vanderburgh County met in session at 2:30 p.m. on Monday, November 6, 1989, in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who asked that the group stand for the Pledge of Allegiance. Sheriff's Deputy James Tucker subsequently declared the County Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

President Willner entertained a motion concerning approval of the minutes of October 30, 1989.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

A motion was then entertained concerning approval of minutes of October 23, 1989.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS RE BRIDGE #35/MOSQUITO ROAD

President Willner then entertained a motion to authorize the County Attorney to open the bids received on demolition and pile driving of Bridge #35 on Mosquito Road (Outer Darmstadt Rd.)

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

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting proceeded with President Willner once again offering for sale the one (1) remaining parcel of County-owned surplus real estate at 808 Line Street.

There were no bids and the sale will continue.

RE: AWARDING OF CONTRACT FOR HIGH VOLUME COPIER FOR THE
COUNTY PROSECUTOR'S OFFICE

Ms. Susan Jeffries of the Purchasing Department was recognized by the Chair. She said their recommendation is to award the contract to the low bidder, Royal Office Products, for one (1) Sharp SS 9750 Copier at the bid price of \$10,244.00.

Motion was made by Commissioner Borries, with a second from Commissioner McClintock that the contract be awarded to Royal Office Products, as recommended. Commissioner McClintock then raised questions with regard to the Xerox and Royal Office Products bids, saying when you calculate the 5 year total cost, the Xerox Product was lower than the equipment of Royal Office Products. The one (1) year total cost was lower.

Ms. Jeffries said this may be a calculation error. Would the Board like for her to go back and verify that. She needs to check with the Prosecutor's office to see how they want to proceed -- whether they want a Service Contract.

The Board requested that Ms. Jeffries verify this and come back before meeting's end.

RE: APPROVAL OF SPECS FOR ANNUAL BID ITEMS

Ms. Jeffries said she also has the Bid Specs for the Annual Bid Items (Guard Rails, End Sections, Aluminum Pipe and Liquid Asphalt for the County Highway Department) for approval, with advertising dates of November 9th and 16th and Bid Opening scheduled for November 27th.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Bid Specs were approved for advertising, as requested. So ordered.

RE: PROGRESS REPORT RE OCCUMED PROGRAM, PHYSICAL FITNESS, AND EMPLOYEE ASSISTANCE PROGRAM

The meeting continued with President Willner requesting that Mike Moade provide the Board with a progress report.

With regard to the OccuMed Program, Mr. Moade advised that the Marketing Representatives for both Welborn and St. Mary's are out of town for conferences right now. His information is pretty well compiled, but he does need clarification on a few items.

He has talked with Sergeants Tucker and Woodall on the job profile for OccuMed Proposals -- about how to classify the Sheriff's Department -- and he says we can probably get them all in on three (3) maybe four (4) maximum sessions. Some of them are \$100 per session.

With regard to the EAP (Employee Assistance Program), Bill McAdams of Alcoa is also out of town until tomorrow. He is going to try to contact him at that time to set up a meeting to go over a copy of Alcoa's policy and see how they are implementing their program.

He has a meeting with Gary Morgan at the Southwestern Indiana Mental Health Center to go over his proposal, program, and costs on their EAP. He also talked with Lonnie Rahn of the City Police Department today and he is going to set up a time when he (Moade) can observe the department's new physical fitness course at the Y.M.C.A. That is the Cooper program that they are interested in.

President Willner entertained questions of Mr. Moade. There were none.

RE: COMMENTS RE EICKHOFF-KORESSEL ROAD

Mrs. Marjorie Weil was next recognized by Commissioner Willner. Mrs. Weil requested permission to make a statement concerning her views with regard to the closing of Middle Mt. Vernon Road and building the new highway. She continued,

"You will be destroying a beautiful residential area and endangering the lives of our children if you build an overpass closing off Middle Mt. Vernon Road and build a two to four lane highway dissecting our community. New homes are being built at a rapid pace, because it is a lovely place to live and rear children. We have twenty-five (25) small children on our road alone (that is Coffee Tree Lane). Our children are transported by bus to and from Perry Heights, Middle School, West Terrace, Corpus Christi, and Reitz High School. They use Middle Mt. Vernon Road. Their lives will be endangered when the busses are

thrown back on the highway after delivering a portion of the students, placed in a pocket if the road is closed. I have always felt that they were relatively safe when the busses used Middle Mt. Vernon Road and traveled in and out of the area roads. It will become necessary to re-trace Middle Mt. Vernon Road to Schutte Road and go back onto the highway to the next exit beyond the overpass. U.S.I. students are adults. The overpass is being built for their safety because the traffic to and from Mt. Vernon has reached the point where it has become hazardous for them and area residents.

Why build a road to bring additional traffic, including trucks, from State Roads 66 into an already congested highway.

We would like to have the University contained south of the highway. Student traffic could be diverted from Ray Becker Expressway following Barker and Broadway onto University property. The distance of this alternative road would be no greater than proceeding north to Schutte, to Hogue, and entering another two to four lane highway along Koressel-Eickhoff Roads.

They will be entering another heavily traveled road bringing traffic from S. R. 66 and eventually I-64. I am sure it will be considerably cheaper to pursue a route south of Highway 62. Unless the entrance to USI is closed, the students will still use Highway 62, because it is the fastest and more direct route. It appears that the property owners and their children have been completely forgotten in an effort to provide safety for USI students. At least ten (10) busses carrying 50 to 60 children each use Middle Mt. Vernon Road. Other busses using Hogue and Upper Mt. Vernon Roads will be crossing the new State Road. Will overpasses be built to assure their safety? It does not appear to be sensible to close a good road that relieves traffic on Highway 62 to spend thousands of dollars for a road the taxpayers and property owners do not want. As indicated in the open meeting at USI, the City of Evansville expects to have a belt from the new road to Boonville. Why are we not including Mt. Vernon, Indiana? All of the traffic from plants located there, such as Bristol-Myers and G.E., have increased traffic on Highway 62 to the point that it is dangerous to use Lloyd Expressway. Building another road to throw more traffic onto this heavily traveled road will increase the hazard to everyone. If we are thinking of progress, building a road around the Tri-State, the sensible road should be improving S. R. 68 leading directly into Mt. Vernon from S.R. 66. This road would direct the truck traffic directly to the plants in that area.

Nothing will be gained by building a five mile highway from S.R. 66 to the Lloyd Expressway, except to throw additional traffic directly into USI's front door and make Highway 62 more dangerous. My concern is for the children who ride busses along Middle Mt. Vernon Road. You will be sacrificing them for the adult students attending USI. An alternate route can be built at less cost bringing them from the south onto University property. It is not necessary to destroy a good road and a good residential area. The school and the student traffic should remain south of Highway 62. North of the highway belongs to the property owners, where new homes are being built at a rapid pace. Building will stop and property values will decrease when the access road is destroyed. Do not forsake our children or throw traffic into our residential area that should be contained south of the highway.

Thank you very much."

The Board expressed their appreciation to Mrs. Weil for her presentation.

RE: REQUEST TO ADVERTISE WITH REGARD TO INSTALLATION
OF EQUIPMENT, LABOR & MATERIALS FOR DATA COMMUNICATIONS
NETWORK

Mr. Art Gann was recognized by President Willner and said he appreciates the opportunity to stand before the Commissioners today to assure them that the Data Board is alive and well. They actually have several things that he'd like to bring before the Board today.

First, they would request approval to advertise for bids on the cabling of the network that we are going to utilize here in the City and the County. They ask that the Board does this contingent upon acceptance by the Data Board, which will be meeting tomorrow morning at 8:00 a.m. The Data Board have been given copies of this about a week ago and will be voting on it first thing tomorrow morning. If they accept it, then the Commissioners' approval will also be included. They are scheduled to go to the Board of Public Works on Wednesday morning with this and they have an itinerary to advertise on November 10th and November 17th, with the opening of the bids on December 18th. They realize that it is a little unusual to ask for the approval to go out on RFP contingent upon the approval of the Data Board, but this will save a week - and at this point in time every week counts. We're trying to get a lot of this accomplished before year's end and we've had responses from the technical representatives on the Data Board, as well as the other members of the Data Board who have reviewed it and gotten back to them. They anticipate no problems with this tomorrow or he wouldn't be here asking the Board to authorize his mailing this out.

In response to query from Commissioner McClintock with regard to cost, Mr. Gann said he doesn't know.

Purchasing Director Tom Dorsey said we do not have an estimate on the cabling cost, so we're soliciting the proposals and we will probably have to go back and request the appropriation once we've decided on the configuration and cost.

Commissioner Willner noted we don't have to have the money until such time as we award the bid.

Mr. Dorsey confirmed that this is correct.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bid specs were approved and authorization was given to advertise for bids, as requested, contingent upon approval of the Data Processing Board.. So ordered.

Mr. Gann then requested permission to set up a Joint Meeting of the Board of County Commissioners and the Board of Public Works for Monday, November 13th, for some contract signings for, hopefully, the hardware and the software companies we've been dealing with over the last one and a half years.

Mr. Willner said there is a problem with this date.

Commissioner McClintock asked what about November 20th?

Mr. Gann asked, what about November 15th?

The Commissioners also had a problem with November 15th, but confirmed that the November 20th date would be agreeable. Ms. McClintock pointed out that this is an evening Commission Session.

Mr. Gann said they were hoping to set the meeting time a half an hour before the regular meeting time.

Secretary Joanne Matthews reminded the Board that they have an Executive Session at 5:00 p.m. on November 20th.

It was the consensus that the Joint Meeting will be held in Room 307 at 4:30 p.m., just prior to the Executive Session.

Mr. Gann said he contacted Attorney David Miller's office and copies of the first two contracts they've finished negotiations with have been provided to him. He brought a copy of the ATEK contract (the last one, which is now in the final stages) and he would like to give it to the County Attorney so they can be reviewing this also. He has also contacted Kevin Winterheimer on the City side -- so they can be reviewing these contracts prior to asking the Commissioners and Board of Public Works for signatures. He then asked if there is a problem with that, or should he see that Attorney John gets copies of ISI's and CDS's contracts, also?

County Auditor Humphrey asked if the Board of Public Works is going to advertise the Joint Meeting or does his office need to advertise it?

Mr. Gann said he hasn't talked yet with the Board of Public Works.

The Commissioners and Attorney John instructed Secretary Joanne Matthews to advertise the Joint Meeting.

Mr. Gann said they have also proposed some ordinance changes with regard to the make-up of the Data Processing Board and some of the powers incumbent upon that Board. They have been working on this for the last three or four months and it is their intent to localize some of the responsibilities for the changing environment in Data Processing within that Board by requiring people who wish to add additional hardware or purchase DP products that come to the different Councils, Board of Public Works, and Commissioners, to run through the DP Board to make sure it is consistent with the overall goals and plans within the City and County project -- and that they would have the opportunity to either approve or reject that particular motion to the Board for their consideration prior to their being required to make any type of vote on that. That is basically the gist of it there. What the Commissioners have before them is the original ordinance, along with the amendment that passed thereafter, and at the tail end they have the requested amendment they have. So there are three documents clipped together, so they can see what they started off with originally. It also allows us to set up a budget to handle consumable goods, something which we haven't done locally yet. We used to do it through the contractual arrangements with Pulse Systems, Inc. and we no longer have that type of arrangement, so we need some type of budgetary system in order to pay for ribbon, paper supplies, etc. It is his understanding that the Commission has to review this and then make the request to County Council for modification of the ordinance, if the Commission see fit to do so.

Continuing, Mr. Gann said he did receive notice on the new Data Board representatives and he is contacting them now, advising them of tomorrow's meeting -- to get them on Board as quickly as possible.

There are several recommendations which came from the Facilities Management Group -- as they came on board; these recommendations re designed to insure that the Data Board assumes its required responsibility with regard to Facilities Management. In other words, the Facilities Managers do not want to be placed in the position to where they are making administrative decision over whose work gets done first, etc. That responsibility clearly lies with someone within the local government framework. In this

case, the Data Processing Board. And it is a recommendation that the Data Board makes. It does not assume anymore power or anything like that; it just merely enforces that so when you get ready to make a purchase you will have some review that it has, in fact, actually gone through the process and the Facilities Management Group and the Data Board have either approved or rejected and why.

Mr. Borries asked if this is a Sub-Committee of the existing Data Processing Board?

Mr. Gann replied, "No, it would be the Data Processing Board itself. The paragraph in front of you there is a breakdown of the Board. That includes the entire paragraph -- not just the change. That is the way the paragraph should read upon revision. That is what dictates the make-up of the Board."

Mr. Borries asked, "So in a sense you are just saying that you are adding the powers of review before any recommendation is made?"

Mr. Gann said, "Right. We feel it is in the best interest of everybody, including the Commissioners and Council -- that they have some understanding that someone who is knowledgeable as to where we want to go as a group -- City and County -- have passed review on these requests to make sure they are consistent -- because a lot of times the offices may want to go off on one tangent or the other and then six months down the road it not be compatible with what we have -- and then that expense should no longer be valid -- and we end up with some doorstops. I'd like to just present it to you for your consideration and then I'll check with you."

The Commissioners thanked Mr. Gann.

RE: REQUEST RE EASEMENT IN OLD STATE SUBDIVISION - LES SHIVELY

President Willner proceeded by recognizing Attorney Les Shively, who was present with regard to a request concerning an easement in Old State Subdivision.

Attorney Shively said briefly that there is an existing easement in Old State Subdivision (which he guesses was developed/platted about 15 years ago). He represents some folks by the name of McDowell, who own Lot #19 in this particular subdivision. "Here's the problem. I wrote the County Commissioners a letter and I hadn't received a response. I thought maybe the best thing to do was to touch base with the Commissioners at a public meeting. There is platted in this particular subdivision a public easement for storm drainage. There is actually a tile that was put in for storm drainage purposes and it runs between Mr. McDowell's property and the adjacent property owner. This easement was platted and reserved unto the County for that purpose. It is now in a state of disrepair. In fact, crucial state of disrepair -- it is sinking in right at the joints where the pipe fits and this is creating a very dangerous situation and it has been eroding since early September (when it became very noticeable). There is a 24 inch pipe there. What we have requested the County to do is to look into it, review it, and find out what it is going to take to get it fixed. I have not talked to anyone in the County direct. As I said, I wrote a letter on September 24th and haven't heard back from anybody. I guess my question is -- and maybe you need some time on this -- and I certainly would be more than happy to give you a reasonable amount of time to do that -- is to go out there with your own people and look at the situation and determine what the problem is. Secondly, to determine whether the County has jurisdiction. I think that is one of the questions. We take the position that it was platted and reserved as a public easement for the storm

drainage, which then becomes the responsibility of the governmental body where the property is located (which would be the County). I guess maybe what needs to be done is for someone from the County first of all to find out what we are talking about in terms of cost and expense and what is involved here."

Commissioner Willner said, "Let's back up a little bit. You say that when a parcel of ground is deeded to a public easement it becomes the property of government -- and that is not true. It becomes the property of the people of the State of Indiana and not the responsibility of government. We do not have a fund -- we do not have a base to make those repairs -- and, in the County, we never have. In the City or town, I think you do have those responsibilities. But I don't believe we do as a County. Are we talking about the same one that we've had problems with for years now? Do you have a map of the area?"

Attorney Shively responded, "I don't have a map of the area -- I have a map of the particular lot in the easement."

Mr. Willner then asked County Engineer Greg Curtis if he is familiar with it?

Mr. Curtis' response was inaudible.

Attorney Shively said the name of the subdivision is "Old State Subdivision".

County Highway Superintendent Cletus Muensterman said the one Commissioner Willner is referring to is off Aspen Drive in the Oak Hill area -- around Elmridge and all of that.

Attorney Shively said that is a little farther east -- a lot further east -- from the area he is talking about. If you're heading out Old State Road, as you're heading north and you pass the turn into Evergreen Road, just beyond Evergreen Road you start to go up an incline -- there is a turn lane -- and he believes there is Strawberry Hill, Gunpowder Lane, etc., etc.-- just before you get to Eissler Road. Eissler Road would form the northern boundary of the subdivision.

Commissioner Willner said he doesn't recall any easements or pipes in that area that the County accepted for maintenance -- but the Board could check with Area Plan. When "John Jones" built the private road back to his home or his business, that is done upon an easement that all of the people of Indiana or of the United States can travel on that road. But it doesn't become the County's property until such time as the County accepts that property. The same would be true for drainage easements -- unless the County accepts it for maintenance, it does not become the County's responsibility.

Commissioner Borries interjected, "And that would have had to have taken place at some public meeting."

Commissioner Willner continued, "Either at a Drainage Board Meeting or a County Commissioners Meeting -- and the Area Plan Commission can give you that information. I don't know what else to tell you."

Attorney Shively said, "Okay; just as long as I know your position. I'm not saying I agree with it -- but we've always disagreed before. I just wanted to understand your position so I wouldn't have to have any more letters pass in the mail. If the County is stating it is not their area of responsibility, we can go from there."

Attorney John interjected, "What they are saying is that unless it was accepted by the County it is not their responsibility to maintain it."

Caranza Drive/Kembell Drive Sewer: Attorney Shively said, "With regard to an entirely different matter -- that of the Caranza Drive/Kembell Drive sewer -- it looks as though things are going great guns out there and I've been working with Jeff Harlan in David Miller's office and trying to acquire those final easements and everything is on line and we're real happy about it. I understand you all have gone to County Council, too."

Commissioner Willner said he thinks County Council approved the \$170,000 appropriation for that project.

Attorney Shively said, "I saw the earth and the tile out there -- so it actually is going to happen."

RE: COUNTY ATTORNEY - CURT JOHN

Reading of Bids/Bridge #35: Attorney John reported three (3) bids were received re Bridge #35, as follows:

Ray Stradtner - Boonville, IN \$38,944.80
(Everything is in order except that Attorney John could not find a Financial Statement enclosed.)

Southwest Engineering, Inc. (Evansville, IN)...\$42,800.00
(Everything appeared to be in order.)

Deig Bros. Construction (Evansville, IN) \$36,950.00
(Everything appeared to be in order.)

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bids are to be taken under advisement and reviewed by the County Engineer, who will subsequently make a recommendation. So ordered.

Acceptance of Check: Attorney John submitted a check in the amount of \$100.00 from the Evansville Dance Theater as payment on promissory note.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the check was accepted for deposit into the County General Fund. So ordered.

Attorney John also requested a report on the status of this matter -- how much has been paid to date.

RE: HIGH VOLUME COPIER FOR PROSECUTOR'S OFFICE

Ms. Susan Jeffries returned to the meeting and submitted correct figures to the Commissioners with regard to the bids on the high volume copier for the Prosecutor's Office. She said Xerox's bid does not include a certain amount of copies, whereas the other three bids allow up to 600,000 copies per month. Xerox does not and that figure was not included in that total. She apologized and said it does make a difference when you add in the cost per copy. Thus, it is still their recommendation that we go with the bid from Royal Office Products.

Commissioner Willner said, "So ordered."

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman said he submitted his reports on Friday and entertained questions re same.

Paving Program Status Report: It was noted that the County finished their portion of the paving program on Friday and cleaned up the equipment.

Wooden Bridge: Mr. Muensterman then presented photos of a wooden bridge that is going in and said he thinks it is coming along pretty well right now.

Meadowview Drive: It was noted by Mr. Muensterman that numerous calls have been received concerning Meadowview Drive, indicating the road is leaking water. He said he heard that Jerry Riney and others received calls about this. He talked with the Engineer and someone is going out there today to look at it and he will make a report later with regard to the problem.

Report re Total Miles Paved: Mr. Muensterman said that by next week he should have a report with regard to the total number of miles paved and contracted, except for what is contracted out yet.

Manholes on St. Joe Avenue: The manholes on St. Joe Avenue have been re-worked. They did have a little problem, but it got straightened out.

Commissioner Willner asked who is handling Rogers' contract?

Mr. Muensterman said Mr. Curtis is taking care of that. He said he did, however, talk with Rogers and they are going to do Schenk Road (he believes they are starting tomorrow). They should finish Oak Hill Road project today and tomorrow. They said they can move right on over and get Schenk Road.

Commissioner Willner expressed concern as to whether Rogers is going to make it -- they are only using one (1) paver. He said he doesn't believe they are going to make it. He said he doesn't know how we let this happen -- this is ridiculous. They tell him we get better bids if we don't put a time limit on it.

Mr. Muensterman said there is a time limit on this contract.

Mr. Curtis said there is a time limit and a penalty of \$500 per day if they do not finish on time. The reason Oak Hill and others were done first is because they had a time limit and they did Oak Hill, Kansas, and Heckel first, because they had a four (4) week time limit on those.

Ms. McClintock asked if they expect us to enforce the time limit penalty? She said she suggests Mr. Curtis tell them the County wants \$500.00 per day if they don't get finished.

Mr. Willner asked if Mr. Curtis will call his office and see when the time limit is up -- he needs to know. It doesn't seem to him that they can possibly meet the deadline.

Mr. Muensterman said he believes they have 6.2 miles yet to go on that contract.

Potholes: Mr. Muensterman said he has not received any complaints with regard to chuckholes in Vanderburgh County -- and they've quit patching. So he'd say Vanderburgh County is free of chuckholes -- and he hopes it lasts for a while. Mr. Muensterman said his crew is working on shoulders right now.

Mr. Willner said he doesn't know of any chuckholes and he appreciates the efforts of the County Highway crew -- that's two years in a row, right? He appreciates that.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Paving Contracts/Status Report: With regard to the paving contracts, Mr. Curtis said they are presently averaging in excess of 1,500 tons per day when they are paving and at that rate they have more than sufficient time to complete the paving job. He called them Friday, because the weather turned out to be a little

warmer -- and they discussed that at length. They have said they will have a second crew should the deadline get close and they think they won't make it. In addition to that, as Cletus said, he had called one gentleman and he (Curtis) had called Mr. DeLopp (the Director or whatever at Haubstadt) and he said they would get on Schenk Road first whenever they moved to the second contract.

Acceptance of Check/State of Indiana: Mr. Curtis submitted a check from the State of Indiana for reimbursement on the Environmental Impact Statement for the Eickhoff/Koressel Project in the amount of \$1,278.31.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the check was accepted, endorsed, and given to the Secretary for deposit into the Local Roads & Streets Fund. So ordered.

Claim/Veach, Nicholson, Griggs Assoc.: A claim in the amount of \$1,241.09 for Green River Rd. South/I-164 to Pollack Avenue. Mr. Curtis said he finds the claim in order and recommends approval of same.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered.

Claim/Veach, Nicholson, Griggs Assoc.: A claim in the amount of \$2,115.00 for the Fulton-Fifth Avenue Bridge project was presented. Mr. Curtis said he has checked the claim and finds it in order and recommends approval.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered.

Boonville-New Harmony Rd. Extension Project: It was reported that this project seems to be moving along. In discussing with Mr. Gallivan this past Friday, it was his expectation that our Extension Project might possibly open before the Interstate, instead of after -- so things seem to be moving along quite well.

Claim/IDOH: Mr. Curtis said he also has a claim from the Indiana Department of Transportation for the amount of the Change Order approved by the Board of Commissioners, as well as the contractor, for \$18,060.60 in re the large structure behind the Young property, as well as the additional pipe up near Green River Road. It is his recommendation that this be approved.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved. So ordered.

Mr. Willner asked if this is one fourth of the total cost?

Mr. Curtis said this was the Change Order that we anticipated having to pay 100% of.

Mr. Willner said he was under the impression that the County and the Contractor signed the Change Order and

Mr. Curtis said, "The State and the Feds did not sign it and I reflected that I didn't anticipate they would -- in the meeting when we signed it."

Mr. Willner said, "My mistake -- I thought they did sign it."

Mr. Curtis said, "There were two other Change Orders that came back from the State about the time this one went up there that they did sign -- that may be the cause of the confusion."

Mr. Willner entertained a motion.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved. So ordered.

Request to Travel: Mr. Curtis requested permission to travel to Bloomington, Indiana on December 6th for purposes of attending a Seminar being put on by HERPICC on Roadway Management and Finance. It is a one-day seminar and there is no fee for attending. He would also request that permission be granted for four (4) people (including himself) to attend and he would like permission to use the County vehicle for the drive to/from Bloomington.

Ms. McClintock asked who is attending.

Mr. Curtis said at this time it would depend upon the workload, insofar as the field work -- but he would like for Scott Davis of his office to attend and he would like someone from the County Highway Department to attend, and, if we're not too busy, he would like for Mr. Kercher of his office to attend, as well. However, he doesn't anticipate that he will be able to attend as they will probably be too busy. In response to query from Commissioner McClintock, he said the only cost involved is the drive to/from Bloomington. Lunch is included. HERPICC is putting on the Seminar and they have sponsors, he believes, such as Bernardin-Lochmueller (Evansville); the University of Wisconsin, and MHM Associates, Inc, who are financing the seminar.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request was approved, with the condition that if there is a change in who is attending or the number of attendees, that it come back before the Commission. So ordered.

Bartel's Road Drainage Problem: Commissioner McClintock said she had a call today concerning a drainage problem along Bartel's Road. John Gerard (7600 Bartel's Road) was the gentleman who called her and he indicated that the blocked culvert was approximately one (1) block south of his driveway -- for about three blocks along there -- and he claimed that 90% of it is blocked, which is creating the problem. Could someone look into this and get back to her?

Mr. Willner said there is a portion of Bartel's Drive that doesn't belong to the County -- it's not that portion, is it?

Ms. McClintock said it could be.

Commissioner Willner requested that Mr. Curtis look into this. There was some question as to whether this was Bartel's Road or Bartel's Drive. (Mr. Gerard's telephone number is 479-1055).

Vogel Road: Ms. McClintock asked if any progress has been made on development on Vogel Road -- where we want to go through to Burkhardt? We talked about that a month or so ago.

Commissioner Willner responded, "Yes; I got a call last week from two persons (Joe Wallace and Dick Rhinehart), both saying that the project is 'go'. They have a person who is going to buy the property that we had problems with and as I understand it, deed to the County. So it is a matter of changing the titles through attorneys and as far as I am concerned it is 'go'. They tell me the next step is really for the attorneys to get the paperwork ready for the property owners, etc. I hope I am telling it correctly -- but that is my understanding."

RE: REPORT ON CABLE TELEVISION COMPANIES

Commissioner Willner said he has a note from somebody indicating the County is covered by only two (2) cable television companies. He doesn't believe that -- there are three (3). Jerry Riney will cover this a little later in the meeting.

Commissioner Willner asked Mr. Riney if we asked the third television company to give us a 5% franchise fee rather than the 3% fee?

Mr. Riney responded, "No, because we were told by another television company that we only had two in Vanderburgh County. Now we've found out from Bob Gulick that we have three (3) in Vanderburgh County -- and they have been contacted -- but not about the 5%. However, they are only in Well's Mobile Trailer Park and Elberfeld. It is Mr. Gulick's guess that they service less than one hundred people. The three (3) companies are:

Evansville Cable T-V: Currently serves 90%-95% of the County, with the exception of part in German, part in Perry, none in Union, and some portions of Armstrong.

Star Cablevision (Falcon-Capital): Covers the following roads: Denzer Rd. in German Township; Outer Upper Mt. Vernon Rd. in German and Perry Townships; Five Dollar Road in Perry Township; Koressel Rd. in German and Perry Township; Marx Rd. in German Township; Church Rd. in German Township; and Outer New Harmony Rd. in German Township.

Tel-Media: Mr. Riney said he will talk with them tomorrow.

RE: REPORT RE CENTRAL DISPATCH TOWER, ADVISORY PANEL FOR CIVIL DEFENSE, ETC. - C. MCCLINTOCK

Commissioner McClintock said she had a conversation with Mr. Cortright on Friday afternoon. He could not come in today with her, but they are going to meet at 3:00 p.m. on Wednesday. His original attitude was that these decisions were made before he got here. She told him all she wanted him to do was to explain so she would understand.

Commissioner Borries suggested she talk with Jim Kleeman of the City Police Department. He believes he had talked with a couple of the T-V stations and he saw him at the ground breaking ceremony and told him that Commissioner McClintock had some questions and wanted to talk with him. He indicated he would be happy to talk with her. There had been some contact about space but there was some uncertainty about the future of it and they had some concerns with the number of units and various things.

Ms. McClintock indicated she will talk to both Mr. Cortright and Mr. Kleeman.

Commissioner Willner said he doesn't have any new information. Somebody did tell him that they did look into putting those on somebody else's tower and they would not work insofar as the frequency is involved -- the frequency would become too close together to get clear transmittal and that the contract for erecting that tower had been let.

RE: REPORT ON PAVING CONTRACTS - JERRY RINEY

It was reported by Mr. Riney that with regard to the contracts with The Rogers Group for Schenk Rd. and Oak Hill Road, they were to start on October 2nd. Schenk Rd. had a total of 42 days, which their time will be up on November 13th. (That is not just Schenk Rd., that is every one that is in the Schenk Rd. project contract.)

The Oak Hill Rd. Project started on October 2nd and they had 35 days and their time is up November 6th -- so they re running real close, since today is November 6th.

Commissioner Borries said he would suggest that someone from the Commission office needs to notify them immediately about that.

County Engineer Greg Curtis said The Rogers Group is aware of the time limit. They were reminded of the time limit last Friday -- that there was a time limit on each contract. The only out they might possibly have -- and he thinks it would be in reverse -- is that we made a Change Order to the contract, but that would have made this first contract less tons rather than more -- so that shouldn't be a problem.

Commissioner Borries said he knows we were concerned as to whether they were going to be able to finish their contracts during the season.

Mr. Curtis said they were well aware of the time limit -- and there will just be a \$300 per day deduction if they don't get finished. (The contract Oxley has is \$500 per day.)

Commissioner Willner asked, "If they feel they cannot finish the contract, should we not let the County finish part of that contract? Is that a possibility?"

Mr. Curtis said that in the days that the contractor has paved (as mentioned previously) he has been paving in excess of 1,500 tons per day. We get approximately 300 -- so I think it would be kind of a drop in the bucket. I think that they will get them done -- even if they run over, with the amount they are putting down per day, he thinks there will be enough good weather that there will be sufficient good weather to get it done. They may not get it done within the time limit, but they are putting down an awful lot of mix per day.

Commissioner Borries asked if Mr. Curtis is going to notify them that as of today.....

Mr. Curtis said he will get in touch with them this evening -- but he talked with them about the time limits on Friday of last week.

RE: LETTER TO TEL-MEDIA RE FRANCHISE FEE

Commissioner Willner said Mrs. Meeks had just handed him the following letter, which is being sent to Tel-Media immediately:

This is to let you know that we received your check for the period of July 1, 1989 thru September 30, 1989, in the amount of \$206.93 for the 3% franchise fee.

However, the other two cable companies have consented to pay the County a 5% franchise fee and we hope that you will consent to do the same commencing on January 1, 1990.

We want you to know that we appreciate your service to the community and wish you all the best in the future.

Sincerely,

/s/Robert L. Willner
/s/Richard J. Borries
/s/Carolyn McClintock

RE: COUNTY COUNCIL - TRAVEL

The meeting continued with President Willner reading the following letter from Mark Owen, President of the County Council into the record:

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

Dear Bob,

Recently I have been informed by Sam Humphrey, Auditor of Vanderburgh County, of an Ordinance for Travel that was recorded in the Vanderburgh County Recorder's Office on July 27, 1989 regarding the authorization for all travel for all departments within Vanderburgh County.

While I personally feel that there is some ambiguity and questions regarding the mandatory compliance of the Vanderburgh County Council, I do believe the Ordinance addresses the basic points that have been of concern to both the Council and the Commissioners for some time.

It is my position that the Vanderburgh County Council will voluntarily comply with the terms and guidelines as specified in the Ordinance and that we will make every effort to cooperate with the Board of County Commissioners as this Ordinance is administered county wide. In the future, we will submit each request for travel to the County Commissioners in advance of such travel, pending any unforeseen emergency that would require travel that was necessary and such request was impossible to obtain. In any situation such as the latter, we would notify the Commissioners immediately.

Very truly yours,

/s/ Mark R. Owen, President
Vanderburgh County Council

cc: Richard Borries
Carolyn McClintock
Sam Humphrey
County Council Members

Mr. Willner continued by also reading the following letter from Council President Mark Owen into the record:

November 3, 1989

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

Dear Bob,

I am a member of the Governor's Task Force on State and Local Government and serve as Chairman of the Taxation & Finance Committee for the Governor's Commission. I also serve on the Legislative Committee of the Indiana Association of Counties and as Legislative Chairman of the Indiana Association of County Councils. The Governor's Task Force meets monthly, normally in Indianapolis. The AIC Committee meets monthly during the late summer and fall, and thereafter only meets as necessary.

I would respectfully request "blanket approval" to attend the meetings outlines above. I would normally either fly or drive in the same day. Occasionally, I may need to remain overnight depending on the scheduling of the meeting.

The County Council does have sufficient funds budgeted for these expenses, and the expense would not exceed the budgeted level.

Very truly yours,

Mark R. Owen, President
Vanderburgh County Council

Commissioner McClintock said, "So what we're authorizing here is not only travel, but payment for travel for Governor's Task Force and Association of Indiana Counties meetings. I have no problem with the AIC stuff, but when the Governor appoints these individuals, don't they pay for that out of State government? Don't they have some kind of travel allowance? Generally, they do."

Commissioner Willner said, "I would say no; they don't for City or County."

Ms. McClintock said everybody else she knows who has been appointed by the Governor to the Task Force, etc., etc., the State of Indiana pays their miles or whatever to get them back and forth to the meetings. She has no problem at all with the AIC travel.

Commissioner Borries suggested a motion be made pending whatever information can be gleaned from the State with regard to any payment. He thinks this would be the way to solve it.

Commissioner McClintock moved the request for all the travel for committees and groups outlined in Mr. Owen's memo be approved for the Indiana Association of Counties and that the matter of approval of payment for serving on the Governor's Task Force, etc., be determined at such time as the Commissioners learn whether Mr. Owen is eligible for reimbursement from the State of Indiana. A second was provided by Commissioner Borries. So ordered.

Commissioner Borries requested that County Auditor Sam Humphrey check this out.

Ms. McClintock said when she was on the State Parks & Recreation thing she got mileage, hotel, per diem, etc.

Mr. Borries said he thinks if there is a budgetary line item created through the State that you do (such as the Department of Education or something) -- but he is not sure about the Task Force.

RE: TRAVEL REQUEST - COUNTY COUNCIL

Proceeding, Commissioner Willner read the following travel request letter:

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

Re: Travel Request for County Council Members
and the County Council Executive Assistant

Dear Bob,

This missive is a request for the approval to attend the annual Association of Indiana Counties Conference in Indianapolis, Indiana. The dates are November 12th, 13th, and 14th. The attendees will consist of myself, Councilman Harold Elliott, Councilman Betty Hermann,

Councilman William Taylor, and the County Council
Executive Assistant, Ron Adams.

Sincerely,

/s/Mark R. Owen, President
County Council

Upon motion made by Commissioner Borries and seconded by
Commissioner McClintock, the request was approved, with the
understanding that if the number and individuals change, the
Commission be so informed. So ordered.

RE: REQUEST TO TRAVEL - COUNTY COMMISSION

Commissioner Willner said he would also like to travel to the AIC
Conference. He has a place to stay. However, he would request
permission to use a County car (Cletus Muensterman's).

Upon motion made by Commissioner McClintock and seconded by
Commissioner Borries, the request was approved. So ordered.

RE: CANCELLATION OF COMMISSIONERS MEETING

Commissioner Willner announced there will be no County Commission
Meeting held next Monday, November 13th, because the group needs
to travel to Indianapolis to attend the AIC meeting. They have
indicated they would like a partial speech from one of the
Commissioners, during the closing ceremonies saying that we look
forward to their being in Evansville for the first time in
history next year -- and we truly need to do this. This is part
of our commitment to them with regard to the Conference to be
held here next year. We need to welcome them and tell them we
look forward to their coming -- and that we'd like to have them
back in Evansville for the same number of times that they've been
in Indianapolis.

RE: CIRCUIT COURT CLERK - MONTHLY REPORT

President Willner submitted the monthly report from the Circuit
Court Clerk for period ending October 31, 1989.....report
received and filed.

RE: ACCEPTANCE OF CHECK

A refund check from Blue Cross/Blue Shield in the amount of
\$37.30 was presented.

Upon motion made by Commissioner Borries and seconded by
Commissioner McClintock, the check was accepted, endorsed, and
given to the Secretary for deposit into the County Insurance
Fund.

RE: ACCEPTANCE OF CHECK

A check in the amount of \$193,819.95 from Southwestern Indiana
Mental Health for Washington Children's Home fees was presented.

Upon motion made by Commissioner Borries and seconded by
Commissioner McClintock, the check was accepted, endorsed, and
given to the Secretary for deposit into the County General Fund.
So ordered.

Commissioner Borries said he wishes to ask the Commission for
special consideration with regard to the aforementioned check.
He serves on this Board operating Hillcrest, and he believes the
other Commissioners have had the opportunity to tour the home and
see the progress that has been made there. However, there are
other things that still need to be done. The Foundation Board
operating the Hillcrest-Washington Home is doing some fund

raising. He is not asking for a decision today, but he would ask the Board's consideration to see if there is some limit to where we could accept money back from this Board (which has been considerable) and perhaps amend or contract in order for some monies in excess of an amount that they would determine -- and one, for example, would be \$600,000, which is far more than any amount of money we've ever received prior to having this facility operated. And, obviously, any monies beyond that would still be reported -- but might also be used to make improvements on the facility. He is just asking for some consideration. He is also saying that in the long run those improvements are still going to be realized by the County. The Mental Health Foundation put in a sizable amount of money to re-do all of the plumbing pipes, which were in very bad shape -- because, again, there had not been enough monies available in the past to do those kinds of things. So those improvements are there and they are going to remain there. So whoever operates it in the future, the improvements will still be there -- and he would ask the Board's consideration on that. And he thinks because of the success they've had, it simply has become a problem that they can't make other improvements as quickly as they want to make them. The Commissioners have seen the other things (which are greatly appreciated) and they will be there and be a part of the home. But it seems they are the victim of their own success -- the more money they get, the more is returned to the County -- and it is very difficult for them to set aside the money for capital improvements out there - beyond the fund raiser.

Commissioner Willner said he has no problem with that.

Mr. Borries said this is only in the talking stages and the contract would have to be amended -- but he would like for the Commissioners to be thinking about that.

Mr. Willner said he will keep an open mind.

Commissioner McClintock asked Mr. Borries if the Commissioners can get some kind of report covering the last four or five years?

Mr. Borries said they could.

RE: ACCEPTANCE OF CHECK

Mr. Willner submitted a check from United Artists, Inc. (Evansville Cable T-V) in the amount of \$28,442.63 for franchise fee for 3rd Quarter 1989, together with the following letter:

Mr. Robert L, Willner, President
Board of Commissioners of
Vanderburgh County, and Commissioners
305 Administration Bldg.
Civic Center Complex
Evansville, Indiana 47708

Dear Commissioners:

Enclosed you will find a check in the amount of \$28,442.63 which represents our franchise tax payment for cable TV service for the third quarter of 1989 (July, August, September). The check represents a slight decrease over the second quarter of 1989 in the amount of \$29,554.31, which is explanatory because of moves during this time of year.

Attached you will find a financial report certified by the manager of accounting, along with back-up data for the third quarter.

We are in the process of marketing and hooking up Hogue Road in an area which is west of the railroad tracks

right up to the Posey County line. We are also in the process of building Deerfield Subdivision, Copperfield Subdivision, Woodward Subdivision, and Old Orchard Trail Subdivision. For budget purposes 1990, we are looking for additional small extensions in the county area.

We would like to thank the Commissioners for permitting Evansville Cable TV to serve the residents in the county with cable television service. If any of the Commissioners have any questions, please feel free to contact me at 428-2461.

Best regards,

/s/ Robert D. Ossenburg
General Manager

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the check was accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

RE: NEW BUSINESS

President Willner entertained matters of new business to come before the Board. There were none.

RE: OLD BUSINESS

Commissioner McClintock noted she has a couple of items of Old Business for discussion.

Old Petersburg Place: Commissioner McClintock said that following the Commission Meeting of October 16, 1989 (at which time there were many residents present who were upset about the drainage) Chief Deputy Surveyor Bill Jeffers was instructed to go out there look into the drainage matter. She wonders if he can give the Commissioners a report on this at the November 20th meeting.

President Willner asked Mr. Riney to handle this with Mr. Jeffers.

Civil Defense Advisory Board: Ms. McClintock said at the last meeting when the Civil Defense Advisory Board was discussed, she was to call the health care institutions and determine if one of them had been designated as the Trauma Center. That never happened because the State backed off of that and decided not to enter into that program.

She did find out that Joe Gamble -- and they all said they would love to see a medical person -- even if they are in an advisory capacity -- attend these Civil Defense Advisory Board meetings. Mr. Joe Gamble, who is a Registered Nurse, still is the head of the State of Indiana Emergency Medical Services Commission. He has been head of that Commission for over five years and apparently is thought of as one of the foremost people in the country insofar as Emergency Medical Services. She spoke with his Supervisor at Welborn Hospital and she was very cooperative. If the Board wanted to appoint Joe as an Advisor to the Advisory Council to meet with them, they would be willing to allow him to have time off from work to do that.

Commissioner Borries said he thinks if he would be willing to serve -- that is great.

Commissioner Willner agreed.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Joe Gamble of Welborn Baptist Hospital was appointed to the Civil Defense Advisory Board as Technical Advisor. So ordered.

RE: PUBLIC HEARING - EICKHOFF-KORESSEL ROAD

Commissioner Borries asked whether it was announced at the last meeting that a Public Hearing was held concerning the Eickhoff-Koressel Road at the University of Southern Indiana on November 1st? He wants to be sure this is part of the record. This was a first hearing on the Environmental and there were persons who testified for and against this road.

Commissioner McClintock said she is glad Mr. Borries brought this up. Generally, what was the opposition? Was it landowners through there?

Mr. Borries said one route indicates (and, again, the plans are very preliminary -- and we said there would certainly be room for talk and some impact on property, because the road has to go somewhere) -- but they only looked at five (5) houses. As Mrs. Weil pointed out today, there was a proposal (again, preliminary) was some concern that Middle Mt. Vernon Road would be closed because a grade level was going in there -- and this was designed for a minimal access type road. He said he thinks he will use the words of Mark Twain from now on -- "They are all for progress, but they just don't like the change." There was a lot of concern that it will change the neighborhood. It is a residential area. We have no commercial activity -- no commercial rezonings planned. It would probably remain residential. Conceptually on a map, it does complete what would be a complete beltway around our County. There was concern that trucks from Mt. Vernon, IN enroute to the Southwind Maritime Corp. would use it, but we also have information -- a year or two ago we were hoping a trade could be made wherein we would accept for County maintenance S. R. 65, and they would build a new one -- but we couldn't get that done. He doesn't think until they have more available funds that that is going to be feasible. But from what they heard from Lee Gallivan, the Federal Highway Administrator, there are concrete plans (perhaps two years away) to upgrade S. R. 69, which takes over into Mt. Vernon -- so that is where the truck traffic would go. It could come off I-64, go directly to the Maritime Port on an upgraded S.R. 69, which has gone through the plan stages and is eligible for construction funding probably two years down the way they plan. So this is not going to be a truck traffic type route. But this was a preliminary hearing and we did receive negative comments from some of the residents about some of the changes that could occur.

Commissioner McClintock said what she had trouble following was the testimony regarding the kids and the busses. Perhaps someone can enlighten her, but in her mind, if it is a widened two lane or four lane road, it seems it would be safer for school bus travel than some of the smaller, winding roads they have now.

Commissioner Borries said, "No question about it -- better visibility, more limited access in terms of crossing traffic."

Commissioner Willner said he couldn't understand why Mrs. Weil said we would hurt children and maybe even kill them. That's really far out. But there was some of that at the hearing. Others opposed because of dollars -- they bought the ground to have frontage on such and such a road for \$2,000 per acre and they expected to sell it for \$10,000 -- and now if we're going to cut off this access they won't be able to realize the dollars. He said he is not really sympathetic to that kind of opposition. The only ones he was really sympathetic with were those where it went through her house -- or one lady said it would come within 10 ft. of her home and nobody would buy it.

Commissioner Borries emphasized again that this is in the preliminary stages -- we are not in design. It is important that they understand they are not going to lose their house tomorrow -- and that this is a long way off.

Commissioner Willner said West Side Improvement Association is going to withhold their approval until they go back to their Board of Directors -- but they are going to approve it.

Commissioner Borries said he noticed that day that the west side has changed and it was somewhat a historic change -- because there are some lifelong residents in the area -- and when the Wal-Mart opened up that day all those cars were jammed in there. And when this 70,000 sq. ft. Schnuck's, which is just going to be a monster of a store -- the largest store in the whole chain in several states -- opens up;-- he thinks the west side has changed. He thinks there are some folks who wish everybody would go away but them -- but it has changed -- for better or for worse.

Commissioner Willner said, "No question about it. And a little bit ago we talked whether Eickhoff-Koressel might be funded all the way to I-64, and he said that possibly we had lost that. I'm not too sure that we have, because there is a new fund now called 'Build Indiana Fund'. I just received a letter from Representative Lutz, and what the Governor is asking each District Representative in Indiana to fill out a questionnaire as to what roads in their District would come under 'Build Indiana Funds' -- and he has that letter to be returned to Mr. Lutz on his desk. The only one we have in his district is Eickhoff-Koressel. He did make that known to Mr. Lutz and if both of the other Commissioners will check that response, he will return the questionnaire. So Eickhoff-Koressel under 'Build Indiana Funds' is certainly possible. The letter indicated that the Lottery surpassed even their most fond expectations and they need to get to work on the 'Build Indiana Fund' and that is what they are doing -- so that is a possibility."

RE: SCHEDULED MEETINGS

Wed.	Nov. 8	1-3 p.m.	PERF Seminar re Life Insurance & Hospitalization for Retirees
Fri.	Nov. 10		HOLIDAY OFFICE CLOSING (Veteran's Day)
Mon.	Nov. 20	4:30 p.m.	JOINT SESSION/Commission and Board of Public Works
5:00 p.m.	Executive Session (Room 307) (Andy Easley & Richard Bennett)		

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim in the amount of \$3,002.81.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved for payment. So ordered.

Deig Bros. Lumber & Construction: Claim in the amount of \$13,007.93 for retainage on the Burdette Park Bath House Complex.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved. So ordered.

EMPLOYMENT CHANGES

Commissioner Willner said he has no employment changes for the record today.

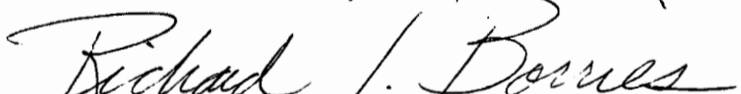
There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 4:15 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Curt John/County Attorney
Sam Humphrey/County Auditor
Greg Curtis/County Highway Engineer
Cletus Muensterman/County Highway Supt.
Lt. Tucker
Mrs. Marjorie Weil
Susan Jeffries/Purchasing Department
Jerry Riney
Bob Gulick/SIGECO
Mike Moade/Intern
Dick Hartmann/Deig Bros.
Les Shively/Attorney
Susan Sauls/Chamber of Commerce
Tom Dorsey/Purchasing Department
Ray Stradtner/Ray Stradtner Excavating Co.
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 20, 1989

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MINUTES
VANDERBURGH COUNTY COMMISSIONERS
NOVEMBER 20, 1989

The Vanderburgh County Board of Commissioners met in session at 6:30 pm on Monday, November 20, 1989, in the Commissioners Hearing Room, with President Robert Willner Presiding. Commissioners Rick Borries and Carolyn McClintock were present.

RE: APPROVAL OF MINUTES

Upon motion by Commissioner McClintock and seconded by Commissioner Willner, the minutes of November 6, 1989 were approved as engrossed by the County Auditor Sam Humphrey and reading of same waived.

RE: SALLE OF COUNTY-OWNED SURPLUS REAL ESTATE

Commissioner Willner proceeded by offering the remaining parcel of County-owned surplus real estate for sale (808 Line Street). There were no bids and the sale will continue.

RE: ATEK AGREEMENT - ART GANN

Art Gann "I appreciate the opportunity to talk with you this evening. After the Data Processing Review Board, we are finally at a point now where we can come before the Commissioners and ask you for some signatures on some contracts for the materials we've been working on for the last year and a half to two years. What you have before you is a summary report. I know you have a heavy agenda tonight so I will go through this in a rather quick fashion. We are prepared to answer any questions that you might have. To start off, we have the total cost figures for the contract survey and it has to be signed tonight. By the way, those contracts are for the law enforcement software, the financial software, court software and the hardware for the entire system. As you can see, the County pro-rated approximately \$1,074,804.00. The City pro-rated approximately \$456,013.00. The contract proposed (some portion of tape is unintelligible)... which leaves you with \$105,636.00 at this time. The City had approximately \$12,000.00 left over from what was appropriated. That cost overall does not reflect the traditional figures that we used in 66 and 34. We are going to go through the City's figures as they are presented. First of all, as far as the hardware, the County's share of that is \$601,393, the City's share is \$289,973.00, which represents approximately 66/33. The primary difference between those two figures is that the 66/33 percentages are used almost entirely throughout the hardware with the exception of one place and that's the terminals and peripherals. It's very easy to define which government is getting access to which terminal and printers. In this case, the City is getting (part of the tape is unintelligible)... Those costs were broken off more directly by each government institute. Getting to the first functional area, the breakdown that we used for hardware are those items that are shared jointly between the City and the County. We used the normal traditional split. In those areas that are easily definable, such as software, if both City and County governments are going to use that software, the cost of that software has been split 50/50. If the City is going to use it only, they pay 100%, if the County is going to use it only they would pay 100%. Starting first in report software, Vanderburgh County has expenditures of \$154,500.00. The City has expenditures of \$12,200.00. This includes training, installation costs plus the software. If you look on page 4, you will see a bullet list that itemizes the software that the County is buying compared to what the City is buying. This is the area of Courts, and as you are all aware, the County has primary responsibility with dealing with the Courts issue and they have broken down the bond list and the price of these bond list are listed in your spread sheet in the back. Page 5, we go into public safety software. Here, the disparity just starts to lessen a little bit in that the County is paying 64% and the City is picking up 36%. The only disparity here, on page 6, is that the police and Sheriff's office is 50/50. We will share the cost on the external system, which will allow us to find the networks. The jail/management system, of course, is the County's software. The last functional area that we had is finance software. This is one area that both the governments seem to have the same degree of functionality and you will see here that we are sharing the cost 50/50 on all the software in finance. The City is paying \$83,625 and so is the County. They will have identical functionality to be provided between Sam's office and Mr. Tuley's office. Page 9, 10, 11, & 12, those are the spread sheets. The first two pages are ATEK. ATEK is the most complicated of the vendors we are dealing with because they are providing us with port software and all the system software and all the hardware. ISI provides us with the financial packages, and Command Data is providing us with all the law enforcement packages. They are on pages 11 & 12 respectively. It breaks down the bulk of the software plus the maintenance, cost for installation, and

Art Gann Continued: the cost for the training. On page 12, you will see a breakdown, which gives you a total figure for the whole package. In the original appropriation line the balance shows what was left between each government and then there's some unresolved issues that we will get into later. As with any project as complicated as this has been, there are some differences between what was originally bid and what we ended up with contractually. What we have done on page 13, to the best of our ability, to itemize those differences. Myself, and Tom Dorsey and Roger Elliott have been sitting in our office for the last two hours going over all the original bids and all the final contract forms, trying to isolate these as much as possible without getting nauseated doing it. These are the differences. You will notice on this list, and I will be prepared to answer any questions you might have on these, I've asked for three of these items. The reason I've done that is because they are either not being purchased and needs some explanation or they are in the dynamic state where we do not yet know exactly what we are going to end up with. The first of these are the Dec Server 500. These multi-recording devices that allows us to hook up a lot of terminals to the computer. We are bid these Dec Server 500s which will allow a large percentage of terminals to be connected to this computer and depending on how our dabling bid turns out, we may need to get a substitute, Dec Server 200 or 300 in lieu of these 500s to adjust the price. We are going to have the same amount of terminals but because of the physical locations within the building it may become necessary to spread these terminal connections in a different fashion. My understanding of the current laws is that if we stay within 20% of the original hardware price, then substitute like equipment, we will be well within compliance of the laws of this area. Number 23 is also hard, and that's the data conversion costs. Now, we currently have listed four separate data files that we converted over to the new system, as well as an undetermined amount of word processing files. What we have done is that we have been discovering as we get into this greater and greater detail that there are random files out here that will need to be converted. What we have is a basic rate for each of these applications, plus a going rate of \$400 dollars for word processing. So, we know of what it will cost us. It's just a matter that we identify all of it and we can't say at this point in time that, yes we have a definitive list on everything. This figure will not deviate very much but it's likely to deviate in two applications. When we have our rates locked in we will have a better idea of what it will cost. Number 24 probably requires the most explanation. You will notice that that's a minus \$54,900.00. It represents a large percentage of the \$105,000.00 that's left over. The reason we did this is that we had originally had bid over \$100,000.00 for trading purposes. Then, it was adjusted down to \$88,000.00 rate. You will see that on your spreadsheet as recommended amount of trading. But, the problem we have is we're just not quite sure at this point in time about the quality of the trading or the necessity of the trading or how we are going to implement the trading. So, what we have done in the contract is priced one cent of recommended trading per month and we have locked in the price on additional trading for a six month period. This will allow us to hand pick certain individuals in each functional area, have them go through the training, and then make some kind of value judgement at that point as to how we want to proceed and still have the same rate available to us that we would have had in the beginning. However, we were afraid to contract for so many hundred hours of training without actually seeing what the training would be in this particular incidence because a lot of these programs were in a dynamic state. So, we found it was in the best interest of the County and the City to take a look at that training and make a value judgement as to how we want to approach it at that time and then we can, of course, contract for additional training hours. Those are the last three items on the difference of the bid, unless you have any questions. Okay, we have come before you tonight with three contracts and it's a lot of money and we are making great progress in this proposal. However, I would ask you to look at page 14. I feel it is incumbent on me at this time to make sure you are aware of where we are at in total overall projects. The first four items you see on the contract, they are issues that are as yet undecided. (some portion is unintelligible)...

Next item, is cable and installation. As you are aware, the next two items were those items broken out by those people ordering the cable originally as too complicating for the conversion. They pulled out cabling and said let's deal with these issues first and then we will come back to the other ones. Now, we've went out and I gave you a couple weeks ago (unintelligible)... We have a business meeting set for the 28th of this month as you are all aware we will be coming back the 29th of December. Hopefully, we will be coming up some time in 1990, the later part of the summer. That is it in a nut shell. I hope I haven't gone over things too fast. I would be happy to meet with you privately or answer any questions you might have.

The ATEK contract, we are working with Curt John primarily because David is out of town. Together, today we finished the final negotiations cost on that. Some portion of tape is unintelligible...

The pie chart on page 1 and it is the spreadsheet line on page 12. That's the software contracts, maintenance agreements for the first year, training for the first year and departmental contracts.

A large portion of tape is unintelligible...

We will take them both through. We will process the master agreement and then process that with the 25% discount.

Commissioner McClintock made a motion to approve the contract and was seconded by Commissioner Borries. So ordered.

RE: DAVID LOCKRIDGE - Request for extension of time to relocate business.

Commissioner Willner said he believes Mr. Lockridge was given 60 days for improvements to his business. His business is located on Darmstadt Road. He is here to plead his case.

David Lockridge, "As you stated my variance ran out Saturday. You said at the zoning hearing that if I was working on something that you would give me a longer time. I had an abstract at my lawyers for a piece of property. He is working on that. (some portions of conversation is unintelligible)..."

Commissioner McClintock, "I remember when that group of neighbors were down here. They were really not pleased with what was going on out there with that business. They have not made any attempt at all to move those vehicles to accommodate those neighbors."

David Lockridge, "I've tried to keep it down to three, like you said. Now, there has been a couple of times that there have been four or five vehicles there. Right now, we have one truck there that we have to send off for parts. It could be two or three weeks before I can get that out of there. I have kept it down as best I can and all that. I haven't had any complaints or anything like that from any of them."

Some portion of the tape is unintelligible...

Mr. Lockridge, "I do have an abstract in the lawyers office, Steve Barr, if you want to contact him. If you want to look it over and make sure it's clear. It's no problem."

Commissioner Borries, "David, you're employed, where at PPG?"

Mr. Lockridge, "I just started at PPG. I didn't know if this would work out or not. I have been there almost four weeks."

Commissioner Borries, "Will you agree to limit the number of people there if the Board will consider extending your time?"

Some portion of the tape is unintelligible...

Mr. Lockridge, "I will keep it down, like I have been. The driveway has not been full or anything. I have been trying to keep the cars down."

Some portion of the tape is unintelligible...

Commissioner McClintock, "Okay, Mr. Lockridge, I would be willing to beg a motion that we extend the agreement that you can operate out of there till May 1, 1990, if you will agree that there will never be more than three cars parked back there."

Mr. Lockridge, "That's not counting my vehicles?"

Commissioner McClintock, "No, that's just including what you are working on."

Mr. Lockridge, "Now, just one question. I am in agreement with this. My brother would come over, which he does often, and I was wondering if that would count as one of the three?"

Commissioner McClintock, "Yes, I think you're missing the point, The point is that those neighbors do not want the rezoning because they do not want a permanent operation of that type. To me it does not matter. The neighbors are still going to see the cars. That's the problem."

Commissioner McClintock, "I will make a motion to that effect."

Commissioner Borries, "Subject to the limitations on number of cars?"

Commissioner McClintock stated yes with the limitations.

A motion was made by Commisisoner McClintock and seconded by Commissioner Borries. So ordered.

RE: BILL JEFFERS - REPORT ON OLD PETERSBURGH SUBDIVISION DRAINAGE

Bill Jeffers, "Mr. Riney asked me to give you a report on Old Petersburg Place II. I assume the questions about Old Petersburg Place II are concentrated on the display along the east line of the sub-division behind Christopher Drive and Lancaster Court and St. Thomas Court. Are there any particular questions from the Commissioners regarding the information that I need to give you?"

Commissioner Willner, "I presume that (some portion unintelligible) are flooding and some people have either drainage swells (some portion unintelligible... In other words, we want somebody to tell us, yes, it was put in according to the approved plan or (tape messed up)

Bill Jeffers, "The utility installations have ruined the major swell below the east line of the sub-division and the swell must be re-graded during landscaping of the adjacent lots. The re-grading would be more cost effective than in the spring or summer of 1988 after the utility trenches have been settled. Referring to the gulf that Mr. Garrison had installed in the swell to the plans at one time and then several utilities came in and trenched through this area and damaged the swell and disproportions made December 9, 1987. It was my understanding that he agreed, at the time of this report, that during the summer of 1988 the swell would be upgraded."

Commissioner McClintock, "Mr. Jeffers, you talked about this a couple weeks ago, you indicated to me that you had accomplished something That you did go back and upgrade it."

Bill Jeffers, "My comments were made to the Drainage Board, October 23, 1989. I was quoted as saying well, I was never asked to go out and make a final report after the last bit of work they did, and seeing what I have seen it came very close to meeting the requirements of the drainage plan in regards to that swell. I would like to add, at this time, that I believe some of the work that was done at the rear of those yards was done by possibly landscapers who were hired by individual lot owners and the lot owners themselves. I would also say that after reviewing it, prior to this meeting of October 23, 1989, my observation was that the swell generally conforms to the original plans, with the exception that there was a sanitary manhole partically blocking the swell. I was told that was an existing manhole for the swells, and I'm sure that's true. There was some damage to the swell over the last two years through minor errosion and that there were two runs of corrugated plastic pipe installed by private property owners and I said it would never work. Right here in the same minutes, because I will tell you that those pipes will never work. It's still my feeling because 12' corrugated plastic pipe will never handle the capacity that that swell is designed to handle. There are a couple of a larger concrete pipes discharging in the same swell and there's no way that the 12' corrugated plastic pipes can handle what the concrete pipes are discharging into that swell. "

Commissioner McClintock, "Okay, in effect what you are saying is that if Garrison did what he was supposed to do to get this drainage accepted by the County."

Bill Jeffers, "I think what I was saying then, and still saying now, is that Mr. Garrison or someone, whether it was the private property owners or his landscaper came close to installing the swell according to the Commissioner's complaint. Very close, not 100%."

Commisiner McClintock, "Who's responsible..."

Bill Jeffers, "It was my understanding that originally, all street and drainage improvements were to be inspected by the County Engineers."

Bill Jeffers, "I'm not sure who's responsibility it is now."

Commissioner McClintock, "We need to talk about this. If the County Surveyor's office is not the office that is doing it, we'll speak to the County Engineer. We need to move on, and decide if the County is going to go in there and fix that ditch or if we are going to ask these people to take it upon themselves. We need to decide what we are going to do because in the mean time, everytime it rains we get into this problem." (Some portion of tape is unintelligible)...

Bill Jeffers, "The structural home, the actual home structure is flooding?"

Commissioner McClintock, "Their yards."

Bill Jeffers, "Their yards are flooding. To what extent?"

Commissioner McClintock, "Mr. Jeffers, we discussed this and we went out there and there was a great deal of water (portion of tape unintelligible)..."

Bill Jeffers, "Correct. Most of the water was contained within the general area of the swell. My point that I'm trying to make is that we shouldn't speak with generalities. You say their homes are flooding now so that means there is some structural damage. That's totally different than the rear of their yards."

Commissioner Willner, "Have you talked to (tape unintelligible)..."

Too many people talking at once....

Bill Jeffers, "I don't want to be misinterpreted that he didn't do that in the first place. I did not make an official final inspection after the work had been done in the summer of 1988. I just said I'm not sure that it was done 100%. If you go out there and view it today and it looks fairly sufficient. What has not been piped on these plastic pipes remains when the swell is there is fairly sufficient."

Commissioner Willner, "Did you approve these plastic corrugated pipes?"

Bill Jeffers, "No, I did not."

Commissioner Willner, "Why did it happen?"

Bill Jeffers, "The homeowners chose to put them in the swells. The man also, it should be pointed that the developer submitted 50¢ per lineal foot, which puts him under B." But, it puts him into plan B, which I don't think mentions a homeowners association, which says that individuals will maintain their swells."

Commissioner Willner, "Bill, thank you for your report."

Commissioner McClintock, "Well, I guess I would like our attorney to see what we need to do to get the plastic corrugated pipes approved and the fact that (some portion intelligible) Clearly, the developer should have notified the County or whoever is supposed to inspect these things for the County, so he has a responsibility and the County has a responsibility to inspect. I think the place to start is to find out how to get that pipe out of there and then perhaps, we can go back to the developer."

Commissioner Borries, "Carolyn, when you say the County, who are you referring to? See, the County never put it in in the first place."

Commissioner McClintock, "I understand..."

Commissioner Borries, "The dilemma is here, that the Surveyor's technical time, and they will do just that. They will sit the requirements and standards. For whatever reason should be made this contingent standards. Apparently, wasn't done in this case. (some portion of the tape is unintelligible)..."

Commissioner McClintock, "The neighbors knew that. They had no permission from anyone. Someone has to have had the authority to solve this problem. Now you want to bring all these neighbors here and Phil Garrison here and Jim Morley, who was the original engineer, and just continue to allow this to drag on and it needs to be solved once and for all."

Commissioner Willner, "Okay, let's go on to the garage."

Commissioner Willner, "Paul Bitts, from the Voters Registration Office."

Paul Bitts, "I would like to make a presentation. My name is Paul Bitts, Democrat Board Member in the Voters Registration Office. (portion of tape is unintelligible) Webster defines gerrymandering as "the act or method of gerrymandering in the district or pattern of districts varying greatly in size or population as a result of gerrymandering." What has happened, since they existed before, and I know there have been some comments, and I would like to address them, or the question as to why we should redistrict now, since we are going to have to do that in the next census. The next census figures probably will be in the Area Plan Commission some time in 1993 or 1994. This has been going on a long time for this population basis. The law says the County Council districts, which were addressed first, unless you do it according to population, and that's what has been tried to be done here. I'd like to show you: (1) used to have 30,010, now has 42,000 (2) used to have 28,110, now has 42,000 (3) used to have 45,220, now has 42,600 (4) used to have 64,200, now has 42,000, and that's approximately 167,600 population basis. You might wonder where we arrived at that figure. We got the figure from the 1987 Area Plan Commission census update. We were told at 2.5% per household. They've given us a good figure for number of residents, not number of voters. It has to be the number of residents. That's how we arrived at those figures for districts 1,2,3, and 4. I might say that there has been some people that have been displaced from their district. There have been some that have remained in the same district. So, there has been no gerrymandering, at all. It's based on population basis as close as you can get and still stay within the lines. In regards to the Commissioner districts, the old Commissioner districts, because they run at-large, it's not necessary that it be done according to population. The Commissioners chose to do it on population. The old Commissioners districts: (1) 1,600, it now has 55,775 (2) 70,000, it now has 55,280 (3) 46,000, now has 56,545 people in it. I would also like to say that you can't very well do alot of gerrymandering of anything. The Democrats has 27,000 registered voters. The Republicans have 14,000. I think the rest of them, I call them scallywags, the just float. So, if anybody can predict what those 7,000 - 8,000 out of 98,000 is going to do then you're better than I am. I think from the results you get in the fall election proves that you can't tell what they will do."

Commissioner McClintock, "Paul, I'm not going to argue with you too much. If that's the case, and it doesn't make any difference, why would you move all those Republicans out of 5th, and put them in the next ward, and put all these scallywags up here?"

Paul Bitts, "Well, those aren't scallywags. They are voters."

Commissioner McClintock, "That's your term."

Paul Bitts, "I don't want to get into an argument, on anything. I think the government of the US and the government of the State of Indiana called for (a portion of the tape is unintelligible) All I'm going to tell you is, this was put up here because of the population basis. This was put over here because of the population basis. The exact same reason. Now, you might say, why didn't you draw a line down through here. If we had drawn a line down through there, we would have displaced somebody."

Commissioner McClintock, "I'm glad that we didn't draw those lines."

Some portion of the tape is unintelligible...

Paul Bitts, "Each map is the Senate districts, the House districts, the precinct districts, and at the bottom of the precinct, it tells what Council districts (some portion of tape is unintelligible)..."

Commissioner McClintock, "Okay Paul, let me just say this now. I don't care what the Republicans have done, what the Democrats have done in the past. And, you are absolutely right, the Republicans have done the exact same thing. I do not argue with that one little bit. Okay, we've done it, the Republicans have done it in recent memory, I know. All I'm going to say is I'm not going to vote against this tonight because I think that is too blatant and political. I will simply state, but I think now that since we have both have done it to each other, and I think it's time that we not do this. Whether it's Republicans or Democrats or whoever is in power, this is the kind of system that manipulates the voters and moves them out and when we're all done. I'm not going to point the finger at you, we've all done it."

Paul Bitts, "I agree with what you are saying. Remember this, that's the fairest one that's ever been put out in Vanderburgh County. Betty Lou Jarboe has seen some terrible ones. She could come up here and tell you the truth that that's the fairest one she's ever seen. None of you were displaced. None of you were put into a district together. As I told you one the phone when you asked me when you were going to get to see the maps and I told you (some portions of the tape is unintelligible)..."

Commissioner Willner, "Paul, thank you for your time."

Commissioner Borries, "Mr. Chairman, I move that the districts, the commission districts be approved as presented here this evening."

Commissioner Willner seconded the motion and asked for a vote.

Commissioner McClintock, "Abstained."

Commissioner Borries, "Yes."

Commissioner Willner, "Yes."

Districts were approved.

Paul Bitts, "Mr. Commissioner, I'd like to suggest that you do put that in the newspaper. It does not have to be written up to the State."

Some portion of tape is unintelligible...

Meeting was recessed.

RE: VC-21-89 PETITIONER, H. GLENN MOORE

Jim Morley, "I am representing Mr. Moore. I'm sure that you have read all the documents that have been filed requesting a change from C-4 to M-1. If you're not familiar with the property on St. Joes, it's located right off the corner or commercial and St. Joe. Mr. Moore currently has a body shop at the end of commercial court and is simply asking to move up to the corner. I believe he is going to get with the neighbors and make sure there isn't any problems and all he's doing in effect is enlarging his business since he has become very successful. Any questions?"

Commissioner Borries, "Jim, I understand there are some pictures here being circulated. One structure, should this rezoning be approved, which looks as it has been vacant before now, is that going to be torn down?"

Mr. Morley, "Yes. We aren't going to build another one right now, but we are immediately going to tear that down. As a matter of fact, when we went door to door, one of the neighbors said anything you do would be an improvement. Yes, it will definitely will be cleared immediately."

Commissioner Willner, "Are there anymore questions? Alright, no more questions. Is there anyone in the audience that wishes to remonstate?"

There were remonstrators.

Commissioner Borries made a motion to approve VC-21-89 and was seconded by Commissioner McClintock. Roll call vote. Commissioner McClintock voted yes. Commissioner Borries voted yes. Commissioner Willner voted yes. So ordered.

A portion of the tape is unintelligible... filed by R. Bennett against C. Sheppard. Commissioner McClintock made a motion to approve the settlement as discussed and was seconded by Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Cletus Muensterman, "Are there any questions pertaining to my reports? some portion of the tape is intelligible..."

Commissioner Borries, "Cletus, I want to let you know we think you're doing a great job. (some portion of the tape is unintelligible)..."

RE: SETTLEMENT AGREEMENT - (Ron Hartman vs. Vanderburgh County)

After much discussion a motion was made by Commissioner Borries to approve the settlement agreement and was seconded by Commissioner Willner. So ordered.

RE: COUNTY HIGHWAY ENGINEER - Greg Curtis

Mr. Curtis stated that he had a claim from VC-09-03. The contract has been concluded two or three days past the deadline. He states he has a letter from them with that information.

Some portion of tape is unintelligible...

I would recommend that we give them two days... portion of tape is unintelligible...

The claim is in the amount of \$223,853.12, from Rogers Group for asphalt paving. Project No. VC-89-09-03.

Commissioner Borries made a motion to approve the claim and was seconded by Commissioner Willner. So ordered.

Mr. Curtis said his last item is a transfer. "I submitted a transfer request to the County Council. I'd like to get your approval on this in the amount of \$18,000.00. We need to get that money transferred and approved by the Council before we can accept any bids."

Commissioner Borries made a motion to approve the transfer and was seconded by Commissioner Willner. So ordered.

Mr. Curtis stated his office has been working on a project for Oak Hill Road to replace a culvert. Doing a cost estimate we found that we will need \$5,000.00 which should be sufficient considering the amount of work involved in this project. We came up with another alternative that we would like approval on so we can proceed (some portion of tape is unintelligible)...

Also as we have discussed in the past on the St. Joe improvement project, we recently concluded all of the road and curb work, all except the traffic light that might be included. We are ready to advertise for the striping and pavement markings. We also would like to ask permission to do this.

Deig Brothers has submitted a claim for \$103,919.44 for labor and material for Bridge No. 13 replacement. Project No. VC-89-05-01. Commissioner Borries made a motion to approve the claim and was seconded by Commissioner Willner. So ordered.

Commissioner Willner stated that they need to have a motion on accepting bids some portion of the tape is unintelligible...

Mr. Curtis submitted a claim from Bernardin, Lochmueller & Associates, Inc. for the amount of \$15,398.65 in regards to the road study project. Commissioner Borries made a motion to approve the claim and was seconded by Commissioner Willner. So ordered.

Also, from Bernnardin, Lochmueller & Associates, Inc. for the USI Overpass project. It's for \$4,544.50. Commissioner Borries made a motion to approve the claim and was seconded by Commissioner Willner. So ordered.

The last claim Mr. Curtis submitted was from Bernardin, Lochmueller & Associates, Inc. for Engineering Services performed for Boonville-New Harmony Road Extension in the amount of \$17,277.50. Commissioner Borries made a motion to approve the claim and was seconded by Commissioner Willner. So ordered.

Some portion of the tape is unintelligible...

RE: LETTER FROM SHERIFF SHEPARD REQUESTING PERMISSION TO DONATE BICYCLES

Commissioner Willner, "We have a letter from Sheriff Shepard requesting permission to donate bicycles to the Salvation Army. Any questions"

Commissioner Borries made a motion to approve and was seconded by Commissioner Willner. So ordered.

RE: REQUEST TO TRAVEL

Carol Wallace, Veterans Service Officer to the Disabled Veterans Seminar. They have the funds in their accounts. Commissioner Borries made a motion to approve travel and was seconded by Commissioner Willner. So ordered.

Bill Taylor, County Councilman to the Balck Legislative Conference, to be held on November 18, 1989 in Indiana. He has the funds in his budget. Commissioner Borries made a motion to approve the travel and was seconded by Commissioner Willner. So ordered.

RE: PROPOSAL TO PROVIDE YMCA SERVICES TO COUNTY EMPLOYEES

Commissioner Willner stated that he had a proposal to provide YMCA services to the County employees submitted for adoption. A copy of the proposal is in the Commissioner's folder.

A portion of the tape is unintelligible...

Commissioner Borries, "We would have to move this before the County Council, for their approval. It's obviously voluntary. I think it makes good sense, and I agree with this proposal."

Commissioner Borries made a motion to approve the proposal and to move it to the County Council and was seconded by Commissioner Willner. So ordered.

RE: STATE OF PROFIT & LOSS FROM ALEXANDER AMBULANCE SERVICE FOR OCT., 1989

Commissioner Willner stated they received and filed a statement of profit and loss from Alexander Ambulance Service for the month of October, 1989.

RE: CHECK RECEIVED FROM CITY FOR RENT ON DMD OFFICE

Received and filed a check from the City of Evansville for rent on the DMD office in the amount of \$37,931.36.

RE: NEW BUSINESS

None

RE: OLD BUSINESS

None

RE: HOLIDAY CLOSING

All County offices will be closed on November 23rd and 24th in observance of Thanksgiving.

RE: CLAIMS

Morris, Harrison, Kent (some portion of tape is unintelligible)...

RE: EMPLOYEMENT CHANGES:

County Clerk - Appointments Made

161	Betty Hatfield	Deputy	\$559.88	eff 11/6/89
140	Terri Pace	Deputy	\$562.23	eff 11/6/89
266	James Goodge		p/hr \$5	eff 11/6/89

County Clerk - Releases

161	Betty Hatfield	Deputy	\$526.11	eff 11/6/89
140	Terri Pace	Deputy	\$485.69	eff 11/6/89

Pigeon Township Reassessment - Releases

112	Paul E. Hatfield	Reassessment Coord.	\$3495.00	eff 10/23/89
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County Clerk - Appointments Made

127	Amy D. Cron	Counter Clerk	\$12,028.00	eff 11/6/89
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County Clerk - Realeases

127	Helen M. Middleton	County Clerk	\$557.69	eff 10/30/89
199	Linda S. Bengert	Deputy	Hr. \$5	eff 10/30/89
199	Amy D. Cron	Deputy	Hr. \$5	eff 11/06/89

Perry Township Assessor - Appointments Made

112	Glen E. Koob	Chief Deputy	\$21,422.00	eff 10/4/89
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Perry Township Assessor - Releases

112	Glen E. Koob	Chief Deputy	\$19,053.00	eff 10/4/89
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Sheriff/Jail - Appointments Made

123	William Teague	Corr. Officer	\$16,451.00	eff 11/11/89
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Sheriff/Jail - Releases

123	William Teague	Corr. Officer	\$15,668.00	eff 11/10/89
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Treasurer - Appointments Made

	Patricia Tutt	part-time	\$35/day	eff 11/6/89
	Dena Goad	part-time	\$35/day	eff 11/6/89

Armstrong Assessor - Appointments Made

	Randall Kron	part-time	\$35/day	eff 10/26/89
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Armstrong Assessor - Releases

	Lucille Richardville	part-time	\$35/day	eff 10/26/89
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Auditor - Appointments Made

199	Virginia Wallace	part-time	\$35/day	eff 11/1/89
199	Jeanette Rueger	part-time	\$35/day	eff 11/6/89
199	Ruth Lawrence	part-time	\$35/day	eff 11/6/89

County Clerk - Appointments Made

	Jessica Pace	Deputy	\$5.00	eff 10/16/89
	Betty Dayvolt	Deputy	\$5.00	eff 10/16/89

Superior Court - Appointments Made

	Cynthia A. Lutgring	Court Reporter	\$21,866.00	eff 11/6/89
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Superior Court - Releases

	Cynthia A. Lutgring	Court Reporter	\$19,834.00	eff 11/3/89
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Armstrong township - Releases

323	Laura Lynn Elpers	part-time	\$	eff 10/26/89
423	Jane E. Kron	part-time	\$	eff 10/26/89
523	Earl J. Hoefling	part-time	\$	eff 10/26/89

There being no further business to come before the Board, President Willner declared the meeting recessed at 9:17 pm.

PRESENT:

Robert L. Willner/President
 Richard J. Borries/Vice President
 Carolyn McClintock/Member
 Sam Humphrey/Auditor
 Curt John/County Attorney
 Greg Curtis/County Engineer
 Cletus Muensterman/County Highway Supt.
 Wm. Jeffers/Chief Deputy Surveyor
 Jerry Riney/Supt. County Bldgs.
 News Media

(Transcribed by Karen Hadfield)

Robert L. Willner
 Robert L. Willner, President

Richard J. Borries
 Richard J. Borries, V. President

Carolyn McClintock
 Carolyn McClintock/Member

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 20, 1989

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MINUTES
VANDERBURGH COUNTY COMMISSIONERS
NOVEMBER 20, 1989

The Vanderburgh County Board of Commissioners met in session at 6:30 pm on Monday, November 20, 1989, in the Commissioners Hearing Room, with President Robert Willner Presiding. Commissioners Rick Borries and Carolyn McClintock were present.

RE: APPROVAL OF MINUTES

Upon motion by Commissioner McClintock and seconded by Commissioner Willner, the minutes of November 6, 1989 were approved as engrossed by the County Auditor Sam Humphrey and reading of same waived.

RE: SALLE OF COUNTY-OWNED SURPLUS REAL ESTATE

Commissioner Willner proceeded by offering the remaining parcel of County-owned surplus real estate for sale (808 Line Street). There were no bids and the sale will continue.

RE: ATEK AGREEMENT - ART GANN

Art Gann "I appreciate the opportunity to talk with you this evening. After the Data Processing Review Board, we are finally at a point now where we can come before the Commissioners and ask you for some signatures on some contracts for the materials we've been working on for the last year and a half to two years. What you have before you is a summary report. I know you have a heavy agenda tonight so I will go through this in a rather quick fashion. We are prepared to answer any questions that you might have. To start off, we have the total cost figures for the contract survey and it has to be signed tonight. By the way, those contracts are for the law enforcement software, the financial software, court software and the hardware for the entire system. As you can see, the County pro-rated approximately \$1,074,804.00. The City pro-rated approximately \$456,013.00. The contract proposed (some portion of tape is unintelligible)... which leaves you with \$105,636.00 at this time. The City had approximately \$12,000.00 left over from what was appropriated. That cost overall does not reflect the traditional figures that we used in 66 and 34. We are going to go through the City's figures as they are presented. First of all, as far as the hardware, the County's share of that is \$601,393, the City's share is \$289,973.00, which represents approximately 66/33. The primary difference between those two figures is that the 66/33 percentages are used almost entirely throughout the hardware with the exception of one place and that's the terminals and peripherals. It's very easy to define which government is getting access to which terminal and printers. In this case, the City is getting (part of the tape is unintelligible)... Those costs were broken off more directly by each government institute. Getting to the first functional area, the breakdown that we used for hardware are those items that are shared jointly between the City and the County. We used the normal traditional split. In those areas that are easily definable, such as software, if both City and County governments are going to use that software, the cost of that software has been split 50/50. If the City is going to use it only, they pay 100%, if the County is going to use it only they would pay 100%. Starting first in report software, Vanderburgh County has expenditures of \$154,500.00. The City has expenditures of \$12,200.00. This includes training, installation costs plus the software. If you look on page 4, you will see a bullet list that itemizes the software that the County is buying compared to what the City is buying. This is the area of Courts, and as you are all aware, the County has primary responsibility with dealing with the Courts issue and they have broken down the bond list and the price of these bond list are listed in your spread sheet in the back. Page 5, we go into public safety software. Here, the disparity just starts to lessen a little bit in that the County is paying 64% and the City is picking up 36%. The only disparity here, on page 6, is that the police and Sheriff's office is 50/50. We will share the cost on the external system, which will allow us to find the networks. The jail/management system, of course, is the County's software. The last functional area that we had is finance software. This is one area that both the governments seem to have the same degree of functionality and you will see here that we are sharing the cost 50/50 on all the software in finance. The City is paying \$83,625 and so is the County. They will have identical functionality to be provided between Sam's office and Mr. Tuley's office. Page 9, 10, 11, & 12, those are the spread sheets. The first two pages are ATEK. ATEK is the most complicated of the vendors we are dealing with because they are providing us with port software and all the system software and all the hardware. ISI provides us with the financial packages, and Command Data is providing us with all the law enforcement packages. They are on pages 11 & 12 respectively. It breaks down the bulk of the software plus the maintenance, cost for installation, and

Art Gann Continued: the cost for the training. On page 12, you will see a breakdown, which gives you a total figure for the whole package. In the original appropriation line the balance shows what was left between each government and then there's some unresolved issues that we will get into later. As with any project as complicated as this has been, there are some differences between what was originally bid and what we ended up with contractually. What we have done on page 13, to the best of our ability, to itemize those differences. Myself, and Tom Dorsey and Roger Elliott have been sitting in our office for the last two hours going over all the original bids and all the final contract forms, trying to isolate these as much as possible without getting nauseated doing it. These are the differences. You will notice on this list, and I will be prepared to answer any questions you might have on these, I've asked for three of these items. The reason I've done that is because they are either not being purchased and needs some explanation or they are in the dynamic state where we do not yet know exactly what we are going to end up with. The first of these are the Dec Server 500. These multi-recording devices that allows us to hook up a lot of terminals to the computer. We are bid these Dec Server 500s which will allow a large percentage of terminals to be connected to this computer and depending on how our dabling bid turns out, we may need to get a substitute, Dec Server 200 or 300 in lieu of these 500s to adjust the price. We are going to have the same amount of terminals but because of the physical locations within the building it may become necessary to spread these terminal connections in a different fashion. My understanding of the current laws is that if we stay within 20% of the original hardware price, then substitute like equipment, we will be well within compliance of the laws of this area. Number 23 is also hard, and that's the data conversion costs. Now, we currently have listed four separate data files that we converted over to the new system, as well as an undetermined amount of word processing files. What we have done is that we have been discovering as we get into this greater and greater detail that there are random files out here that will need to be converted. What we have is a basic rate for each of these applications, plus a going rate of \$400 dollars for word processing. So, we know of what it will cost us. It's just a matter that we identify all of it and we can't say at this point in time that, yes we have a definitive list on everything. This figure will not deviate very much but it's likely to deviate in two applications. When we have our rates locked in we will have a better idea of what it will cost. Number 24 probably requires the most explanation. You will notice that that's a minus \$54,900.00. It represents a large percentage of the \$105,000.00 that's left over. The reason we did this is that we had originally had bid over \$100,000.00 for trading purposes. Then, it was adjusted down to \$88,000.00 rate. You will see that on your spreadsheet as recommended amount of trading. But, the problem we have is we're just not quite sure at this point in time about the quality of the trading or the necessity of the trading or how we are going to implement the trading. So, what we have done in the contract is priced one cent of recommended trading per month and we have locked in the price on additional trading for a six month period. This will allow us to hand pick certain individuals in each functional area, have them go through the training, and then make some kind of value judgement at that point as to how we want to proceed and still have the same rate available to us that we would have had in the beginning. However, we were afraid to contract for so many hundred hours of training without actually seeing what the training would be in this particular incidence because a lot of these programs were in a dynamic state. So, we found it was in the best interest of the County and the City to take a look at that training and make a value judgement as to how we want to approach it at that time and then we can, of course, contract for additional training hours. Those are the last three items on the difference of the bid, unless you have any questions. Okay, we have come before you tonight with three contracts and it's a lot of money and we are making great progress in this proposal. However, I would ask you to look at page 14. I feel it is incumbent on me at this time to make sure you are aware of where we are at in total overall projects. The first four items you see on the contract, they are issues that are as yet undecided. (some portion is unintelligible)...

Next item, is cable and installation. As you are aware, the next two items were those items broken out by those people ordering the cable originally as too complicating for the conversion. They pulled out cabling and said let's deal with these issues first and then we will come back to the other ones. Now, we've went out and I gave you a couple weeks ago (unintelligible)... We have a business meeting set for the 28th of this month as you are all aware we will be coming back the 29th of December. Hopefully, we will be coming up some time in 1990, the later part of the summer. That is it in a nutshell. I hope I haven't gone over things too fast. I would be happy to meet with you privately or answer any questions you might have.

The ATEK contract, we are working with Curt John primarily because David is out of town. Together, today we finished the final negotiations cost on that. Some portion of tape is unintelligible...

The pie chart on page 1 and it is the spreadsheet line on page 12. That's the software contracts, maintenance agreements for the first year, training for the first year and departmental contracts.

A large portion of tape is unintelligible...

We will take them both through. We will process the master agreement and then process that with the 25% discount.

Commissioner McClintock made a motion to approve the contract and was seconded by Commissioner Borries. So ordered.

RE: DAVID LOCKRIDGE - Request for extension of time to relocate business.

Commissioner Willner said he believes Mr. Lockridge was given 60 days for improvements to his business. His business is located on Darmstadt Road. He is here to plead his case.

David Lockridge, "As you stated my variance ran out Saturday. You said at the zoning hearing that if I was working on something that you would give me a longer time. I had an abstract at my lawyers for a piece of property. He is working on that. (some portions of conversation is unintelligible)..."

Commissioner McClintock, "I remember when that group of neighbors were down here. They were really not pleased with what was going on out there with that business. They have not made any attempt at all to move those vehicles to accommodate those neighbors."

David Lockridge, "I've tried to keep it down to three, like you said. Now, there has been a couple of times that there have been four or five vehicles there. Right now, we have one truck there that we have to send off for parts. It could be two or three weeks before I can get that out of there. I have kept it down as best I can and all that. I haven't had any complaints or anything like that from any of them."

Some portion of the tape is unintelligible...

Mr. Lockridge, "I do have an abstract in the lawyers office, Steve Barr, if you want to contact him. If you want to look it over and make sure it's clear. It's no problem."

Commissioner Borries, "David, you're employed, where at PPG?"

Mr. Lockridge, "I just started at PPG. I didn't know if this would work out or not. I have been there almost four weeks."

Commissioner Borries, "Will you agree to limit the number of people there if the Board will consider extending your time?"

Some portion of the tape is unintelligible...

Mr. Lockridge, "I will keep it down, like I have been. The driveway has not been full or anything. I have been trying to keep the cars down."

Some portion of the tape is unintelligible...

Commissioner McClintock, "Okay, Mr. Lockridge, I would be willing to beg a motion that we extend the agreement that you can operate out of there till May 1, 1990, if you will agree that there will never be more than three cars parked back there."

Mr. Lockridge, "That's not counting my vehicles?"

Commissioner McClintock, "No, that's just including what you are working on."

Mr. Lockridge, "Now, just one question. I am in agreement with this. My brother would come over, which he does often, and I was wondering if that would count as one of the three?"

Commissioner McClintock, "Yes, I think you're missing the point. The point is that those neighbors do not want the rezoning because they do not want a permanent operation of that type. To me it does not matter. The neighbors are still going to see the cars. That's the problem."

Commissioner McClintock, "I will make a motion to that effect."

Commissioner Borries, "Subject to the limitations on number of cars?"

Commissioner McClintock stated yes with the limitations.

A motion was made by Commisisoner McClintock and seconded by Commissioner Borries. So ordered.

RE: BILL JEFFERS - REPORT ON OLD PETERSBURGH SUBDIVISION DRAINAGE

Bill Jeffers, "Mr. Riney asked me to give you a report on Old Petersburg Place II. I assume the questions about Old Petersburg Place II are concentrated on the display along the east line of the sub-division behind Christopher Drive and Lancaster Court and St. Thomas Court. Are there any particular questions from the Commissioners regarding the information that I need to give you?"

Commissioner Willner, "I presume that (some portion unintelligible) are flooding and some people have either drainage swells (some portion unintelligible... In other words, we want somebody to tell us, yes, it was put in according to the approved plan or (tape messed up)

Bill Jeffers, "The utility installations have ruined the major swell below the east line of the sub-division and the swell must be re-graded during landscaping of the adjacent lots. The re-grading would be more cost effective than in the spring or summer of 1988 after the utility trenches have been settled. Referring to the gulf that Mr. Garrison had installed in the swell to the plans at one time and then several utilities came in and trenched through this area and damaged the swell and disproportions made December 9, 1987. It was my understanding that he agreed, at the time of this report, that during the summer of 1988 the swell would be upgraded."

Commissioner McClintock, "Mr. Jeffers, you talked about this a couple weeks ago, you indicated to me that you had accomplished something That you did go back and upgrade it."

Bill Jeffers, "My comments were made to the Drainage Board, October 23, 1989. I was quoted as saying well, I was never asked to go out and make a final report after the last bit of work they did, and seeing what I have seen it came very close to meeting the requirements of the drainage plan in regards to that swell. I would like to add, at this time, that I believe some of the work that was done at the rear of those yards was done by possibly landscapers who were hired by individual lot owners and the lot owners themselves. I would also say that after reviewing it, prior to this meeting of October 23, 1989, my observation was that the swell generally conforms to the original plans, with the exception that there was a sanitary manhole partically blocking the swell. I was told that was an existing manhole for the swells, and I'm sure that's true. There was some damage to the swell over the last two years through minor errosion and that there were two runs of corrugated plastic pipe installed by private property owners and I said it would never work. Right here in the same minutes, because I will tell you that those pipes will never work. It's still my feeling because 12' corrugated plastic pipe will never handle the capacity that that swell is designed to handle. There are a couple of a larger concrete pipes discharging in the same swell and there's no way that the 12' corrugated plastic pipes can handle what the concrete pipes are discharging into that swell. "

Commissioner McClintock, "Okay, in effect what you are saying is that if Garrison did what he was supposed to do to get this drainage accepted by the County."

Bill Jeffers, "I think what I was saying then, and still saying now, is that Mr. Garrison or someone, whether it was the private property owners or his landscaper came close to installing the swell according to the Commissioner's complaint. Very close, not 100%."

Commisiner McClintock, "Who's responsible..."

Bill Jeffers, "It was my understanding that originally, all street and drainage improvements were to be inspected by the County Engineers."

Bill Jeffers, "I'm not sure who's responsibility it is now."

Commissioner McClintock, "We need to talk about this. If the County Surveyor's office is not the office that is doing it, we'll speak to the County Engineer. We need to move on, and decide if the County is going to go in there and fix that ditch or if we are going to ask these people to take it upon themselves. We need to decide what we are going to do because in the mean time, everytime it rains we get into this problem." (Some portion of tape is unintelligible)...

Bill Jeffers, "The structural home, the actual home structure is flooding?"

Commissioner McClintock, "Their yards."

Bill Jeffers, "Their yards are flooding. To what extent?"

Commissioner McClintock, "Mr. Jeffers, we discussed this and we went out there and there was a great deal of water (portion of tape unintelligible)..."

Bill Jeffers, "Correct. Most of the water was contained within the general area of the swell. My point that I'm trying to make is that we shouldn't speak with generalities. You say their homes are flooding now so that means there is some structural damage. That's totally different than the rear of their yards."

Commissioner Willner, "Have you talked to (tape unintelligible)..."

Too many people talking at once....

Bill Jeffers, "I don't want to be misinterpreted that he didn't do that in the first place. I did not make an official final inspection after the work had been done in the summer of 1988. I just said I'm not sure that it was done 100%. If you go out there and view it today and it looks fairly sufficient. What has not been piped on these plastic pipes remains when the swell is there is fairly sufficient."

Commissioner Willner, "Did you approve these plastic corrugated pipes?"

Bill Jeffers, "No, I did not."

Commissioner Willner, "Why did it happen?"

Bill Jeffers, "The homeowners chose to put them in the swells. The man also, it should be pointed that the developer submitted 50¢ per lineal foot, which puts him under B." But, it puts him into plan B, which I don't think mentions a homeowners association, which says that individuals will maintain their swells."

Commissioner Willner, "Bill, thank you for your report."

Commissioner McClintock, "Well, I guess I would like our attorney to see what we need to do to get the plastic corrugated pipes approved and the fact that (some portion intelligible) Clearly, the developer should have notified the County or whoever is supposed to inspect these things for the County, so he has a responsibility and the County has a responsibility to inspect. I think the place to start is to find out how to get that pipe out of there and then perhaps, we can go back to the developer."

Commissioner Borries, "Carolyn, when you say the County, who are you referring to? See, the County never put it in in the first place."

Commissioner McClintock, "I understand..."

Commissioner Borries, "The dilemma is here, that the Surveyor's technical time, and they will do just that. They will sit the requirements and standards. For whatever reason should be made this contingent standards. Apparently, wasn't done in this case. (some portion of the tape is unintelligible)..."

Commissioner McClintock, "The neighbors knew that. They had no permission from anyone. Someone has to have had the authority to solve this problem. Now you want to bring all these neighbors here and Phil Garrison here and Jim Morley, who was the original engineer, and just continue to allow this to drag on and it needs to be solved once and for all."

Commissioner Willner, "Okay, let's go on to the garage."

Commissioner Willner, "Paul Bitts, from the Voters Registration Office."

Paul Bitts, "I would like to make a presentation. My name is Paul Bitts, Democrat Board Member in the Voters Registration Office. (portion of tape is unintelligible) Webster defines gerrymandering as "the act or method of gerrymandering in the district or pattern of districts varying greatly in size or population as a result of gerrymandering." What has happened, since they existed before, and I know there have been some comments, and I would like to address them, or the question as to why we should redistrict now, since we are going to have to do that in the next census. The next census figures probably will be in the Area Plan Commission some time in 1993 or 1994. This has been going on a long time for this population basis. The law says the County Council districts, which were addressed first, unless you do it according to population, and that's what has been tried to be done here. I'd like to show you: (1) used to have 30,010, now has 42,000 (2) used to have 28,110, now has 42,000 (3) used to have 45,220, now has 42,600 (4) used to have 64,200, now has 42,000, and that's approximately 167,600 population basis. You might wonder where we arrived at that figure. We got the figure from the 1987 Area Plan Commission census update. We were told at 2.5% per household. They've given us a good figure for number of residents, not number of voters. It has to be the number of residents. That's how we arrived at those figures for districts 1,2,3, and 4. I might say that there has been some people that have been displaced from their district. There have been some that have remained in the same district. So, there has been no gerrymandering, at all. It's based on population basis as close as you can get and still stay within the lines. In regards to the Commissioner districts, the old Commissioner districts, because they run at-large, it's not necessary that it be done according to population. The Commissioners chose to do it on population. The old Commissioners districts: (1) 1,600, it now has 55,775 (2) 70,000, it now has 55,280 (3) 46,000, now has 56,545 people in it. I would also like to say that you can't very well do alot of gerrymandering of anything. The Democrats has 27,000 registered voters. The Republicans have 14,000. I think the rest of them, I call them scallywags, the just float. So, if anybody can predict what those 7,000 - 8,000 out of 98,000 is going to do then you're better than I am. I think from the results you get in the fall election proves that you can't tell what they will do."

Commissioner McClintock, "Paul, I'm not going to argue with you too much. If that's the case, and it doesn't make any difference, why would you move all those Republicans out of 5th, and put them in the next ward, and put all these scallywags up here?"

Paul Bitts, "Well, those aren't scallywags. They are voters."

Commissioner McClintock, "That's your term."

Paul Bitts, "I don't want to get into an argument, on anything. I think the government of the US and the government of the State of Indiana called for (a portion of the tape is unintelligible) All I'm going to tell you is, this was put up here because of the population basis. This was put over here because of the population basis. The exact same reason. Now, you might say, why didn't you draw a line down through here. If we had drawn a line down through there, we would have displaced somebody."

Commissioner McClintock, "I'm glad that we didn't draw those lines."

Some portion of the tape is unintelligible...

Paul Bitts, "Each map is the Senate districts, the House districts, the precinct districts, and at the bottom of the precinct, it tells what Council districts (some portion of tape is unintelligible)..."

Commissioner McClintock, "Okay Paul, let me just say this now. I don't care what the Republicans have done, what the Democrats have done in the past. And, you are absolutely right, the Republicans have done the exact same thing. I do not argue with that one little bit. Okay, we've done it, the Republicans have done it in recent memory, I know. All I'm going to say is I'm not going to vote against this tonight because I think that is too blatant and political. I will simply state, but I think now that since we have both have done it to each other, and I think it's time that we not do this. Whether it's Republicans or Democrats or whoever is in power, this is the kind of system that manipulates the voters and moves them out and when we're all done. I'm not going to point the finger at you, we've all done it."

Paul Bitts, "I agree with what you are saying. Remember this, that's the fairest one that's ever been put out in Vanderburgh County. Betty Lou Jarboe has seen some terrible ones. She could come up here and tell you the truth that that's the fairest one she's ever seen. None of you were displaced. None of you were put into a district together. As I told you one the phone when you asked me when you were going to get to see the maps and I told you (some portions of the tape is unintelligible)..."

Commissioner Willner, "Paul, thank you for your time."

Commissioner Borries, "Mr. Chairman, I move that the districts, the commission districts be approved as presented here this evening."

Commissioner Willner seconded the motion and asked for a vote.

Commissioner McClintock, "Abstained."

Commissioner Borries, "Yes."

Commissioner Willner, "Yes."

Districts were approved.

Paul Bitts, "Mr. Commissioner, I'd like to suggest that you do put that in the newspaper. It does not have to be written up to the State."

Some portion of tape is unintelligible...

Meeting was recessed.

RE: VC-21-89 PETITIONER, H. GLENN MOORE

Jim Morley, "I am representing Mr. Moore. I'm sure that you have read all the documents that have been filed requesting a change from C-4 to M-1. If you're not familiar with the property on St. Joes, it's located right off the corner or commercial and St. Joe. Mr. Moore currently has a body shop at the end of commercial court and is simply asking to move up to the corner. I believe he is going to get with the neighbors and make sure there isn't any problems and all he's doing in effect is enlarging his business since he has become very successful. Any questions?"

Commissioner Borries, "Jim, I understand there are some pictures here being circulated. One structure, should this rezoning be approved, which looks as it has been vacant before now, is that going to be torn down?"

Mr. Morley, "Yes. We aren't going to build another one right now, but we are immediately going to tear that down. As a matter of fact, when we went door to door, one of the neighbors said anything you do would be an improvement. Yes, it will definitely will be cleared immediately."

Commissioner Willner, "Are there anymore questions? Alright, no more questions. Is there anyone in the audience that wishes to remonstate?"

There were remonstrators.

Commissioner Borries made a motion to approve VC-21-89 and was seconded by Commissioner McClintock. Roll call vote. Commissioner McClintock voted yes. Commissioner Borries voted yes. Commissioner Willner voted yes. So ordered.

A portion of the tape is unintelligible... filed by R. Bennett against C. Sheppard. Commissioner McClintock made a motion to approve the settlement as discussed and was seconded by Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Cletus Muensterman, "Are there any questions pertaining to my reports? some portion of the tape is intelligible..."

Commissioner Borries, "Cletus, I want to let you know we think you're doing a great job. (some portion of the tape is unintelligible)..."

RE: SETTLEMENT AGREEMENT - (Ron Hartman vs. Vanderburgh County)

After much discussion a motion was made by Commissioner Borries to approve the settlement agreement and was seconded by Commissioner Willner. So ordered.

RE: COUNTY HIGHWAY ENGINEER - Greg Curtis

Mr. Curtis stated that he had a claim from VC-09-03. The contract has been concluded two or three days past the deadline. He states he has a letter from them with that information.

Some portion of tape is unintelligible...

I would recommend that we give them two days... portion of tape is unintelligible...

The claim is in the amount of \$223,853.12, from Rogers Group for asphalt paving. Project No. VC-89-09-03.

Commissioner Borries made a motion to approve the claim and was seconded by Commissioner Willner. So ordered.

Mr. Curtis said his last item is a transfer. "I submitted a transfer request to the County Council. I'd like to get your approval on this in the amount of \$18,000.00. We need to get that money transferred and approved by the Council before we can accept any bids."

Commissioner Borries made a motion to approve the transfer and was seconded by Commissioner Willner. So ordered.

Mr. Curtis stated his office has been working on a project for Oak Hill Road to replace a culvert. Doing a cost estimate we found that we will need \$5,000.00 which should be sufficient considering the amount of work involved in this project. We came up with another alternative that we would like approval on so we can proceed (some portion of tape is unintelligible)...

Also as we have discussed in the past on the St. Joe improvement project, we recently concluded all of the road and curb work, all except the traffic light that might be included. We are ready to advertise for the striping and pavement markings. We also would like to ask permission to do this.

Deig Brothers has submitted a claim for \$103,919.44 for labor and material for Bridge No. 13 replacement. Project No. VC-89-05-01. Commissioner Borries made a motion to approve the claim and was seconded by Commissioner Willner. So ordered.

Commissioner Willner stated that they need to have a motion on accepting bids some portion of the tape is unintelligible...

Mr. Curtis submitted a claim from Bernardin, Lochmueller & Associates, Inc. for the amount of \$15,398.65 in regards to the road study project. Commissioner Borries made a motion to approve the claim and was seconded by Commissioner Willner. So ordered.

Also, from Bernnardin, Lochmueller & Associates, Inc. for the USI Overpass project. It's for \$4,544.50. Commissioner Borries made a motion to approve the claim and was seconded by Commissioner Willner. So ordered.

The last claim Mr. Curtis submitted was from Bernardin, Lochmueller & Associates, Inc. for Engineering Services performed for Boonville-New Harmony Road Extension in the amount of \$17,277.50. Commissioner Borries made a motion to approve the claim and was seconded by Commissioner Willner. So ordered.

Some portion of the tape is unintelligible...

RE: LETTER FROM SHERIFF SHEPARD REQUESTING PERMISSION TO DONATE BICYCLES

Commissioner Willner, "We have a letter from Sheriff Shepard requesting permission to donate bicycles to the Salvation Army. Any questions"

Commissioner Borries made a motion to approve and was seconded by Commissioner Willner. So ordered.

RE: REQUEST TO TRAVEL

Carol Wallace, Veterans Service Officer to the Disabled Veterans Seminar. They have the funds in their accounts. Commissioner Borries made a motion to approve travel and was seconded by Commissioner Willner. So ordered.

Bill Taylor, County Councilman to the Balck Legislative Conference, to be held on November 18, 1989 in Indiana. He has the funds in his budget. Commissioner Borries made a motion to approve the travel and was seconded by Commissioner Willner. So ordered.

RE: PROPOSAL TO PROVIDE YMCA SERVICES TO COUNTY EMPLOYEES

Commissioner Willner stated that he had a proposal to provide YMCA services to the County employees submitted for adoption. A copy of the proposal is in the Commissioner's folder.

A portion of the tape is unintelligible...

Commissioner Borries, "We would have to move this before the County Council, for their approval. It's obviously voluntary. I think it makes good sense, and I agree with this proposal."

Commissioner Borries made a motion to approve the proposal and to move it to the County Council and was seconded by Commissioner Willner. So ordered.

RE: STATE OF PROFIT & LOSS FROM ALEXANDER AMBULANCE SERVICE FOR OCT., 1989

Commissioner Willner stated they received and filed a statement of profit and loss from Alexander Ambulance Service for the month of October, 1989.

RE: CHECK RECEIVED FROM CITY FOR RENT ON DMD OFFICE

Received and filed a check from the City of Evansville for rent on the DMD office in the amount of \$37,931.36.

RE: NEW BUSINESS

None

RE: OLD BUSINESS

None

RE: HOLIDAY CLOSING

All County offices will be closed on November 23rd and 24th in observance of Thanksgiving.

RE: CLAIMS

Morris, Harrison, Kent (some portion of tape is unintelligible)...

RE: EMPLOYEMENT CHANGES:

County Clerk - Appointments Made

161	Betty Hatfield	Deputy	\$559.88	eff 11/6/89
140	Terri Pace	Deputy	\$562.23	eff 11/6/89
266	James Goodge		p/hr \$5	eff 11/6/89

County Clerk - Releases

161	Betty Hatfield	Deputy	\$526.11	eff 11/6/89
140	Terri Pace	Deputy	\$485.69	eff 11/6/89

Pigeon Township Reassessment - Releases

112	Paul E. Hatfield	Reassessment Coord.	\$3495.00	eff 10/23/89
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County Clerk - Appointments Made

127	Amy D. Cron	Counter Clerk	\$12,028.00	eff 11/6/89
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County Clerk - Realeases

127	Helen M. Middleton	County Clerk	\$557.69	eff 10/30/89
199	Linda S. Bengert	Deputy	Hr. \$5	eff 10/30/89
199	Amy D. Cron	Deputy	Hr. \$5	eff 11/06/89

Perry Township Assessor - Appointments Made

112	Glen E. Koob	Chief Deputy	\$21,422.00	eff 10/4/89
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Perry Township Assessor - Releases

112	Glen E. Koob	Chief Deputy	\$19,053.00	eff 10/4/89
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Sheriff/Jail - Appointments Made

123	William Teague	Corr. Officer	\$16,451.00	eff 11/11/89
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Sheriff/Jail - Releases

123	William Teague	Corr. Officer	\$15,668.00	eff 11/10/89
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Treasurer - Appointments Made

	Patricia Tutt	part-time	\$35/day	eff 11/6/89
	Dena Goad	part-time	\$35/day	eff 11/6/89

Armstrong Assessor - Appointments Made

	Randall Kron	part-time	\$35/day	eff 10/26/89
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Armstrong Assessor - Releases

	Lucille Richardville	part-time	\$35/day	eff 10/26/89
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Auditor - Appointments Made

199	Virginia Wallace	part-time	\$35/day	eff 11/1/89
199	Jeanette Rueger	part-time	\$35/day	eff 11/6/89
199	Ruth Lawrence	part-time	\$35/day	eff 11/6/89

County Clerk - Appointments Made

	Jessica Pace	Deputy	\$5.00	eff 10/16/89
	Betty Dayvolt	Deputy	\$5.00	eff 10/16/89

Superior Court - Appointments Made

	Cynthia A. Lutgring	Court Reporter	\$21,866.00	eff 11/6/89
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Superior Court - Releases

	Cynthia A. Lutgring	Court Reporter	\$19,834.00	eff 11/3/89
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Armstrong township - Releases

323	Laura Lynn Elpers	part-time	\$	eff 10/26/89
423	Jane E. Kron	part-time	\$	eff 10/26/89
523	Earl J. Hoefling	part-time	\$	eff 10/26/89

There being no further business to come before the Board, President Willner declared the meeting recessed at 9:17 pm.

PRESENT:

Robert L. Willner/President
 Richard J. Borries/Vice President
 Carolyn McClintock/Member
 Sam Humphrey/Auditor
 Curt John/County Attorney
 Greg Curtis/County Engineer
 Cletus Muensterman/County Highway Supt.
 Wm. Jeffers/Chief Deputy Surveyor
 Jerry Riney/Supt. County Bldgs.
 News Media

(Transcribed by Karen Hadfield)

Robert L. Willner
 Robert L. Willner, President

Richard J. Borries
 Richard J. Borries, V. President

Carolyn McClintock
 Carolyn McClintock/Member

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 27, 1989

I N D E X

<u>Subject</u>	<u>Page No.</u>
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Sale of County-Owned Surplus Real Estate.....	1
City/County Computer System - Art Gann.....	1
Caranza Drive Sewer Project Easements - Jeff Harlan..... (Board authorized \$1,000 payment to the Elliotts for easement)	1
County Appointments..... Edwin Wiggers/County Board of Review (to fill unexpired term of Mr. Tom Morrison and for 1990) (Other Board appointments to be made in the near future.)	2
County Attorney - Curt John..... Evansville Dance Theater (Balance of \$1,050 on Promissory Note to the Auditorium to be paid 12/1/89)	2
Reading of Bids/Liquid Asphalt, Guard Rails, Pipe, etc..... (Bids to be taken under advisement for one week)	2
County Highway - Cletus Muensterman..... Weekly Work Reports Wooden Bridge/Motz Road Damage to Columbia-Delaware Street Overpass Snow Equipment - Ready to Go Collection of Damages to County Property Nurrenbern Rd. at Red Bank Rd. (County Engineer's staff to drive and determine what signage would be appropriate) Inglefield Rd. at PPG Industries - Signage Needed Heinlein Rd. off Burch Lane - Signage Needed Eissler Rd./To be completed yet this year Boonville-New Harmony Bridge Opening	2
County Engineer - Greg Curtis..... Claim/Industrial Contractors (\$7,411.220) Bridge Inspection	4
New Business..... Xerox Proposal/New Equipment (Taken under advisement) OccuMed Proposals - M. Mode to prepare a comparison Ribbon Cutting Ceremonies, etc (Commissioners to be given as much lead time as is possible)	4
Claims..... Board determines only \$24.00 per day per diem will be allowed as per existing ordinance	6
Scheduled Meetings.....	7
Employment Changes.....	7
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MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 27, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, November 27, 1989 in the Commissioners Hearing Room, with Vice President Rick Borries presiding. (Commissioner Willner was detained in another meeting and was due to arrive momentarily.)

RE: AUTHORIZATION TO OPEN BIDS RE LIQUID ASPHALT & GUARD RAILS, POSTS, END SECTIONS & ALUMINUM PIPE

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, County Attorney Curt John was authorized to open the bids received on the above mentioned. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting proceeded with Commissioner Borries offering for sale the one (1) remaining parcel of County-owned surplus real estate at 808 Line Street.

There were no bidders and the sale will continue.

RE: CITY/COUNTY COMPUTER SYSTEM - ART GANN

Commissioner Borries then called upon Art Gann of the Evansville Police Department, who was present for purposes of submitting contracts re computer equipment to the Commissioners for approval.

Mr. Gann said he spoke to the Commission last week about modifications to the Probation package. Council President Mark Owen also had some concerns as to whether there was available funding. A check reveals the funding is available and the Board of Public Works has already signed off on these two particular contracts.

In response to query from Commissioner Borries, County Auditor Sam Humphrey advised that we are currently under budget -- and we do have sufficient funds available to cover these two contracts.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the contracts were approved, as presented. So ordered.

RE: CARANZA DRIVE SEWER PROJECT EASEMENTS - JEFF HARLAN

Commissioner Borries stated that Attorney Jeff Harlan of the law firm of Bowers, Harrison, Kent & Miller is here today with regard to some easements in connection with the Caranza Drive Sewer project.

Attorney Harlan said he is requesting Commission approval of a payment of \$1,000 to Mike and/or Gladys Elliott for acquisition of easement in conjunction with the Caranza Drive Sewer project.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request was approved.

Attorney Harlan advised he also spoke with Mr. Kurt Schuster this morning and resolved the remaining questions with regard to that easement. It will be forthcoming shortly. This leaves only two (2) needed easements yet to be acquired.

RE: COUNTY APPOINTMENTS

President Robert Willner entered the meeting and proceeded by stating the Board has received the resignation of Mr. Tom Morrison from the Board of Review. He cites health reasons for the resignation. As a replacement, Mr. Edwin Wiggers was recommended by Mr. Roland Eckols of Bristol-Meyer and has indicated he would be willing to serve in this capacity.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Edwin Wiggers (Republican) was appointed to fill the unexpired term of Mr. Tom Morrison and for calendar year 1990. So ordered.

It was noted by Commissioner Willner that other appointments to be made in the near future include the following: Convention & Visitor's Bureau (Ira Neal and T. L. Plain are currently serving), The Library Board of Trustees (LaNelle Brenner has indicated she would be willing to serve another term), Alcoholic Beverage Commission (Bert Reid is current appointment), and the Area Plan Commission (Commissioner McClintock is currently representing the Commission). The Commissioners can be thinking about these appointments and take action in a future meeting.

RE: COUNTY ATTORNEY - CURT JOHN

Evansville Dance Theater: Attorney John advised that with the help of Joanne Matthews the current status of the promissory note from The Evansville Dance Theater to the Vanderburgh Auditorium has been determined. The promissory note was in the amount of \$3,450.00 and EDT has been faithful in their payments, having paid a total of \$2,400. A balance of \$1,050 is due and EDT will be issuing a check to pay off the balance of the note on December 1st.

RE: READING OF BIDS - LIQUID ASPHALT, GUARD RAILS, ALUMINUM PIPE, ETC.

Attorney John reported that only two (2) bids were received -- one on each item. J. H. Rudolph Co. bid on the liquid asphalt and M & W Concrete bid on the guard rails, aluminum pipe, etc. He said both bids appear to be in order.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bids are to be reviewed by Messrs. Curtis and Muensterman and a recommendation made next week.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports & Absentee Reports: Mr. Muensterman said he had submitted his Weekly reports and entertained questions. There were none.

Wooden Bridge/Motz Road: It was noted by Mr. Muensterman that the installation of the wooden bridge on Motz Road has been completed.

Damage to Columbia-Delaware Street Overpass: Mr. Muensterman reported that Monday night while the Commissioners were in session, somebody again broke out one of the guard rails under the overpass on Columbia-Delaware Street. They did find out the name of the individual via the Police Department (as well as the name of the individual who did this the last time) -- and we will be seeking reimbursement for repairs.

Snow Equipment is Ready: While we are not anticipating snow at this time, the County Highway does have four (4) snow trucks ready to go.

Collection of Damages to County Property: Attorney John said he is requesting permission to collect damages from those individuals who have damaged County property. In addition to those already mentioned by Mr. Muensterman, there was one on LeMay Road. When those damages are collected, he will bring this to the Board so they can sign the Release, and we need to be certain to notify the Bureau of Motor Vehicles.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved and Attorney John was given blanket authority to collect damages to County property. So ordered.

Nurrenbern Rd. at Red Bank Rd.: Commissioner McClintock said that about a month ago she called about Nurrenbern Road, where it takes the 90 degree angle, you stop, and then turn. And when you drive out there, the sign that is warning you about this turn is not a 90 degree angle sign; it is like a curve sign. There have been numerous accidents. And that sign was knocked down some time ago and he stuck it up on a post for lack of anyplace better to put it. It is now too high for people to see. What we really need there is a sign that shows that it is a 90 degree angle instead of a curve. They really should stop and then turn. She requested that Mr. Muensterman check on this.

Commissioner Borries asked if there is a speed limit posted there? It was the consensus that there is not a posted speed limit. Commissioner Borries said he thinks the Board needs to consider this. He cited an area enroute to Purdue, where you get off Highway 41 onto S. R. 26. This State Highway is a real trip. You can't go a quarter mile before it says 15 mph -- and he is not so sure the area at Nurrenbern and Red Bank shouldn't be posted at 15 mph. He would not want to take it any faster than 15 mph.

Commissioner McClintock said a man came in today and said he had to go down with his truck last week to pull two people from that ditch.

Commissioner Willner said he thinks perhaps the County should consider putting a new route through there, and Commissioner Borries said he is all for that. Commissioner Willner said the farmer will not sell us any property -- we've approached him before. So we'd probably have to consider condemnation proceedings. But that is the only thing that will ever take care of that bad curve.

Commissioner Borries said he and County Engineer Curtis have talked about this before. In the interim, he suggested that someone from the County Engineer's staff drive this to determine what the appropriate signage would be in this area.

Inglefield Road at PPG Industries: Commissioner Willner said that attention also needs to be given to Inglefield Road -- where it was just widened out by PPG Industries. There is no striping on it yet. We need to stripe that section and put a road narrowing sign there.

Heinlein Rd. off Burch Lane: Mr. Muensterman noted we also need to do this on Heinlein Rd. off Burch Lane, where we also widened Heinlein Road four (4) feet.

Eissler Rd.: Commissioner McClintock asked if we got Eissler Road taken care of?

Mr. Willner said he was there Saturday and they hadn't started.

Mr. Curtis said they have started the grading -- but they still plan on having it finished.

Mr. Willner advised Commissioner McClintock it is a "can-do" project and they do plan to finish Eissler.

Mr. Curtis commented they were waiting on the Water Department to move some equipment -- the contractor cannot do this.

Boonville-New Harmony Bridge Opening: Commissioner Willner said that when they opened the bridge he inadvertently failed to mention that the County Highway Department did the paving of that road. He expressed appreciation to the County Highway Department for a commendable job. He said he also missed the other two Commissioners.

Commissioner McClintock requested that she receive more advance notice concerning ribbon cutting ceremonies, etc.

RE: COUNTY ENGINEER - GREG CURTIS

Claim/Industrial Contractors, Inc.: Mr. Curtis submitted a claim to Industrial Contractors with regard to the Coliseum roof in the amount of \$7,411.20. This is 50% of retainage.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved. So ordered.

Bridge Inspection: Mr. Curtis said he spoke with Bernardin, Lochmueller & Associates late last week and they have received initial approval from the State on the Bridge Inspection Report and it is in the process of being printed. From Friday, we have 90 days to have all the documentation, etc., approved that says that we must have any road change signs in place. If we don't get those signs placed within that time frame, a share of our Federal Funds would be taken away.

Messrs. Curtis and Muensterman talked about this and since the signs are for the bridges, we will buy the signs and let the bridge crew place those signs.

RE: NEW BUSINESS

Xerox Equipment: Auditor Humphrey said he has an offer from Xerox to replace the existing copier in the Auditor's office with a larger copier for less money per month than we are now paying. This would be a 1090 Model rather than a 1075 model. The 1090 Model will do considerably more. It will take computer printouts, magnify, reduce, etc. We are currently paying \$1,546/mo. for the 1075 Model and we can get the new one for \$1,537/mo., trade the old machine in and we still have 13 months to go on the 1075. We have run well over 2,700,000 copies in the 35 months we've had the machine. We would eliminate the current contract, cutting it short by 13 months. Initiate a new contract for 60 months, but it would be less per month.

Commissioner McClintock asked how much the copier would cost by the time we pay for it in 5 years? \$92,760 for a copier? That sounds pretty expensive to her. She could buy a Mercedes for that. Why don't we have to bid this?

Mr. Humphrey said this is just an offer Xerox came in and made. This thing started out at a little over \$2,400 per month for the 1075 Model.

Ms. McClintock said, "We are in fact purchasing a piece of equipment. -- we will own it at the end."

Mr. Humphrey said it is a Lease/Purchase and we have an option to purchase it.

Attorney John asked if Mr. Humphrey is asking authority today to purchase the machine?

Mr. Humphrey said, "Lease/Purchase. We have excessive maintenance on the current equipment because of overrunning it."

Mr. Borries said he doesn't know who the Xerox representative is and he doesn't care. But Xerox is an American company and they have serviced this county for a long, long time. We're talking about a copier that is the main thing for the whole county.

Mr. Humphrey interjected that we are averaging about 76,000 copies per month. We've run 2,700,000 copies through the machine in 35 months.

Ms. McClintock queried Mr. Humphrey about the per copy cost.

Mr. Humphrey said it is a little over .0069 per copy charge over 50,000 copies per month--- there are other factors to be included, the toner, the paper, etc., -- so actually it is about 2 cents per copy plus the cost of the toner, etc.

Commissioner McClintock said she understands this is an important piece of equipment, Xerox is an American company, etc., but when we're looking at spending \$92,760 for a piece of equipment, she doesn't see any way that we can get around not bidding that on the open market.

Attorney John said he would like to read the Lease/Purchase Agreement. If the amount the County is going to be obligated for exceeds the statutory amount without bidding, then the County has to advertise and receive bids for the equipment.

Commissioner Borries said we are talking about 2.7 million copies here over a period of time, and we don't want something where we're going to get some false economy here -- and somebody is going to slide something in.

Auditor Humphrey said this also has an 800 line at no cost to the County attached to it. We can clear it out with an 800 number in Rochester to analyze the machine. It's an automatic diagnosis -- if there are any problems, they automatically notify their service department and they come in and correct the problem.

Commissioner Borries asked if this is the biggest Xerox machine, to which Mr. Humphrey responded negatively. He said there is one much, much bigger than this (even in this Series) down at the PIP Printers at 3rd & Main -- and it's not the biggest by a long run. If we get this piece of equipment, we can operate as we do currently with multiple users. We haven't had too many problems. If you get any bigger than this, then you should have a trained, dedicated operator. But one of the advantages of the Xerox is that any user can use the equipment. If we're down three days, we've got people lined up down the hall waiting to use the machine.

Occumed Proposals: Commissioner McClintock asked Mr. Mike Moade if he has had a chance to compare overall price -- to figure number of employees times type, etc.?

Mr. Moade said he has not.

Ms. McClintock asked whether he could figure current employees?

Mr. Moade asked if the physical is just for new employees?

Ms. McClintock said that is correct. She said the only annual that we would need regular employees on that is proposed is the Sheriff's Department.

Mr. Moade said he could do that one.

Ribbon Cutting Ceremonies, etc.: Ms. McClintock said she wants to attend as many things as she can insofar as meetings, ribbon cuttings, etc. But, unlike Shirley Jean Cox, she has a full time position, as does Mr. Borries. When she is called at 8:15 a.m. or 8:30 a.m. for a ribbon cutting that is happening two hours later, the likelihood of her being able to say 'Fine, I can go' are about 50-50. She told Greg Curtis when he called her that if he is going to call her two hours before an event -- he doesn't need to bother. This has happened on several occasions. If the other Commissioners sincerely want her to attend, she needs to make plans at least a couple of days in advance. Greg said we just wanted to go ahead and open the road. She told him, "Fine, go ahead and open the road -- and have the ribbon cutting next week -- that's a ceremonial kind of thing. Therefore, she would appreciate it if when these things are planned that the Board ask Burdette Park, Cletus Muensterman or whoever to notify the Commissioners more than a couple of hours in advance.

Commissioner Willner said he thought the ribbon-cutting was handled very well without Commissioner McClintock -- maybe not. He thinks we went ahead because the County was getting a lot of pressure, as was the State. It was Thanksgiving tomorrow and he thinks it was a matter of doing what the public wanted.

Commissioner McClintock said she understands -- she urged the other Commissioners please not to think she was suggesting that they not open the bridge. She doesn't want to be accused (as was the Governor) of having people held up on some drug program because he wanted his picture taken. But that's not the point -- and ribbon cuttings are not her big deal anyway. But there have been other things more important that she hasn't found about until too late -- and she personally would like to be notified a couple of days in advance.

Commissioner Willner said we have another one coming up on the Boonville-New Harmony Road -- but he can't tell her when it is.

Commissioner Willner requested that County Engineer Curtis give the Board as much lead time as possible on the aforementioned.

RE: CLAIMS

Commissioner Willner said it seems that one of the local Judges went to San Diego, CA for a national conference and the room was \$130.00 plus tax per night. He has meals for four (4) days at \$40.00 per day. Commissioner Willner said the County Auditor needs verification as to whether he should pay this bill. We allow \$24.00 per day per diem. He understands, however, that the Judge did have this money in his account for a training budget. So the money is there. The question the Board needs to answer is whether we pay per diem of \$40.00 per day rather than \$24.00 per day.

Auditor Humphrey said this is the first time he's run across this.

Ms. McClintock asked, "So heretofore everybody else has been paid the \$24.00 per diem per day?"

Mr. Humphrey said when he questioned the claim, the Judge said you can't eat in California for \$24.00 per day. (Auditor Humphrey said you can't eat in Indianapolis for \$24.00 per day!)

Continuing, Auditor Humphrey said under the current ordinance he cannot pay the \$40.00 per diem without the Commission's approval.

Commissioner McClintock said she will not sign the claim.

It was also noted the Chief Judge wouldn't sign the claim.

Commissioner Willner asked if he may take it by consensus that the Board will only approve the \$24.00 per diem? The other Commissioners agreed. Commissioner Willner asked that Auditor Humphrey so inform the Judge.

RE: SCHEDULED MEETINGS

Wed.	Nov. 29	2:00 p.m.	County Council (Personnel Committee)
		2:30 p.m.	County Council (Finance Committee)

RE: CLAIMS

Simons Governmental Services, Inc.: Mr. Willner said he has a claim from Simons in the amount of \$106,195.89. This is for 90% of retainage.

Auditor Humphrey asked if this is what the claim is for? They told him by telephone that it was the remainder of Pigeon Township's bill.

Commissioner Willner requested that Auditor Humphrey examine the claim.

Auditor Humphrey examined the claim and said it will be held. Simons is not finished and the claim will be held.

RE: EMPLOYMENT CHANGES

County Assessor (Releases)

Thomas Morrison	Bd. of Review	\$45.00/Day	Eff: 11/17/89
Terry Morrison	"	\$35.00/Day	Eff: 11/17/89
Paul Batts	"	\$45.00/Day	Eff: 11/17/89
Kristie Joest	"	\$35.00/Day	Eff: 11/17/89

Circuit Court (Appointments)

Jeffrey A. Larson	PTWR	\$5.00/Hr.	Eff: 11/6/89
Dennis Hudnall	PTWR	\$5.00/Hr.	Eff: 11/10/89

Circuit Court (Releases)

Katherine Baird	PT Recept.	\$5.50/Hr.	Eff: 11/17/89
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Knight Township Assessor (Appointments)

Michelle Allen	Deputy	\$35.00/Day	Eff: 11/15/89
Steven R. Folz	Deputy	\$35.00/Day	Eff: 11/21/89

Superior Court (Releases)

Brenda R. Glenn	Ct. Reporter	\$18,455/Yr.	Eff: 11/20/89
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Pigeon Township Assessor (Appointments)

Ronald R. Johnson	Part Time	\$35.00/Day	Eff: 11/20/89
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Pigeon Township Assessor (Releases)

Ronald R. Johnson	Coordinator	\$3,495/Yr.	Eff: 11/20/89
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Center Township Assessor (Appointments)

Alvin L. Stucki P/T Reassessment \$35.00/Day Eff: 11/27/89

Auditor (Appointments)

Kristie Joest Part Time \$35.00/Day Eff: 11/20/89

County Clerk (Appointments)

Ingrid Hemphill Dep. Clerk \$5.00/Hr. Eff: 11/20/89

RE: TRAVEL REQUEST

President Willner said he and County Engineer Greg Curtis need permission to travel to the Indiana Association of County Commissioners Convention in Indianapolis on Thursday and Friday of this week. He will be there in a dual capacity. We're trying to get the convention in Evansville this coming year. He is also President of the Southwest District of County Commissioners and needs to be there in that capacity. He needs permission to take a County car. Both he and Mr. Curtis have a place to stay.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved.

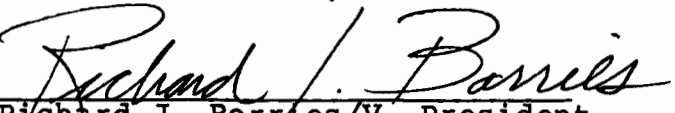
There being no further business to come before the Board, President Willner declared the meeting recessed at 3:30 p.m. with the announcement that the Drainage Board will convene immediately.

PRESENT:

Robert L. Willner/President
Richard J. Borries/Vice President
Carolyn McClintock/Member
Curt John/County Attorney
Sam Humphrey/County Auditor
Cletus Muensterman/County Highway Supt.
Greg Curtis/County Highway Engineer
Jeff Harlan/Attorney
Jerry Riney/Supt. County Bldgs.
Mike Moade/Intern
Susan Jeffries/Purchasing
Others (Unidentified)

SECRETARY: Joanne A. Matthews

Robert L. Willner, President


Richard J. Borries/V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 4, 1989

I N D E X

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Awarding of Bids/Liquid Asphalt, Guard Rails, End Sections & Aluminum Pipe..... (Awarded to J. H. Rudolph & Co./Liquid Asphalt) (Bids for other items to be taken under advisement and a recommendation made next week)	1
Bond Issue/Pat Tuley, County Treasurer.....	1
Community Focus Fund - Mike Robling/DMD..... (Mr. Robling to review and make a recommendation to the Board prior to March filing deadline for the second funding round)	2
Burdette Park/Mark Tuley..... Claim/Jerry Gillespie (Refund Approved) Financial Statement thru November 1989 Update/Master Plan Authorized Expenditure of \$3,000 for Master Plan Update Authorized Expenditure of \$3,500 for Hugh Eickeberger to conduct Study of Food Service Operations	3
Circuit Court/Safe House Program - Harris Howerton..... (Attorney Miller expanding the contract; Final Version of Contract re Anti-Drug Movie to be submitted for approval next week)	5
County Morgue - Charles Althaus..... Mr. Althaus authorized to obtain cost estimates for Secutiry System and specific items that have to be fabricated.)	5
Travel Request - County Coroner (Approved).....	7
Coliseum (Report to be given at a later date).....	7
Xerox Equipment Proposal..... Action Deferred until next week	7
Ordinance Amending Personnel Policy..... Final Reading advertised for December 18th @ 6:30 p.m.	8
Acceptance of Checks/Alexander Ambulance Lawsuit..... (Thomas Jarvis - \$10.00 (Two \$5.00 chcks)	11
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Request from Former County Engineer R. Andrew Easley.... (Attorney Miller to have information concerning insurance available either next week or the following week)	11
County Personnel Policy..... (Meeting with all County Employees Proposed to explain changes in policy and apprise them of goals for the New Year.)	11

Old Petersburg Place/Drainage Problems.....	12 & 15
(Attorney Miller authorized to write letter instructing individuals to remove structures; this is also to be included on the agenda at the next Drainage Board Meeting for record purposes)	
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County Highway - Cletus Muensterman.....	13
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County Engineer - Greg Curtis.....	13
Last Paving Contract - Paving Completed Widening of Eissler Rd., Boonville-New Harmony, and Inglefield, as well as intersection improvements at St. Joe and Laubscher Rd. scheduled for completion on December 15th. Vogel Rd. (east side) - Presentation to be made next week	
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(J. Riney to advise Roger Lehman of Mr. Joe Gamble's appointment so he, in turn, can so advise the Mayor)	
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Interactive Systems, Inc. (\$20,000) Bowers, Harrison, Kent & Miller (\$1,833.63)	
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MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 4, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, December 4, 1989, in the Commissioners Hearing Room, with Vice President Richard Borries presiding. (Commissioner Willner was not present because he was out of town.)

The meeting was called to order by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of December 4, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting proceeded with Commissioner Borries offering for sale the one (1) remaining parcel of surplus County-owned real estate at 808 Line Street.. There were no bidders and the sale will continue.

RE: AWARDING OF BIDS - LIQUID ASPHALT, GUARD RAILS, END SECTIONS & ALUMINUM PIPE

Commissioner Borries said bids were opened last week on the above mentioned.

Susan Jeffries of the Purchasing Department said they recommend that the Board award the bid for liquid asphalt to J. H. Rudolph & Co. and delay action on awarding of bid for guard rails, end sections and aluminum pipe. They are not certain they have bid the right items and they want to get with the County Engineer and the County Highway Superintendent to be sure that what was bid will meet their needs.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bid for liquid asphalt was awarded to J. H. Rudolph & Co. The bid for the other items will be delayed, as requested. So ordered.

RE: BOND ISSUE - PAT TULEY, COUNTY TREASURER

Mr. Tuley said that Public Financial Management, Inc. (PFM) put together specs and sent out requests for proposals from: Merchant's National Bank, Indiana National Bank, Bank One, Citizen's National Bank of Evansville, Old National Bank of Evansville, National City Bank of Evansville, and People's Bank of Evansville. He believes he gave the Commissioners copies of their recommendation and the designation of the Trustee, Paying Agent, and Registrar for the upcoming bond issue. Their recommendation was that one of two banks (Bank One of Indianapolis or Old National Bank of Evansville) be awarded that designation. PFM evaluated the proposals and based their recommendation on that. Then Mark Owen, President of the County Council, Sam Humphrey, County Auditor, and he went over the figures again and, based on those figures, they recommend that Old National Bank of Evansville be designated as the Trustee,

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Paying Agent, and Registrar. Old National Bank was not only a local bank but they were the lowest bidder.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Old National Bank was designated and hired as the Trustee, Paying Agent, and Registrar for the upcoming bond issue. So ordered.

RE: COMMUNITY FOCUS FUND - MIKE ROBLING

Commissioner Borries recognized Mike Robling of the Department of Metropolitan Development.

Mr. Robling said it is his understanding the Commissioners have some questions concerning the Department of Commerce's Community Focus Fund. This is the new name that they have given to the Community Block Grant small cities' program. This year they are calling it the Community Focus Fund. In response to query from Commissioner McClintock, Mr. Robling said that "Build Indiana Fund" is a separate matter. These are federal funds that are administered by the State Department of Commerce for areas of the state that are not cities of 50,000 or greater population. They intend to carry the program out in three (3) funding rounds this year. The first proposals were due on November 15th; the second will be mailed out around the first of the year, with proposals due around March 1st; and the proposals for the third round will be due on July 1st. They are establishing priorities for each of the three rounds. The first round was "Commercial Revitalization, Water & Sanitary Sewer Improvements, and Rural Development. The priorities for the second round are going to be Housing and Day Care. He doesn't believe they have announced the priorities for the third round. They will be accepting applications for any kind of eligible activity, but priority will be given to those subject matters identified. The program is like the city's block grant program; it still has to primarily benefit low and moderate income residents -- at least 51% of it. If you're looking at an area-wide project, you'd have to be able to justify that the population in the service area for that project was low and moderate income. If it were a type of project that had to have applications from individuals -- that was not tied to a geographic area -- then you could justify it based upon verified employment information, etc., from specific applicants.

They did inquire on behalf of the Commissioners about the possibility that some of the project behind the Coliseum might be fundable. The question had come up several years ago and they made application on the Commissioners' behalf for the funding of the Hillcrest-Washington Home. At that time they said they could not fund a project located within an entitlement city. They have since gotten new direction on that and they can fund a project located within an entitlement city provided it will primarily benefit persons who live outside the entitlement city. An example of this would be the infrastructure grant which the county got to assist with the AmeriQual lift station project, which will in essence be upgrading the Pfeiffer Rd. lift station in the city, but that is being done to provide capacity to the AmeriQual Foods project which is in the unincorporated areas of the county.

Commissioner McClintock asked if Mr. Robling can think of any project that we would have that would fit within these guidelines and priorities which would be worth pursuing at this point?

Mr. Robling said the first round of priorities are past us now. The second round -- year before last we did submit a preliminary application for a home repair program on behalf of the County which would have addressed emergency type code items on houses outside the city. That would meet the priority of the housing that is priority for the second round. With regard to the Day

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Care, he thinks there is sort of a slant that would somehow would be tied in to helping promote employment -- such as the Enterprize Zone Day Care Center here in the city.

Ms. McClintock asked if Mr. Robling has the application on file for the grant that was done for the housing rehab?

Mr. Robling said he believes they still have that.

Ms. McClintock asked if Mr. Robling will review this to determine if this is something we should consider pursuing prior to the March deadline? She then asked if he knows anything about the "Build Indiana Fund" or will he be receiving information on that?

Mr. Robling responded that he does not know anything about it or whether he will be receiving information. He thinks the Commission's friends in the Legislature might be the best source to talk to about this.

Commissioner Borries agreed. He said from what he gathers in talking to a couple of legislators, this is going to be "iffy" until next year -- calendar year 1991. There is supposed to be a portion of Lottery Revenue used for capital improvement projects -- such as roads and other things which would help assist local communities. But he is not sure at this time whether they are really accurate as to their projections. And because there seem to be so many groups wanting to compete and carve up some of those funds, there is really not much on it at this point. He thinks the Commissioners are asked to contact our Legislators if they have any kind of road projects that might at some point in the future qualify for those kinds of funds. But, again, the uncertainty is how much will be available and how the funds will be distributed is going to be interesting to see.

Commissioner McClintock said she talked to Marriann Kolb at length on Friday about the old public market on First Avenue. She indicated Mr. Robling had been working with them to some degree and sort of waiting to see what they wanted. Lo and behold, she received a letter in her mail at home on Friday from the Friends of Willard Library. Basically, they are asking whether there are going to be any kinds of funds available if they would, indeed, purchase this building from the City for \$1.00 -- what kinds of funds might be available to assist them in renovation of the building and continuing work on that building. Mariann indicated to her that they were kind of "on hold" waiting to hear from these folks. Therefore, she wonders if someone from DMD could contact them to see what kinds of grants might be available for something like this. The gentleman who addressed her was Bill McCutchan and he apparently works at Old National Bank.

RE: BURDETTE PARK - MARK TULEY

Claim/Jerry Gillespie: Mr. Tuley said the Gillespies stayed at the Burdette cottages this past summer. They rented all six (6) cottages and stayed all week. They had an illness in the family and had to depart early. They are not asking for the refund of all their money, but a portion of the unused days. They spent about \$2,000 with Burdette and the claim is for \$350.00. It looks like this is going to be a yearly event -- they come in from all over the country. If you prepay and leave early, the hotels always give a refund. He believes the Commissioners are the only ones allowed to give a refund (it is under their Judgments & Refunds account).

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved. So ordered.

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Financial Statement: Mr. Tuley proceeded by presenting a Financial Statement. Considering what he called a "terrible summer" with all the rain -- he thinks he has a good financial report. The beginning 1989 budget was \$1,102,026.69. The revenue picture for 1989 looks real good despite the rain. The pool was up at \$207,327,079. The rink thru November is \$47,885.79; Rentals of \$103,721.35; Miscellaneous Revenue is \$47,491.78 -- for a total of \$406,416.71. That is the first time Burdette has ever busted the \$400,000 level and he would anticipate that by the end of the year we'll be somewhere around \$425,000. (The City still owes them money for their softball program.) This would be about a 22% increase in revenue.

After capital improvements, etc., the deficit through November is \$193,127.37 compared to \$213,427,034 last year.

Ms. McClintock asked what percentage of that increase is reflected in the new revenue items at the park -- such as miniature golf?

Mr. Tuley responded that would actually come in under Miscellaneous Revenue and we get a percentage of that. Miscellaneous Revenue at this time last year was \$28,279.84 -- so it is up about \$20,000. It's starting to look a little better each year. He will have a complete financial report at the end of the year, with a breakdown on Miscellaneous Revenue. The Skating Rink is up almost \$18,000 over the same time last year and he would assume that is probably will be up to \$22,000 or \$23,000. Most of the revenue generated between now and the end of the year will be from the Skating Rink.

In response to query from Commissioner Borries concerning pool attendance this year, Mr. Tuley said it was 80,000. In 1988 we had 93,000 pool attendance. Had we had any kind of season at all -- the rainy season probably cost us around \$30,000 or \$40,000. He guesses the rain helped the farmers and hurt Burdette Park this year.

Update/Haraldson Study: It was noted by Mr. Tuley that he talked with each of the Commissioners earlier about updating the Haraldson Study. They contemplate the County taking over the operation of Food Concessions at Burdette -- and since the update from Haraldson they have discussed several proposals for new attractions for next year. They will be doing an evaluation of those and preparing a priority list for the Commissioners. They also will be setting fees for us. This year we had to go back and put on extra help, etc., so they need to re-evaluate some of their group sales. Haraldson will be assisting with that. Those costs obviously will be increased somewhat, because as the park continues to grow we're having to increase the staff -- so naturally those costs have to be passed on.

Ms. McClintock asked if Mr. Tuley has funding available for the update to the Master Plan?

Mr. Tuley said he appeared before the Council Finance Committee on Wednesday and they approved it. The final approval will be at the regular Council Meeting on Wednesday, subject to the Commissioners' approval at today's meeting. The amount for the MP Update is \$3,000 and the review of the food service operation is \$2,500, plus expenses. He doesn't anticipate the expense (travel and room during period consultant is in town) for the Consultant will exceed \$500.00. For the record, this is not through Haraldson. Haraldson recommended a fellow by the name of Hugh Eichenberger. He has an extensive record in food service -- he set up all the food service at Six Flags. He has worked with the Olympics -- and obviously is one of the leaders in the field. As per the proposal, he will be doing equipment layout recommendations, menu and pricing strategy, staffing, etc.

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Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the \$3,000.00 fee for Haraldson & Associates to update the Master Plan for Burdette Park. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, authorization was given for Hugh Eickeberger to conduct a study regarding the food service operations at Burdette Park, with the expenses not to exceed \$3,500. So ordered.

RE: SAFE HOUSE PROGRAM - HARRIS HOWERTON

Mr. Harrison Howerton was recognized and said that in November they asked for -- and the County Council appropriated -- \$18,000 so they could put together a little movie. The theme of that movie is "Anti-Drug" and involves a drama with young children. The drama depicts a young child with drug problems and they hope to reach the young people with that film. The monies they have appropriated are monies that are in the User's Fee Account. In other words, these are monies that are gathered from the people who are on the Drug & Alcohol Intense Supervision Program. These are not tax dollars. They are requesting that the Commissioners enter into a contract with Rainbow Productions to produce that film. It is their intention that this film be shown in the elementary schools throughout the State of Indiana.

Commissioner Borries said he thinks this is a fine undertaking and one that is critically needed. They certainly have his support and, if the Attorney agrees, he will ask for Commissioner McClintock's approval.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, subject to the Attorney's approval, the production of an Anti Drug movie by Rainbow Productions was approved by the Board.

Attorney Miller said he has no problems with the Contract Letter as far as it goes. But possibly other things should be included, such as who is going to be responsible for any accidents that occur on the set, who is going to be responsible for any payment to sub-contractors, etc. He will expand the contract and re-submit to the Commission for their approval and signatures.

Commissioner Borries said Attorney Miller will have the final version of the contract for approval at next week's meeting.

RE: COUNTY MORGUE - CHARLES ALTHAUS

The meeting continued with Commissioner Borries calling upon County Coroner Charles Althaus, who was present to discuss the County Morgue.

Mr. Althaus introduced himself and also Mr. Charlie Davis of the County Surveyor's office. The latter is the Chief Draftsman, and he prepared the drawings of the County Morgue. Mr. Althaus then shared the Plot Plat, which shows the building, the parking area, etc. He said he brought the plans for the Commissioners to keep and peruse at any time.

The second set of drawings is the elevation and construction of the exterior of the building they have designed. The building is brick veneer. Some areas of the Pathology Department on the interior are concrete block. The office area will all be drywall. Mr. Althaus said all of this has to be bid out. They've had a number of calls -- a brick manufacturer called them this morning.

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Mr. Althaus then proceeded to the third drawing, which is the floor plan. He pointed to designated areas for pathology, the decomposed area, etc. He said we've been very fortunate in that lay people and engineers through the City have helped us. Of the \$25,000 the Commission appropriated for the design, etc. they've only spent \$46.00, because we've been able to do most everything with our people. Bristol-Meyers let us have one of their engineers and he has proposed the type of walls that we need within the pathology department and the decomposed room. We had planned on using tile and he told us that Bristol-Meyer had used tile in their laboratory for many, many years. But now there is a new product out that you put up against a concrete block wall and you electroplate it on. He said it is a little higher, but in the long run it will save you money -- because if you hit it with cots, etc., it just springs right back out. Whereas if you had tile you would hit those things. In the mortuary business he knows how it is, because all of theirs are tile -- and they would hit it with cots and things would happen. The same is true in the decomposed room. In the pathologist stations -- these are the stations where they actually do their pathology work; and they are all stainless steel. We have designed the stations ourselves. Again, the engineer from Bristol-Meyers said they do all of their manufacturing in stainless steel and they said they are sorry they couldn't help us, because they do't have enough personnel to build these particular stations and it would take time. However, he did recommend a man locally. Mr. Althaus said he has not talked to any of these people yet, because he needs the Board's permission to obtain cost estimates. That would be for the stainless steel counter top, stainless steel tables, dissecting area, etc. In the lab they have stainless steel counter tops with 8 ft. cabinets underneath. We had planned on metal doors and the engineer said not to use steel doors because they will rust. They are coming back with a product we can use for doors, which we can seal in each one of the designated areas. In the decomposing room, beside the station shown, they have worked with the people in NASA and Charlie Davis has designed a hood that will go over the autopsy table for those people of contagious diseases and decomposed bodies. So, again, this will be made of glass or fiberglass -- and again we need to go on the outside. These are the things that will not be let in the bid for the entire construction of the building.

With regard to refrigeration, the decomposed refrigeration is separate from the regular refrigeration and we need to know how to get the temperatures turned down for freezing, etc., so they need to talk to a refrigeration engineer.

They are going to go for five (5) stainless steel carts, unless we find that the cost would be prohibitive. The carts normally used at the hospitals and funeral homes have casters on the bottom -- and they experience problems with these. He has asked Mr. Davis to design a table that would have the larger casters. Also, the tables that you get in the morgues at the hospital are stationery and they are all at one height. A 7 ft. man has to come way down and a 5 ft. 4 in. man has to get a stool to stand on. He has asked Mr. Davis to design this so these tables will be adjustable and lock right into the pathology system. There, again, that is one of the things we have to go on the outside to see what we can find. Other than these sort of things, basically we are ready to go to blueprint. But we don't want to go to blueprint until we have everything. We are still looking for a site and we should know the site shortly after the first of the year. If he is in the area he hopes it will be in, our brick will match what is in the area. It is anticipated the number of autopsies will increase. We are now into five (5) counties in Illinois and six (6) counties in Indiana. Two (2) counties in Illinois are going to pay us an annual fee to use this morgue.

Ms. McClintock commented that what Mr. Althaus is seeking today is permission to look for specific costs for those items that have to be fabricated.

Mr. Althaus confirmed that this is correct.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, permission was so granted. So ordered.

Mr. Althaus said he will keep the Board apprized as we progress -- and nothing will be entered into without the Board's permission.

Security System: Mr. Althaus said he also needs to obtain estimates on a Security System.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, permission was granted to obtain estimates on a Security System. So ordered.

Travel Request/Forensic Seminar: Mr. Althaus noted that in February the Forensic Science and Medical Examiners of Ohio are having a week's seminar and they are having one day of an engineer on building a new morgue. It costs \$60.00 for the one day. He is requesting permission to send Charles Davis and Rick Woods to this seminar -- with one (1) day and one (1) night, which would be their hotel room, gas, and \$120.00 for the seminar. He thinks it would be very advantageous to us for them to go and take our plans and let him look at our plans and see what he comes up with. It would be well worth the money.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, approval was given for Messrs. Davis and Woods to attend the aforementioned seminar. So ordered.

RE: COLISEUM

It was noted by Commissioner Borries that Mark Acker was here to give a report on the Coliseum. However, he had a conflict and had to leave -- and will give the report at a later date.

RE: XEROX EQUIPMENT PROPOSAL

Attorney Miller said their apparently was some question last week as to whether or not we are required to put the Xerox machine out for bids. Inasmuch as we are buying pursuant to a State of Indiana contract and we are simply taking advantage of the State of Indiana's purchasing power, he thinks this complies with the bidding procedures and the State Board of Accounts -- the real question is whether the Board wants to enter into an agreement for the next five (5) years for this machine before the expiration of the current agreement -- which has fifteen (15) months to run. The current agreement will be cancelled and the Commissioners will be committing the County for five (5) years. That, of course, is a very normal thing to do with equipment of this type. He thinks the question put to him was whether or not this had to be bid -- and the answer is that it has been bid on a State-wide basis. He sees no problem with this if the contract numbers for the State of Indiana agreement are set forth on the agreement. It works the same way with automobiles.

Ms. McClintock asked, "But we can, if we want to, bid our own automobiles and our own copy machines, or whatever?"

Attorney Miller said, "Yes, you can."

Ms. McClintock said she is not comfortable with that. She understands what the machine does, but she has nothing to compare it to. When she multiplies that price times 60 months, including the service, it comes out to \$92,000. She's never heard of anybody paying \$92,000 for a copier. But she doesn't buy big copiers all the time. And she is not going to -- and Rick can't do it by himself -- so this can go on next week's agenda -- but

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she is not going to make a motion or vote to approve that without some kind of comparison. She doesn't know anything about copiers and she can't take any action without knowing more about them.

Commissioner Borries said this will be deferred until next week.

Ms. McClintock said she thinks Commissioner Willner is willing to go ahead and vote for it -- he wanted to go ahead and entertain the motion last week.

RE: ORDINANCE AMENDING PERSONNEL POLICY - DAVID MILLER

Attorney Miller said he has in his hands what he hopes is the Final Draft of the Ordinance amending the Personnel Policy with respect to hourly employees and overtime and those kinds of things. He thinks because of the time table that we are facing, this probably needs to be treated as a First Reading today and advertised and the Board can give it their full consideration during the pendency period. He wants to tell the Board what he has done and why it has come down this way.

"We got into quite a little bit of research into the Fair Labor Standards Act because of this policy development. It was my initial impression -- and I believe that I reported to you -- that because of the decision in the San Antonio case by the Supreme Court of the United States several years ago -- it was my initial belief that comp time simply was not an option that was available to us anymore. You may not be able to believe this, but I was wrong. And the reason I was wrong is because after the Supreme Court said those things and said that comp time is not permitted for municipal employees Congress then did some adjusting to the statute and there are now statutes and regulations in effect which do permit comp time to a certain level. The comp time is permitted to the extent of 480 hours for public safety, emergency, and seasonal employees. Other employees of a County, in our case, are permitted -- if the County allows it -- to accumulate 240 hours of compensatory time off. Now, why they made a distinction between police, public safety employees, and others, I do not know. But it is there and so I have written this document taking that into account. (I'll give you copies of this so you can follow along.) There is nobody to blame for this but me, so if you find something in here you don't like, it can be amended as this consideration goes forward. But I want you to spend just a little time with me.

The work week is defined as what we all think of as a work week -- Monday through Friday -- eight (8) hours per day. Section 2.62 is amended to some extent to holidays -- and it says that an employee will be given credit for eight (8) hours of work on official holidays unless the employee is suspended or on leave. Again, the work week is defined as Monday through Friday, and the offices are to be open from 8:00 a.m. until 5:00 p.m. Within that framework, the office holders and individual department heads can move their employees' service time around so that they work eight (8) hours within that nine (9) hour period. Their lunch hours don't all have to be the same. You can theoretically have somebody working eight hours, taking one half hour lunch, and getting to work at 8:30 a.m. But you have to have the office open and employees there from 8:00 a.m. until 5:00 p.m.

Section III is lengthy and speak to Overtime policies. Section A of Section III (constituting a new section in our employee policy) speaks to the authorization by the County Council and the Board of Commissioners to the office holders for overtime work -- and this is placed in here at the request of primarily Messrs. Owen and Willner, who have discussed this with me, that the Council and the Commissioners should have some oversight and knowledge concerning when and under what circumstances overtime is going to be required. So there is a requirement of prior approval for overtime, except in emergency situations. And that is the purpose of sub-section A of this overtime policy.

Sub-section B simply says that Exempt employees don't get overtime and exempt employees are executive, administrative, supervisory, and professional personnel.

Non-Exempt employees are to be provided with overtime at the rate of 1-1/2 hours for every hour of recording that they work in any work week and then sub-section C says that, at the option of the County, the employee can be given cash or comp time.

Section D speaks to the compensatory time off banks. That language is essentially taken directly out of the regulations so as not to run afoul of the Fair Labor Standards Act.

Sub-section E speaks to at this time the Sheriff's Department alone. I believe the Sheriff's Department is the only Law Enforcement Agency in the County that would qualify as a law enforcement under the Fair Labor Standards Act. In any event, what it says is that the Sheriff and his employees do not have to comply with the work week concept. They have the option to have Tours of duty that can run up to twenty-eight (28) days, and within that 28 day Tour of Duty, the regulations provide for a maximum of 171 hours of work without the benefit of overtime. The Tour of Duty can be reduced, but then the amount of work required before overtime kicks in has to be proportionate and this, again, is straight out of the Fair Labor Standards Act regulations.

Finally, I have been wrestling with this time clock concept and it just didn't seem to me that time clocks were the answer and I spoke with the Consultant that the County Council has been using to do the study of the County's work force and I was provided with a State-approved Employee Attendance Form, which appears to be a very useful and good middle ground between nothing and this concept of time clocks. This section would require that the office holders and department heads distribute to their hourly non-exempt employees an Employee Attendance Report Form and there it is for everyone to see. The State of Indiana uses it and the State Board of Accounts approves of it. And this document would have to be prepared and signed by the employee, certifying to its truthfulness and then countersigned by the Supervisor -- and it would be on the basis of these attendance reports that the employee would be compensated; that overtime would be calculated. And, of course, when you sign and certify to something like this, you are saying that this is true. And if it isn't true, it obviously would be grounds for dismissal or other action. Therefore, I thought this was a good solution to the problem. I strongly recommend it to you. And I would ask you to have a First Reading of this today, have it advertised, and if you have questions and wish to change it, we can then amend it."

Commissioner McClintock said she likes the time sheet idea. Can we write into the policy (I don't think it has to be in the ordinance, but maybe it does) exactly what does happen to these employees if they do falsify their time sheet?

Attorney Miller responded, "I don't think you want to do that, because I think by doing that you limit your options rather than set them forth."

Ms. McClintock said, "But then we've got every department head doing every different thing again."

Attorney Miller said, "But there are other places in the employee policy that provide for suspension or termination based upon dishonesty and that kind of thing."

Ms. McClintock asked, "What about the County Garage?"

Attorney Miller responded, "Well, this would apply."

Ms. McClintock asked, "Has anybody talked to....?"

Attorney Miller interjected, "This does say however -- I believe I have it in here (I've been through so many drafts of this) -- No, we might add a sentence that says that the Commissioners can direct that one or more particular offices function on a time clock. (I had that in one draft.)"

Ms. McClintock said, "Oh, I'm not worried about the time clock. Currently they are working from 7:00 a.m. to 3:00 p.m. Their hours are different from those in the Civic Center -- and I believe that is set up by contract, David."

Attorney Miller said, "Yes, there is a contract."

Ms. McClintock said, "They have a time clock, don't they?"

Attorney Miller said, "I really just didn't think of that, but I suppose that we can provide exceptions in a new section."

Ms. McClintock commented, "They are under a separate labor contract. Their hours, etc., that is all spelled out in the contract, isn't it?"

Mr. Muensterman, County Highway Superintendent, confirmed this is correct and Attorney Miller concurred. Mr. Muensterman then queried Attorney Miller concerning those Supervisors who are called out at night on the beeper system -- B Foreman -- which changes off every week. Right now they get compensatory time for that.

Mr. Borries said, "They could be under part B, where it says by reason of their duties as Executive, Administrative, Supervisory, or Professional -- "

Attorney Miller interjected, "Cletus, we'll have to address individual situations individually, and we are going to have a meeting. I think there is hope that there is going to be a meeting sometime in the next 10 days to two weeks with all the Department Heads. If the Commissioners approve this today on First Reading, then we are going to distribute this to all the Department Heads, have a meeting and get comments and take questions and see what kinds of problems we yet have to deal with. We had to get something going and my recommendation is that this be the framework and then we may have to make exceptions and do special things for special circumstances."

Commissioner Borries expressed appreciation to Attorney Miller for his work on this, saying it gets pretty tedious and there are lots of ramifications here. It is a rather significant change, he thinks, in several areas.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Ordinance amending the County Personnel Policy was approved on First Reading and authorization given to advertise same for Final Reading. So ordered.

County Auditor Humphrey said that under section III (bottom of Page 1) there is authority for an office holder to spend \$200 per office for overtime, as he reads it. Is that correct?

Attorney Miller said, "Well, that concept is -- you never know when you're going to need some emergency overtime -- and in order to give the office holder some degree of discretion, but in order to give the Council and the Commissioners some feel for how much is being spent, any office holder under this section can come in and say 'I would like that \$200 of authority; I don't need it right now, but if I need it I want to have that authority' -- and they say, 'Fine, you've got \$200 worth of authority. Now, before

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you go using up \$2,000 worth of overtime, you've got to come back and say 'I'm going to need \$2,000 worth of overtime'. But as long as you have this \$200 worth of authority, until you've spent that \$200 you don't have to do anything else."

Auditor Humphrey said, "I'm just trying to address something in advance. I haven't experienced it, but every other Auditor that has experienced reassessment tells me that there are just hours and hours of time that are consumed by the whole office."

Attorney Miller said, "When you see it coming -- this section says when the Auditor sees it coming, come in here and tell the Commissioners and they ask how much time you are going to need. You say, 'I think I'm going to need \$10,000 of overtime' and they ask why, and you say why -- and they say okay."

Mr. Humphrey said we've never had this problem before because they've never had an hourly rate before.

Attorney Miller said, "I understand -- but now they do have."

RE: ACCEPTANCE OF CHECKS

Attorney Miller submitted two (2) checks in the amount of \$5.00 each (or a total of \$10.00) for Thomas Jarvis with respect to the Alexander Ambulance Lawsuit Collections.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the checks were accepted, endorsed, and given to the Secretary to be deposited into the County General Fund. So ordered.

RE: BOND ISSUE

Attorney Miller reported that the Special Revenue Tax Bond Issue is moving forward toward a closing very soon. We've received what he believes to be the final printed copy of the preliminary official statement. If everything goes well, there will be a closing within the next two weeks and the bond issue will be under way. They're working hard on that.

RE: REQUEST FROM FORMER COUNTY ENGINEER ANDY EASLEY

Commissioner McClintock asked whether Attorney Miller has had an opportunity to obtain the information with regard to Mr. Easley's request.

Attorney Miller said he has not and apologized.

Ms. McClintock then asked if he will have the information available either next week or the following week.

Attorney Miller said that until he gets to his notes, he has even forgotten what it was -- insurance?

Ms. McClintock said that is correct.

Mr. Miller said he can do this; all he has to do is remember to get it.

Ms. McClintock said that apparently Mr. Easley is calling Councilmen and they are calling the Commissioners.

RE: COUNTY PERSONNEL POLICY

Commissioner McClintock said the amended Personnel Policy is going to be a fairly major change that affects all of the employees in the County one way or another. We've sent the Y.M.C.A. proposal which affects county employees and we're going to talk about the OccuMed program today. What she would like to

December 4, 1989

see us do -- once this Ordinance is passed and some of these other decisions have been made, a meeting be set up with all County employees sometime in January -- perhaps some Friday afternoon an hour before they are supposed to be off -- and go through all of these changes and give them an opportunity to ask any questions that they might have first hand. Sometimes when that information shifts down a little bit gets lost. This would give the Commissioners an opportunity to talk to them about the coming year and what we would like to see happen in the County. She thinks it would be appropriate to do it at this time of year after we get the ordinances resolved, etc..

Attorney Miller said he is certain there will be questions.

RE: DRAINAGE - OLD PETERSBURG PLACE

Ms. McClintock said the Commissioners were going to determine whether we could indeed -- she believes Attorney Curt John was at the meeting and said he was going to refer the matter to Attorney Miller --

Commissioner Borries said this involves a dispute re a drainage easement and residents, some of whom have piped an area, --

Ms. McClintock interrupted by saying she is handing Attorney Miller a copy of the Drainage Ordinance, copies of minutes, etc. The Commissioners said they couldn't do anything until the County Attorneys tell them what they can do legally.

Attorney Miller said he will peruse the information.

RE: ORDINANCE AMENDING TITLE VII RELATING TO SPEED LIMITS ON CERTAIN ROADS

The meeting continued with Commissioner Borries presenting a Notice of First and Final Readings of an Ordinance Amending Title VII, Traffic Code, as follows:

ORDINANCE AMENDING TITLE VII,
TRAFFIC CODE, CHAPTER 72 TRAFFIC SCHEDULES,
RELATING TO SPEED LIMITS ON CERTAIN STREETS

BE IT ORDAINED BY THE BOARD OF COMMISSIONER OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

Section 1. Schedule I (Speed Limits) of Chapter 72, Title VII (Traffic Code), of the Vanderburgh County Code is amended as follows:

(a) Darmstadt Rd. The speed limit on Darmstadt Road is changed as follows:

<u>STREET</u>	<u>FROM: BETWEEN</u>	<u>SPEED LIMIT</u>
Darmstadt Rd.	Evansville City Limits to intersection with Mohr Road.	35 miles per hour
	from intersection with Mohr Road to Darmstadt City Limits	35 miles per hour

(b) Noldau Avenue. The speed limit is established on the following street:

<u>STREET</u>	<u>FROM; BETWEEN</u>	<u>SPEED LIMIT</u>
Noldau Avenue	All	20 miles per hour

Section 2. Except as expressly modified herein, all other provisions of said Schedule I shall remain in full force and effect.

PASSED on First Reading this 4th day of December, 1989.

PASSED on Final Reading this _____ day _____, 1989.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

BY: Robert L. Willner, President
Richard J. Borries, V. President
Carolyn McClintock, Member

ATTEST:

Sam Humphrey, Auditor
Vanderburgh County

APPROVED AS TO LEGAL FORM:

David V. Miller
County Attorney

Upon motion made by Commissioner McClintock, the foregoing Ordinance was approved on First Reading and authorization given to advertise the Ordinance for Final Reading. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said he had submitted his Weekly Work Reports and Absentee Reports for the County Garage and the Bridge Crew.....reports received and filed.

Commissioner Borries said that on behalf of several bus drivers he wants to express appreciation to the County Highway for work done on some unpaved roads so that some of the buses in Union Township could pick up children through the winter months. The grading that was done is greatly appreciated.

Mr. Muensterman said they are still down there; they have a couple of more roads to finish.

Short Petersburg Rd.: Mr. Muensterman said that Mr. Borries had queried him about Short Petersburg Rd. the other day. They dug that out the next day and rocked it and put the first base coat on it. He doesn't know whether they finished it this past weekend or not -- he hasn't been there since then.

Nurrenbern Rd. & Red Bank Rd.: Ms. McClintock said they did get the 90 degree angle turn signs up in this area and they look good.

RE: COUNTY ENGINEER - GREG CURTIS

Mr. Curtis said he has nothing to report except with regard to the last paving contract. The paving has been completed. The widening project is not yet finished, but they are going to be reviewing other roads. There was some work they felt was not done to the standards specified in the contract and they are going to meet on that. But insofar as all of the actual paving under the contract, the paving is done. The deadline on the widening for Eissler Road, Boonville-New Harmony, and Inglefield Road, as well as the St. Joe Avenue and Laubscher Rd. intersection improvements is December 15th and they anticipate this will be sufficient time for that work to be completed.

Ms. McClintock asked if we will get Vogel Road next week?

Mr. Curtis confirmed that next week there will be a presentation to do with Vogel Road -- out on the east side.

RE: NEW BUSINESS

Commissioner Borries entertained matters of new business for discussion and there were none.

RE: OLD BUSINESS

OccuMed Proposals: Mr. Borries said the Board has proposals on the OccuMed Program and asked if Commissioner McClintock has comments at this time.

Commissioner McClintock said she thinks Mike Moade should present the information, because he is the one who did the majority of the work on this program.

Mr. Moade said he made a revision this week, which he placed on each of the Commissioner's desks, with regard to the 139 law enforcement employees' annual health screening.

Under the Emergency Room (Welborn) there is another revision -- it's a \$38.00 average.

Mr. Moade said representatives from both Welborn and St. Mary's are present (Mary Ann Sturges and Maureen O'Connor, respectively) if the Commissioners have specific questions. Other than that, he hopes the information provided is self-explanatory.

Ms. McClintock raised a question under Pre-Placement Physical. What we're showing here is that for each union employee we would want to hire -- they would go through this physical examination.

Mr. Moade said this is correct.

Ms. McClintock said we have no idea how many we might hire. And the Sheriff's Department? This is something that both institutions recommend we do every year -- or just pre-placement?

Mr. Moade said, "No, that is also pre-placement." It was noted that this is currently payed for by the applicant.

Ms. McClintock asked, "On the annual health screening, St. Mary's wasn't interested in submitting something for that? They could do that? Or what?"

Ms. Maureen O'Connor stated, "I think the way the letter was addressed, it was for each institution to state what they saw as an adequate program -- and the program could range from basic prevention and initial up front to the extreme gamet of prevention, which both institutions could do. Our initial proposal did not include that, but it certainly is something that could be addressed if necessary."

Commissioner Borries said, "Since we don't have money allocated for this -- it originally was brought about by some conversations and contacts made with our office -- it does seem, in terms of new employees, a sensible place to start. However, we are not budgeted for this and we'd have to seek County Council approval. I would like to know -- perhaps both of you (Welborn and St. Mary's) could concur on this -- what would be basic if we were going to start a program? And then where would we go from there? Because, frankly, some of this is going to be so difficult to assess on a per item basis, that it is going to take a long time to figure out what would be the most cost effective if, in fact, we would even want to do that. I'm not sure now that we have two proposals, if your insurance were different and you wanted to go somewhere that you shouldn't have that right. But, be that as it may, what is basic? Then where would we go from there? Would you say that the pre-placement physical is the basic?"

Both Ms. O'Connor (St. Mary's Hospital) and Ms. Sturges (Welborn Hospital) offered comments, following which it was determined that the Commissioners will peruse the information provided and if both institutions wish to provide the Board with additional information in an effort to help them decide what they want to do -- it would be appreciated.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the OccuMed proposals are to be taken under advisement and a recommendation made at the Commission Meeting on Tuesday, January 2nd at 2:30 p.m.

RE: OLD PETERSBURG PLACE

Commissioner McClintock said she just talked with Attorney Miller, who had reviewed the information on Old Petersburg Place. He advises that absolutely the Commissioners can tell those people to take the pipe out, since they are in violation of the drainage plan approved.. Therefore, the Board needs to authorize Attorney Miller to write a letter notifying them they are in violation of the drainage plan and their neighbors are complaining. The next step would be to look at what is left and then get Mr. Garrison to go back in and make some revisions.

Commissioner Borries said he is afraid we've opened up some very, very expensive grounds. We are not prepared to go into every subdivision at this point -- because if we make that decision in one case, then we're opening up a whole new ball game, which he doesn't think County forces are prepared to do. He will agree to what Commissioner McClintock said, because he doesn't believe those structures should be in that swale.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Attorney Miller was authorized to write the letter directing that the structures be removed.

Commissioner Borries requested that this also be brought up at the next Drainage Board Meeting so it can be entered into the records of the Drainage Board.

RE: CIVIL DEFENSE ADVISORY BOARD

Ms. McClintock said that when the Commissioners initially discussed the Civil Defense Advisory Board, they had indicated the County felt it important to have some Emergency Medical person on that board -- and she is assuming the Mayor just didn't get the second message. They've had a meeting and...

Commissioner Borries said they did have a meeting and he was there. Mr. Gamble was not there -- but he is not sure he has ever been contacted.

Ms. McClintock said she doesn't believe he was ever notified. She said the Commissioners had just received a letter from the Governor on the same subject -- and this served as a reminder. What does the Board do to get the Mayor the message?

Commissioner Borries said a letter from the Commissioners' office to the Mayor will be written. Roger Lehman, Building Commissioner, will be the Active Chairman -- and Mr. Riney can let him know and Mr. Lehman can let the Mayor know. The Board has been organized and Roger Lehman has been chosen as the Active Chairman.

RE: BOARD OF REVIEW

Commissioner McClintock noted she has two memos from the Assessor's office advising they do not have any money for the Board of Review. Will the Commissioners put that on next week's agenda?

Commissioner Borries said he is not sure they are meeting right now. It is too late to get it on the 1989 Council agenda. Council meets tomorrow and the Commissioners are not on the agenda. If the Board of Review is not meeting, we are not going to pay them.

RE: COUNTY APPOINTMENTS

Convention & Visitors Bureau: Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Messrs. Thomas L. Plain and Ira Neal were re-appointed to serve. So ordered.

Alcoholic Beverage Commission: Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Bert Reed was re-appointed to serve. So ordered.

Library Board of Trustees: Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Ms. LaNelle Brenner was re-appointed to serve. So ordered.

Area Plan Commission: Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Ms. Carolyn McClintock was re-appointed to serve on the Area Plan Commission. So ordered.

RE: ACCEPTANCE OF CHECK

Orthopaedic Associates, Inc.: Mr. Borries presented a check in the amount of \$27.00 (refund on Delbert Pinkston). Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the check was accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

RE: SCHEDULED MEETINGS

Wed.	Dec. 6	2:30 p.m.	County Council Meeting
		6:00 p.m.	Area Plan Commission
Thurs.	Dec. 7	10:00 a.m.	EUTS Technical Committee
		4:00 p.m.	EUTS Policy Committee

RE: CLAIMS

Interactive Systems, Inc.: Claim in the amount of \$20,000 for computer software.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

Bowers, Harrison, Kent & Miller: A claim was presented in the amount of \$1,833.63 for legal services with regard to several cases.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

RE: EMPLOYMENT CHANGES

County Highway (Appointments)

Wm. Lee Higgs Road Foreman \$15,675/Yr. Eff: 11/20/89

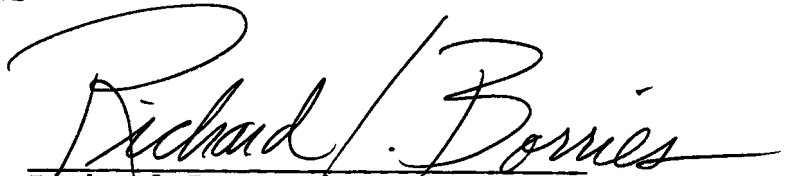
There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 4:30 p.m.

PRESENT:

Richard J. Borries, Vice President
Carolyn McClintock, Member
Sam Humphrey, County Auditor
David V. Miller, County Attorney
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Superintendent
Pat Tuley, County Treasurer
Susan Jeffries, Purchasing Department
Mike Robling, DMD
Mark Tuley, Burdette Park
Charles Althaus, County Coroner
Harris Howerton, Vanderburgh Circuit Court
Maureen O'Conner, St. Mary's Hospital
Mary Ann Sturges/Welborn Hospital
Others (Unidentified)
News Media

ABSENT: Robert L. Willner, President

SECRETARY: Joanne A. Matthews


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 11, 1989

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MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 11, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, December 11, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

The meeting was called to order by President Willner, who subsequently entertained a motion for approval of minutes for the meeting held on December 4, 1989.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS RE STRIPING & OTHER
TRAFFIC SAFETY CONTROL IMPROVEMENTS AT ST. JOE &
ALLEN'S LANE & OAK GROVE ROAD IMPROVEMENTS

The Chair then entertained motion authorizing County Attorney John to open the above-mentioned bids.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Attorney was authorized to open the bids. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting proceeded with Commissioner Willner offering for sale the one (1) remaining parcel of County-owned surplus real estate at 808 Line Street. There were no bids.

Commissioner Willner asked Attorney John if there is any need to continue to offering this parcel?

Attorney John responded that he does not believe the Commissioners have to offer the property each week. In response to query from Commissioner Willner as to how often they Board needs to offer the property, Attorney John said it can always be available in the event someone does want to bid on it -- but they do not have to try to sell it every week -- just have it available for sale.

RE: LOCAL EMERGENCY PLANNING COMMITTEE

The meeting continued with Commissioner Willner recognizing Ms. Joan Shelton, Chairman of the Local Emergency Planning Committee. She said when thousands of people died in India as the result of a major chemical spill, the U. S. Congress addressed that possibility here and they passed a new Federal Law called SARA Title III and it mandates communities nationwide to plan for the possibility of a major chemical spill in your community. "You did that; you responded to the State Emergency Response Commission, appointed a Committee, and the Evansville Fire Chief (Doug Wilcox) chaired it in 1989-1988, with the result that a plan was prepared and submitted in October 1988. The Chairmanship of the Committee was then delegated to Civil Defense Director Fred Hermann, and subsequently, when Mr. Hermann left the employ of the City-County office, the Chairmanship of the Committee was vacant until you appointed me in the late summer of this year. We've been meeting all fall, supported by

Margie Meeks. But this is where we are now. This is an ongoing responsibility of this community -- to have the plan reviewed by the State. We have had that done this fall. And, major revision is now in order. This will be a Federally-mandated requirement for the indefinite future four to five or more years. And with the cooperation of your office progress has been made. But there is still a great deal more that we have to do. Therefore, I've brought with me the handouts so you may look at those at your leisure. I've also brought with me two members of the Committee who wanted to come and express their concerns to you. Mr. Dick Kuhn from Pro-Tex-All, who is the Chamber of Commerce representative to this Committee; and Dr. Dick Hagen, Manager of Environmental Affairs for Bristol-Meyers. They, too, have a brief handout and statement to give to you."

Mr. Dick Kuhn, the Chamber of Commerce Small Business Representative, introduced himself and said his job is to share with the Commissioners the urgency and the importance to our community of this L.E.P.C. "Just last week a local mobile home company had a devastating fire which had the potential of being a disaster. Over a dozen 55-gallon drums of an acid-based product were involved. In another scenario they could have burst and the fumes could have created another Bopal, India scene affecting not just the fire responders but also the neighbors for blocks or even miles around. The L.E.P.C. Federal mandate is to insure that our community is aware of the chemicals stored and used in local business and to be prepared for the potential of a chemical spill or an accident of this type. In the past two years local businesses have strongly supported the concept of local registration of chemical inventories. The Evansville L.E.P.A. has received the Federally-mandated reports from over 100 local businesses, who are responsibly using acids, preservatives, solvents, herbicides, photo developers, fertilizers, disinfectants, and other potentially hazardous chemicals. Almost to a one local business has made a major financial commitment to chemical safety and responsibility. But there are still too many local businesses like the one who got caught in last week's fire who haven't been concerned for their employees and their neighbors. As Matt Timmel, the EMS Fire Department Chief, so appropriately put it, the business owner didn't know the chemical was considered hazardous and, moreover, didn't know he needed to report this hazardous chemical inventory to local government. This business owner doesn't read the Federal Register, so he wasn't aware of the Federal reporting law. He doesn't have a professional environmental engineer on staff in his business, and maybe he isn't aware of how essential it is to all of us in the community that he responsibly manage his chemical inventory. That is our job with the L.E.P.C. In the spirit of cooperation, the L.E.P.C. will work with business. Our mandate isn't to be an enforcement agency, it is to inform the public of their responsibility and assist them in complying. The Chamber of Commerce strongly supports this effort. Since this is a Federal law, there are corresponding L.E.P.C.'s throughout the country. This becomes an economic development issue. Businesses looking to relocate to Vanderburgh County will soon want to know how well organized our community is to handle any potential chemical emergency. Business wants to minimize any problems associated with chemicals and their handling. But when an accident does occur -- and it will -- and it has -- they want their in-house professionals to interface with trained, organized, well-coordinated public professionals. If we are not prepared at the local level to provide this public service, this will be a dis-incentive to companies locating in Vanderburgh County. This becomes a dual credibility and liability issue. Our hope is that we will seldom need to utilize the L.E.P.C.'s field skills, but last week's fire is an example of how lucky we've been. If we're not prepared, maybe next time we won't be as fortunate. And not only will the business receive a black eye, but the community as well. Thank you."

Mr. Dick Hagen of Bristol-Meyer then introduced himself. He said, "I represent a somewhat different perspective. I completely concur with what has been said so far with respect to the importance of this committee -- and that is why we're here. It is something that those of us on the committee do feel our responsibility and do feel very strongly that this needs to be done right. On the last page of the handout that Joan gave you is a chart which shows the various kinds of reportings that industry folks are making under this Right to Know Law. And the point is not to talk about the chemicals, but speaking from my perspective of being on the business side of this thing, I know about the clerical work, the paperwork, all the various kinds of segregation and separation and filings that have to go on. The same kinds of important efforts have to take place on the other end -- at the Committee end -- the parts that this Commission and this community is responsible for. This local emergency planning for chemical emergencies is an active, ongoing thing. We in industry all put out a report every March; and any other time a new chemical might come on the premises we are obligated to -- and do willingly -- notify the local authorities. But somebody has to do something with that -- update the emergency plan, make the appropriate information available to the public (which is required under the law), and the like. So my point is that it is very active; it is ongoing; it is not something you do once and set it aside. Dick Kuhn stole some of my story about the Friday spill, so I won't do that again. But I did want to leave a very specific request with the Commissioners for their reference. In order to make this really work and work right, we need to do a couple of major things:

- 1) We need to have a Community Emergency Coordinator appointed. That is required by the law. Joan serves as Chairman of the Committee -- and that is in terms of the planning process. In terms of an actual emergency process where there might be community-wide implications, someone needs to coordinate that with State, Federal, and Local Officials and local groups. We believe -- and this is a consensus from the Committee -- that the Director of the Civil Defense should act in that capacity. So that is our first proposition -- to ask for your action and endorsement of that concept.
- 2) Second on the list is to establish the Civil Defense Office as the official home or official address for the Committee. When I fill out my forms, where do I send them? We believe this is where they should go. The L.E.P.C. then needs to have office equipment, files, supplies -- which we again believe should be in the Civil Defense Office. Joan needs a desk to work at -- in other words, a work station; and the Committee needs access to clerical support -- someone to help with the typing, filing, and the usual correspondence types of things. We really need this now, because it is ongoing -- it is moving. With Joan's energy that she is putting into it, things are happening -- so we've got to keep this going. We'd like to get your commitment on these items at this time.

Finally -- and we don't need to get specific action on this, because I can't give you an exact quote -- or you have a normal budgeting process -- but I want to highlight that in order to do a good emergency plan -- we need to have a McIntosh computer, the kind with a mouse. And it's only a McIntosh -- the IBM's won't work -- to have a McIntosh with this EPA software. Some people say the best thing to come out of the EPA in Washington was this so-called Cameo software, which allows emergency responders the technical capability to project where a chemical plume like a Bopol or something might go. Now we hope that doesn't happen. But we do have a lot of trucks and trains that move through the community from time to time; there are even barges on the river.

It could happen. That is the way most emergency committees are going. I've done a survey across the country on these and most committees are trying to get these McIntosh Cameo Systems, because it really is helpful. A lot of this data that Joan will have in the files should really be on this Cameo software. We can help automate that office and do this in a first-class sort of way. So that is the proposition. We'd like to ask for your endorsement and action today. Thank you."

Commissioner Willner entertained questions of the three speakers.

Commissioner Borries stated that the Civil Defense Advisory Council is reorganized and ongoing.

Ms. Shelton said that Roger Lehman is the Chairman of the Civil Defense Council, four (4) of which are appointed by the Mayor and three (3) by the Commissioners. There is no Civil Defense Director per se. They are working diligently -- they have a Personnel Committee committed to finding someone just as quickly as they possibly can. "But you know that in order to get someone with some technical experience, someone who knows how to handle vastly expanded emergency response, we're going to need someone with some technical experience. I think they will probably be advertising that by the end of this month, hoping to have a new Civil Defense Director by mid-January -- perhaps the first of February at the latest."

Ms. McClintock said she is confused as to exactly what they are asking the Commissioners to do, because they can't even do the thing at the top of the list.

Ms. Shelton said they want the Commissioners' support.

Commissioner Willner commented, "Just as soon as the Civil Defense Board appoints their Director, we may also appoint him as Director as the Community Emergency Coordination person."

Ms. Shelton continued, "What we need, as you can see from the rest of the list, is a place. And I'm perfectly happy to continue working as Chairperson, as you know. But you really can't run something as important as this out of your house. Margie has been great; Christine Terry down in EPA has helped; the Fire Department is still helping. But we want to establish our presence immediately in that Civil Defense Office, so when the new person comes on he will understand that this is a major part of his responsibility."

Mr. Hagen said that perhaps it would have been better to include that as part of the job description. Actually, there is not a person in this slot; but there is a job description.

Ms. Shelton said they understand there is a clerical person there already -- that there is a secretary in that office -- but that office remains locked.

Ms. McClintock asked, "This is the office that used to exist and still does exist in the basement?"

Ms. Shelton said, "Exactly; it is a large facility and certainly one that should not be locked and left unused at this time."

Commissioner Borries asked, "Where is the clerical person now?"

Ms. Shelton said it is her understanding that it was advertised for and that she was hired within the last month. The other thing is, we have to get this under way soon. We have already passed the October 31 date for the revision of this year's plan. There wasn't any way we could meet that when I came on in September. We have had it reviewed by the State and the State has reviewed our plan and they are going to give us plenty of

leeway, because we were without a Chairman for five or six months before she came on board. So, basically she is asking the Commissioners to find a place for them as quickly as they possibly can.

Commissioner Borries asked if Ms. Shelton has talked with the Mayor at all?

Ms. Shelton said she plans to see the Mayor immediately after she talks with the Commissioners. She came to them first because the County is the elected official of record. "You were directly responsible for an appointed Committee."

Ms. McClintock asked if it would be all right for the Commissioners to have a week -- to find out about the Secretary and look into the space, and lay that ground work and get back with Ms. Shelton next week? The Board can discuss it at the December 18th meeting and get back to Ms. Shelton next Tuesday. She doesn't think the members of the Committee necessarily need to come back to the night meeting.

Commissioner Borries said he would certainly support the concept and the plan. To him it is very logical to have areas here which could, as the Commissioners have heard, involve a hazard or a disaster in the logical place -- which is what Civil Defense has to do in their planning. So he certainly doesn't have any problem with it. He thinks this tends to avoid a lot of confusion as to where communication is to be focused.

Ms. Shelton said she is sure the Commissioners all know that the FEMA funds come through the State and the Civil Defense funds come in from the State -- and so they do support that office with partial support of the salary of that Director. The Board should take that into consideration. The State does partially fund the salary of the Civil Defense Director -- if the Board is worrying at all about funds.

Mr. Borries asked if the members of the Committee present know whether other communities are doing it in this same way?

Ms. Shelton said most of them are working out of the Civil Defense office.

Commissioner McClintock asked, "And you're sure this McIntosh is the only computer that the software works on?"

Ms. Shelton and Mr. Hagen simultaneously responded, "Unfortunately". Mr. Hagen said he doesn't have one either and it only cost a 25 cent stamp to obtain the software -- but you have to get the computer. In response to query from Commissioner McClintock regarding cost of the McIntosh computer, Mr. Hagen said it is somewhere around \$7,000 to \$8,000 -- maybe less. In making one other point, Mr. Hagen said there must be, according to this law, a Community Emergency Coordinator. You have to have one -- and this Committee has met numerous times and talked about how to go about organizing -- and this is the consensus. It is not a controversial thing. We do, by the way, have some money of our own (the Indiana Department of Environmental Management) and what we would propose is that some or all of that would be used to assist in funding the Civil Defense Director's salary -- or however; but that would certainly be a logical way to spend some of the money.

Commissioner McClintock asked if there is a concern about the salary level at this point -- does Mr. Hagen know what the range is?

Ms. Shelton said if you're going to go full time, you should surely start at no less than \$25,000 on up. This is the third largest city in the State of Indiana.

Mr. Hagen said this is one of those situations where you don't need that person until you need that person -- and when you do it's too late to train someone at that time.

Commissioner McClintock expressed appreciation to the three representatives for all of their hard work.

Commissioner Borries said they certainly have his support.

RE: VETERAN'S MEMORIAL COLISEUM

The meeting continued with Commissioner Willner calling upon Mark Acker for a report on the Coliseum.

Mr. Acker said that, as discussed earlier, the Veteran's Council was to come in periodically to update the Board on current affairs and the status of the restoration project. At the present time they have completed about 80% of the interior painting and restoration that we hope to accomplish. They hope to finish this by May of 1990. There are a couple of rooms that will require an expert's advice to bring the rooms back to their original look. He did provide a calendar of events at the last meeting for the Board's perusal for period of January 1989 to March 1990 showing the various events that have signed into the building for which they have contracts. That even further extends now for the 1990 season. He will go back and give the highlights. For 1988 there were 40 events and in 1989 they had 72 events. Right now on contracts they have 137 events lined up for the Coliseum which in their projection for revenue and rentals and concessions will be approximately \$108,000 for 1990. He also included an Operating Expense Sheet. A year to date (from January 1 thru November 30, 1989) operating revenues were \$53,541.73 and outlay was \$56,736.44, with a deficit right now of \$3,194. When they took over the building and changed management they had a deficit of \$20,000. They hope to close out the books this year dead even. They are trying to put the monies back into the building and a year to date we've put \$22,291.36 into the restoration project. This sounds menial but it really isn't. That is all for just materials; all the labor has been provided by the Safe House through the Jobs program and without their expertise and help it would probably have been \$100,000. Labor is normally the highest cost factor -- not the materials. They also just had the boiler acidized, some new plumbing installed and plumbing repairs. Mr. Acker said he will try to keep the Board advised quarterly as to what is going on.

Commissioner McClintock said she went over to the Coliseum a week and a half ago and met with Mr. Echols of Bristol-Meyers and they have agreed to go ahead and fund the cost for a consultant to come in and look at that organ and give us an estimate on how it can be repaired, in what stages, and a cost estimate. So this is moving along well.

Mr. Acker continued by saying that the West Side Nut Club has generously donated funds for the repair and stripping and refinishing of the large floor in the arena -- a check for approximately \$2,457.00 to redo the main arena floor. There is a pretty heavy schedule until mid-January. They're now averaging 17 shows per month.

RE: AMENDMENT TO CONTRACT ON WASHINGTON-HILLCREST CHILDREN'S HOME

Commissioner Willner introduced Mr. Jerry Evans, President of the Foundation currently operating the Washington-Hillcrest Children's Home under contract with the County. He thanked the Commissioners for the opportunity to engage in this activity. It has been very, very rewarding to see the changes they've been able to bring in terms of the physical structure, staffing, etc., and he believes improvements of a meaningful nature to the

quality of care these young people are receiving. In trying to administer this contract they have run into a few minor problems and he believes Mr. Speer would like to comment in more detail about those.

Mr. Bob Speer said they are proposing two amendments to the contract, neither of which would affect to any substantial degree the amount of money they are returning to the County. Nor would it affect the funding formula under which they are presently operating. Both amendments are relatively minor in that way.

The first amendment would be to change from an average of 38 children served daily to 26 children served daily. Thus the one paragraph indicating 38 children would be amended. The 38 children was a figure picked from the air two and a half years ago when we signed the contract -- because of the statistics available at Hillcrest Home at that time. Since then they have tracked their record and during the last 2-1/2 years they have served on an average 24.68 children in 1987; 24.64 in 1988; and for the first nine months of this year, 25.33 children. So we now have some statistics from which they can work. As indicated, this would not affect the funding formula under which the County is presently funding them to operate Hillcrest-Washington. It would not greatly affect the return dollar they have been giving back to the County. In the past two and a half years they have refunded the following:

1987 -	\$ 65,000
1988 -	\$591,526

In 1989, it is estimated they will return \$632,000. If we were to adopt the average of 26 children served daily, the return to the County for 1990 is estimated somewhere around \$632,000 and \$677,000. So we're right back in the same ball park of the \$591,000 or \$632,000 given last year and this year, respectively. Next year we can expect around \$650,000. That obviously would depend upon the number of children they serve. Based on that then, they would serve 21 children in a residential setting and five (5) in an emergency setting. Those figures right now run 31 children residential and seven (7) in an emergency setting. So that would be the 38 and they are requesting that be changed to 26 children.

The second amendment would be to extend the contract for three (3) years from the termination date. So we would change it to a calendar year starting this January and running through December 31, 1994. The contract is presently running until December 31, 1991. We would extend it three years and run it to 1994. This would give them five (5) years under the new amendment of 26 children.

Commissioner Willner asked Attorney John if he has had an opportunity to review the amended agreement.

Attorney John said Attorney Miller has a letter to that effect; he talked with him this morning and he indicated he didn't see any problems at all.

Ms. McClintock asked if the changes are not going to affect the County's revenue adversely, why is it they want the changes?

Mr. Speer said if they exceed the 26 number, it would give them an opportunity to expand their programming and at the same time increase their medical coverage. They have a physician out there part time. But they have another physician who is willing to work in the afternoon. He is very good, a pediatrician, and he would be there a couple of afternoons a week. So it would give them an opportunity to expand their program offerings. At this point in time they are limited as to what they can do because of the monies. But it behooves them to increase their efforts to

market the program to increase the number of children outside Vanderburgh County so they can get additional monies in to increase the type of program they do offer -- but there is no guarantee on that.

Commissioner Willner entertained a motion for approval, subject to Counsel's approval.

Commissioner Borries noted it is a volunteer board (he serves on that Board of Directors) and he supports this concept.

Mr. Speer said the Foundation has spent in excess of \$300,000 in capital improvements at Hillcrest-Washington and the County has also spent approximately \$300,000. So in the last two and a half years there has been almost \$700,000 worth of capital improvements in the facilities out there. Obviously the Foundation can do things the County can't -- and this is where they have picked up some of the money. And they have other monies available. So the recipients are the residents of Vanderburgh County and the money is going back into the facility and into the children.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract was amended as outlined, subject to Counsel's approval.

Commissioner Willner asked for a roll call vote: Commissioner McClintock, yes; Commissioner Willner, yes. So ordered.

RE: PETITION TO VACATE A PORTION OF JONES ROAD

Attorney Les Shively was recognized and said the petition to vacate a portion of Jones Road is basically to facilitate a rezoning petition which will come for final action by the Commissioners on December 18th. It has already received the unanimous approval of the Area Plan Commission. Basically, it will not vacate an existing paved right-of-way. Jones Road is technically a public right-of-way. It is kind of like a private lane and once vacated the good news to the County is that it will become developed commercially and he thinks it will be a good move in the long run. They reason they need to vacate that portion is to allow for the construction of a building on the property to be vacated. No one is using it and there is really not much more to it than that.

In response to query from Commissioner Willner as to whether there are any utilities within this easement, Attorney Shively said there are not, but under the statute the vacation does not affect that. He believes the new statute that went into effect last year said that regardless of what the Commissioners do, if they have any easement rights they stay in place. But to his knowledge there are none. Jim Morley and his group looked at it. The only people who use it are the people who have the home just north of the subdivision. They use it to get to their home.

It was the decision of the Board to hold the Final Hearing concerning the Vacation of a Portion of Jones Road on January 8.

RE: BIDS RECEIVED FOR GUARD RAILS, END SECTIONS, POSTS,
& ALUMINUM PIPE

Mr. Curtis said that he spoke to Purchasing earlier this week and we'd like to reject the bids received and re-advertise. The bid advertisement was not for some of the appropriate sizes of pipe as well as some of the pipes were specified a thinner gauge pipe than we usually use. Rather than have confusion between this bid and making a subsequent additional bid he thinks it would be better to reject the bid and re-advertise. The specifications should be ready for approval next week.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bids received were rejected and Mr. Curtis was authorized to re-advertise. So ordered.

RE: READING OF BIDS RECEIVED ON OAK GROVE ROAD AND ST. JOE AVENUE PROJECTS

Attorney John read the following bids and said all bids appear to be in order.

Oak Grove Road Project:

Sam Oxley & Company	\$ 58,591.00
Southwest Engineering Co.	\$ 48,400.00

St. Joe Avenue Project:

Southwest Engineering Co.	\$ 9,672.50
J. H. Rudolph & Co.	\$10,530.00

It was the consensus of the Board that the bids be taken under advisement for one (1) week and a recommendation made at next week's meeting.

Motion to this effect was made by Commissioner McClintock and seconded by Commissioner Borries. So ordered.

RE: C.A.P.E. - REQUEST FOR ADDITIONAL APPROPRIATION

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract for S.M.I.L.E. Transportation was extended through the end of March 1990 in the amount of \$8,000, subject to approval of funding by Council. So ordered.

Ms. Mary Lou Cundiff, Manager of SMILE Transportation said the trips cost them \$1.23 per mile or \$13.00 per trip. To date they have served approximately 3,000 persons in the County. The cost is \$2,700 per month.

Councilman William Taylor said that during budget sessions at Commissioner Willner's request they decided to bid this out. He thinks they just got bogged down and didn't do it. It will take them three months to get the specs drawn up and the bids in -- or we might do it in six months. But if someone else were the successful bidder it would still take three months to transfer it over. If the Commissioners agree, what would happen is that we would agree to the extension and the Commissioners would instruct the Attorneys to put the bid package together.

Ms. McClintock asked, "Don't the Commissioners do the bidding though -- not the Council?"

Mr. Taylor confirmed that is correct. What he meant was that the Council would help the Commissioners review the information.

Ms. McClintock asked Mr. Taylor in which capacity he is appearing before the Commission today.

Mr. Taylor said as a Board member of C.A.P.E.

Ms. McClintock said she has no problem with extending the contract and then authorizing our attorneys to immediately prepare for a January bidding. She'd like to see the specs for the bids back by the middle of January, advertise for the bids and then open the bids in February.

Mr. Taylor noted the money is not in the account, so the Commissioners will have to go on Council call to request the funds.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract for S.M.I.L.E. Transportation was extended through the end of March 1990 subject to funding by Council and the Board was authorized to go on Council Call for \$8,000 to pay for the contract extension. So ordered.

RE: AREA PLAN COMMISSION

Mrs. Barbara Cunningham, Director of Area Plan, said she has talked with all three of the Commissioners and has transferred money from one line item to another, and Attorney David Miller has written the contract regarding Professional Services. She has a Planning position which has been open and they have been advertising for a number of months. What she has done is transfer money from that position to the Contractual Services account for professional services.

Commissioner Willner noted that this was the outgrowth of trying to hire somebody full time or part time and not pay benefits.

Following brief discussion, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract was approved. So ordered.

RE: SAFE HOUSE - DRUG FILM

Mr. Harris Howerton said he was here a week ago and talked about the production of a film on drugs with Rainbow Productions, Inc. He talked with Attorney David Miller this morning and he has the contract in draft form -- but it is not complete. He guesses he will have to come back in a week for the execution of the contract.

Commissioner Willner noted that the Commissioners approved the contract last week subject to approval of the County Attorney, so it will not be necessary for Mr. Howerton to come back.

RE: COUNTY ENGINEER - GREG CURTIS

Vogel Road Extension: Mr. Curtis said that while not in writing, we do have a commitment from the Humphreys to donate the property and subsequently construct the designated section. The people involved in the process of getting this road through are negotiating with the Koressels and the Hirsches for getting the same on theirs. It appears their might possibly be some reluctance on the part of the Koressels and the Hirsches -- but he's not quite sure about that. Nonetheless the project is moving and there is a large amount of effort being put forth.

Virginia Street: We also have the same thing down on Virginia Street. Before too long we may try to give each of these projects a push and try to get something moving on them. They're both close to the point of where nothing else can be done until someone gives in.

Ms. McClintock said one of the reasons she had asked Mr. Curtis to continue to keep this in our minds is that with the east side rezoning that just went through APC and the City Council at the last rezoning meeting, even though it is in the City, there is a great deal of concern on the part of the neighbors that live south of the Lloyd Expressway. They were assured several years ago that it would remain residential west of Fuquay Road and south of the Lloyd Expressway. They are concerned that east side development will continue and they are going to be asking the City for some assurances that this will remain residential, etc.

Mr. Willner said he believes that everybody has consented to give right-of-way with regard to Virginia Street. And one property owner has consented to give an acre of ground for a pumping station. All have consented to build the road with the exception

of two property owners (a small one on Burkhardt Road and the one immediately west of there). And that is a considerable amount to be giving, especially for this one property owner, since he only has about three acres anyway. So for him to build a road would be out of the question. He is not going to build that road. It is his opinion that the County probably will have to build this section of the road. However, with regard to the section west of there he would like to have either the property owner or someone buying the property build that section of the road -- and that is what we are working on now.

Royal Avenue: Mr. Willner said it is his understanding that the commitments to build this are in place. On Vogel Road, they will talk at least to the two who are amenable to giving us some kind of right-of-way -- and then if we get those lined up they can talk to the last hold out and report back in two weeks with regards to Vogel Road.

Mr. Curtis said he might comment that a drainage structure will need to be placed on both Vogel Road and Virginia (comparable to the one on Oak Grove Road).

Ms. McClintock said the Commissioners are going to talk to the property owners again re the Vogel Road matter.

RE: INVESTMENT ADVISORY AGREEMENT

Commissioner Willner commented that Public Financial Management, Inc. of Memphis, Tennessee aspired to be our Advisory company for the bond issue and we need a signed agreement. He believes it is a general agreement. In any event, it has been given to Attorney John for his perusal and expertise.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said he had submitted the Weekly Work Reports and Absentee Reports and entertained questions. There were none.

It was noted by Mr. Muensterman that freezing rain is predicted and the snow removal crew is now in place.

Underground Gas Tank: Mr. Muensterman said they need a new underground gas tank. He has enough money in his budget to cover the cost of this. They've been having trouble on and off with their trucks when the tank gets low due to sediment, etc.

Portable Pavement Striper: Mr. Willner said Mr. Muensterman tells him he has \$6,000 to \$8,000 left in the contractual account. He'd like for the County to purchase a portable pavement striper. In next year's list of things to do, he would like for all preliminary signals before you reach railroad tracks to be painted on the road. We did that in prior years, but it seems since we've joined the City-County Traffic Department that it has not been done for some seven or eight years. The roads are now all black and sometimes the railroad tracks seem to fit into the scenario and it's hard to see them. One of the things he'd like to see us do during the coming year is to paint each and every railroad track in Vanderburgh County with an advance warning on the roadway. In order to do that, we need a small portable pavement striper which can be pushed by hand. Mr. Muensterman has said he can get one for about \$4,000 and he can transfer the funds to do so.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the request was approved. So ordered.

Wimberg Road: Mr. Muensterman reported that he had a letter from the Westbrook Homeowner's Association (a Mrs. Kirsch) and they are complaining that we don't take care of Wimberg Road. He

looked it up and the County owns 0.67 blocks 36 ft. wide. It was accepted in 1904. He has clocked it once before and this is close to Apple Road. He's talking about the portion between Apple Road and Kratzville Road. Mrs. Kirsch called the City and they say it doesn't belong to them. He is going to get with Greg Curtis and they are going to look this up. He told Mrs. Kirsch he'd call her back.

RE: COUNTY ENGINEER - GREG CURTIS

Request for Waiver of Sidewalks/Eastbrook Addition (4-Lot Extension):

Mr. Curtis said he has a request for waiver of sidewalks in Eastbrook Addition/4-Lot Extension. APC is currently reviewing this and the subdivision is intended to be compatible with the subdivisions in surrounding area, where no sidewalks have been constructed. This is a four-lot addition cul-de-sac. The four-lot development is the cul-de-sac of an existing street where no thru traffic will be present. He has a copy of the plat that is being submitted and he told Steve Hahn (the engineer for the people who own the property) that he would forward the request to the Commissioners today. This is located near Oak Hill Road and Bergdolt Road.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the request was approved. So ordered.

RE: AWARDING OF BID/BRIDGE #35/OUTER DARMSTADT ROAD

With regard to bids received five weeks ago for the demolition and pipe driving on Bridge #35 on Outer Darmstadt Road, Mr. Curtis said we had to request additional funds and said funds have now been approved. He has a letter from Deig Bros. dated December 5, 1989 (since it exceeded the 30 day time period) stating that they would extend the validity of their bid for another month (until January 6th) and it is his recommendation that the bid be awarded to Deig Bros. in the amount of \$36,950. They were the low bidder. The other two bidders were Ray Stradtner Excavating and Southwest Engineering Co. The bids were read into the minutes when they were opened.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the bid for Bridge #35 was awarded to Deig Bros. in the amount of \$36,950.00. So ordered.

Mr. Willner pointed out that the correct name of the road is "Outer Darmstadt Rd."; it was officially changed by the Commission several years ago.

Appropriation Request: Proceeding, Mr. Curtis said he has the following Appropriation Request :

Kings Road Bridge #133 (Union Township)	\$ 40,000
Mosquito Rd. Bridge #34 (Outer Darmstadt Rd.)	\$ 185,000
Mosquito Rd. Bridge #35 (Outer Darmstadt Rd.)	\$ 120,000
Trapp Road Bridge #20	\$ 200,000

Mr. Curtis said that with regard to Kings Road Bridge, it is our intention to go in and take everything from the abutments up -- take it off and place precast concrete on top of it and put it back down. It is a very low volume road; the road is rocks -- very narrow. They intend to put in a 26 ft. clear roadway.

On Mosquito Rd. Bridge #34, it is north of Bridge #35 that we have done the demolition and pile driving. They will need to raise the road some as well as replace the structure.

On Bridge #35, on which we just awarded the contract for the demolition and pile driving, they estimate \$120,000 for replacing the rest of that structure.

On Trapp Rd. Bridge #20, that bridge has a substantial amount of concrete and they have the price high -- because they anticipate there being an extreme cost for demolition.

The foregoing funds were requested in the 1990 budget request, but were deleted to encumbrances and not having an accurate balance whenever they were deciding what to cut. Council told him to bring this request the first meeting in January -- so this will allow us to proceed with these projects if the money is approved.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request was approved. So ordered.

Claims:

SIGECO: Claim in the amount of \$8,917.17 for adjustment of electric lines to clear for Bridge #13 on Boonville-New Harmony Rd. over Barr Creek.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claim was approved. So ordered.

Veach, Nicholson, Griggs & Assoc.: Claim in the amount of \$1,339.50 for design of Orchard Rd. Bridge and it was Mr. Curtis' recommendation that this be approved.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claim was approved for payment. So ordered.

Veach, Nicholson, Griggs & Assoc.: Claim in the amount of \$1,930.59 for road design and plans for Green River Road South. It was Mr. Curtis' recommendation that the claim be approved.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved. So ordered.

Oak Grove Road Bridge: Mr. Curtis' said that with regard to the the bids we received today for Oak Grove Road, we had a set of plans and he never did get the Commissioners' approval and signatures on those plans, so he has those today and would request that the Commissioners sign them. Mr. Curtis said this has been discussed at length. Our design for this structure is to use a precast arch bridge similar to the one put in place on Rollett's Lane. It is a little different in size. The stream does not cross the road, it is perpendicular. We will have to go in and clear out the old structure and install this one. It is right outside the door of Southwest Engineering, and he would assume that is why they were the low bidder on this project. We intend to do a little shoulder work 500 ft. each way from the bridge. Originally we intended to raise the grade of the road. However, with this structure we won't have to raise the grade and a significant amount of road work will be avoided. He had intended to advise that he thought the bids would come in under the \$85,000 appropriation requested and it came in at \$48,000. So it came in at substantially under the \$85,000.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the bridge plans for Oak Grove Road Bridge were approved. So ordered.

Eissler Rd.: Commissioner McClintock said that with regard to Eissler Road, her recollection is that some residents wanted the road widened when it was repaved and others did not. Last week she got a call from someone who apparently thought the road was going to be widened. She told the individual she didn't think we promised to widen the road and she thinks one of the reasons the Board didn't consider it that much is because some of the neighbors who lived on the end of Eissler Road did not want it widened.

Mr. Curtis said, "Correct. We received a call this morning from Mr. Ziliak on Eissler Road concerning that project and his concern was that we only widened the part that was narrow and didn't resurface all the way back to the end. I checked the minutes and the minutes are not very clear. As best I remember, the discussion wasn't real clear, as well. But the minutes reflected that we did say that we would widen and resurface. My understanding from that meeting was that we would resurface in the areas that we widened -- so that is the way I worked the contract up. If the Commission's intentions were to go ahead and resurface that road but not widen from where it previously was already an acceptable width to the end, if they wished for that to be paved as well, that was my oversight. Because I understood it as to resurface where we widened. We can include that in the first contract next year or we can have the County Highway do that as one of their first roads -- if we wish to do that. But I sent Mr. Kercher out to gather the information and I told him to stop the project where it got wider and where the pavement was in an acceptable condition and that is what he did. When I reviewed it I felt the same way -- that that was the logical termini for the project -- so there is confusion not only as to what was going to be widened, but as to what was going to be paved, as well."

Ms. McClintock said she thought the whole road was going to be repaved -- but not all the road widened. Are they finished with that yet?

Mr. Curtis said because of the weather conditions forecast for this week, he took the liberty of going ahead and giving Oxley the approval to place a #9 surface rather than a #11 surface, which is a larger rock. He had under ran some of the other roads they had paved so they had some extra quantity they could place on Eissler Road. So the thickness of the road varies from 1-3/4" to 2" of #9 surface, and they finished placing that today. To do that today they had to have a larger surface, because within the guidelines that we have we specify they have to do it within the Indiana Department of Highways Guidelines and they were able to get that completed by noon today. All it requires for that type of thickness with that grade of asphalt is for it to be above freezing. So they finished all the paving on that contract today.

Ms. McClintock said perhaps the best thing to do is to go look at it to see what it looks like. She will call the individual back and say there was some misunderstanding as to exactly what was to happen -- but there also is not total agreement on the part of all the neighbors. Those people need to get together.

Mr. Curtis said he would very strongly request that if we wish to pave the rest of that that we wait and do it in next year's contract, rather than trying to extend this contract -- because of the weather.

Commissioner Willner said it was his understanding that we were to widen the road from Old State Road to the bridge and then next year we were to pave the rest of Eissler Road.

Mr. Curtis said we widened from Old State Road to where the road was wider back near where that subdivision started. And we resurfaced all the way back to that point, as well.

Ms. McClintock said she doesn't have any problems with finishing it next year, but the Board should decide whether we are going to do that, etc.

Mr. Willner asked if they paved the bridge, too? Or, did they leave that?

Mr. Curtis said he is not sure. He thinks that was supposed to be accepted out of the contract -- but he is not sure. The very end of it was narrow. But we widened to the wide portion. We didn't extend back to that back portion like Carol was saying. I remember there being some people who did not want that very end portion widened -- so we didn't even consider that. We went past the bridge to where the road got wider. Mr. Ziliak and the other people here that day -- they talked with Carol and with me, and I believe they talked to one or possibly both of the other Commissioners, as well, about this project. So there were references to our earlier discussions made in the meeting -- but it doesn't say what those were. Therefore the minutes are confusing.

RE: PROPOSAL FOR NEW XEROX EQUIPMENT

Auditor Humphrey said we have a proposal from Xerox for new Xerox equipment for the County at a lower cost than we are currently paying. The only difference in cost we are talking about is a monthly minimum on the cost of the equipment itself, which is the difference between \$914.00 and \$918.00 per month. This past month we only ran 49,000 copies on our current equipment, and that is the lowest that we've recorded since we installed the current equipment. It has some 2.7 million copies run on it so far and we really are reaching the point where it is taking more maintenance than we're getting production. The new equipment would give us he believes a 92 per minute copies rather than the current 60 copies, which would increase our production by 50%. The Sheriff had a man on it about five (5) days eight (8) hours per day. That could have been cut down 3-1/2 days. It is the high usage of it that we're concerned about. The maintenance cost on the new equipment is about the same, because it has the 800 line that we connect for a self-diagnosis at no charge to the county.

Attorney John said this initially was brought up two weeks ago and he doesn't believe anyone was aware at the time that this was being proposed under the State's existing contract. He asked Mr. Dorsey to come down today and explain to the Board how this can be done without the bidding. The question as to whether this was possible was raised at the time this was initially discussed.

Mr. Humphrey said we have available the negotiated contract numbers with the State and the Trade-in Agreement number negotiated with the State and the maintenance price list negotiated with the State. The numbers are not filled in. If the Commissioners are in agreement, he would suggest we turn it over to Mr. Dorsey for final negotiation.

Ms. McClintock asked Mr. Dorsey if this is a reasonable amount of money to pay for a copy machine?

Mr. Dorsey said it is one of the most expensive copy machines he has ever seen. But it is a very high volume copier and a very good copier. His understanding of the situation currently is that the County's copy volume is continuing to increase and that the machine currently in the Auditor's office is having trouble handling that volume. The situation that the County is currently in is that we have a contract with Xerox to purchase the 1075 copier currently being used. Apparently what Mr. Humphrey is trying to do is to upgrade the copier capacity by moving from the 1075 machine to the 1090. In that kind of situation, especially with a company like Xerox, you basically have a sole source supplier. Xerox is the only company that can supply the 1090 copier and they are really the only company that the County can deal with at this point because they could hold the County to their current contract with the 1075 machine. So if you wanted to upgrade, the only option you would have is to purchase another copier in addition to that one or to have Xerox let you out of the current contract. In talking with Sam and his needs, the best way is to move from the 1075 and go ahead and upgrade to the

1090 model, based on the additional need for copier capacity. 1090 is a very good machine; it is very high capacity; it is basically a Cadillac in the copier field when you get to that point. The City evaluated it at one time and it is a very expensive machine. But you already have an investment in a 1075 model and you really don't want to lose that investment by beating that machine to death, which is what you are doing now with the copier volume you have. In response to query from Commissioner McClintock as to why the City did not go to the 1090 model, Mr. Dorsey said the City didn't need a copier with this capacity and they chose to go with two smaller machines. The capacity was much higher than what they normally run and the cost -- when he priced it two or three years ago -- was in excess of \$90,000. That's a lot to spend for a copier and they didn't need all the features that it has. The County's copy needs differ substantially from the City's and it is used a lot heavier than their copiers are.

Mr. Humphrey said the City also has a different set of circumstances than the County, as well. They have dedicated operators on that equipment and they can cue in their needs as they come in. The County doesn't have that; they have multiple users. He has no idea how many people we have in the building use the copier in the Auditor's office -- and you have to have equipment that will take care of this.

A motion was entertained by Commissioner Willner.

A motion was made by Commissioner Borries and seconded by Commissioner McClintock to approve the request to upgrade to the 1090 Xerox copier in accordance with the terms outlined by Auditor Humphrey. Ms. McClintock asked for a roll call vote.

Commissioner McClintock, No; Commissioner Borries, Yes; Commissioner Willner, Yes. Motion carried with two (2) affirmative roll call votes. So ordered.

Mr. Humphrey said he will take the contract to Mr. Dorsey in purchasing so he can complete same prior to bringing it back to President Willner for a signature.

RE: THERMOTRON RELEASE AGREEMENT & CLAIM

Mr. Willner said the Board previously approved the recommendation of Attorney Miller concerning the Thermotron Energy Release Agreement, and he has the final document today for signatures.

Attorney John noted there is also the claim in the amount of \$22,000 for approval.

A motion was made by Commissioner McClintock and seconded by Commissioner Borries, that the claim be approved.

Commissioner Willner asked for a roll call vote: Commissioner McClintock, No; Commissioner Borries, Yes; Commissioner Willner, Yes. So ordered. Commissioner Willner said the motion carried with two (2) affirmative roll call votes. So ordered. (Commissioner Willner subsequently noted that he thought Commissioner McClintock previously voted in favor of the settlement.)

RE: TRAVEL REQUEST - WEIGHTS & MEASURES

The meeting continued with Mr. Willner submitting a travel request from Loretta Townsend of Weights & Measures for purposes of traveling to Indianapolis to the State Laboratory and the State Board of Health to have her equipment measured and weights certified, as required by Indiana law. Travel dates are January 8 and 9, but she will have to leave on January 7th to meet the schedule.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the request was approved. So ordered.

RE: TRAVEL REQUEST - COUNTY OFFICIALS

Mr. Willner then submitted a travel request for the following: Robert L. Willner, Mark Owen, Allen Kissinger, Sam Humphrey, and Pat Tuley for purposes of going to Indianapolis on December 27th for the signing of the Bond Issue for the County. This will require overnight travel. All parties have to be present.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved. So ordered.

RE: CONTRACT WITH ALEXANDER AMBULANCE SERVICE

President Willner said the next order of business is the approval of the contract with Alexander Ambulance Service, Inc. He has not seen the contract and he assumes it is exactly as it was last year. The contract was prepared by Attorney David Miller.

Mr. Jerry Riney noted there is a little increase in the cost. It was \$171,000 and is now \$179,571.79, so it has gone up \$8,500.00.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the agreement was approved. So ordered.

RE: INVESTMENT ADVISORY AGREEMENT

Attorney John said that with regard to the proposed agreement with PFM, it doesn't appear that it would have to be approved today. He would like to bring it up at the next meeting. There are a couple of clauses on which he has questions. This doesn't necessarily mean they will have to be changed, but he would like the opportunity to discuss same. He will probably drop it off tomorrow for next week's agenda.

RE: ACCEPTANCE OF CHECK - EVANSVILLE DANCE THEATER

Attorney John submitted a check in the amount of \$1,150.00 from Evansville Dance Theater, which is the last payment on their Promissory Note to Vanderburgh Auditorium. He would point out that they have lived up to their agreement one hundred percent.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the check was accepted, endorsed, and given to Joanne Matthews for deposit into the County General Fund. So ordered.

RE: CLERK OF CIRCUIT COURT - MONTHLY REPORT

President Willner submitted the Monthly Report from the Clerk of the Circuit Court.....report received and filed.

RE: NEW BUSINESS

President Willner entertained matters of new business to come before the Board.

Special Drainage Board Meeting: Ms. McClintock said she spoke with Commissioner Borries last week, but the Area Plan Commission had requested that the Vanderburgh County Drainage Board meet prior to the rezonings on December 18th, so that meeting has been set for 7:00 p.m. on Monday, December 18th in Room 307. The purpose of the meeting is to discuss drainage concerns regarding the rezoning of property located at Red Bank Road and Highway 61. They wanted the drainage to be either approved or not approved before the rezoning petition was heard. That will be next Monday, just prior to the regular evening meeting.

Mr. Willner asked if that has to be advertised.

Commissioner McClintock noted that Mr. Willner was out of town and she and Mr. Borries had Joanne Matthews handle the advertising.

Proposal to Build Sheriff Sub-Station at the Airport:

Ms. McClintock said she read something in the newspaper regarding a proposal to build a Sheriff's Sub-Station or something out at the airport. It occurs to her that if, indeed, that is even being considered or proposed to another Board, that it should first be presented to the Commissioners so the Commission, as the Executive Branch of local County government can be in a position to either support or not support the proposal. Therefore, should the Commissioners perhaps ask Sheriff Shepard to come to the Commission meeting in January. It says in the minutes that they have asked the Airport Board to study the feasibility of building and leasing a new facility which would include replacement for underground fuel storage tanks at their present location, etc. He estimated the cost of such a structure at around \$480,000. Again, should the Commission request the Sheriff to come to a Commission meeting in January -- wait until he digs a deeper hole?

Commissioner Willner said, "If you will remember the last time he went to Council and got the money for a certain item before he came to us and I believe that item is still sitting around doing nothing. Sooner or later he will wake up to where he needs to come."

Commissioner Borries said, "He will be here to open the meeting, so we can ask him."

RE: OLD BUSINESS

Commissioner Willner entertained matters of old business to come before the Board. There were none.

RE: SCHEDULED MEETINGS

Monday	Dec. 18	6:30 p.m.	Final Reading/Ordinance Amending Personnel Policy
		6:30 p.m.	Commission Meeting
		7:00 p.m.	Drainage Meeting
		7:30 p.m.	Rezoning Petitions

RE: CLAIMS

Evansville-Vanderburgh County Bldg. Authority: Claim in the amount of \$6,897.85 for labor and material to remodel the Auditor's Office, Room 208, Administration Bldg. by adding three new offices to the South wall per authorization of Sam Humphrey (and approved by Council).

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved. So ordered.

Evansville-Vanderburgh County Bldg. Authority: Claim in the amount of \$6,322.15 for labor and material to remodel the Auditor's Office, Room 208, Administration Bldg. by adding three new offices to the South wall per authorization of Sam Humphrey (and approved by Council).

It was noted by Mr. Humphrey that the foregoing was the last of the Revenue Sharing monies.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved. So ordered.

RE: EMPLOYMENT CHANGES

County Treasurer (Releases)

Carolyn Reiman	Part Time	\$35.00/Day	Eff: 12/4/89
Deborah Henson	"	\$5.00/Hr.	Eff: 12/4/89
Patricia Tutt	"	\$35.00/Day	Eff: 12/4/89
Dena Goad	"	\$35.00/Day	Eff: 12/4/89

Burdette Park (Appointments)

Martha Leonard	PTGC	\$4.00/Hr.	Eff: 10/8/89
Charles Coleman	PTGC	\$4.35/Hr.	Eff: 10/14/89
Ron Brown	Security	\$12.00/Hr.	Eff: 10/8/89
Bob Coleman	Security	\$12.00/Hr.	Eff: 10/8/89

Clerk/Circuit Court -(Appointments)

Jessica Pace	Dep. Clerk	\$5.00/Hr.	Eff: 12/4/89
Joe Ann Hastie	Dep. Clerk	\$5.00/Hr.	Eff: 12/4/89
James L. Goodge	Dep. Clerk	\$5.00/Hr.	Eff: 12/4/89
Shannon Trafton	Dep. Clerk	\$5.00/Hr.	Eff: 12/4/89
Betty Dayvolt	Dep. Clerk	\$5.00/Hr.	Eff: 12/4/89
Ingred Hemphill	Dep. Clerk	\$5.00/Hr.	Eff: 12/4/89

Clerk/Circuit Court (Releases)

Jessica Pace	Dep. Clerk	\$5.00/Hr.	Eff: 12/4/89
Joe Ann Hastie	Dep. Clerk	\$5.00/Hr.	Eff: 12/4/89
James L. Goodge	Dep. Clerk	\$5.00/Hr.	Eff: 12/4/89
Shannon Trafton	Dep. Clerk	\$5.00/Hr.	Eff: 12/4/89
Betty Dayvolt	Dep. Clerk	\$5.00/Hr.	Eff: 12/4/89
Ingred Hemphill	Dep. Clerk	\$5.00/Hr.	Eff: 12/4/89

(To change account numbers)

Pigeon Assessor (Appointments)

Candy Wells	Part Time	\$35.00/Day	Eff: 11/27/89
Kathleen Pajak	Part Time	\$35.00/Day	Eff: 11/27/89

Pigeon Assessor (Releases)

Candy Wells	Part Time	\$35.00/Day	Eff: 11/24/89
Kathleen Pajak	Part Time	\$35.00/Day	Eff: 11/24/89

Auditor (Appointments)

Carolyn Reimann	Part Time	\$35.00/Day	Eff: 12/4/89
Dena Goad	Part Time	\$35.00/Day	Eff: 12/4/89

Pigeon Trustee (Releases)

Margaret Sallee	Investigator	\$17,059/Yr.	Eff: 12/1/89
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Circuit Court (Appointments)

Melisa Howell	PT Typist	\$4.00/Hr.	Eff: 11/28/89
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Circuit Court (Releases)

Dennis Hudnall	PTWR	\$5.00/Hr.	Eff: 11/10/89
Stuart Vanmeter	PTWR	\$5.00/Hr.	Eff: 12/3/89
Jami McBride	PTWR	\$5.00/Hr.	Eff: 6/11/89

Center Assessor (Appointments)

Steve Kveskin	PTRE	\$35.00/Day	Eff: 12/6/89
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There being no further business to come before the Board,
President Willner declared the meeting recessed at 5:30 p.m.

PRESENT:

Robert L. Willner
Richard J. Borries
Carolyn McClintock
Sam Humphrey, Auditor
Curt John, County Attorney
Cletus Muensterman, County Highway Supt.
Greg Curtis, County Engineer
Gary Wagoner, Veteran's Council
Mark Acker Veteran's Council
John Bradford, Veteran's Council
Jim Browning, Southwestern Ind. Mental Health Foundation
Robert Speer, Southwestern Ind. Mental Health Foundation
Donald Gibbs, Sam Oxley & Co.
R. M. Rheinhardt, Realtor
Harris Howerton, Circuit Court
Dan Peters, J. H. Rudolph & Co.
Frank J. Schultheis, Schultheis Insurance Co.
Jerry Evans, Hillcrest-Washington Youth Home
Joan Shelton, Civil Defense
Dick Hagen, Bristol-Meyers Co.
Dick Kuhn, Chamber of Commerce SB Representative
Les Shively, Attorney
Mary Lou Cundiff, C.A.P.E.
William Taylor, C.A.P.E. Board
Jerry Riney, Supt./County Buildings

SECRETARY: Joanne A. Matthews
(Taped, Transcribed & Typed by
J. Matthews)


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock

MINUTES OF THE
VANDERBURGH COUNTY COMMISSIONERS

DECEMBER 18, 1989

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The Vanderburgh County Board of Commissioners met in session at 6:30 p.m. on December 18, 1989.

President Willner: We will stop our regular meeting at 7:00 p.m. and have a half hour Drainage Board meeting or whatever time it takes and at approximately we will have our Zoning. I think most of you are here for the Zoning, but it is at 7:30 p.m. as advertised. Our meeting starts at 6:30 p.m., but Zonings doesn't start until 7:30. The County Commissioner's office told me 6:30 p.m. for Zoning and 7:00 p.m. for Drainage. No, the Zoning starts at 7:30 p.m. Do you know who you talked to?

It doesn't matter, just so we're here.

RE: APPROVAL OF MINUTES

President Willner: Okay, normally we have the Minutes of our last meeting to approve at this time, however, we have some computer problems and the Minutes of December 11, 1989 are not ready yet.

RE: BID - DATA COMMERCIAL NETWORK

President Willner: We will go to Number 3 on the Agenda, opening of the bids for furnishing and delivery of labor, equipment and materials necessary for the installation of Data Commercial Network. May I have a motion to have the attorney open those bids and read them aloud?

A motion was made and seconded. Unanimous vote carried.

RE: FINAL HEARING - PETITION TO VACATE & PERSONNEL POLICY

President Willner: Number 4 on the Agenda is for final hearing on a petition to vacate a portion of Jones Road. It has been deferred until January 8, 1990. Any other news on that?

Commissioner McClintock: I'm ready. I haven't heard any addition or deletions.

President Willner: Carol, the only concern that I have is that we discussed this at the first hearing and I don't see in here anywhere where any contracts that we have with other bargaining units, that those contracts supersede what's in here. We have an existing contract with for example, the Teamsters and some of what they have is different than what we have in here. It says in their contract that their contract supersedes the Personnel Policy. Is that all we need to say or does it need to be stated in here somehow, Curt?

Attorney John: If you have a pre-existing agreement with the bargaining unit, any changes made in the current policy would not affect those.

Commissioner McClintock: After you have a change to open those bids, could you pull that contract and confirm that for us?

Attorney John: That will be a new agreement with the bargaining unit.

President Willner: Curt is putting together wordage for our new contract that will match the new Personnel Policy.

Commissioner McClintock: Okay, so what you're saying is that you're going to try to get them to agree to this same thing?

President Willner: Dave Miller says we have to, not whether we want to or not, we have to.

You don't agree with that?

Commissioner McClintock: I think it would be very difficult to do. I don't have a life-size picture of it.

President Willner: Is there anything other than the hours in the work sheet?

Commissioner McClintock: I haven't had any major discussions with that bargaining group. I had one telephone call and talked to the business agent. He felt his understanding was that that was how it was going to work. I don't think that they are aware that we're going to come back and want all of these changes. I don't know that we want the County Garage from 8-5 anyway, we want them out there earlier in the morning.

The hours that they work are immaterial to us. It's the number of hours. What the attorney is saying, if I understand it, is that the new policy says the County is going to work a 40 hour week. After that it is up to the department head what hours that will consist of. I don't think it will vary from department to department. There may be exceptions to that within the department. There will be a standard with exceptions.

President Willner: That's my understanding, and I'm not sure that will work either, but they tell me we don't have a choice really.

It's my understanding that that would have to be an item that would be negotiated with the union employees. However, based upon what the attorney has said, we are moving forward on the premise that we're talking about a 40-hour work week. Now whatever specifics are in terms of the hours as Bob has mentioned, that I think is subject to another decision.

President Willner: Is there anyone in the audience that would care to comment on the new agreement of the Ordinance amending the Personnel Policy of Vanderburgh County? Hearing no comments, this body is ready for a vote. May I have a motion?

Commissioner McClintock: I move that we approve the Ordinance amending the Personnel Policy for Vanderburgh County.

The motion was seconded and a roll call was asked for due to the fact that it is an Ordinance.

Commissioner McClintock: Yes.

President Willner: Yes.

Commissioner Borries: Yes.

RE: OAK GROVE ROAD, ST. JOE & ALLENS LANE

President Willner: Greg, are you ready for the contract to be awarded on Oak Grove Road improvements and the striping and other safety control improvements to St. Joe and Allens Lane?

Greg Curtis: Yes, last week we received bids on St. Joe and Allens Lane traffic safety control improvements. We have two bids, one from J.H. Rudolph in the amount of \$10,530 and one from

Southwest Engineering for \$9,672.50. I found both bids in order and would like to recommend that we award the contract to Southwest Engineering for \$9,672.50.

President Willner: Are there any questions? Since there are no questions, may I have a motion?

I make a motion that we award the bid to Southwest Engineering. The motion was seconded. Upon unanimous vote, the motion carried.

Mr. Curtis: On the other contract, a new bridge at Oak Grove Road, we had two bids on that one also. Sam Oxley & Company of Jasper bid \$58,591; Southwest Engineering bid \$48,400 and I would like to recommend that we accept the low bid from Southwest Engineering for \$48,400.

President Willner: Are there any questions?

Is this the structure that you have ordered precast concrete?

Mr. Curtis: Right, we discussed it last week.

President Willner: Any other questions? May I have a motion?

I make a motion that we award the bid to Southwest Engineering in the amount of \$48,400. The motion was seconded. Upon unanimous vote, the motion carried.

RE: SURPLUS PROPERTY

President Willner: Number 7 on the Agenda is the sale of County owned surplus property. We do have one parcel of property at 808 Line Street. Is there anyone in the audience that would like to buy a lot at 808 Line Street? Hearing no offers, let the record show that this piece of property will continue to be available for sale to any County Commissioner needing it in the future and any interested person can contact this office.

RE: BIDS - GUARD RAILS, POSTS, END SECTIONS

Mr. Curtis: Re-advertise for guard rails, post end sections of aluminum pipe. We have revised the specifications. We're advertising for aluminum precoated galvanized steel culvert pipe, which is coated in plastic, polyethylene, which is a smooth interior wall plastic pipe that we discussed approximately six months ago, a reinforced concrete pipe, and guard rails as advertised last time. I've talked with purchasing and I believe they sent the information today, expecting that I would get your approval this evening. I think we will get a little better prices with these specifications.

When do you want to re-advertise this?

Mr. Curtis: The advertisement will be this coming Thursday and the following Thursday, with bids to be received January 8, 1990.

President Willner: Any other questions? May I have a motion?

I make a motion that we approve the specifications for guard rails, posts end sections and aluminum pipe with the bids to be opened at the meeting of January 8, 1990.

The motion was seconded. Upon unanimous vote, the motion carried.

RE: INVESTMENT ADVISORY AGREEMENT

President Willner: Number 8 on the Agenda is still being looked at by the County Attorney.

Attorney John: I have been discussing this with Ms. Clary and we're negotiating over a limitation of liability clause. I believe we have it straightened out and it will be here next week because it has to be entered into before the 28th.

President Willner: We're back to Number 3 on the Agenda.

We received two bids. The first being from Digital Equipment Corp., Henderson, Kentucky for \$181,600. The second bid from Intelligent Data Systems, Inc., Noblesville, Indiana for \$78,664.75. I have some questions, so I request that the bids be referred to Mr. Dorsey of the Purchasing Department for review.

President Willner: Tom, when do they need to be awarded?

Tom Dorsey: It's a project that we have been working on a long time. We don't have any set deadline when it has to be awarded. We want it to be awarded. We want it to be awarded as quickly as possible so that we can begin the process of stringing the cabling, but we still have some other work to do in placement for the computer equipment. We still have delivery schedules on the computer equipment, so there's not a set time. What we intend to do is submit it to SET on our data processing consultants, as well as to a number of the local committee members here to review and those people will get together and make a recommendation to the Data Processing Board, which will review it and then report back to the Board of Public Works and the County Commissioners.

President Willner: You will need a motion to refer this to the Data Processing Board and the Purchasing Department for their recommendation. Can you explain why there is that much difference in the price?

Mr. Dorsey: Without looking at the documents, no. It's a fairly extensive project and to be real frank, I think the figures are a lot lower than originally anticipated because there's going to be a need to run fiber optic cable through portions of the building. The court side has some real problems with the spacing for the cabling. But without looking at the information, it's difficult to tell what the difference in approach was.

President Willner: Is there anyone in the audience from either of these companies?

I represent Intelligent Data Systems.

President Willner: You might touch base with the Purchasing Department and be available to answer some questions when the Data Processing Board meets.

Attorney John: I would like for it to go into the Minutes that with Intelligent Data Systems, they have a cashier's check in the amount of \$1,053.35, as I would assume, a bid bond. So in the event that this is held up, this should be taken into account. I did not see a bid bond for the other bidder, nor did I see any financial statement. I don't know if they are required, in many cases they are.

There is a requirement in the specs for a five percent bid bond to be submitted with the bid.

Attorney John: Neither contained the required financial statement. I don't know if it was required on this particular bid and I may have missed quite a few documents here.

President Willner: Any questions by the Commissioners? May I have a motion to deter this to the Data Processing Board and the Purchasing Department.

So moved. Seconded. So ordered.

RE: SAFE HOUSE PROGRAM

President Willner: Do we have anyone here from the Local Emergency Planning Committee? Number 12 on the Agenda is the contract to be submitted for the approval of the SAFE House Program. I believe that all the Commissioners have been through that with Harris Howerton. Are there any questions?

Commissioners McClintock: I think we had already approved it, pending the attorney reviewing the documents and adding some language regarding liability, etc.

Attorney John: I believe David was there. He had intended to be here today, but he had to go out of town.

President Willner: We don't have that document though.

Attorney John: If there's no urgency, I would assume that you could postpone until next Tuesday, when I believe David will be here.

President Willner: I don't see the document.

Commissioner McClintock: Somebody needs to let David know that we're waiting on that.

President Willner: I thought Harris was in a hurry.

Commissioner McClintock: They are in a hurry.

President Willner: If everyone is familiar with that document, I would like a motion subject to the County Attorney's approval that we approve that document.

Commissioner McClintock: We have already done that.

President Willner: We did that? Okay, where was I?

Commissioner McClintock: That was the only meeting you missed all year. Rick and I did that, so all that we're waiting to do is sign it.

President Willner: Okay, very good.

RE: TRAFFIC ORDINANCE - DARMSTADT ROAD

President Willner: Ordinance Amending Traffic Codes - Section I, Schedule I - Speed Limits, Chapter 72, Title 7, Traffic Codes of Vanderburgh County Code is amended as follows: Darmstadt Road - The speed limit on Darmstadt Road is changed as follows:

Evansville City limits to the intersection of Mohr Road, 35 mph and from Mohr Road to the Darmstadt city limits, 35 mph. It doesn't really make sense. This is the second time its been here. If they're going to do that, why don't they say Evansville city limits to Darmstadt city limits, 35 mph?

It indicates a change. Where the confusion was, was between Evansville city limits and Mohr Road, I think, but you're right.

President Willner: Well, that's minor. Amendment - Noldau Road. Speed limit is established on the following streets to read 20 mph on all sections. If that is the wish of the County Commissioners, may I have a motion? Everyone signed it but me, how come?

Commissioner McClintock: That was for the advertisement.

President Willner: I move the Ordinance that amends the Traffic Code relating to the speed limits on certain streets such as Darmstadt Road between the Evansville city limits and Darmstadt city limits be 35 mph, and speed established on Noldau Road as 20 mph.

Commissioner McClintock: I'll second.

So ordered.

President Willner: This Ordinance needs a vote of the Commissioners. We will now have a roll call vote.

Commissioner McClintock: Yes.

Commissioner Borries: Yes.

President Willner: Yes.

Commissioner McClintock: Now that's the first reading.

President Willner: It is the first reading of the Ordinance. It was submitted once before, but it was not passed because it was improper, so we will have to have more readings.

President Willner: The meeting will be recessed at 7:03 p.m., for the Drainage Board meeting.

RE: REZONING PETITIONS

President Willner: We will reconvene the County Commissioners Meeting at this time and continue with the rezoning petitions as they appear on your Agenda. The first rezoning petition is:

VC-24-89 - Petitioner, Krieger Ragsdale Co., Inc. and this is the first reading. The rezoning is Ag to M2. The common known address is 10501 Highway 41 North. The existing land use is vacant. The proposed land use is manufacturing and processing. The premises affected are on the east side of Highway 57, a distance of 3,200 feet north of the intersection of Kansas Road and Highway 57. Is there anyone here to speak to first reading rezonings VC-24-89?

President Willner: Hearing none, may I have a motion?

Commissioner McClintock: President, I move that we transfer VC-24-89 to the Area Planning Commission.

I will second.

So ordered.

President Willner: Continuing on.

VC-14-89, Petitioner, Betty Davis and Carol Lant. The commission has agreed that we need to purchase this land since it is crucial to the Lynch Road new highway construction and the Green River Road construction. It has been out of policy to buy this land while it is zoned agricultural and not wait until it is zoned commercial or industrial before we buy it. I would like to commission to postpone this for a one month period, 30 days, and we will start the process to buy the Davis/Lant property for the highway construction. Greg, do you agree with that?

Mr. Curtis: Previously, I spoke with each of you and it's my feeling that the right-of-way that is needed for the Lynch Road project takes significant enough portion of this property that we should try to negotiate a fair price between the County and these people. Whether we can arrive at a settlement between now and January 16th. I'm not sure, but they have left this evening with the understanding that this would be continued until next month.

That will be January 16th in our normal evening meeting.

Mr. President, what I was going to suggest is that in our next meeting, since I don't believe we're prepared, or at least I'm not prepared to name anyone, we would want to name a review appraiser and a buyer, all of whom have to be different persons, to begin negotiations with the parties involved in this rezoning and I would suggest that we do that at our next meeting.

President Willner: May I have a motion to defer this zoning until January 16, 1990?

So moved. Seconded. So ordered.

Third reading, VC-22-89, Petitioners, Robert Jarrett and Jack Rogers. Ag to C4.

Attorney Les Shively: Members of the Board of Commissioners, my name is Les Shively, representing Mr. Rogers and Mr. Jarrett with regard to this particular rezoning. This request is for changing the zoning from agricultural to C4. You've heard a little bit about this particular rezoning from the comments from the Drainage Board, let me quickly orient you to the location, the history and development in this particular area. Referring once again to a map which shows basically the Red Bank Highway 62 area, we all know that the University Shopping Center commercial sub which is to the east of this subject area was developed long ago and is well in place. This area started being rezoned, that is on the west side of Red Bank Road, north of Highway 62 back in 1986. If you will look at your location map, you will see there is a series of two rezonings, which resulted in this area here being rezoned to C4. The next area to be rezoned was the area just north of that, which we have referred to as the Expressway Subdivision. That was the third rezoning and that was completed in 1987 and in 1988. The fourth phase of the development in this particular area is the subject property that we are talking about this evening and that is the five acre tract just to the north of the Expressway Subdivision. One of the concerns that was raised at the Area Plan Commission meeting concerned an adequate buffer for those residents to the north and to the west. The Area Plan Commission unanimously approved the following proposition with regard to the zoning of this property. They approved the zoning as such:

The 50' off the north running the entire length of the property would be zoned R1; the 50' to the west on the west side of the property would be rezoned R1, single family.

I have submitted the legal description of this residential single family buffer to the Area Plan Commission. They have reviewed the legal description and found it to be correct and accurate. The request to the Area Plan Commission meeting, and you can check your Minutes, was for a 50' buffer to the west and a 50' buffer to the north. We have complied with both requests. There was a question raised earlier with regard to Dogwood Lane. Dogwood is a single lane road, a very small county road. Approximately the area you see in the brown, just to the west of the buffer, which will form the west part of this property. By putting this buffer into place, we will have effectively removed any access for Dogwood Lane. Because to really use Dogwood Lane, which is up here in this area, Dogwood Lane to the west is down here and we basically have cut off the way to link it up. So what this does by zoning this R1, the buffer R1 and the core, if you will, C4, you remove the possibility of any access to this commercial property from Boehne Camp Road. This will remain simply a thoroughfare or street or right-of-way for access to these homes as it has been for many, many years, and only for that purpose. Now the question was asked at the Area Plan Commission, I reiterate again, our access for this area will be the extension of University Drive, the Evansville Urban Transportation Study (EUTS) asked us a long time ago when we started rezoning and developing this area, they said to please limit the access points on Red Bank Road and we have done that by designing the roadway, which will be the extension of University Drive. This entryway and cut is already in place. In addition, the developers, at their own expense, from this point down to the intersection of Highway 62, have increased the width of Red Bank Road to four lanes pursuant to State and County Highway specifications. In addition, they have installed these turn lanes, in addition to the additional four lanes that are in place. So the access to this property will come off of the extension of University Drive. And these cross easements will be provided from both properties to accommodate this. We will accomplish two things. We obviate the necessity for any access on Boehne Camp Road which benefits the residents here, and second, we meet the safety concerns by developing this area without having to have another curb cut on Red Bank Road. We think that's good planning and the EUTS folks agree with us in that regard. Drainage, I won't say anything else about drainage except to say that I am not a drainage expert and when a problem of a technical nature like this is brought to light, you turn to experts. The County's expert, Mr. Jeffers, has advised you as to what the developers must do and plan to do in this particular area. The developer's engineer has explained in great detail the system of retention and detention ponds that will be located that will control the surface water drainage in that area. All we can do is what the experts say we have to do. We are going to do that and more. We feel that we have met the drainage concerns and we've met the traffic concerns. We feel that we have addressed just about everything and we believe that the vote by the Area Plan Commission unanimously approving this rezoning with those conditions is indicative. The developers have proceeded with this project in good faith. I am more than happy to answer any questions that the Commissioners may have at this time.

President Willner: Does the Commission have any questions?

Commissioners McClintock: Les, could you explain again why they cannot get to Dogwood Lane because of the R1?

Attorney Shively: Dogwood Lane actually ends here and picks up again here.

Commissioner McClintock: The reason is that if it is zoned R1, you cannot build a road in R1 to go from residential to commercial?

Attorney Shively: Absolutely, that's why we have explained to the Area Plan Commission and these people were present at that meeting and that is exactly what we explained and I'm sorry if I didn't make it clear again. Basically, the 50' comes down to here and Dogwood Lane, Mr. Basden, I know you put it in and I'm sorry if I'm not one hundred percent accurate, sir, but I'll try my best, but Dogwood Lane is somewhere to the north and the only way you can connect it up is to use some of this R1 and some of the R1 and we can't use, so it can't be done. Pure and simple.

President Willner: Are there any questions for Mr. Shively by the Commissioners? If not, let's get into the remonstrators. Is there anyone wishing to speak for the remonstrators?

My name is Shirley James and I'm with the Westside Improvement Association. Some absentee landlords have requested that I submit the following statements so they can be read into the record. I have been asked by James and Mary Bellor of 6460 Xavier Court, Arvada, Colorado 80003, to submit the following comments for the record regarding Lot #13, Section 23 of Township 6, R-11-W. The property is owned by the Bellors. This statement will be followed by a letter from them. The Bellors request that you deny the C4 zoning for the following reasons: The property to be commercially developed abuts their property on the east side and the view from their land will in all probability be that of service vehicles, parking lots, commercial structures and dumpsters. Because of recent clearing and other site work, the creek crossing the Bellor real estate has already eroded their property. The Bellors said the creek will have to be enlarged and rip rapped. This potential drainage plan may change that, however. I'm just quoting what they told me to say. I know it's repetitious, but they called me long distance and I didn't invite the call. Someone had referred me to them. After consulting with the real estate firm handling Lot #13, the Bellors think their property has already been devalued and will be more so as further commercial development takes place without proper buffer zones to protect residential investment. I submit this as per their request. Since the Area Plan Commission meeting Westside Improvement has been in discussion with property owners in the areas regarding this and I will read the following: In discussions with property owners in the areas affected by the rezoning of agricultural lands owned by Rogers and Jarrett to a C-4 designation, it was their contention that the buffer zones of 50' on the north and west sides of R-1 property is not enough. Now the calls that we got on that and the reason why this has been brought up is after the meeting several residents called and they said 50' is hardly the length of my house and they hadn't realized at the meeting apparently just exactly what 50' was. Some of the others then had taken a trip down there by Wal-Mart and had looked from Hogue Road behind Wal-Mart and the course they see is the service vehicles of Meisler's and the dumpsters and that from behind Wal-Mart and so now all of the people residing on Hogue Road, that is their view. We also received several calls on the day that Schnucks opened, we received and we have been in touch with Schnucks about this, and I think they are

going to do something about it. We got several calls from people who didn't like the looks of the trailers and we got calls from people in the trailer courts who were upset because their quality of life has been destroyed. So, when the people got back after the Area Plan Commission meeting and got looking at what 50' actually was, and what had happened was these others areas, they felt that 50' might not be enough and that they would want evergreens planted in such a fashion that no service vehicles, buildings or dumpsters would be viewable from their properties. And we concurred with this because after all, they were there first, and some of these people are retired and their means are limited and others have invested in costly houses. So their quality of life has definitely been impacted upon. The development is occurring in the major drainage basin of the west side. Now I know you know that it is not a legal drainage basin. But we wanted to make it one for a long time. In fact we had the State down when there was a major change in the flood way at the lower end and the water would have impacted badly upon all of the residents in the upper area. It was because of some action that we took on that the ditch was enlarged and some flooding problems were averted, but nothing had been done to safeguard the residents in that area and several farmers were flooded out. They reseeded as much as three times in one year. They are small farms of only three and five acres, but these people depend upon that income as much as the developers depend on their income. For each person in that area, their private home is their major investment. So you should give that equal importance as compared to what the developers are requesting. I won't go into the rest of this because it has already been covered. We did go into Schmadel Lake. Red Bank Road cannot sustain the amount of traffic engendered by this additional development. At this point in time we are already having accidents daily. Highway 62 will become even more hazardous because traffic from this development may exit from the area at a cut that has been granted by the State and I don't know how accurate after looking at this. This is a cut we can't understand. It is so close here. As we looked at the Area Staff Field Report, where are the frontage roads that we keep asking for and the . . . the plan keeps calling for. The cul-de-sac is a turn around for one hour. When I got out, I discovered that the store that I wanted was behind. I then went to the service . . . store and informed them that I am doing no business with them. If we're going to have commercial centers, we want people to be able to get to them. Get in and get out, turn around and get around to them. So where are the frontage roads? Whenever the Area Plan Commission reviews the comprehensive plan, it calls for frontage roads. You're getting frontage roads in the east, for that development. Where are the frontage roads for the west side? We are not against development, but we are definitely against traffic problems that are being engendered out here. This cut is so close to the highway, we're thinking of taking out the cut at Long John Silver's and a cut at the Pizza Hut, it impacts badly on the whole traffic situation. Can't we consider closing that? What is the situation with that? That was State approved. I see it just comes here and dead ends. There are not plans to carry it elsewhere. We would like to know that is going to happen with that cut. We think that's important. We know the Old National Bank has a cut there also. We just see so many problems there. That's something we would like for you to consider. We have two schools located in this area and when we were going over the Tekoppel Union Township Overpass thing and when we tried to get it located at Stenson, the noise was a problem for the schools so they rejected it there. When we tried to get it at Rosenberger, noise was a problem for the school there. Here we have two schools and noise pollution is definitely going to be a problem.

Traffic will increase and create problems for students and teachers because we have no sidewalks out there. That's a problem for us. We would like to emphasize that the west side has low crime rate and stable neighborhoods. We know most west siders want this trend to continue. We don't want to keep out commercial development, but we want to keep our neighborhoods in tact and would like our part of the county to remain primarily residential/agricultural. Our terrain and soil types are more suitable to this type of activity. From an environmental standpoint, our organization thinks development should take place in areas that are serviced by sewer, water and other services. Because Vanderburgh County has an air quality problem, destruction of large areas of woodlands are counterproductive, since the trees help purify the air. Also, we think the extra spaces in the West Franklin business district, the downtown and the Howell business district should be utilized. We have lots of spaces down there that need to be used and we'd like to see that promoted. But finally, we're going to make a special request of the Commissioners tonight. We're asking the Commissioners to take the lead and formulate an Ordinance that will forbid the removal of trees and/or ground cover from environmentally sensitive areas, such as drainage basins, until complete site plans have been approved by the appropriate governmental agency. We know this won't help us now, but it will help in the future. It would be so much better to have these things set before the first tree is moved because if you went then and put in our siltration basins and that, all these neighbors wouldn't have all this flooding. We ask you to take the lead and consider that and perhaps formulate a new Ordinance, so that in future developments, especially on the west side, where we have our hills, and our hills are part of our major watershed, so this will be helpful.

My name is Gene Reising, I own an acre on Red Bank Road, but I own Cut-Rate Market in Walnut Centre. The reason why I'm here, I was surprised that Jack Rogers would go for a green section, so help me. If the stunt pulled over there in Walnut Centre, right catty corner from the newspaper. It's written in stone, I believe Mr. Abrams told me, you cannot make any changes in the Walnut Centre. And yet, let's see what date that was, I appeared at the City Council April 11, 1988, when Mr. Rogers wanted a bigger parking lot down in the Walnut Centre. He now has one foot of green, one foot. The VA Clinic, the newspaper, everybody else are laid back away from the street, but not Jack Rogers. I was the only one that appeared at City Council, because they put it in small print. They hid it in the paper in those little things you can't find, but since I seem to be the critic of the Walnut Centre, and boy have they had some real doozies out there. I was really surprised, and then when I see Jack Rogers pulls this stunt here, promises these folks a lay back area. He knows that all he has to do as soon as Vandigov goes through, he'll take it right out to the street or at least one foot. I think he'll give us one foot out there. That's my reason for being here. I guess I'm just an agitator, but really, Commissioners, I think you need to consider that. The man cannot be depended on to keep his word. So, I think you ought to consider that.

Commissioner McClintock: Mr. President, I think you need to remind the remonstrators that they can be held liable, responsible for what they say on the public record. Just trying to protect you, sir.

Mr. Reising: Anytime that I have appeared before City Council, they evidently have a Gag Rule on me. There's never room to put me in the paper. The TV cameras always leave when they see me

here. I've been to City Council a dozen times. Anything that I have said tonight I can verify; it's a matter of record. So no, I've got too much to lose.

President Willner: Anyone else wishing to speak against this petition?

Commissioner McClintock: Shirley, I noticed in the second paragraph on page 2 of your letter to the Commissioners, one of your concerns was that the organization thinks development should take place in areas that are served by sewer and water. You do understand this area is served by sewer and water?

Ms. James: Yes, some of it is, but we have had below. You know, water comes from the hills beyond and we have several areas further down that are not served along Hogue Road, that are not served by sewer. Remember, that this impacts on the area down there. In fact, some apartment houses were built on the field beds of some people on Hogue Road and we had to force the sewer in. So those are things that we want to have considered.

Commissioner McClintock: Shirley, did you have some language for an Ordinance that you wanted to propose?

Ms. James: I would like to consult with some attorneys on that and I would consult with the Commissioners. We would be very happy to talk with all of you on it.

Commissioner McClintock: I have a question for the developers. What is the plan for that curb cut off Red Bank Road?

Attorney Shively: The curb cut off Red Bank Road, you're talking about the one south of the entrance to University Drive?

Commissioner McClintock: Yes.

Attorney Shively: We have been working with the Evansville Urban Transportation Study, who incidentally says that Red Bank Road, with the proper system, can handle the traffic in this area. What this cut is designed to do is to allow a flow of traffic through here as these are developed. And Ms. Zigenfus roughed out a system whereby there would be a loop effect. You would dead end back here. Once again preventing any access toward Boehne Camp Road or development any further to the west. And what you would do is use this as a kind of in and out type situation of circular flow. As I recall, this is something that she suggested back in 1986 or 1987 when we did some of the first rezonings and that's when that came into play. In fact, before we activate this for utilization of any of the properties here, the further back we go, I'm sure Ms. Zigenfus is going to require us to put that loop effect in place. But that is how it will be utilized.

Commissioner McClintock: So instead of an interior road, you will have a loop in there?

Attorney Shively: This will be an interior road, but it will, here again, as development progresses to the logical point of where it is completed, there will be a parallel road type situation that will work like this. I don't have those plans in front of me, but the way the EUTS people have drawn it out, it will have some sort of loop effect. And that was, as I recall at the time when this cut was given, which was back, once again this is one of the early rezonings of this area in 1986, that was the understanding that we had with the EUTS folks at that time. As

Ms. Zigenfus said with regard to this rezoning and any other attempt to get a EUTS permit here, we will have to address that at that time. But this will not be used in conjunction with this particular property at all.

How close is that to the intersection?

Attorney Shively: I don't have any measurements.

200 feet?

Attorney Shively: Here again, although we don't think it directly relates to this particular rezoning to the extent that the Commissioners have any concerns, and I think that the safeguards are in place, but if you need anything else, we would be more than happy to provide it to you, but before anything is done with regard to utilization at this point we will certainly, I think we're required to at least get a Use Permit and present our plan for parking, moving vehicles in and out of that area, which we will do. But, it's not to be utilized in any way, shape or form with the property that we seek to rezone this evening.

President Willner: 60 feet will hold 10 cars before that intersection is blocked?

Commissioner McClintock: 60 yards, that's 200 feet.

President Willner: Is there ever 10 cars blocked in that area at one time?

I'm there every day and there are a lot of cars that go through there, but they seem to move out pretty quick.

There is a light there. We commented tonight that the green doesn't come on when the turn light is on.

That's the way it is now but if you . . .

If the Commissioners thought that was a problem, and I sometimes think it is, especially if we have any more growth, would it be possible for you to close that?

Mr. Jack Rogers: Let me see if I can address that. We work with Bernardin Lochmueller Engineers in the State in creating these two here, with the idea of being able to flow in putting this excel lane in here coming down this hill and putting this easy right turn in here with the idea of trying to flow more traffic through this intersection and to that extent, this is one of the devices which allows that to happen without cluttering up this right here for the people that are interested in getting out of here and making the easy right turn. I certainly would be open to any suggestions that you or the traffic professionals would review with us and go from there.

President Willner: Are you telling me that there is an extra lane on Red Bank Road, that entrance to the highway?

Mr. Rogers: Yes sir, in fact we have pictures in the file.

President Willner: How many vehicles do you think there are turning west of Red Bank Road?

Mr. Rogers: I don't know, but there's not as many turning west as there is turning east. Hopefully, when they redo that signal, and I'm told that's a project that's currently in place, they are

going to put a left turn there at that intersection and make the left-hand lane there exclusively a left turn lane and make the western most lane a right-hand lane going south and a right turn lane, they're indicating that that should improve the flow through that intersection quite a bit. The stack-up is on the turn east or turn left and hopefully that turn arrow envisioned for that intersection will improve that.

Mr. Rogers: President Willner, I would note that the photograph that you have there shows that additional lane has been constructed. In fact, everything that's in solid pink has already been constructed and is in place. Now the photographs I have there were taken about a month ago, about mid-morning, sometime between 9:30 and 10:30 in the morning, when there was substantial commercial traffic in the University Shopping Center area and I was out there for at least a half an hour, 45 minutes, and I would say those photographs accurately depict how traffic was moving in that particular area. I also used to live off of Red Bank Road, just north of that area and they move the traffic through there pretty well.

Commissioner McClintock: Mr. Rogers, what you're saying is that you would be willing to meet with the traffic experts and if they can come up with a way to move traffic inside that development as well as this, then you would be willing to make those adjustments in your plan?

Mr. Rogers: In reviewing these curb cuts, we reviewed them over a period of nine months with the State, with Bernardin Lochmueller and with the people from EUTS. We did not apply for these cuts until it was something that EUTS had indicated to us was a satisfactory solution for them for the traffic problems in the area due to anything that we would be generating here. So, if situations have changed, we're certainly willing to review our part in it. But, this was a good solution that occurred over a period of nine months and we're hopeful that we can move forward on that basis.

Commissioner McClintock: If I could just contract something for you. To show you how things have gotten better. Sometimes we don't think things are getting better, but they have gotten better. We've got one, two, three, four, cuts in University Drive down to Highway 62 on the east side of Red Bank Road. Mr. Rogers and Mr. Jarrett are developing almost the same amount of acreage and they're going to do it with only two cuts. And I would note cuts that are going to be built with the cooperation of the State and County EUTS and that certainly is an improvement and certainly is testimony that they are doing it the right way. I'm finished.

President Willner: This is agreeable with me.

Commissioner McClintock: Well, I guess I'm not finished. Are you planning on submitting what that green space is going to look like at Site Review?

In terms of what exactly do you want to say on it?

Commissioner McClintock: I think the Commissioners probably want to know and I know that the Area Plan Commission will want to know and certainly these people will want to know whether you're planning on 50' of grass or 50' of sloping berms or 50' of grass with pine trees or what.

Attorney Shively: Sure we can do that. Have you seen how the legal will appear now?

Commissioner McClintock: Yes, we've seen that.

Attorney Shively: Sure at Site Review, if you want Mr. Rogers or Mr. Leek to present the actual vegetation or the natural buffers that will be there, that's no problem.

Commissioner McClintock: We really like berms.

Attorney Shively: That's fine. I don't think we're opposed to berms either.

President Willner: Shirley?

Ms. James: I'm not being facetious or whatever, but I want to advise you that back a couple of years ago, when the Pizza Hut was going in and when the Long John Silver's cut was going in, we opposed it mightily. We got the State down. At that time, everybody approved those cuts. Everybody, including the designers, EUTS and the State approved it and now they're taking them out. The money that could have gone to frontage roads could have been used then and we would have had the frontage roads that we needed and the beautiful Schnucks store that is so badly impacted, you can't get in or out. I've had numerous people in this audience here call me this weekend because they cannot get in and out of Schnucks. A traffic light is always the answer, but frontage roads would have been a much better answer and we would have saved some money because now we're having to take these out. We had the foresight to see that because we see what goes on on those roads on a daily basis. We know that that area is expanding and is going to expand rapidly. I think that if you would listen to the people, you would be much better off. Right now we have traffic bumper to bumper on Hogue Road to Rosenberger sometimes. The other day it was bumper to bumper all the way to town. So, I'm saying this is going to be a hazard designed this way. We don't want to create problems for the developers, but I think a little foresight prevents a lot of problems.

President Willner: Thank you. Is there anyone else with any input to this zoning?

My name is Marge Giggs and I live in the area on Dogwood Lane. If you all could have seen that area before these people came in there, you would be very surprised. It was beautiful, lots of woods, lots of trees, wildlife and now we can look from our house and see all the cars on Red Bank Road, shopping center lights. What I'm wondering is why we need, I can't envision the size of the area the people want to change from agricultural to commercial. It seems to me that we should leave it agricultural. That way we are protected back in there. At least we have the woods and a little area that is not going to be commercial. It seems to me these people have enough area, what they have right now, without taking this also. Another question I have is what kind of improvements are you going to make on Red Bank Road? That is a narrow, winding road and it's filled with houses. Do you plan on taking people's property in order to widen the roads. I don't quite understand how that could be done, but that's really all I have to say.

President Willner: Thank you. I'm not sure there are any plans to widen Red Bank Road. It's awful curvy and the residents are close to the road. I don't know if there ever will be a . . . I think we're looking to the traffic to go down to Eichoff/Koressel

rather than Red Bank Road. I foresee Red Bank Road always being a small, narrow residential street.

We know that things are going to go commercial. They have to. These guys have got to build this place out here, we know that. But what I don't understand is how, with two cuts, they can handle all the traffic that's going in there when it takes four or five more on the other side, I believe you said six. How can they handle this much traffic with two as they can with six? Maybe it's the type of business that's going in there, I don't know. That sounds kind of odd, doesn't it?

President Willner: There might be two lanes going in and two lanes going out. That's one answer.

Well, that's very possible.

President Willner: We try to leave those decisions up to the people who do it every day.

We understand that, but as we said, we live out there and we know that that place is all going to go commercial one day. It has to, most of it anyway and we're going to hold on as long as we can. We're talking about this buffer zone around the property, we can't see why we can't have some green trees in there, fir trees in there as was said earlier. We know that the east side never had trees to worry about, they never had hills to worry about, they just went out and started building. It's different on the west side. We have hills and trees. So you come in, level all the hills and trees, that's really taking away a lot. We know it's got to come in there, if they could just build with the terrain, it would help.

President Willner: If the residents really feel that green strip is a problem or will become a problem, there is one way to get away from that too and that's to not zone one foot all the way around it. Then in order for that to be changed, it would have to go through the process which we are doing today. I know of one residential subdivision that has that today, because they did not want to have anybody . . .

Commissioner McClintock: By zoning it R1, what's that we're doing now.

President Willner: Not really, because you have . . .

Commissioner McClintock: No, they would have to come back to Area Plan and here.

President Willner: Not for a street they wouldn't.

Commissioner McClintock: Yes, they would.

Ms. James: You can't access commercial property through residential lots, so they would have to come back to have that rezoned. The two sections, the northern and western side.

President Willner: What if that regulation were changed?

Ms. James: That regulation has changed? Well, right now what they are asking for is R1 property and C4 property and I guess anything could be changed.

President Willner: How are they going to get to the R1 property?

Ms. James: That's the green space.

President Willner: Why zone it R1? Why not leave it agricultural?

Attorney Shively: President Willner, we offered an additional 25' buffer off the west. They wanted 50' off the west. The Area Plan Commission is the one who asked us to do it this way, the R1. We could have done it, the site plan said leave this green.

Ms. James: So you can access C4 through agricultural and you cannot through R1?

Attorney Shively: It was for the protection of the residents that we went to R1 and that is what was told to us.

President Willner: Are there any other questions?

Attorney Shively: Let me say briefly, we have endeavored to meet all the concerns of the residents and I think the developers have done an adequate job of doing that. Over \$70,000 of improvements have been done to Red Bank Road with more to come as things progress in that particular area. I think that it's unfortunate that these proceedings have been marred by some slanderous and libelous comments about Mr. Rogers' integrity. I think his record speaks for itself and I would suggest that anyone wanting to follow through on what he has done in Walnut Centre read the records. The commitment here is not really a commitment, but an Ordinance. When this is rezoned, a buffer R1 and the balance in C4 that will be determined by what Mr. Rogers and Mr. Jarrett want to do. That will be the law of this County, enacted by you and if it is violated, it's a violation of all . . . We ask that you approve this and it will continue to be quality development for Vanderburgh County. Thank you.

President Willner: If this rezoning is approved, along with the drainage plan, it will also have to go to subdivision review for final drainage approval.

I appreciate your input.

I move PC-29 . . .

. . . R1 and green space provided.

Commissioner McClintock: I second. I will vote yes, but I hope the developers understand that when the drainage plan comes back . . . and the final site plan comes back to Area Plan Commission, this group has at least one more opportunity to act and I do twice and I am very interested in the drainage plan and the site plan, including that green space and I will vote yes.

I vote yes.

President Willner: I guess one of the . . . I'd like to make, I think everyone knows the east side . . . some years ago to oust that all and that the property on the east side be handled in a . . . situation and all property rezoned would have to show a drainage plan that would constitute . . . If this Ordinance is approved, we will . . .

Commissioner McClintock: Attorney Shively, you meet with the traffic . . .

Attorney Shively: Yes, ma'am.

VC-23-89, Petitioner, Barbara Robinson from Ag to C4.

My name is Barbara Robinson and I have appeared before this Board in request to change the zoning of 1100 North Boehne Camp Road from agricultural to C4 in order to permit the placement of a miniature golf course and batting. . . . miniature golf course in the spring of this year and I need to find a place to put it and I was trying to place it on a piece of property that I already have in my possession and that is what brings me here. I have already been, practically lynched at the Area Plan Commission meeting over this. I did not realize that I was going to run into such a snag. It's true that I have to notify all these adjoining property owners before I can change the zoning. I don't know what will happen to the property if it is not improved because the vacant lot is being misused by the general public and by that I mean when the housing development was built that continues Boehne Camp Road north, they . . . cleared their land again and they didn't have any place close with the big stumps and the limbs and the trash, so they decided that the nearest place to put it was, I suppose, was public property which was R4. That started it. The next thing that happened was people started throwing their garbage bags, hot water heaters. They hunted on the property and left remains of animals. We got cited for the trash, but the public should have been. They were misusing our private property. So as a vacant lot, it's not going to get any respect at all. I don't know whether the people who adjoin the property or the people who live in the housing development realize that as an agricultural piece of property, what that property could have done to it without ever coming before them. This is a direct quote from the manual from the Area Plan Commission office. I went up there and I know just exactly what that piece of property can be used for as it is presently zoned. Livestock grazing, sheep, goats, pigs and that's agricultural. Permanent circus or carnival grounds. I mean, really. Animal or vehicle race track. They were worried about a little dusk to dawn light and some music, but can they imagine what a PA system . . . I'm not saying we're going to do these things, but that's what we're into and I have to live out there, okay. So I'm not going to want to make these people upset. I just think that they should know that as it is zoned now, that is some of the things it could be used for and if we don't get some kind of help from the neighbors so that they can appreciate the fact that that is our private property, that doesn't belong to the County any more. You can't hunt on it or take your 3-wheelers on it, park semis on it and that's what they're doing. We're getting tired of it. They say they paid \$80,000 to \$100,000 for their home. Well, we paid a heck of a lot more for that piece of property and they have asked 'will you sell part of it?' No, we won't divide it up. That's where we live, that's our home. We have that area out there so we can have our country. Like I said, I'm not sure what's going to happen to this piece of property. I had to come before the Board and I had to notify these people and that's fine, but as it stands right now . . . as a representative to hereby withdraw all applications for the change from agricultural to C4 at this time. That's all I have to say.

President Willner: Yes, I guess maybe we share some of your frustrations. It wasn't three months ago that we were cited for property that we didn't even know we owned because it was left unattended . . . All I can say is that this Board will work in any possible way we can. Please adjust the record to show that we did receive a petition to . . .

I own adjoining property to that place and I don't oppose that. I think that would look better and like she said . . . I'm disabled and I'm not going . . . I would approve a miniature golf course going in there and not violate that woman's . . . Mine was violated years ago, don't do it again. . . . These people that's got rights back here live about 200 to 300' away from that property, across the highway. Another adjoining neighbor couldn't make it down here, Jim Horn, he don't care if it goes in. He' rather see that in there too. There's nothing else can be put there. I didn't want to build a home in that . . . trap. I'm sorry I ever bought out there. I moved out there to get away from people. What did they do, move out there with me?

Commissioner McClintock: I make a motion that we approve the withdrawal of this Petition, VC-23-89.

I second.

The reason that I'm here before you tonight is to sign the letter and we will send this material in tomorrow. We really found about only 20 blocks in the entire county that were submitted to the Census Bureau and some of those are very minor, so we feel that our talking to the Census Bureau early on paid some dividends.

President Willner: I think again, as I've said several times . . . get back into various other programs, State programs, and an accurate aggressive count. Thank you for doing this. I hope we stay . . . We've already . . . on the Indianapolis papers and . . . Florida, Texas are counting illegal aliens. We are going to need every person counted in the census. It's very important. I will definitely move that we sign this that says that . . .

VANDERBURGH COUNTY BOARD OF
COMMISSIONERS

Robert Willner, President

Richard J. Borries

1-30-95
Richard J. Borries, Vice-President

Carol McClintock, Member

*I verify these minutes as an
accurate version of this meeting.*

RB

M I N U T E S
COUNTY COMMISSIONERS MEETING
DECEMBER 26, 1989

The Vanderburgh County board of Commissioners met in session at 2:30 p.m. on Tuesday, December 26, 1989 in the Commissioners Hearing Room with President Robert Willner presiding.

Commissioner Willner, "Art Gann is here today to discuss some problems with Data Processing."

Art, Gann, "We sent out a bid for the cable for the new computer system. Those bids were opened last week and they have been reviewed by S.N.T. who sent the bid response out. There were eleven vendors at the vendors meeting and we had two responses to our bid. One of those did not meet the requirements legally, and the bid responses, the first one was for \$181,000.00, the second one actually works out to be about \$6,000.00. The basic price on the installation was \$78,664.00 and there was a variation on the terminal serving devices that we had, as you recall when we signed the ATEK contract we stipulated that there was some hardware in that contract that dealt with the cabling requirements and the network requirements, that we had a paragraph in there stating that we would get in substitute different terminal service when that work configuration was finalized and that it is necessary. And the recommendation by the SCT group did recommend that we do modify those instead of using the DEC service 5-50's the we used in combination with the DEC 200's and 300's. That has given us a great deal of flexibility on how we install our network. It also comes to an additional \$16,000.00 in hardware. So, the total cost of the network configuration comes to \$16,000.00 of it went to ATEK for hardware, and \$78,000.00 went to Intellegent Data Systems. We took this information to the Data Board this morning and after a report from Roger Ellis, the Data Board did pass a recommendation that we proceed with the Intellegent Data System's bid response and enter into negotiations with them for the installation work. I might add, as a side note, that they did say that they would have the work in 60 days time. So, we are well within our time frame. The other response was from Digital Corp. and the actual network is very similar. They did give us blue prints of a lot of additional stuff that we did not require for our system. It will utilize all Digital equipment hardware and the company is an Indiana firm. It's based in Indiana. Their references did check out very favorably. They have had several installations, about similar size to what we will have locally. Now, I would like to bring to your attention to one fact that they are not a union shop. I don't know how this affects this bid, or how you propose to deal with that. I don't know what ramifications are involved. We are not selecting a non-union shop over a union shop, we basically have one bid to deal with and that happens to be a non-union shop. They did specify that they would adhere to all the requirements for the salaries and such as far as the Federal statutes and Fair Standards Labor laws. I'm not sure what the County's position will be on that issue. There is no union shop to pick. It's not a question of picking one over the other, and if that's a problem we are not unaware of it and we can get that included in the language, that they will adhere to all Fair Labor Standards guidelines. Any questions."

S. Humphrey, "Art, just as a word. The bid that wasn't accepted for \$181,600.00 There is a cover sheet and a second page in it that ask whether the union labor rates. It doesn't address that as an answer. It says it will pay union labor wage rates. It does not address it."

Art Gann, "It does not, you say?"

Negative response.

"This is the Digital response, is what he's referring to. I think, what Sam is trying to point out is that either response that we had they indicated that they would primarily be a union shop. One of the reasons that Digital was hired is that they would basically be the overseer. They will sub-contract the same job that we same job that we are awarding to these people and there's no guarantee as to which shop that would get the job so that they cannot guarantee to get a union shop anyway. It's not a question of choosing one shop over the other. There's no definitive union shop to choose."

R. Borries, "I don't want to delay this process, we've battled this thing long enough, but I do have some concerns that it is not a union wage scale. That is the guidelines that this Commission usually issue contracts under."

Art Gann, "Basically, on page 2, (reads from contract bid)"However, they will observe all labor relations, guidelines and prevailing wage obligations according to this contract" and like I said, if that's the issue here, we can negotiate that when we negotiate the language in the contract."

Commissioner Willner, "The company that they are going to recommend is non-union shop and so is their competitors. So, there is no choice."

"My only reaction to this is, if you had no union shop, and you need to obtain the services, something has to be done. As long as they commit to pay "prevailing wage" as provided for in our standard contract, there's not a whole lot that we can do about it."

"I would like to reinterate. We did have over fifty vendors at this that were available to us. No union shop responded to the bid process. I did not see any documentation from union shops."

Rick Borries made a motion to approve this subject to the contract language which does specify that a prevailing wage scale be included in that contract negotiation and was seconded by Robert Willner. So ordered.

RE: ACCEPTANCE OF DEEDS (61 properties)

Commissioner Willner stated that there were 61 properties that didn't sale at the tax sale and which will be offered for sale by the Commissioners in the spring of 1990.

RE: ACCEPTANCE OF TAX CERTIFICATES (38 Parcels)

Commissioner Willner stated that they also had 38 parcels of tax title deeds that will be issued to the County next year after being held one year by the Auditor.

These are to be read into the minutes and filed.

RE: FINAL READING - Ordinance re Speed Limits/Darmstadt Rd.

Commissioner Willner stated the new speed limit will be 35 mph, and asked if there was anyone in the audience that wished to speak on the ordianance. Hearing no response, Commissioner Willner asked for a motion.

Commissioner Borries made a motion that the ordinance be approved and was seconded by Commissioner Willner. So ordered, on third reading.

Commissioner Willner asked for a roll call vote since it's an ordinance that they were voting on. Commissioner Borries, yes. Commissioner Willner, yes. Commissioner McClintock absent from meeting. Ordinance is approved.

RE: COUNTY ATTORNEY - David V. Miller

AGREEMENT WITH PUBLIC FINANCIAL MANAGEMENT:

David Miller stated that the document is a modified version of the current version with Public Financial Management. This document will obsove Public Financial Management of any liability, except by their own acts.

Commissioner Borries made a motion that the Commissioners approve the agreement with Public Financial Management and was seconded by Commissioner Willner. So ordered.

RE: CLAIM/WELBORN

David Miller stated the claim by Welborn Hospital is regarding services rendered by the Hospital on behalf of one Sherry Coil who was an inmate in the County Jail on July 24 and August 16, 1988. The woman became seriously ill while in Vanderburgh County Jail, had no insurance and was in the County's custody. David Miller stated that there was no escaping the fact that the County is responsible for the Hospital bills. The amount of the hospital bill is \$6,987.28 after payments of received from Welfare sources.

Commissioner Borries moved that the claim for Welborn Hospital in the amount of \$6,986.28 be approved subject to available funds and was seconded by Commissioner Willner. So ordered.

Commissioner Borries stated that the Commissioners will need to go before the County Council and request a transfer or an appropriation, which will probably not happen until after the first of the year.

RE: REFUND CHECK/JOANN REED - David Miller

David Miller submitted a check in the amount of \$40.00 from his law firm to Vanderburgh County. During the Joann Reed case there was a supeona issued to a Deputy. A US Marshall testified he was served with a supeona along with the standard witness fee. The check was never cashed by him, and he talked with the Marshall about the rules and regulations under which he functions which makes it improper for him to accept same. We have already billed the County for the advancement of that money to the County so, we are reimbursing that money to the County.

Commissioner Borries moved that the check be signed and placed in the County Budget and was seconded by Commissioner Willner. So ordered.

RE: RELEASE/GENE ROSS - David Miller

David Miller asked the Commissioners to hold this release until next weeks meeting stating the Curt John has information on this.

RE: Y.M.C.A.

David Miller stated that he had been in discussion with Mark Owen and Curt John and he had been advised that at the previous meeting the Commissioner tentatively approved an arrangement between the County and the Y.M.C.A. regarding the development of a fitness testing program and a membership program for County employees and subsidize by the County. After hearing about this, Curt John realized that David Miller had not seen the proposed agreement until the morning of this meeting. Mark Owen stated to David Miller that to engage in this program the County has to contract with the Y.M.C.A. The contract provides that any County employee may participate in the physical fitness testing program which is a physical fitness test administered by the Y.M.C.A.'s personnel with license. Each individual, the condition of their physical fitness, how much fat they are carrying around, those kinds of things and the County by this agreement is paying the Y.M.C.A. \$10.00 for each County employee so tested. Each County employee presumably would be entitled to one of these tests, although this agreement does not say that. We would have to make that clear. The Y.M.C.A. membership availability: a membership for each County employee will be available at a rate which is 35% less than the standard Y.M.C.A. fee. The current and annual fee for a single adult membership is \$230.00 making the additional discounted rate available for such memberships for \$12.50 per month per individual. The County, by this agreement, agrees to pay 70% of that monthly charge for each one that joins. That's \$8.75. The County also agrees to withhold the balance from paychecks of the individual members so that the individual members will not have to remit it. The County would remit it in a lump sum. The agreement runs for a period of one year, January 1, 1990 thru December 31, 1990, however, it renews for six consecutive years unless it's terminated by written notice sixty (60) days in advance of the end of the year. If the program is not successful, or if it becomes too costly you as the Commissioners will have to take the steps to terminate the agreement toward the end of October. That's the proposed agreement. I have signed my approval to the legality of the document. It's up to the Commissioners to pursue it.

Commissioner Willner stated that the agreement with the Y.M.C.A. will help the County's insurance program.

Commissioner Borries moved that the agreement, subject to the change that David Miller has made, be approved and was seconded by Commissioner Willner. So ordered.

RE: COUNTY HIGHWAY - Cletus Muensterman

County Highway Superintendent Cletus Muensterman submitted his monthly work reports and the employee attendance reports for the period of December 15 thru December 21, 1989.

Commissioner Willer thanked Mr. Muensterman for his deligence and stated that he hoped the Highway Department can do as well if the County has any snow in the future.

Commissioner Borries wanted to also thank Mr. Muensterman and also all the citizens in this cold spell. He stated that there has been alot of cooperation. He further said that all the workers and crews did a wonderful job on the roads to make them safe.

RE: COUNTY ENGINEER - Greg Curtis

Scott Davis of the Engineer's Office reported to the Commissioner in the absence of County Engineer Greg Curtis.

Scott David stated the Commissioners had the Engineer's office check the status of three ordinances vacating bridges and right-of-way through-out the County. He stated that going though the minutes to get this report together he could not find where in the Commissioners meeting that the formal motion and acceptance of that motion was made for the execution of these documents and in conferring with Mr. Miller, was instructed to reinitiate this process to satisfy all legalities involved. This is the ordinance vacating to build a level for a bridge and right-of-way of Kansas Road bridge and Mill Road bridge and right-of-way. The first item it to advertise these and hold a meeting in regards to these matters. Boonville-New Harmony should also be included in with the other two bridges. Commissioner Borries moved that the ordinance abandoning the bridges on Boonville-New Harmony Road, Mill Road, and Kansas Road be approved as first reading and be advertised and was seconded by Commissioner Willner. So ordered.

OLD BUSINESS:

RE: TELE-MEDIA - FRANCHISE FEE

Commissioner Willner stated that he had a communication from Tele-Media, and proceeded to read the letter before the Board. (Letter is included in the folder for the Commissioners Meeting)

Commissioner Willner stated the only question he had was that Tele-Media, the Company that has the mobile home park, and doesn't have but one or two customers outside the park.

NEW BUSINESS:

RE: HOLIDAY CLOSING

All County Offices will be closed on Friday, December 29th and Monday, January 1st in observance of New Year's.

RE: SCHEDULED MEETINGS

Tuesday January 2	2:30 p.m.	Commissioners
Wednesday January 3	2:30 p.m.	Council Meeting
Wednesday January 3	6:00 p.m.	Area Plan Commission Meeting

RE: DISCUSSION OF CONDEMNATION - Folz Property

Commissioner Willner said he had asked Mr. John to facilitate the closing of the property behind the Coleseum, one being the Folz property and one being the McKinney property.

the McKinney property. Commissioner Willner said that the Commissioners worked out an agreement in their last meeting where the County is to move the two billboards that are on the side of the building. The Folz Building, the Commissioners had not been able to reach an agreement with Mr. Folz. The Commissioners had a benefit agreement and Mr. Folz has backed out of that agreement with the request for another year, to remove his belongings. The Commissioners thought that was a good agreement, and Commissioner Willner stated that it kept them from paying taxes on the property, and that he had a recommendation from Mr. John to condemn the property. Commissioner Willner said that he agrees with that.

Commissioner Borries stated that as a point of information he asked if Mr. Folz was in agreement with the price.

The response was positive.

Commissioner Borries asked if there was a time already negotiated for him to have to be out of the building and also asked what was next.

Commissioner Willner stated that in his agreement, in the initial agreement, giving him another \$5,000.00 to get his equipment out immediately within three months.

Commissioner Borries asked if Mr. Folz agreed to all the conditions and Commissioner Willner said he had agreed to all that.

Commissioner Borries made a motion that the original agreement be approved and after three months that the property then becomes property of Vanderburgh County and was seconded by Commissioner Willner. So ordered.

After some discussion, it was determined that the property had been appraised twice. Commissioner Willner asked that Attorney Curt John be instructed to follow-up on this matter.

RE: CLAIMS

There were no claims.

RE: EMPLOYMENT CHANGES

Drug & Alcohol

Janice Enderlin	Counselor	\$18,505.00
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County Clerk (Appointments)

Eunice Heacock	Deputy Clerk	\$12,628/yr.
Mable Winkler	Deputy Clerk	\$12,628/yr.

County Clerk (Releases)

Eunice Heacock		\$12,028/yr.
Mable Winkler		\$12,028/yr.

Coroner (Appointments)

Helen A. Groves	Clerk	\$15,267/yr.
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Coroner (Releases)

Helen A. Groves	Clerk	\$14,229/yr.
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Pigeon Township (Appointments)

Thomas Toone	Part-time	\$35/day
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There being no further business before the Board, President Willner declared the meeting recessed at 3:17 p.m.

DRAINAGE BOARD MEETING TO FOLLOW

Robert L. Willner
Richard L. Borries

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 2, 1990

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Bowers, Harrison, Kent & Miller - \$280.38	
KLF, Inc. - \$186.80	
Association of Indiana Counties - \$3,550.00	
Bowers, Harrison, Kent & Miller - \$1,767.38	
Building Authority - \$4,186.02	
EUTS - \$50,205.00	
KLF, Inc. - \$551.00	
Meeting Recessed at 4:25 p.m.	18

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 2, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Tuesday, January 2, 1990, with Commissioner Robert Willner presiding..

The meeting was opened by Sheriff's Deputy , who declared the Commission in session pursuant to adjournment.

RE: REORGANIZATION OF BOARD OF COMMISSIONERS

Commissioner Willner said the first order of business is the reorganization of the Board of Commissioners for the coming year and a motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Commissioner Robert L. Willner was nominated to serve as President. So ordered.

Upon motion made by Commissioner Willner and seconded by Commissioner McClintock, Commissioner Borries was nominated to serve as Vice President.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, Commissioner McClintock was nominated to serve as Chairman of the Board of Finance. So ordered.

RE: RECAP OF 1989 AND GOALS FOR 1990

President Willner said he has a recap of things that went on last year and things he would like to expect for the coming year, which he will present later on in the meeting.

RE: CENTRAL DISPATCH

Mr. Charles Cortwright was recognized and said the Commissioners have a letter from Indiana Bell in front of them that details the costs of the E-911 System which is going to be implemented during 1990. The original contract allowed for five (5) positions and eight (8) trunks. In preparing to set up the new center they have realized as they have gone along that the number of trunks was inappropriate. From what he understands, at the time the original contract was set up it was sort of a shot in the dark as to the number of trunks. We have agreed with Indiana Bell that we should have eleven (11) positions and eleven (11) trunks. All eleven (11) positions won't be manned each day around the clock, but they will be there so that we are carried well into the next century as far as equipment and trunks. He is requesting that the County Commissioners authorize the increase in positions and trunks.

The other two pages of the letter detail the cost and the cost will be turned back to each telephone subscriber in the County in the form of a surcharge which Indiana Bell collects, pays to us, and then we turn around and pay the phone bill with them and the bill with the equipment vendor that provides the equipment at the facility. Right now it looks as though that cost is going to be no more than 20 cents per line per month. On each residential line it will cost them 20 cents per month. For businesses, each trunk they have into their business will cost them 20 cents per month for the provision of the E-911 service.

Ms. McClintock asked, "Each subscriber will pay 20 cents per month?"

Mr. Cortwright confirmed that this is correct -- each subscriber per trunk they have. In other words, if a business has 800 or 900 trunks (as some businesses do) their bill would be substantial. Most residences will have two trunks.

Ms. McClintock said, "For a family with one trunk line it will add 20 cents per month to their phone bill."

Mr. Cortwright confirmed that this is correct.

Ms. McClintock asked if they are paying anything now.

Mr. Cortwright said, "No, the present 911 service is picked up through the tax money that we collect. Under this system it doesn't come out of the tax money; it comes directly from each user of the telephone network."

Commissioner Borries noted that no specific time is given as to when this will start in relation to the lump sum option referred to. In other words, do we have to prepay anything to Ameritech?

Mr. Cortwright said his understanding is that we don't -- that it is not going to cost the taxpayers from tax funds anything. That the money will come into the County Treasurer, the County Treasurer holds it, and then each quarter pays the phone bills for the lines and the equipment out of that fund. So actually, we're handling the money, but we don't have to put any tax money with it. It will self subsidize itself. The only thing we'll have to pay for will be personnel and the other costs of the center.

Commissioner Willner asked if we're talking about July 1st of this year?

Mr. Cortwright said that realistically the target date is November 1st.

Mr. Borries said that will still make us one of the first counties in the State. There aren't many with the E-911 service.

Mr. Cortwright said he believes that Marian County already has the E-911 service, or will have shortly. St. Joe and Lake County are already scheduled. Posey County will be a year behind us -- they just signed a contract. So Vanderburgh County will be one of the earlier areas.

In conclusion, Mr. Cortwright reiterated that he is requesting a letter be sent to Mr. Larrison authorizing the changes in the number of positions and trunks.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Riney was instructed to see that a letter to Mr. Larrison is prepared authorizing the change from the five (5) position eight (8) trunk system to an eleven (11) position and eleven (11) trunk system. So ordered.

RE: ROAD NAME CHANGE/BOONVILLE-NEW HARMONY (EAST OF GREEN RIVER ROAD)

Mr. Joe Ballard of the Area Plan Commission was recognized. He said that a Mrs. Brewer called the APC several months ago and wanted to know if Boonville-New Harmony Rd. was going to have a name change when the new section was constructed. He told her he assumed this would be the case, but asked that she talk with Jerry Riney. She has called him again and again he has referred

her to Mr. Riney. She has suggested that the name of the road be changed to Daylight Road or something like that and he said it would be okay with the APC since we have no road by that name -- but the decision to change the name of the road was up to the Commissioners.

Mr. Willner said it is up to the APC to suggest to the Commissioners what name it might be -- so Mr. Ballard is doing that now -- with Daylight Drive or Daylight Road?

Mr. Ballard said it is up to the Commissioners.

Commissioner Willner said he has had about ten calls on this and they all want Daylight Drive.

In response to query, Mr. Ballard said the new part merges with the old section so many feet before the Interstate. There are about three or four property owners on the old part of Boonville-New Harmony, who are still on the new part of Boonville-New Harmony. He really thinks this affects about ten or twelve property owners.

Mr. Borries said he would think that we will need to do this for two reasons. First of all, because the road is going to be clearly indicated on I-164 and that is the first exit off in Vanderburgh County. So he thinks it is important that we keep the new section Boonville-New Harmony Road. Secondly, for the residents themselves, so both the APC and the U. S. Postal Service can make some changes so residents can have their mail delivered properly.

Mr. Ballard said he doesn't think there are currently any property owners along the new section of Boonville-New Harmony Road, but there may be in the future. When the APC checked with the Post Office a few months ago, they did say they did not want it to be New Boonville-New Harmony Road and Old Boonville-New Harmony Road.

Following further brief discussion and comments, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the old unimproved section of Boonville-New Harmony Road is to be changed to Daylight Drive. The motion was approved by unanimous roll call vote. So ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the newly constructed section of the road be named Boonville-New Harmony Road. The motion was approved by unanimous roll call vote. So ordered.

Commissioner Willner asked if this name change will require an ordinance?

Mr. Borries said he would think so. In effect, we're adding road mileage to our system.

Mr. Willner said the Board changed Mosquito Road to Outer Darmstadt Road and Eichoff was changed to Eickhoff and Lynn Rd. was changed to Lenn-Becker -- but he can't recall whether the change was affected by ordinance.

It was the consensus that the change should be done by ordinance and Attorney John was asked to prepare the two ordinances.

Mr. Ballard said the APC will notify the U. S. Post Office and the residents of the road name change.

Commissioner Borries said once the ordinance is signed, the County Highway will have to see that the signs are changed.

Secondly, he believes we're already receiving some money for the portion named Daylight Drive, but the new portion of Boonville-New Harmony would also qualify for State funding on the mileage county.

Attorney Curt John noted that possibly the Commissioners can affect the road name changes by Resolution rather than Ordinance which would eliminate the need for legal advertising, etc.

The Commissioners instructed Attorney John to prepare whatever is correct.

RE: HIGHLIGHTS RE 1989 ACCOMPLISHMENTS

The meeting continued with President Willner giving a recap of 1989 accomplishments, as follows:

- 1) The County resurfaced 53.9 miles of County roads.
- 2) This was the second year in a row that we were able to declare Vanderburgh County free of potholes.
- 3) The County crews installed 108 culverts and all culverts were inspected in the 53.9 miles of County roads.
- 4) A new bridge was installed on Boonville-New Harmony Rd. west of Highway 65.
- 5) Four roads were widened: Eissler Rd., Inglefield Rd., Laubscher Rd., and Boonville-New Harmony Rd.
- 6) We had engineering agreements with outside engineering companies (with Federal participation) on the Franklin Street Bridge and the Columbia-Delaware Street bridges, which were very much in need of some attention.
- 7) The new portion of Boonville-New Harmony Rd. will probably open in the spring. Or, if the temperature reaches 55 degrees in the next day or two, they might be able to finish then. There is also a new bridge structure on this portion of the road.
- 8) The Vanderburgh County Commissioners have instituted a new Personnel Policy which is still a little in limbo as of today. However, he thinks the Attorneys are working on this and it is becoming fairly clear as to what the new Personnel Policy is going to say.
- 9) A new Joint Agreement Between the City and County re Civil Defense was executed.
- 10) A new sound system was installed in the Commissioners Hearing Room, which is a great improvement.
- 11) A new Transient Merchants Ordinance was put into effect.
- 12) The bonding issue is completed for the U.S.I. and Union Township Overpasses. (They went up last week and this has been finalized and the money is in Evansville banks.)
- 13) Precinct Boundary Changes were changed.
- 14) Reorganization and rearrangement of the record rooms in the basement of the Administration Building was accomplished.
- 15) Burdette Park has a new bath house, additional deck area, a new Deluxe Miniature Golf Course, a new Aquatic Center, a new Day Camp, and a new Parking Lot. And, once again, they trimmed the budget. A new record was established in attendance and revenues at Burdette Park. The deficit will again be down for the fifth or sixth time.
- 16) There is new handicap accessibility at Vanderburgh Auditorium. New restrooms and elevator accommodations were completed. The roof was repaired and the chillers and drains were done. The new air conditioning system installation and revamping of heating system were completed and are on line. He understands these are working very well.
- 17) In 1989 we also saw the first County Convention come to Evansville and this is something he would like to see more of during the coming year.

Commissioner Borries said he would add a couple of items. The Central Dispatch agreement was approved and we are now making many decisions with E-911 which will be in place in 1990. The other major conversion in 1990 will be the new Data Processing System.

Commissioner Borries said he wants to congratulate Commissioner Borries (and probably himself). They are now entering their second decade as County Commissioners and he thinks Rick has done an excellent job. He appreciates his thoughtfulness and his painstaking care of Vanderburgh County.

Commissioner Willner addressed Commissioner McClintock and said she is new on the Board. She is a good, solid Board Member and he appreciates her thoughtfulness. Because of her election Vanderburgh County is better off and he hopes she seeks re-election to this Board.

RE: 1990 GOALS

With regard to things Commissioner Willner would like to see accomplished in 1990, he cited the following:

- 1) Paint all railroad crossings in Vanderburgh County.
(He has said a few things about this before. He thinks perhaps that the death at one of our railroad crossings prompted him to say there ought to be something we should be doing. He remembered that years ago we used to do this as a matter of course. Somehow we just got away from it. It is very simple and doesn't cost a lot of money and at the same time it does so much good. Thus, he is presenting this today to be made a standard for Vanderburgh County. The striping machine has been ordered by the Highway Department. A stencil will be made for the R's and the rest can be done with the machine. He really thinks this is something that the County Highway Department can do and we'll definitely save some lives and it will be a good part of our road system.)
- 2) Along with that, he would like to paint some STOP bars along the side streets of our major thoroughfares. Some people come up and almost run into the intersection before they stop. So he is sure this will be noticed by the public and appreciated.

Commissioner McClintock asked, "Bob, when you say all Railroad crossings, are you talking about in the County outside the City, or...?"

Mr. Willner said, "If they're not done in the City, let's do them in the City, too. They really are not our responsibility, but I think we ought to do it. We don't have that many railroads and he thinks this is a good public service." (Commissioner Borries concurred.)

Mr. Willner said the City does their own STOP bars, so we don't have to do that. In response to query from Ms. McClintock concerning the STOP bars to be painted in the County, Mr. Curtis explained that the first bar will be approximately 100 ft. and the Railroad Crossing sign would be centered - 75 ft. The next stop bar is 50 ft., and then 15 ft. prior to the crossing is the stop bar where the motorist is to stop. This is in accordance with the State's Uniform Traffic Control Devices Manual, as well as what you basically see spelled out in the Driver's Manual.

- 3) Improvements in Redbank Road and Nurrenbern Road intersection. This realignment does require the taking of some private property. It is his understanding the gentleman is not happy with that and doesn't want to

sell that portion and it may have to be condemned and taken. Mr. Willner said he thinks this project is good enough that it should be done. There is an existing bridge structure right at the top and he thinks the widening of this should be done at the same time (or even before) and should be a major goal of ours to do it as quickly as possible. He doesn't know that we can do it before the upcoming season, but Mr. Curtis tells him that one of the things he is trying to do for next year is a timetable for all County projects for the year and we will be trying to put this bridge safety project and access to Burdette Park as one of the first things we should do.

- 4) Kleitz Road Realignment. There is a 90 degree turn and there is a bridge structure right on the turning radii with 10 mph speed limit. You almost have to stop. Several years ago there was discussing of putting a new bridge there and some preliminary work was done on it. That property also belongs to someone who does not want to sell, does not want anything changed -- and that would have to be condemned if the same individual owns the property. However, he thinks we also should work toward this.
- 5) Woods Road/Pruitt Road Realignment: Mr. Willner said he understands that several years ago there was an offer from a person to donate some right-of-way if the County would change that. There is not much traffic there and it was not a major item, thus it kind of lay dormant. But it is a good project and the gentleman is going to donate the land. So if the Commissioners wish to make this improvement, it is perfectly all right with him.

Commissioner McClintock said she concurs with the road improvements. What do we need to do to start the condemnation process on some of those? Talk to the property owners first?

Commissioner Willner said he thinks we would have to have a design by the County Engineer to tell us the number of feet, a description of the property, and then ask the County Attorney to start on that project.

County Engineer Greg Curtis said we are working on it; that was their alignment that the Board saw today. As far as plotting that and getting the survey information, that hasn't been done yet. But we needed to get a general alignment so we'd know what to get surveyed.

Commissioner Willner instructed Mr. Curtis to continue and when the necessary information is available, he should get back to the Board.

- 6) Recyclable Trash Program: Mr. Willner said he guesses a recyclable trash program for Vanderburgh County is high on the list. They tell him that the next decade is going to be the decade of the environment and that Congress and the States, Cities, Towns, and Counties need to get a head start. Toward this end, they met with the head of Browning-Ferris Industries today and have started that program. It looks like it is a lengthy thing for Vanderburgh County. He is doing a couple of things for us in that area and that is he is going to find out the best system for a rural area in the U. S. and obtain a copy of their ordinance or whatever it takes and possibly somebody can go to take a look at their system and see if their program will fit in with ours. And he thinks that sometime we should meet with the trash haulers who are picking up trash at Vanderburgh County rural homes (there are about six or seven of them).

Ms. McClintock said that is the problem; it is not like the City. It is a private thing.

Mr. Willner continued by saying the gentleman is going to bring us for examination purposes one of the new 14 gallon tubs that the City is going to put in place and he explained a bit about the City's volunteer program. In any event, the County should start a program -- volunteer or otherwise -- and we will be working toward that end.

- 7) Conventions: Mr. Willner said he would like to see something a little more palatable insofar as getting some conventions to Evansville. He knows we have a Convention & Visitor's Bureau and they are working on this. But they need some input from the citizens of Vanderburgh County with regard to conventions happening throughout the territory and the State so they can be there to present information with regard to Vanderburgh County and the City of Evansville.

Ms. McClintock said we haven't had Indiana Parks down here. The County can host it if the City doesn't want to host it. She asked Mr. Tuley if he remembers where they met last year? Does he remember where they are in their cycle?

Mr. Tuley said he will check on that this week and report back next week. That would be good for Evansville.

- 8) Mesker Park Drive & Mill Rd. Intersection: Mr. Willner said this intersection can be updated with County forces and he would like to see that done. That was on Cletus Muensterman's list and we've done one intersection on Mill Rd. and he'd like to see another one done.
- 9) Vanderburgh Auditorium: Mr. Willner said he would like to continue to look into new lighting and sound systems and to install 300 new seats. In order to do that, the Fire Marshall tells him we need some new Exits. Mr. Willner said he has asked Greg Curtis to do some preliminary work there and he and Mr. Willner will be meeting with the State Fire Marshall as soon as it can be arranged to see exactly what we have to do. He keeps hearing the words "Three new entrances/exits" and hopes that surely that is not true -- but it might well be. In any event, we will determine whether this is feasible.
- 10) Achievement of Excellence: County Auditor Sam Humphrey has made first mention of the Achievement of Excellence for Vanderburgh County, which is a Financial Reporting System.

In response to query, Auditor Humphrey said he doesn't have a figure, but we have had three proposals submitted. If Commissioner Willner will recall, he, the Council President, and the Auditor are to review those proposals and interview an individual tomorrow. They have interviewed one and the third one will come in. He called about thirty minutes ago. We need to examine these individuals firmly and see exactly what they are proposing to do so we're comparing apples to apples. This is a Certificate of Achievement of Financial Excellence and Reporting. The first thing we have to do is get an inventory of all property that the County owns and we are working on that now. He thinks with their help the rest of the things can be put together in house here. But that is being studied now. Once we make a decision as to who will assist us in doing this and what the costs are, we want to continue that for another five years -- just updating it every year, which won't be a big deal. At that point we have to notify the State, the State will do our audit and will try to get it done by the first of May so we can incorporate all

that information and submit it. It is to be reviewed by a panel of CPA's who are government accounting specialists. If we get it, we will be the third County in the State to have it. Only Marian County and Marshall have it. There are a couple of cities that have it, but very few counties. Mr. Willner said he thinks we should try to achieve that award for financial planning for our County.

- 11) Cable T-V Rural Electrification: Mr. Willner said he thinks we should try to take a portion of our cable television franchise fees and put them back into a cable television rural electrification. He has had a number of calls from people who live outside a congested area who have tried to get cable television to their homes and the cable television companies keep telling them it is impossible. So he thinks we should take a portion of the franchise fees and put them back into cable expansion in the rural areas..In a number of years it would return at least some of our investment. He thinks Greg Curtis has contacted Evansville Cable T-V and they might look at a package for us. Otherwise, there will be many homes in Vanderburgh County that will never have the opportunity.

Ms. McClintock said she thought perhaps Mr. Willner was going to suggest taking a portion of the franchise fees and put it back into public television in the tri-state. Actually she thinks that not too far off in the future we're looking at that. She knows that Mr. Borries is working completely independently of herself with her boss -- looking at all the new advances that are going to be made with the new system that is going to be available. We could have the Commission meetings on public television. There may be a proposal forthcoming -- but she doesn't have anything to do with it. But she, too, has had several calls (among them Nurrenbern Rd. residents).

Commissioner Willner said this concludes his list of 1990 Goals with the exception of any new roads and where they are likely to go and he guesses he is not up to giving all the names. However, we are working on the list and there may be some surprises. But there is so much happening in the State of Indiana right now that it is hard to keep track of it. The Build Indiana Funds are growing faster than anybody expected. The timetable has now been moved up to reflect that. The Legislature is meeting beginning tomorrow and he understands this will be one of their first orders of business -- at least to determine who is the final authority on the Build Indiana Funds -- whether it will be the Legislature or whether dollars will just be channeled to each County. So we need to see what is going to happen before we make some of our plans. We will stay close to this and he will report as things happen. But it is his understanding there are going to be some big changes. He guesses the regular Federal Aid is going to be same; but we're not too sure about that since the allocations from the road bill are all committed. Every dollar that has been appropriated by the Federal Government has been committed. So roads are a little squeamish right now and we'll try to stay on top of this.

Commissioner McClintock said the only thing she would add to both lists of accomplishments is the work that has been done this year over at the Coliseum -- the new roof and all the work done by volunteers and the Veteran's Council. She thinks we're seeing a turnaround

on that property. She would like to see continued improvement in that area and going ahead with the parking lot and really trying to work to get that completely turned around.

Mr. Willner said the Board did vote last week to go ahead and condemn the Folz property. He just thought that the Coliseum project hadn't been done yet, but certainly it should be on the list for next year. They are continuing to have some events and are making some dollars and while they don't have a surplus, they do now have some money in the treasury that has been committed only to restoration of the Coliseum. It cannot be spent for anything else.

County Logo: Mr. Willner said before today's meeting is over, he'd like for the County to select a County logo so we can go ahead and put the stickers on our inventory for the new year.

Commissioner Borries said he would like to add a couple of things. He thinks Commissioner Willner has done a fine job on the lists. After two decades of service, he certainly thinks Commissioner Willner should receive some compliments. We talk about vision and all the sexy things we can read in the newspaper but, from a practical nuts and bolts standpoint, much of the Commission's work deals with roads and bridges and the things that people drive over every day. They don't give the Commissioners a lot of compliments when they are smooth -- but when one of them falls apart does the Commission ever hear about it. He thinks Mr. Willner has really dedicated himself. He knows he drives on the weekends and looks at those roads and bridges and after two decades folks should have a debt of gratitude to him for his service. He really puts in a lot of time on this and he thinks our roads and bridges are in fine shape and Commissioner Willner is certainly to be complimented.

Mr. Borries noted that the County also gave a \$25,000 grant to the Conrad Baker Foundation for the Court House. If we want to do some things to energize the downtown area; if we're serious about really wanting to preserve the Coliseum and the Old Court House, at some point we're going to have to come up with some kind of funding mechanism. Mr. Borries said we hear from the Hotel/Motel Owners that the Hotel/Motel tax is already too high -- yet, it is one of the lowest in the State for any major city. He knows that Councilman Harold Elliott has proposed things from time to time and he has done a lot of thinking on it. Frankly, maybe this is an avenue we need to pursue, because let's face it, that doesn't impact all the time on folks who are directly living in here unless they are using the hotel/motel for temporary purposes. This would not impact on the local tax base. Again, if we're going to get serious about preserving those great structures, he knows that a teacher friend of his at Harrison High School (Bill Bartel) is doing a Centennial history of the Old Court House. He wrote a letter in their behalf to the Indiana Historical Society and they received a small grant. Before we ever get into any other government expansion, he certainly thinks we can look at ways perhaps in which government could utilize portions of the space in that old building. We have made some efforts their and they are appreciative, but maybe we need to seriously look at how we can help those buildings on an ongoing basis.

Commissioner Willner concurred and said that along with that he thought of the Hillcrest-Washington Children's Home. While it wasn't done last year (it was done the year before) something needs to be said. We talked to them the other day about a Juvenile Detention Center at that location when they change their funding formula and there is some interest. He doesn't want to say that is the only place that is being looked at, but that is

one of the possibilities. He believes "Girls Only" was being discussed for that facility and they were looking at another location for boys. Juvenile Detention is another thing that is very big right now throughout the State of Indiana and we are going to watch that.

COUNTY ATTORNEY - DAVID V. MILLER

Certification of Employee Attendance Reports: Attorney Miller said that he, Commissioner Willner, and Councilman Owen had a discussion when they were in the bond closing about the problem of certification of Employee Attendance Reports and how they were going to fit that in the new payroll system and they came up with a way of doing that that envisioned that the first Employee Attendance Reports were going to be turned in at the close of County business at the end of this week, but they would not contain the certification -- because the Department Heads were worried about certifying in advance the employees at work. What we want is for the Employee Attendance Reports to be certified by the employee and the department head that these people have worked this time. It is essentially a sworn record of that work. They worked out a procedure to suggest to the Board and Mr. Willner challenged him to put it down in writing and he has done this. However, Mr. Humphrey and his staff have some substantial problems involving the computerization and how this is going to fit into their system and he wants to address the Board concerning this. However, Attorney Miller said he does want to deliver to the Commissioners a copy of the memorandum that would go to all Department Heads for their perusal, let Mr. Humphrey suggest his problems, and the two can resolve it any way they want to and he can the memorandum. However, Mr. Willner will recall that the goal of this procedure outlined by Attorney Miller was to make it unnecessary to withhold from County employees an entire week of pay all at one time. What this is designed to do is to get the County not paying in advance anymore, but paying after the employee works the time -- which is the standard in all industry; and also make it unnecessary for County employees to go without a week of pay because they have to this time been paid in advance. So that was the idea here. He doesn't have any legal recommendations except to say that the County ought not to be paying people in advance and we should be getting certifications from the department heads.

Simons' Governmental Services: In continuing, Attorney Miller said they spent the entire morning meeting and discussing the claim of Simons' Governmental Services for what is alleged to be extra work and supplemental work under his agreement with the County in connection with the reassessment. It is necessary that we have an Executive Sessions so he can explain the problems and the proposed solution, because this does involve a substantial threat of litigation and it appears to him to lead to litigation unless the matter can be resolved. He would like to have a Joint Executive Session with the County Council, since this involves the possible appropriation of additional monies and possible liability on the part of the County. He would like to hold this Executive Session next Monday (January 8, 1989).

Commissioner Willner said if Attorney Miller will recall, at the last Executive Session they discussed the Andy Easley letter.

Attorney Miller said he does recall this and he is remiss in not giving the Board an answer; he still doesn't have an answer.

Mr. Willner said Mr. Easley was in again this morning.

Attorney Miller said this can certainly be discussed. He asked Joanne Matthews to schedule the Executive Session at 1:30 p.m. on Monday, January 8, 1990. Purpose of the Executive Session will be to discuss the claim of Simons' Governmental Enterprises and matters related to it and to discuss the Andy Easley claim.

Petersburg Place: Commissioner McClintock asked Attorney Miller if he has had an opportunity to do anything on the Petersburg Place matter.

Attorney Miller said he has written a letter telling them they have to remove the pipe, but he doesn't have the names and addresses of the people and he thinks Greg Curtis or someone was to provide him with the names of the individuals who have the pipe there.

Commissioner Borries said Mr. Bill Jeffers would have this information.

Ms. McClintock asked if someone can't get that information from Mr. Jeffers and get it to Attorney Miller.

County Logo: Following brief discussion, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Commissioners selected a County logo from the samples given (third line down, third from the left). So ordered.

Historical Document/Court House: Auditor Humphrey noted that about six weeks ago Bob Wright at George Wright's sent him a letter dated 1889, written by a Commissioner Wunderlich to a county in Michigan recommending an architect who assisted in designing the Old Court House -- and there is a logo on there that shows the Old Court House in an entirely different perspective. It's a nice logo and the best one he's ever seen. He took the letter to a man to frame it properly -- and he looked at it and said his grandfather built the old Evansville High School. The architect being recommended designed it. The Commissioners might like to look at the framed letter.

The Commissioners said they would. Commissioner Borries said he hasn't been by to see them yet, but another gentleman has some township maps dated 1880 -- he doesn't know what we might want to do with these. There were two contractors involved when the Old Court House was built and while he doesn't remember whether it was the contractor or the architect, there was a lawsuit whereby they sued the Commissioners -- so nothing has changed in the last century. In any event, as massive as that building is, it had to be a monumental undertaking given the technology.

RE: COUNTY AWARDS - 1989 ACCOMPLISHMENTS

Commissioner Willner noted that the County also received two (2) awards during 1989 -- one from the Indiana Association of Counties and the other from the Federal Government. This should be added to the list of 1989 accomplishments.

RE: COUNTY ATTORNEY - CURT JOHN

Gene Ross /Release: Attorney John said that he was contacted by Gerald Fuchs' office, legal representative for a Mr. Gene Ross. Apparently Mr. Ross had been involved in an accident and the police report indicated there had been a SLOW sign damaged on one of the County roads. Mr. John said he contacted Cletus Muensterman and he had checked the area, the traffic department has checked the area -- and we can find no indication of a sign or that a sign ever existed there. What they are requesting is that we release any claim that we may have against Mr. Ross or let them know how much he has to pay to replace the sign -- so this individual can keep his driver's license. Since we can't find any damage, it is his recommendation that the release be signed. They have shown good faith.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the release was signed. So ordered.

Recommendation re Payroll/Employee Record: Mr. John said he guesses the next matter to be discussed is Attorney Miller's recommendation with regard to payroll -- and Auditor Humphrey is present. Attorney John also has some thoughts on the matter. He doesn't know how valid they will be or how the State Board of Accounts will look at this. The Board may consider changing the certification by the officeholder, which states it is the 40 hour work week -- however, it is being submitted in advance. In the event the individual does not complete the 40 hours, on the following pay that amount will be deducted and then the officeholder will take all necessary steps to reimburse the County for any overpayment should that occur.

Auditor Humphrey said this initially came up because of his concern that this was illegal to start with. We get a payroll in one Friday that is paid the following Friday. This is the way it is currently handled. In other words, we have paid for a service that has not yet been completed. So we've been illegal for years. During his first week in office he approached the State Board and they had no particular problem with that since if it was a lower work week, it was adjusted the following week. And that is what Curt is suggesting now. We have two things coming up which means another deduction on the payroll. When he went to the computer people -- we are out of screens on our computer and they have to design a whole new screen for this. He said we had to have it for the February payroll. They asked what he wanted -- reassessment or this? What are his priorities? Mr. Humphrey said his priority is reassessment -- but beyond that, there seems to be a series of technical problems within the office. We have offices in the next building who might change a person's slot and fund every week -- and that is the Courts. This causes us a lot of problems just to do that. This would make one person in his office responsible for every payroll certification in the building. Even if the computer worked -- we simply don't have it. It's just that simple. It is not uncommon for an employee in the County to change slots three or four times a year. Every one of those would throw this original 4% out of balance and we would have to take care of it.

Continuing, Mr. Humphrey said he brought Chief Deputy Cindy Mayo along today. She worked in payroll and can tell the Board some of the technical problems we would have in accomplishing this by February. It's almost an impossible task -- with the things we have to put in during the month of January every year. The computers went down Thursday. We were notified they were going to be shut down at 3:00 on Thursday. We have to get the whole county's year end in before we can close the computer out and roll it over. He called them and told them they can't close the computer down -- they have to serve the county first. They gave him all sorts of reasons as to why they had to do it. The auditor's office had girls working during lunch, breaks, and everything in order to get the information in by 4:00 p.m. Then it takes them eight (8) hours to roll that over into the next year. They asked to wait until today and they are doing that now. He thinks it has been completed. By law, we are supposed to have the checks to the Building Authority, etc., on the first day of the year. He received a call around 11:00 a.m. this morning from National City Bank screaming because they didn't have their check. We didn't have any checks to give them. This is what the computer does to us and we can't do anything about it. We did get them a check and they are issuing bond payments today, according to the bank. But it was very late. These are some of the problems that we have. He then asked Cindy Mayo to explain some of the problems we have in payroll.

Mrs. Mayo identified herself and said the computer does keep track of line numbers. It does at the end of the year, whatever the individual's employee number, give you a total. You might get three or four W-2's. If you have switched line numbers, it will give you a total for each line number that you were in. So

if we start deducting just a certain amount from a person's check and do it over a period of time, if that person does change positions the department head is not going to keep track of how much money has been deducted -- the payroll person will have to. Karen (Joest) will have to stop what she is doing and tell each department head how much money has come out of this person's check -- and there are numerous switches throughout the year. If a person leaves and another person is put in their slot, it is not uncommon -- Circuit Court has about seven different accounts that they pay out of and it is not uncommon for one person to be in maybe five completely different accounts -- not only line numbers. And for Karen to start this payroll deduction right now when we are trying to get year end totals and W-2's ready is almost impossible. She is not taking lunch hours; she probably will be working over to try to get the W-2's out and to try to get all her year end figures together and make sure all the new salaries are correct that people are going to be paid on January 12th. It's an enormous undertaking and it amounts to one (1) girl keeping track of all the deductions -- not the department heads. They either cannot or will not -- it just won't be done by them. It would be up to the Auditor's office to keep track of all of that.

Auditor Humphrey said "The last pay of the year we wipe out all accounts in a line item. One office in the building didn't have a single payroll item right -- not one. We have to make those adjustments. That's just the way it is. We don't like it -- but that's life. And to take 4% out every pay would make 100% over a period of a year -- but out of what?"

Continuing, Mr. Humphrey said he does have a solution and that would be to withhold a week's pay. We have two months in the year when we have three pays per month (June and December). We could hold out a full pay in June and accomplish the same thing. We could still have the certifications submitted but just be paid a week late -- so that nobody is lying about what they are doing.

The Commissioners expressed the opinion that this would be a hardship on the employees.

Mr. Humphrey said if they get six months' notice they could plan for the vacuum in June.

Ms. Mayo said the employees are scheduled to get paid on June 1, 15, and June 29. On the June 15th payroll, they thought if they could withhold a week we could issue a memo now stating that this would be done in June. But David Miller had a problem with that insofar as the certification that the officeholders have to sign for the payroll -- unless we could do as suggested by Mr. John for that six month period have them sign it "to the best of their knowledge".

In response to query from Commissioner McClintock as to why some Court employees are paid out of various accounts, Ms. Mayo responded that Federal money is involved, etc., There are certain grants they get that they spend out of. And sometimes some of the employees are paid out of as many as five accounts during the year. Further, their fiscal year is from July 1 to July 1 and they pay as the money is in the account. When they run out of money, they put them in another account.

After further discussion concerning possible solutions, including a suggestion from Mr. Willner that only \$5.00 per pay be withheld until such time as the necessary funds are in the account, it was determined by the Board that the County Attorneys and the Commissioners will meet subsequent to the Commission Meeting in an effort to resolve the problem. However, it was noted by Commissioners Willner Borries that if we have to withhold a week, it would be better to give the employees ample notice and do this

in June. They do not see how any action could be taken in January. The post-Holiday crunch would cause a hardship on a lot of employees in addition to the technical problems in the bookkeeping aspect.

Attorney John also noted that the Commission probably would want the concurrence and approval of the State Board of Accounts with regard to the proposed solution prior to acting on same..

Mr. Humphrey said the SBA's attitude three years ago was that they were not going to rock the boat with regard to the employees being paid in advance unless something came up -- and they haven't mentioned anything to him since that time. . It is only the FSLA problem that occasioned this to start with and the certification that occasioned this to start with.

Attorney John said a step in the right direction would be instituting a new policy wherein new employees would get paid on the third week because we would withhold one week's pay.

Commissioner Borries said he would like to see a solution whereby we can get into conformance with the least problem for the employees -- and that is what he wants to know from the State Board of Accounts.

The matter is to be included on next week's agenda.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said he had submitted his Weekly Work Reports & Absentee Reports and entertained questions. There were none.

We did have some ice and snow and we are getting some bad places in the road -- but they're trying to catch them immediately.

Mr. Willner said there is a pothole at Baseline and Schillinger Rd.

RE: COUNTY ENGINEER - GREG CURTIS

St. Joe & Allen's Rd. & Oak Grove Road Projects (Performance Bonds and Notice to Proceed): Mr. Curtis reported that he received the Performance Bonds on the foregoing projects and has the Notice to Proceed on both projects for the Commissioners' approval.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bonds were accepted and the Notices to Proceed were approved. So ordered.

Travel Request: A travel request to go to the County Bridge Conference on January 24th and January 25th at Purdue University was submitted. Mr. Curtis said he believes this conference will be very beneficial, including information re seismic design for earthquakes, reinforced earth abutments, Federal funding, etc., as well as rural bridge programs. He is requesting to stay at the Union Club (on campus) on January 23rd and January 24th. That rate is \$46.20 and the per diem of \$24.00 for two days. Registration fee is \$35.00. Total would be \$175.40.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the request was approved. So ordered.

County Logo: Mr. Curtis said he had Gary Kercher enlarge the logo that the Commissioners approved and he will distribute copies at this time.

RE: RESOLUTION RE COMMISSION MEETING DATES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board approved a Resolution concerning Commission meeting dates and times (copy attached hereto).. The Board will continue to meet weekly on Mondays at 2:30 p.m., with the exception of the third Monday, at which time they will meet at 6:30 p.m., with Rezoning Petitions being heard at 7:30 p.m. So ordered. (To be advertised.)

RE: ACCEPTANCE OF CHECK

A check in the amount of \$158.39 from Alexander Ambulance Service (duplicate payment for Richard Sebree, Claim #6077 88 0222) was submitted.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the check was accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

RE: TRAVEL REQUEST - COUNCILMAN TAYLOR

A travel request from Councilman Taylor to attend the Indiana Black Legislative Caucus in Indianapolis on January 6th was submitted.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the request was approved. So ordered.

RE: OLD BUSINESS

OccuMed Proposals: Commissioner McClintock asked if the OccuMed Proposals could be scheduled for next week's agenda. It was so agreed. The Board needs to decide if they want to do any kind of a program and which parts of it they want to do -- and then select the vendor. Mr. Mike Moade is to address the Commissioners next week concerning this. It seemed to be the consensus of the Board that employees in the Sheriff's Department, union employees at the County Highway Highway, etc., should have physicals to provide verification that they can perform the work. In other words, those in a stressful job should be physically fit to perform their jobs.

Attorney John asked if Helfrich Insurance carries the County's Workmen's Compensation insurance and it was verified they do. Attorney John asked if the Commission has had any input from Dennis Feldhaus concerning this. This should be helpful. One of the benefits is lower premium on Workmen's Comp insurance, because the County is hiring someone knowing their current health status and they apparently are fit to perform the job. Only two proposals are being considered at this time -- Welborn's and St. Mary's.

Transient Merchant's Ordinance: Ms. McClintock said Commissioner Willner mentioned the new Transient Merchant's Ordinance earlier in the meeting. She received a copy of a letter sent to David Miller indicating we have the ordinance but we have not done what we need to do so that these Transient Merchants can register according to the ordinance. They indicate they will be happy to do whatever they can do to help us get that done. We may not have many in the winter, but the spring will be coming.

Commissioner Borries said he heard on the radio of some kind of liquidation sale at the Ramada Inn. Would they have gotten a permit?

Ms. McClintock said they should have. But they can't -- because right now ...

Auditor Humphrey said, "They can -- they won't, is the problem. There is a form to fill out in the Auditor's office. Joanne Matthews handles this.

Ms. McClintock asked, "And there is some kind of identification they can get from the Sheriff's office? Maybe if the Auditor's office is set up we're just waiting on the Sheriff's Department. Maybe this is something Jerry Riney can check out." (J. Riney subsequently advised he will set up meeting with J. Fravel so he and Joanne Matthews can meet with him after he determines how Sheriff Shepard wants to handle this.)" Ms. McClintock continued, "But they are supposed to come in and register with the Auditor's office -- but according to the letter they are not set up so they can't make people come in. They say the procedure for I.D. cards has not been established."

Mr. Borries noted that somebody paid for the advertising for the group at the Ramada in advance -- that wasn't a freebie.

Mr. Humphrey said the Auditor's office has always been set up. We're right back to the original problem we had -- and that is one of enforcement. Joanne Matthews handles these things. We've had 40 to 50 calls since early December and six or seven have come in to apply for the license. However, when they find out what the cost is, that is the last we hear from them. That doesn't mean that they are not here. We had this problem on the west side (Franklin Street and the Expressway) and Green River Road. He had a meeting with the Prosecutor and Police Chief and the Sheriff. They sent patrols to these areas -- and the merchants were gone within three or four days and they never came back -- until the patrols stopped. The patrols lasted about a month -- and now you see them all up and down the road again. The problem is one of enforcement. And if they are not willing to enforce it, you can have all the resolutions you want and the job won't be done.

Ms. McClintock said the Board was assured by the Sheriff that this would be taken care of and the ordinance would be enforced. If they are not still doing that, then we need to find out what is going on.

Commissioner Willner asked that Mr. Riney provide the Board with an update next week.

Civil Defense Director: Ms. McClintock asked whether a Civil Defense Director has been hired yet, and Mr. Willner said they have not, although they have advertised for one.

Risk Management Insurance Report: Ms. McClintock said she received a copy of the Risk Management Insurance Report and asked Mr. Riney if we are following up on these recommendations?

Mr. Willner said he hasn't read the report yet -- but we usually do follow up. We pay \$2,500 for the report, so we'd better do what it says.

Ms. McClintock noted that some things are repeated, so apparently it was prior to Mr. Riney's joining the County that some recommendations were made and not followed.

RE: NEW BUSINESS

Travel Request: Auditor Humphrey noted that he is District Vice President for the Indiana Auditor's Association and there is a bill before the Legislature affecting the Auditor's office and he has been asked to go up and testify -- but he doesn't know when. The Legislature starts tomorrow and it could be any day. He is asking for permission to travel for that.

Also, there is a conference coming up in May which is going to require his attendance in Indianapolis and Clarksville a couple of times -- and he doesn't know when these meetings are coming up. How does he handle this -- if they call him tomorrow to come to Indianapolis?

The Commissioners said they had no problem with blanket approval regarding the legislative matter. With regard to the other meetings, Mr. Humphrey should know in advance.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, authorization was given for Mr. Humphrey to travel to Indianapolis re the legislative matter.

RE: SCHEDULED MEETINGS

Wed.	January 3	2:30 p.m.	County Council
		6:00 p.m.	Area Plan Commission
Thurs.	January 4	4:15 p.m.	EUTS (Room 307)

RE: CLAIMS

Mr. Riney said he has a claim dating back to the first part of 1989 when we purchased a new printing machine in the Engineer's office. The Board authorized him at that time to take \$4,629.09 out of Acct. 131-355. Now they've come up with a bill from the City (with which the Engineer agrees) a maintenance contract in the amount of \$1,212.10.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claim was approved. So ordered. (No claim given to the secretary.)

Claim for Official Bond/Pigeon Trustee: A claim in the amount of \$120.00 for Official Bond for Dorothea MacGregor to Gaslin Insurance Agency was submitted.

The claim was approved by the Board, but the motion was rescinded, as payment for this claim has to come out of the Pigeon Trustee's account and be approved by the Pigeon Township Trustee's Advisory Board. (Claim was returned to Mrs. MacGregor.)

Insurance Audit & Inspection Co.: Claim in the amount of \$5,350.00 was submitted.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claim was approved. So ordered.

Bowers, Harrison, Kent & Miller: Claim in the amount of \$280.38 was submitted.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved. So ordered.

KLF, Inc.: Claim in the amount of \$186.80. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved. So ordered.

Assoc. of Indiana Counties: Claim in the amount of \$3,550.00 for 1990 Annual Dues.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved. So ordered.

Bowers, Harrison, Kent & Miller: Claim in the amount of \$1,767.38 for legal services and costs, as itemized.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved. So ordered.

Building Authority: Claim for K.L.F., Inc. phone service agreement for First Quarter of 1990 in the amount of \$4,186.02 was submitted.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved. So ordered.

EUTS: Claim in the amount of \$50,205.00 for the County's share of EUTS services for 1990.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claim was approved. So ordered.

KLF, Inc.: Claim in the amount of \$551.00 for work done as a result of lightening damage to the AC Line.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claim was approved. So ordered.


There being no further business to come before the Board, Commissioner Willner declared the meeting recessed at 4:25 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
David V. Miller, County Attorney
Curt John, County Attorney
Sam Humphrey, Auditor
Cindy Mayo, Chief Deputy Auditor
Gerg Curtis, County Engineer
Cletus Muensterman, County Highway Superintendent
Jerry Riney, Supt. County Buildings
Charles Cortwright
Joe Ballard/Area Plan Commission
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

NOTICE OF MEETING DATES
BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

R E S O L U T I O N

IN ACCORDANCE with Indiana Code 36-2-2-6, as amended by Acts 1982, P.L. 17, Section 8, is amended in Section 6, in that the Executive shall hold a regular meeting at least once a month and at other times as needed to conduct all necessary business and dates of regular meetings shall be established by resolution at the first meeting in January of each year.

NOW THEREFORE, let it be known that the meetings of the Vanderburgh County Board of Commissioners shall be held on each Monday, except for the third Monday, at 2:30 P.M. and on the third Monday at 6:30 P.M. If a holiday falls on Monday, then the meeting will be held on the following business day, unless otherwise stated by the Commissioners in an open meeting.

The evening meetings on the third Monday of each month are being held at such time for the convenience of the public. The Rezoning Petitions will be heard at 7:30 P.M.

APPROVED this 2nd. day of January of 1990

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH

Robert L. Willner

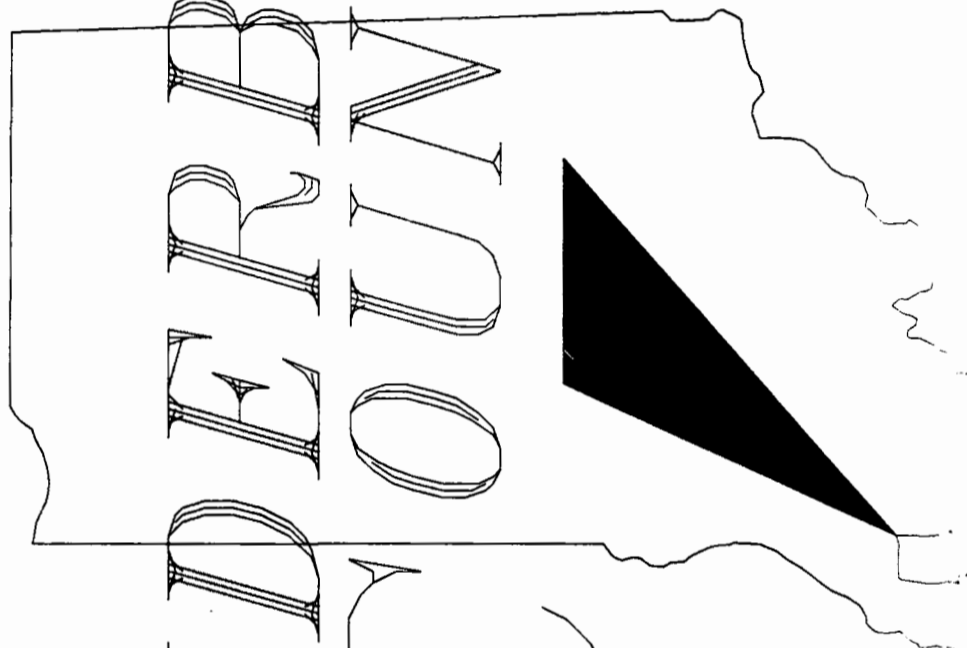
Robert L. Willner, President

Richard J. Borries

Richard J. Borries, Vice President

Carol McClintock

Carol McClintock, Member



VANDERBURGH
COUNTY
ILL

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 8, 1990

I N D E X

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Contract for Printing Tax Bills..... (Awarded to Data Documents for \$12,447.12)	1
Occumed Proposals..... (Commissioners to discuss with Council Members on an individual basis and make a determination within a couple of weeks)	1
Reading of Bids re Guard Rails, End Posts, Aluminum Pipe, etc. (Bids taken under advisement)	6
EUTS/Preliminary Engineering Agreement re CSX Railroad Crossing at Mt. Pleasant Rd. & U. S. Highway 41 North.. (Approved)	7
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Burdette Park/Mark Tuley..... Indiana Park Convention (Hopefully, IPRA Convention will be held in the County in 1991) New Skating Rink Schedule/Rates effective 2/1/90 (Approved) Meeting Scheduled to Review Capital Improvements	7
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Petition to Vacate a Portion of Jones Road/Final Hearing (Approved)	9
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Simons Governmental Services, Inc./Claim..... Attorney Miller authorized to proceed as recommended during Executive Session. Commissioners approved going on Council Call; Amount to be communicated to Commissioners prior to 1/15/90.	10 & 15
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Supplemental Agreement/United Consulting Engineers re Green River Road (Total Not to Exceed Fee is now \$291,650.00)....(Approved adding \$5,050.00)	
Appropriation Request (Approved).....	12
(\$8,676.23 additional for Design Engineer)	
Claims/United Consulting Engineers (Approved).....	12
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MINUTES
BOARD OF COMMISSIONERS
JANUARY 8, 1990

The Vanderburgh County Board of Commissioners met in session at 3:00 p.m. on Monday, January 8, 1990, in the Commissioners Hearing Room with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of November 20, 1989 and January 2, 1990 were approved, as engrossed by the County Auditor, and reading of same waived. So ordered.

RE: AUTHORIZATION FOR BID OPENING RE GUARD RAILS, END POSTS, ALUMINUM PIPE, ETC.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Attorney Miller was authorized to open bids on the above. So ordered.

RE: COUNTY TREASURER - MONTHLY REPORT & INVESTMENT REPORT

President Willner submitted the Monthly Report for period ending November 1989 from the County Treasurer.....report received and filed.

Also submitted was the Treasurer's Final Investment Report for 1989, which reflected total interest earned as \$2,257,859.38 through January 2, 1990. Report received and filed.

RE: CONTRACT FOR PRINTING TAX BILLS

Ms. Susan Jeffries of Purchasing noted they had received three (3) quotes for printing of tax bills (Data Documents, Standard Register, and Moore Printing. Data Documents was the low bidder in the amount of \$12,447.12. They are asking approval to proceed with Data Documents. Mr. Tuley thought there would be a contract for the Commissioners' signature, but he doesn't have one as of yet.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract for printing of tax bills is to be awarded to Data Documents in the amount of \$12,447.12. So ordered.

RE: OCCUMED PROPOSALS

Mr. Dennis Feldhaus of Helfrich Insurance Agency, Inc., the County's Agent of Record, was recognized. He said intern Mike Moade asked about a week ago to review proposals that the Commissioners have previously reviewed and give the Board his recommendation and comments. He said Occupational Medical Programs have been around a long time and the concept of preventive maintenance has been around a long time. Not to be humorous, but way back when an oil commercial came out saying, "Pay me now, or pay me later", he thinks several firms took that concept and took a spinoff of that. Eventually we were convinced we should go to the dentist twice a year and have our teeth cleaned rather than waiting for the toothache. But not all professions followed suit. One that comes to mind is the plumber. Have you ever given any thought to why we don't call a plumber out twice a year to do a flow test on our pipes and prevent the water from leaking before it leaks? Well, the reason I think all of us do not call the plumber is because it is a value judgment on an individual basis. And a value judgment

always involves looking at probability and looking at cost. Those are two key words when the Commissioners look at an Occupational Medical Program -- probability and cost.

With that, I'd like for you to refer to Mr. Moade's proposal and look at probability versus cost. Just like the plumber and the dentist, my recommendation would be for the Commission to come down through here and do a pick-and-choose. We don't do a carte blanc purchase of this program. We come down through here and we pick and choose -- and I'll give my input from the standpoint of how it affects Worker's Compensation benefits and payouts and provide some historical background on the losses from that end and approach each of these individually.

With regard to Pre-placement Physicals, Mr. Feldhaus said he is in full support of that for new employees. He was told the County averages four to six new union employees annually. He estimated a total outlay of approximately \$800 to \$1,000 maximum and he concurs with that.

With regard to the Sheriff's Department, he said he thinks we need to get a little more input and look at that a little more closely. He is not convinced that we need to have every deputy go through a \$216 to \$271 expense for those physicals. He is in support of the next item, Annual Health Screening for Law Enforcement Officers. Budgetary wise he thinks that is within the realm of what is affordable. And in addition to the \$10 fee that is pointed out, he would recommend that the optional additional tests be included. He has not done a calculation as to exactly what that is going to be, but he would imagine down at the bottom you'd get a \$33 total cost and he personally feels we need to include not only Law Enforcement, but the County Garage Employees, as well. And, specifically, under the other tests, we should add the poison ivy shot (Under #3, Health Screening" add "Poison Ivy" for the County Garage.) He said a four year history reveals we've had 28 poison ivy claims, and this does not include the claims the County has paid through their medical program that the Safe House has. And the exposure is there. What the County has paid out out of the self-insurance loss fund is somewhere around \$1,800. He thinks we can do a better preventive maintenance job. He is in agreement with the Emergency Room -- that is far less than what we are being charged now for a Work Comp claim. When he made reference to those dollar amounts a few moments ago, those were for emergency and medication involved.

With regard to Job Profiles, he is not so certain that this is necessary. He is assuming that each department already has job descriptions and he thinks over the years the job descriptions and job profiles have been changed -- so he is not sure we need that.

Drug Testing is a whole new area. He would like to see drug testing, especially for those who are operating vehicles for the County; specifically, the Sheriffs and County Highway Employees, including highway and here. He said we may have to run that by our County Attorney to see what problems we might get into there and the distribution of that program.

He is not certain he is in agreement with clinic visits. As far as choosing, he prefers not to be asked to choose between the two hospitals. He thinks they have representatives here and he thinks this is Mr. Moade's job. He will say, however, that the convenience of one versus the other is important for the County Highway Department and our accessibility to get employees to those locations as quickly as possible and back to work.

Insofar as total cost, he does not have any of those figures. Back under Annual Health Screening is where the biggest cost will be. He sees a figure of 139 Law Enforcement people; and possibly we need to include some County Highway Garage employees in there

and multiply it by 33 -- possibly 43 -- with the poison ivy -- to see what our cost factors are. Again, his recommendation is to pick and choose and use judgment on probability versus cost.

Ms. Maureen O'Connor of St. Mary's was next recognized. She said that with regard to the Sheriff's Department, the cost of an exam is pretty well mandated by our State PERF requirements and it is paid for by the applicant at this point -- so it is not a County cost.

Other than that, she sent a follow-up letter after her last appearance before the Board -- and whoever they pick for pre-employment, pre-placement, they also should be doing their Work Comp with. The reason this all started is looking at control -- gaining control -- so the County wants to deal with as few medical providers as possible. Certainly, as far as the prevention side -- the wellness side -- the annual screening -- they could use a separate vendor. This is a little bit different issue. It may be easier for the County to deal with one, but to be totally fair about it, there certainly is no reason we would have to use the same provider for pre-employment and Work Comp. With regard to fitness, the County will be dealing with other people in other issues. So these are kind of the factors.

One other comment on the job profile. The job profile by either Welborn or St. Mary's is a ONE TIME UP FRONT COST -- and the question is, if you're going to invest in pre-employment exams and getting Work Comp, the more information you have to get factual decisions back, the better off you are. So if the cost is not prohibitive, it certainly has proved to be beneficial for some other employers.

Commissioner McClintock asked if the City has the job profile program? Ms. O'Connor confirmed that they do.

In response to query from Commissioner McClintock with regard to annual health screening for Law Enforcement Employees, Ms. O'Connor said St. Mary's can do these also. She thinks the letter she sent after her last appearance before the Board included that. The reason they weren't on the initial proposal was because she had given work comp and pre-placement -- and then it broadened into that.

Concerning poison ivy shots, Ms. O'Connor said she thinks the way the City handled this last year was that people who have been known to have problems with it had the shots; it certainly is not a shot that everybody would want to take. But if there is known to be an allergic response to it, it certainly would make sense to do that. It seems like a very good idea for the County with out amount of incidents. Insofar as cost, she believes it is around \$10 or less -- it is not a major amount.

Commissioner McClintock asked that with either vendor, if the County doesn't take all the program they still could take portions -- they could still tie into the clinic business and the emergency room? Is that still applicable?

Ms. O'Connor said that it is. She noted the first thing we need to tie down is our Work Comp, because we have people going anywhere and everywhere. So right today the County could make a decision to switch to a provider and pay less than we are paying now, because they are going to have better control of care and we are going to get people back without loss time -- because we're going to have one doctor who knows our organization taking care of our patients - with no change in cost. What we are doing now is paying it all over the city and paper work is coming back from probably 30 different doctors. Probably a lot of times employees are going to their personal physicians -- and there is nothing wrong with that. But they are more likely to get loss time because of that. So right today, without any change of

investment, we would switch and their cost quoted was through Convenient Care West (lower than emergency room cost at either location). She thinks their Industrial Clinic will be opening on St. Mary's campus -- so there will be sites on both sides of town. After hours coverage at either facility would always be emergency rooms. And Mary Ann can talk about Welborn's cost. The Industrial Clinic will be in the Shenandoah Building on St. Mary's campus. That will be open next month for purposes of handling only industrial injuries and pre-placements and drug screening. (That is not even on the proposal because this all started way back when.)

Ms. McClintock noted, "When you talk about locking into the Workmen's Comp -- nowhere on here does it say "Workmen's Comp"."

Ms. O'Connor commented, "If you went back to the original proposal, that is the first step -- Work Comp. You're going to have people injured -- no matter what. So what you need to do is pick your provider who's going to do the best job of controlling the treatment, so people get what they need, quality care, they don't get unnecessary time off, and you, Jerry, or whoever is getting the information needed to know what the status of those people are. You have Work Comp insurance for that. So basically, it is ongoing. The next step is to screen applicants before they are hired so that you don't inherit problems that will then cause you Work Comp costs or health care costs. And then the next step is to do screening annually to keep people healthy."

Ms. McClintock asked, "When you talk about Work Comp, are you talking about selecting clinic visits?"

Ms. O'Connor responded, "When somebody is injured, yes. \$25.00 plus charges, based on length of service, etc."

Ms. McClintock noted it is the same for Welborn and St. Mary's. And the re-check at Welborn's is \$7.50 less than St. Mary's. And they would have to go to either Welborn or St. Mary's to be treated for injuries -- and Jerry Riney would be sent the information so we know what is going on with these patients.

Ms. O'Connor continued, "What you are buying into there is total case management. So if it is a major injury and they go on to a specialist, you have a physician who is following up with those people so that it doesn't go on and on and on. You get some definitive answers."

Commissioner Willner said "This could present somewhat of a problem. You ask if they want to go to Welborn or St. Mary's -- and they say they want to go to the other one. Right now they can go where they want to."

Ms. McClintock said the County just switched to make the employees work forty (40) hours a week. She doesn't know if the County wants all of these people to quit within one week.

Ms. Mary Ann Sturges of Welborn said she agrees with Ms. O'Connor in that the first thing we want to do is start Work Comp. We don't have to do pre-employment physicals, but we have to take care of people when they are injured. By designating one provider, the Highland location would be very close for County Garage Employees. We'd have the 24-hour capability of the hospital plus the Clinic downtown -- just a couple of minutes away from the Civic Center, where the majority of the employees work. We also have to consider that all Welborn specialists are down here -- so the information flows very smoothly insofar as ease of information. The Clinic and the doctors are all tied together -- so whether they are seeing the emergency room or anyone at any of the Clinic locations who can see them, the convenience of the locations for Workmen's Comp would make it

much easier. We don't want anyone wasting time to get to a provider, because they need care as soon as possible. Therefore, she would like to make this point of convenience. Ms. Sturges then entertained questions concerning Welborn's proposal.

Ms. McClintock asked if Welborn is listing three (3) locations?

Ms. Sturges responded, "Four (4), including the hospital. The 24-hour care would be available at the central location downtown -- at the hospital. The emergency room rate is a reduced rate." We couldn't say we'd use Welborn during the daytime hours and St. Mary's after hours and get the same rates. The whole idea is to have it under one system -- no matter when the injury occurs.

Ms. McClintock asked, "But we could use Welborn's for Workmen's Comp and St. Mary's for all the pre-placement physicals, health screenings, etc.?"

Mr. Feldhaus interjected that he is concerned as to whether when the County says "Yes" to the program, they say "Yes" to everything listed here.

It was again noted that the County can pick and choose.

In addressing the Board, Mr. Feldhaus, "Has anybody checked into whether or not the City/County Health Department can do any of these services -- since we already have those people on our staff supposedly -- insofar as County employees? Do they have the expertise? It would be nice if the City/County Health Department Nurse could go to the County Highway Garage and administer these poison ivy/flu shots, cholestol, blood tests, etc." He is sure they have mobile units. The question is, "Can they do it -- and, relative to this price, can we have it done cheaper internally?"

Ms. O'Connor said the Department of Health is one of St. Mary's clients under the City contract. They are doing Department of Health pre-placement exams and Work Comp injury treatment for them, because they can't handle these two. They do have a cholesterol machine and the City has a Fitness Program. They will be the County Health Department soon -- isn't this in the process of changing? Thus, she would think that we would. They could probably do the fitness screening -- and we should certainly check into that. She thinks their problem -- as with any other department -- is manpower -- and they are pretty well stretched out with what they have. They do have a Health Educator (Bob Palowski) and, under him, they do cholesterol screening for the City -- and they have done activities like that.

Ms. McClintock noted the Commissioners are meeting at noon at Burdette Park on Saturday and Council will be there. Would it be possible to talk to them about some of this? Does the Council have copies of any of this? Other than the Workmen's Comp, they are going to have to fund this.

Ms. O'Connor said she met with Councilman Mark Owen last year and explained St. Mary's program and he was supportive at that time.

Commissioner Borries said the Commissioners are dealing with two fine organizations and, because he isn't a medical person, he does have to defer to what the County's Insurance Agent of Record has said. Then if it is going to boil down to cost, he'd like to get a little clearer handle of what we're talking about. If that is going to be the final decision, he is not going to criticize the efficiency of St. Mary's or Welborn -- he's not going to do that. If we're talking about cost he is going to need to have clearer figures than those he is looking at today.

Ms. McClintock asked, "Rick, what do you need -- so I can work on it?" She said Mr. Feldhaus had recommended the pre-placement physicals. The Commissioners need to talk to the Sheriff's Department about those annual physicals, the annual screenings, etc. And Mr. Feldhaus recommended we have those for both Law Enforcement Employees and the County Garage Employees -- the Emergency Room availability, the drug testing, and the Clinic (which is Workmen's Comp)." Does Mr. Borries want us to pull those off this sheet, get a number of employees, or number of visits from Mr. Feldhaus and what we have history-wise -- and then come up with a pretty good annual cost on each one of those programs in a couple of weeks?

Mr. Feldhaus said he can give the Commissioners the County's cost out of its self-insurance fund.

Ms. McClintock said we could come up with a cost estimate of what we might be looking at. If it's something we're already paying -- like through the insurance -- we can put no additional cost to the County -- and then they'd know. In other words, we'd separate the Additional Costs from the No Additional Costs. The Board could still decide to do one portion with one institution and another portion with another fine institution -- or all in one place - or whatever.

Mr. Willner asked, "With regard to pre-placement physicals, we're just talking about NEW employees, and that was confirmed that is correct?"

Ms. O'Connor said costs presented reflect rates on pre-placement on the understanding that the Work Comp will also be there. She does think if you separate those two that we lose what we're trying to get -- controlled, consolidated care.

Commissioner Borries asked if Mr. Feldhaus would work with the County. He thinks perhaps we still don't have all the information the Board needs. Could Mr. Feldhaus look over the information sent by both providers and then assist the Board in making a decision from a cost basis standpoint?

Mr. Feldhaus agreed to do so.

President Willner said the Board will try to resolve the matter in a couple of weeks.

Mr. Borries said he thinks the Board needs to discuss this with Council, because we're not funded for anything -- so an agreement cannot be approved unless the funding is there.

Ms. McClintock said the Commission could approve it pending approval of Council.

Commissioner Borries said that in the interim, they could discuss it with Council to see if the Commissioners need to go on Council call for the funding of this program. The annual visits and pre-placement physicals would be out-of-pocket for the employees.

Commissioner Willner said the Commissioners can discuss this with Council members on an individual basis.

RE: READING OF BIDS RE GUARD RAILS, END POST SECTIONS,
ALUMINUM PIPE, ETC.

The meeting continued with President Willner requesting Attorney Miller to read the bids received on the above-mentioned. Attorney Miller read the bids into the record as per copy of the bids as attached hereto.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the bids are to be taken under advisement. In the interim, they become the property of the County Auditor. So ordered.

RE: EUTS - PRELIMINARY ENGINEERING AGREEMENT RE CSX RAILROAD
CROSSING AT MT. PLEASANT RD. & U. S. HIGHWAY 41 NORTH

President Willner recognized Mrs. Rose Zigenfus of EUTS. She said she was present for purposes of addressing the Board concerning a Preliminary Engineering agreement with regard to the CSX Railroad Crossing at Mt. Pleasant Rd. and U. S. Highway 41 North. She said she has an agreement between Vanderburgh County and the State to allow the railroad to proceed with the preliminary engineering phase of automatic signals engaged at this location. In checking with David Miller on the indemnification clause, he would like further clarification. Therefore, she is asking that the Commissioners approve the agreement subject to Attorney Miller's approval.

Mr. Willner asked if there is some way we could enhance the time limit it usually takes one of these to go through the process and become a reality?

Mrs. Zigenfus said we can try, but we are at the mercy of the railroad company, because they are the ones doing the engineering. So it is based on their timetable.

It was noted by Commissioner Willner that the Mt. Pleasant and Hillsdale crossings are the only two that remain.

Mrs. Zigenfus said Hillsdale is not in the works at this time -- just Mt. Pleasant. They have to rank in the top 20% according to a priority index rating and Hillsdale does not do that at this time.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the agreement was approved pending approval of the indemnification language by Attorney Miller. So ordered.

EUTS Resolution to Amend Policy Board Composition: Mrs. Zigenfus said some time back the Vanderburgh County Council had wanted a seat on the EUTS Policy Board and EUTS is in the process of trying to do that. The Commission's adoption of this Resolution brings us one step closer to having a Council member on the EUTS Policy Board. All of the other entities are aware of it and are acting on the same Resolution. The City is enacting theirs; Warrick County has already given her their's back, as have Newburgh and Henderson, KY.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the Resolution amending the composition of the Policy Board was approved. So ordered.

RE: BURDETTE PARK

Indiana Park Convention: Mr. Mark Tuley, Manager/Burdette Park, said he was here last week and Commissioner McClintock requested him to check on the IPRA Convention -- where it was to be this year, etc. In talking with Jim Hadden, Director of City Parks, he learned the convention is being held in Indianapolis this year. He basically explained that the County was interested in trying to get this convention back down here -- since it has been quite some time since that group has been here. Mr. Hadden said he is working with Pete Helfrich of the Convention & Visitor's Bureau and they have already submitted a bid package for 1991. At this time it looks extremely good that this convention will be here in 1991. He will keep the County officials posted as he works with Messrs. Hadden and Helfrich on this. They are planning a tour of Burdette being a part of that. As Mr. Hadden gets further along he will contact the Commission and Mr. Tuley and they can work on the program. Mr. Hadden is excited -- he's talked with several people on the committee and they seem to think we'll get the convention. Mr. Tuley noted this is probably around 400 people or so.

New Skating Rink Hours/Rates: Mr. Tuley said that, with the Board's approval, they'd like to make the switch February 1st in the Skating Rink Schedule/Rates. The new schedule lets them go from four (4) nights of open skating to five (5) nights. They are doing some different promotional ideas. Wednesday is Bargain Night (\$1.50 admission, compared to \$2.00, plus \$1.00 for skate rental). Thursdays -- the third week of the month the Boys are Free Admission and on the second and fourth Thursdays the Girls have Free Admission. They've checked with several rinks (Louisville, Franklin IN, etc.) with regard to the promotional ideas and they were doing what seemed to be a big one at all the skating rinks. There would also be some changes on Friday and Saturday. Right now, insofar as the Evening Session, it is 7:00 - 10:00 p.m. The new hours would be from 7:00 - 11:00 p.m., but the admission would be changed from \$2.00 to \$3.00, with skate rental remaining the same (\$1.00). On Sunday, they went with a Family Skate Matinee Session. Coming as a family group, admission would be 75 cents per person admission and \$1.00 skate rental. He believes this will help the skating rink business. Speaking of the rink business, he doesn't have a complete financial statement today, but he can talk about the skating rink. In 1988, the rink did \$33,404; in 1989, it did \$53,155; which is a 59% increase. So he thinks the business warrants adding an additional night. This is probably the first year in years that the rink actually paid for itself. He said that obviously we are going to do some things now to step that up and make it even more attractive. Mr. Tuley said that on Saturday from 1-4 p.m., admission is \$2.00 and skate rental is \$1.00. The only rate going up is Friday and Saturday nights -- high volume nights. They have to put on extra staff and security on those nights and this will help pay for those costs. On a given Friday or Saturday night they are currently running between 150-200 kids, whereas a couple of years ago they had 50-60 kids.

Upon motion made by Commissioner Willner and seconded by Commissioner McClintock, the new hours and rate schedule were approved. So ordered.

Review of Capital Improvements, etc.: It was noted by Mr. Tuley that the Council has scheduled a trip to Burdette Park this coming Saturday at 12:00 noon to tour the skating rink, look at the roof on the rink, etc. The Concession Consultant will be in this weekend and they would like to talk with him about our concessions (and possibly with the Commissioners) so they can discuss whether we want to run the concessions ourselves or go ahead and lease them out.

Commissioner Borries said he doesn't know whether he can make it, as he will be in Connorsville, Indiana. Commissioner McClintock said she plans to be there.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner a Special Meeting of the County Commissioners was scheduled for Saturday January 13, 1990 at 12:00 noon at Burdette Park. So ordered. Commissioner Willner asked Joanne Matthews to prepare a legal ad to this effect and advertise same.

(Commissioner McClintock exited the meeting for another appointment.)

RE: RESOLUTION AMENDING JOINT AGREEMENT BETWEEN CITY/COUNTY
RE DATA PROCESSING

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the Resolution amending the Joint Agreement between the City/County with regard to Data Processing was approved and signed. So ordered. (The Resolution was

subsequently given to County Council for approval and return to Joanne Matthews for recording and inclusion in the Code of Ordinances.)

RE: PETITION TO VACATE A PORTION OF JONES ROAD

President Willner recognized Attorney Les Shively, who was present for purposes of addressing a petition to vacate a portion of Jones Road, which he said grew out of a rezoning back in December (Jack Rogers and Bob Jarrett). The petition has been filed. What is being vacated is a road which, in fact, does not exist. Basically there is a right-of-way there, but it has never been extended as a road. It forms the south border of the property rezoned last month. They seek to vacate this road for two purposes. The main purpose is in order to allow the use of this lot; the construction building will overlap the right-of-way for Jones Road. Secondly, it is one further step in assuring the residents that there is no design to link up Jones Road with Boehne Camp Road and the furtherance of the plan to provide access to the subject development of the extension of University Drive to the west. Mr. Curtis, County Engineer, has looked at this and has no problems with it. It is not a road the County is presently utilizing or will be utilizing in the future. The only road that is in proximity is to the east, which is mainly a private drive for the residents just north of the commercial property. Both Messrs. Rogers and Jarrett are here to answer any questions the Board may have.

President Willner asked if anyone is present to speak concerning this petition. There being no response, a motion was entertained.

A motion was made by Commissioner Borries and seconded by Commissioner Willner that the request for the vacation of a portion of Jones Road be approved. Commissioner Willner asked for a roll call vote. Commissioner Borries, yes; Commissioner Willner, yes. President Willner declared the request approved by unanimous roll call vote. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

Transient Merchant's Ordinance: Attorney Miller said he is advised by the County Auditor that the Transient Merchant's Ordinance which was submitted and passed by the Board on August was not reflected in the document submitted for signatures. Addressing Joanne Matthews, Attorney Miller asked if the document signed did not correctly reflect all the amendments? Ms. Matthews said that is correct. There were two minor changes: With regard to the Identification Badges, on Page 4, Section C, the words "from the Auditor" were to read "from the Vanderburgh County Sheriff". The other change approved was on Page 2, Section C, which did read "Chief of Police", and was to have been changed to read "Sheriff of Vanderburgh County".

In continuing, Attorney Miller said he has the original correct ordinance to be signed today. The ordinance has already been passed, as advertised, and this is simply a document that corrects the document which was inadvertently signed initially. The ordinance is already in effect; the previous draft simply contained a couple of typographical errors.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the correct ordinance was signed. So ordered.

RE: ACCEPTANCE OF CHECKS - ALEXANDER AMBULANCE LAWSUIT COLLECTIONS

Attorney Miller submitted the following payments with regard to the Alexander Ambulance Lawsuit Collections:

Thomas Jarvis - 3 checks @ \$5.00 each for a total of \$15.00
Kevin Kimmamom - \$10.00

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the checks were accepted, endorsed, and given to Joanne Matthews for deposit into the County General Fund. So ordered.

RE: SIMONS GOVERNMENTAL SERVICES - CLAIM

With respect to the claim of Simons Governmental Services, Inc., Attorney Miller said he would request the Board's guidance and authorization to proceed with the negotiation of that claim as contemplated and recommended to the Board in the Executive Session held just prior to the Commissioners Meeting today.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, Attorney Miller was authorized to proceed as recommended during the Executive Session. So ordered.

President Willner said he is not really satisfied with the outcome of this matter. He is going to write a letter to the Indiana Legislature. He approved the recommendation on advice of Counsel. He hopes it turns out to be a good agreement when we have hindsight rather than foresight. He is going to write a letter to the State of Indiana saying how much he dislikes the reassessment procedure as done in the State of Indiana. He thinks it is second only to the landfill crisis that we need to do something with legislation pertaining to reassessment. It is getting to be a bigger and bigger boondogle and it requires attention very quickly, before we get into another situation such as the one we're in now. He only votes for this solution because the County Attorney tells him we do not have a viable alternative.

Commissioner Borries said he understands Commissioner Willner's hesitancy. He thinks it is a tremendously complicated problem. There was a Judge (Oliver Wendell Holmes, he thinks) who once said that taxes are the price we pay for civilization. Well, we are now so civilized that we have cost an enormous amount of money in this County and all over the State trying to figure out exactly what our taxes are. He would venture to say, as correctly pointed out, that with regard to property taxes, most citizens are simply unable anymore to figure out how we do all of this. One way to solve part of that problem is to look at some kind of a market price to determine property value and then figure in maybe a factor so that all property taxpayers would not be hit with an enormous increase. But this antiquated 1/3 of a true cash value system we now have is so difficult and we create such an enormous apparatus that, frankly, we are not alone at this time. We can take comfort in the fact that there will be counties all over the State faced with similar problems -- where they spent a lot of money on this reassessment. We go through all of these computer programs, we shuffle all this information, and we still end up with a tremendous amount of confusion, etc., so he understands. He would say that our attorneys have continually given us outstanding advice and in a bad situation this may be the best that we are going to see.

Commissioner Willner said he certainly agrees with that. And, again, he is going to write the letter. The Legislature is letting us down with regard to the reassessment situation.

Attorney Miller said, "On this question of the Simons proposal (which, of necessity, we have to keep confidential at this point, because this matter is in negotiation) let me say that I appreciate the hesitancy with which you approve this proposal. It is an extremely complicated settlement proposal in and of itself. That is, the proposal with respect to Simons Governmental Services. And the reason that I have ultimately

concluded to make the recommendation to you that I did is because if we do not proceed in the matter I recommended to you, my perception is that the County's exposure to other kinds of losses is much greater in the ultimate result. The potential for the loss of tax revenues is simply something I believe we cannot ignore and this is the way we believe that can be avoided. So I apologize to you for having presented you with a distasteful approach, but we're trying to make the best of a very bad situation -- as you both pointed out."

RE: CLAIM OF R. ANDREW EASLEY, JR. - FORMER COUNTY ENGINEER

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, Attorney Miller was authorized to proceed to negotiate with Mr. R. Andrew Easley, Jr. regarding a proposed settlement of Mr. Easley's claim as discussed at the Executive Session held prior to today's Commissioners Meeting. So ordered. Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the Commissioners approved going on Council Call for an appropriation in connection with the foregoing. Attorney Miller will communicate amount prior to January 15th.

RE: JOINT EXECUTIVE SESSION - COMMISSION & COUNCIL

The meeting proceeded with President Willner stating they met with the Judges with regard to the Personnel Policy and will keep updated on that procedure. We do need to move forward with the County Highway Department. The Commissioners and Council will hold a Joint Executive Session at 6:00 p.m. in Room 307 on Tuesday, January 16, 1990, just prior to the evening Commission meeting. He asked Attorney Miller if he has anything else that needs to be included on the agenda for the Joint session.

Attorney Miller said he has nothing further other than the discussion of the impact of new the County Personnel Policy on the proposed contracts with the three bargaining units and, as he understands it, that is the purpose of the Joint Executive Session. He requested that Joanne Matthews prepare the legal regarding the Joint Executive Session and advertise same.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports/Absentee Reports: Mr. Muensterman said he had submitted his Weekly Reports and entertained questions. There were none.

High Water: It was noted that the following roads have been closed because of Ohio River flooding: Happe, Seminary and Golden Rule on Friday. On Saturday, January 6th, they had to close the gates on South Weinbach. The gate on South Weinbach has been damaged three times and he doesn't know how to stop it. He sent a man down there today to weld that.

Problems on St. Joe Avenue (between Boonville-New Harmony & Baseline Rd.): Mr. Muensterman said he received a call from Commissioner Willner this morning at 6:30 and he said he'd better go out to St. Joe Avenue, as the road is falling apart between Boonville-New Harmony & Baseline Rd. Sure enough, he's never seen a road completely break down in less than three days like this one has. But, as usual, what is doing it is these grain trucks. They've been hauling quite a bit and he thinks that is what is breaking them down. He talked to Jack Waldroup and they had to dig out and put in rock and then roll #5 base in. If individuals see barricades on the side of the road -- that is where the bad spots are.

Request for Two (2) Trucks: Mr. Muensterman said he needs two (2) trucks with spreaders and blades and highway lifts on them to handle the spreaders and the blades. We don't have anything like that. We can buy a hydraulic system for \$1,200 or \$2,000 that hooks onto the trucks and it will work for just about anything. He knows it's a lot of money (about \$120,000) -- but these trucks don't come cheap anymore. He's asking for diesel trucks. He'd like to go before Council and request this amount of money.

Request to Purchase Roller: Continuing, Mr. Muensterman said that at the same time he'd like to purchase a roller. He has \$56,000 in his account right now.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the requests were approved. So ordered.

RE: COUNTY ENGINEER - GREG CURTIS

Request to Appoint Right-of-Way Buyer, Appraisers and /Review Appraiser: County Engineer Greg Curtis said, as stated, we need to get a right-of-way buyer, appraisers, and a Review Appraiser appointed for the Green River Road North Project, as well as have them take care of the Bettye Davis/Carol Lant property at the Green River Rd. and proposed Lynch Road intersection. He would like to recommend Mr. David Matthews of Evansville be hired as Review Appraiser. He is the only State approved Review Appraiser that resides in Vanderburgh County. He would also recommend that Mr. Marvin H. Moran and Mr. William Bartlett, II (both of 528 Main Street in Evansville, IN) be hired as Appraisers; and that Mr. Francis Miller of 212 N. 11th Avenue in Evansville be hired as the Buyer for the Green River Road North Project.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the foregoing were appointed, as recommended. So ordered.

Supplemental Agreement/Green River Road: Mr. Curtis said there was an error in that he wasn't aware that a Field Survey had not been included in the original contract with United Consulting Engineers for Green River Road. They had relied on the information provided them by the City -- from the information they got in preparing that project. Therefore, when we gave the bridge project to them and signed that Supplemental Agreement, he saw no need to have survey information in that -- because he thought that was in the original agreement. However, upon further review, that was not included and for them to proceed with the bridge project on Green River Road they need some survey information. He has a Supplemental Agreement (Mr. Borries has the copies that need to be signed). Basically, it amends Appendix "D", which has all the prices, to include an amount of \$5,050.00, which increases the total Not to Exceed Fee to \$291,650.00. For the Commissioners' information, he believes that they are sub-contracting that to Bernardin, Lochmueller, & Associates here in town -- because they are local and can get to the project much quicker. We do need to proceed with this project very quickly and he'd recommend the agreement be signed.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, Supplemental Agreement No. 3 to the Original Agreement was signed. So ordered.

Appropriation Request: Mr. Curtis continued by submitting an Appropriation Request to go before Council in the amount of \$8,676.23. This is the additional monies needed to fund the position of Design Engineer, as has been recommended by the Job Evaluation Committee to the County Council.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the request was granted. So ordered.

Claims/United Consulting Engineers, Inc.: Mr. Curtis said he has four (4) claims, as follows:

Green River Rd.	\$9,600.00
Eickhoff/Environmental Project	\$1,688.34
Columbia/Delaware	\$12,150.00
(Renovation on Bridge)	

Union Township Access Project

\$21,920.00

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, upon recommendation of the County Engineer all of the above claims were approved for payment. So ordered.

Bridge Inspection Report: Mr. Curtis said he received the Bridge Inspection Report late last week. There were a few things he had questions about and those revisions will be made this week. We should have the revised reports next week.

RE: COUNTY EMPLOYEE FITNESS PROGRAM

The meeting continued with President Willner reading the following letter:

January 4, 1990

To: Officeholders & Department Heads

From: The Vanderburgh County Commissioners

Subject: Y.M.C.A. Agreement

The Commissioners and the County Council members have signed an agreement with the Y.M.C.A. for a voluntary County Employee Fitness Program.

On January 10, 1990, at 2:30 p.m. in the Council Chambers, Room 301, we will have a meeting with Y.M.C.A. officials to discuss this program.

Please be present at this meeting or at least have someone from your office in attendance that can explain this program to all of your employees.

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH

/s/Robert L. Willner, President

RE: ACCEPTANCE OF COUNTY EMPLOYEES - 1990

Commissioner Willner said the Board usually receives the R-100 Forms for Acceptance of all County Employees for 1990 at its first meeting of the year. It seems we now have a partial list, as follows:

County Auditor
County Treasurer
County Recorder
County Surveyor
County Coroner
Center Assessor
Knight Assessor
Perry Assessor
Pigeon Assessor
Scott Assessor
Union Assessor
Drainage Board
Veteran's Service
Commissioners
Weights & Measures
Superintendent/County Buildings
Circuit Court
Community Corrections
Drug & Alcohol Deferral
Legal Aid

County Council
Supplemental Adult Probate
Circuit Court/Misdemeanor
Public Defender Service
Convention & Visitor's Bureau
United Way/Legal Aid
Center Township Trustee
Darmstadt Trustee
German Township Trustee
Knight Township Trustee
Perry Township Trustee
Pigeon Township Trustee

Mr. Willner said he guesses the remainder of the lists are forthcoming.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the foregoing lists of County Employees for 1990 were accepted. So ordered.

RE: OLD BUSINESS

Commissioner Willner entertained matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

President Willner entertained matters of New Business to come before the Board. There were none.

RE: HOLIDAY CLOSING - MARTIN LUTHER KING, JR. BIRTHDAY

Commissioner Willner announced that all County offices will be closed on Monday, January 15, 1990 in observance of Martin Luther King, Jr.'s birthday. The next Commission meeting will be held on Tuesday, January 16th, at 6:30 p.m. A Joint Executive Session will also be held on that date at 6:00 p.m., just prior to the Commission Meeting. Rezoning will be heard at 7:30 p.m.

RE: CLAIMS

Bowers, Harrison, Kent & Miller: A claim for legal services in the amount of \$8,061.68 was presented.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the claim was approved for payment. So ordered.

Systems Computer Technology: Claim in the amount of \$19,800.00 for the County's share of the January payment on the contract -- or 66%.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the claim was approved for payment. So ordered.

RE: SCHEDULED MEETINGS

Wed. Jan. 10 9:00 a.m. Township Assessors
(Room 307)

RE: EMPLOYMENT CHANGES

President Willner said there are no employment changes to be read into the minutes today.

RE: REQUEST TO GO ON COUNCIL CALL RE SIMONS' CLAIM PROPOSAL

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, the Commissioners approved going on Council Call re Simons' Claim Proposal. Attorney Miller said he will communicate the amount to Joanne Matthews at a later date -- but prior to January 15th.

There being no further business to come before the Board, President Willner declared the meeting recessed at 4:45 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
David V. Miller, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Rose Zigenfus, EUTS
Dennis Feldhaus/Helfrich Insurance Agency, Inc.
Maureen O'Connor, St. Mary's Hospital
Mary Ann Sturges, Welborn Hospital
Mike Moade, Intern
Les Shively, Attorney
Bob Jarrett
Jack Rogers
Mark Tuley, Burdette Park
Susan Jeffries, Purchasing
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Robert L. Willner
Carolyn S. McClintock

AGREEMENT

THIS AGREEMENT, entered into this 26 day of December, 1989, between THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF SOUTHWESTERN INDIANA, INC. ("YMCA") and the BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, ("County"), WITNESSETH:

WHEREAS, the YMCA is engaged in the business of providing physical fitness programs and activities for residents of Southwestern Indiana from its facility located at 222 Northwest Sixth Street in Evansville, Vanderburgh County, Indiana; and

WHEREAS, the County is concerned about the physical fitness of its employees and believes its employees would benefit from regular physical activity; and

WHEREAS, the County desires to assess the physical fitness of its employees and also to encourage their participation in physical activities by underwriting the cost of membership in the YMCA.

NOW, THEREFORE, in consideration of the premises, the YMCA and the County agree as follows:

1. Physical Fitness Testing - To determine the present physical fitness of its employees, the County shall request each of its employees to participate in a testing program to be developed and administered by the YMCA. The YMCA agrees to perform such physical fitness testing for employees of the County. The County agrees to pay the YMCA on a monthly basis Ten Dollars (\$10.00) for each County employee so tested by YMCA during the month.
2. YMCA Membership - The YMCA agrees to offer single adult memberships in the YMCA to employees of County at a rate which is thirty-five percent (35%) less than its standard fee for such memberships in effect from time to time. At the time of execution of this agreement the regular ~~charge~~ charge for single adult YMCA memberships is \$ 230.00, making the initial discounted rate payable for such membership under this agreement \$ 12.50 per month. Such memberships shall provide all benefits and privileges applicable to regular single adult memberships, including, without limitation, the following:
 - A. Use of indoor running track;
 - B. Use of gymnasium;
 - C. Use of indoor swimming pool;

DUN
PAC
RB

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

YOUNG MEN'S CHRISTIAN ASSOCIATION
OF SOUTHWESTERN INDIANA, INC.

By Eric J. Ellsworth
Eric J. Ellsworth
Executive Director

"YMCA"

THE BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

By Robert L. Willner
ROBERT L. WILLNER

By Richard J. Borries
RICHARD J. BORRIES

By Carolyn S. McClintock
CAROLYN S. MCCLINTOCK

"County"

ATTEST:

Sam Humphrey
SAM HUMPHREY, Auditor

APPROVED AS TO LEGALITY AND FORM:

David V. Miller
Vanderburgh County Attorney

TREASURER
VANDERBURGH COUNTY
ADMINISTRATION BLDG., ROOM 210
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

January 2, 1990

County Commissioners

County Council

Ref: Investment report for 1989 (final)

<u>Account</u>	<u>Actual Earned Interest</u>
County General	\$1,567,655.00
Cumulative Bridge	365,192.31
Local Roads & Streets	169,729.82
Reassessment	121,373.11
Self-Insurance	33,909.14
Total Earned Interest	<u>\$2,257,859.38</u>

Ref: Investment report through January 2, 1990

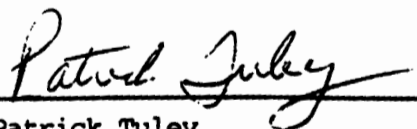
Monies on Deposit - Invested \$2,000,000.00, December 21, 1989, at 8.01%. Maturity date is December 21, 1990. Estimated Income at maturity is \$162,425.00.

Roads & Streets - Invested \$3,000,000.00, December 28, 1989, at 8.06%. Maturity date is June 25, 1990. Estimated Income at maturity is \$118,581.37.

Cumulative Bridge - Invested \$2,500,000.00, December 28, 1989, at 8.06%. Maturity date is June 25, 1990. Estimated Income at maturity is \$98,817.81.

Actual Interest Earned for 1990 (through January 2)

Monies on Deposit - \$12,000.01


Patrick Tuley

Burdette Park



Featuring THE LARGEST FRESH WATER POOL IN INDIANA

app'd. 1/8/90

P.O. BOX 7081 NURRENBERN ROAD TELEPHONE 424-9535 EVANSVILLE, IN 47712-0881

NEW SKATING RINK HOURS

WEDNESDAY - BARGAIN NIGHT \$1.50 admission with skates included

THURSDAY - (every other Thursday)

1st & 3rd week BOYS ARE FREE ADMISSION

2nd & 4th week GIRLS ARE FREE ADMISSION

7-9:30 PM

FRIDAY - 7:00 p.m. to 11:00 p.m. \$3.00 admission \$1.00 skate rental

SATURDAY - 1:30 p.m. to 4:00 p.m. regular price 2.00

7:00 p.m. to 11:00 p.m. \$3.00 admission \$1.00 skate rental

SUNDAY - 1:30 p.m. to 4:00 p.m. regular price - 2.00

4:30 p.m. to 7:00 p.m. family special session

.75¢ per person admission \$1.00 skate rental (singles regular price)

8833404

8953144

~~20,300~~

SUPPLEMENTAL #3 TO ORIGINAL AGREEMENT DATED MARCH 30, 1987

**VANDERBURGH COUNTY PROJECT ME-340
Reconstruction of Green River Road
From Morgan Avenue to Heckel Road**

THIS AGREEMENT, made and entered into this 8 day of JAN, by and between Vanderburgh County, acting by and through the BOARD OF COUNTY COMMISSIONERS, hereinafter referred to as the "LPA" and UNITED CONSULTING ENGINEERS, INC., hereinafter referred to as "CONSULTANT".

WITNESSETH

WHEREAS, the contract excludes the field survey, which was performed by the LPA's forces, and,

WHEREAS, additional field survey is required for the Pigeon Creek bridge design (see Supplement #2 to this contract), and,

WHEREAS, the LPA does not presently have sufficient staffing to complete the field survey work necessary, and,

WHEREAS, the CONSULTANT has expressed a willingness to provide the necessary engineering services to complete the field survey.

NOW THEREFORE, it is agreed by and between the parties that in order to complete the construction plans for Green River Road, specifically the bridge over Pigeon Creek, it is necessary to supplement the Original Agreement to provide for completing the required services as follows:

Amend Appendix "D" as follows:

In Section A.1, the total not-to-exceed fee of \$286,600, which includes Supplement #1, and Supplement #2, shall be increased by an amount of \$5,050 to a new not-to-exceed fee of \$291,650.

In Section A.2, add item g.

g. Additional Survey for	
Pigeon Creek Bridge Design	<u>\$ 5,050.00</u>

EXCEPT as herein modified, changed and supplemented, all terms of the original Agreement dated March 30, 1987, shall continue in full force and effect.

IN TESTIMONY WHEREOF, the parties hereto have executed the Supplement.

APPROVED: UNITED CONSULTING ENGINEERS, INC.

Ronald B. Miller
Ronald B. Miller, Vice President

APPROVED: BOARD OF COMMISSIONERS
VANDERBURGH COUNTY, IN

Robert D. Miller
President
Richard J. Boines
Member

Member

Attest:

Kent D. Downey
Kent D. Downey, Secretary
1-5-90

Attest:

Sam Humphrey
Auditor



VANDERBURGH COUNTY ENGINEERING DEPARTMENT

325A Administration Building Civic Center Complex, Evansville, Indiana 47708

Phone: (812) 426-5211


Gregory W. Curtis P.E. County Engineer

January 8, 1990

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

Dear Commissioners:

I would like to recommend that Mr. David Matthews of 711 Court Building/123 NW Fourth Street in Evansville, Indiana be hired as Review Appraiser; Mr. Marvin H. Moran and Mr. William Bartlett, II both of 528 Main Street in Evansville, Indiana be hired as Appraisers; and Mr. Francis Miller of 212 N 11th Avenue in Evansville, Indiana be hired as Buyer for the Green River Road - North Project. Thank you.

Respectfully,

Gregory W. Curtis, P.E.
Vanderburgh Co. Engineer

REQUEST FOR APPROPRIATION

DEPARTMENT: Cumulative Bridge DATE: 1/8/90

ACCOUNT	LINE ITEM	AMOUNT
203.0-122	Design Engineer	8,676.23

EXPLANATION OF NEED FOR REQUEST

To coincide with the recommendations from the job evaluation committee.

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROP
203.0-122	18,258	-0-	18,258	26,934.23

VCC-2


approved
RB

DEPARTMENT HEAD:

[Signature]

Jan 8 1990

april 8 '90

TO: Board of County Commissioners
FROM: Tom Dorsey, Purchasing 

RE: Price Quote Award

Attached is an analysis of the quotes received for Tax Forms for the Vanderburgh County Treasurer's Office.

It is recommended that the quote be awarded to the low bidder, Data Documents at a total price of \$12,447.12 for 5,000 Tax Duplicates, 500 Ditch Duplicates, 5,000 Ditch Bills, 100,000 Tax Statements, 80,000 Tax Statement Envelopes, and the processing of approximately 90,000 Tax Statements.



TREASURER'S OFFICE - PRICE QUOTES

1.	100M Tax Statements (per thous)	80M Tax Envelopes (per thous)	90M Stats. Processed (per thous) TOTAL
Data Documents ✓	91.67	25.45	included \$11,203.00 Frt. Add'l.
Standard Register	42.53	19.33	83.16 \$13,283.80 Frt. Incl.
Moore	.13 each	included	included \$13,000.00 Frt. Add'l.

2.	5,000 Tax Duplicate (per thous)	500 Ditch Duplicate	5,000 Ditch Bill (per thous) TOTAL
Data Documents ✓	98.73	49.37 (500)	140.22 \$1,244.12 Frt. Add'l.
Standard Register	119.36	454.56 (500)	172.00 \$1,911.36 Frt. Incl.
Moore	134.92	134.92 (1000)	172.58 \$1,672.42 Frt. Add'l.

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: January 4, 1990

1. Governmental Unit: Board of Commissioners
2. County: Vanderburgh County, Evansville, IN
3. Bidder (Firm): Conner Highway Drainage Co of Ind, Inc.
Address: P. O. Box 498
City/State: New Albany, IN 47150
4. Telephone Number: (502) 587 - 1387 collect
5. Agent of Bidder (if applicable): _____

Pursuant to notices given, the undersigned offers bid(s) to Bd. of Comm. Vanderburgh, Cty. (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

Robert A. Fisher
Signature of Bidder or Agent

Robert A. Fisher
Exec. Vice President

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

PLEASE SEE ATTACHED SHEET

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) ss:
Floyd COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Conner Highway Drainage Co. of Ind., Inc.
Bidder (Firm)

Robert A. Fisher
Signature of Bidder or Agent
Robert A. Fisher Ex. P.
day of January 1990
Notary Public
David A. Fisher

Subscribed and sworn to before me this 4th
My commission Expires: October 22, 1993
County of Residence: Clark

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of Vanderburgh County (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:
Richard J. 'Rick' Boeris
Carolyn McClintock

Date: January 16, 1990

Class or Item	Quantity	Unit	Quantity—Description	Unit Price	Amount
Any Amount			<p>Corrugated Metal Culvert Pipe drainage and structures, etc.</p> <p>All material to be delivered to County as directed by County Highway Road Superintendent.</p> <p>All prices are firm for the duration of the contract.</p> <p>All material to meet Indiana State Highway Specifications.</p> <p>All prices attached are here by made a part of this bid.</p>		
IF MORE SPACE IS NEEDED—ATTACH SEPARATE SHEET					

CONNER HIGHWAY DRAINAGE
P. O. BOX 498
NEW ALBANY, INDIANA 47150

November 1, 1989

PLASTICOTE CORRUGATED STEEL CULVERT PIPE
RIVETED
16 Gauge

(Price per Foot)

6"	<u>n/a</u>	24"	<u>22.38</u>
8"	<u>n/a</u>	27"	<u>n/a</u>
10"	<u>n/a</u>	30"	<u>27.73</u>
12"	<u>11.61</u>	36"	<u>33.39</u>
15"	<u>14.20</u>	42"	<u>39.33</u>
18"	<u>16.83</u>	48"	<u>44.94</u>
21"	<u>19.49</u>		

Prices are delivered to job site.

Connecting Bands - 7" Wide - same as 1 foot of pipe.

12" Wide - same as 1½ foot of pipe.

24" Wide - same as 2 foot of pipe.

Gauge and type of pipe ordered determines price of band.

Terms: Net 30 days.

CONNER HIGHWAY DRAINAGE
P. O. BOX 498
NEW ALBANY, INDIANA 47150

November 1, 1989

PLASTICOTE CORRUGATED STEEL CULVERT PIPE

RIVETED
14 Gauge

(Price per Foot)

24"	<u>25.60</u>
30"	<u>31.78</u>
36"	<u>38.01</u>
42"	<u>45.28</u>
48"	<u>51.68</u>
54"	<u>60.06</u>
60"	<u>n/a</u>

Prices are delivered to job site.

Connecting bands - 7" Wide - same as 1 foot of pipe.

12" Wide - same as 1½ foot of pipe.

24" Wide - same as 2 foot of pipe.

Gauge and type of pipe ordered determines price of band.

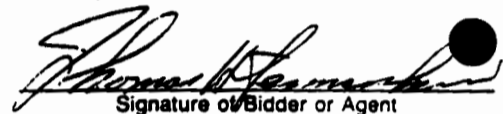
Terms: Net 30 days.

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS(Defined at I.C. 36-1-2-9.5)
(Please type or print)Date: January 8, 1990

1. Governmental Unit: Vanderburgh Co. And/Or The City of Evansville, IN
2. County: Vanderburgh County, IN
3. Bidder (Firm): M & W Concrete Pipe & Supply, Inc.
 Address: 1219 Stanley Avenue
 City, State: Evansville, IN 47711
4. Telephone Number: (812) 426-2871
5. Agent of Bidder (if applicable): _____

Pursuant to notices given, the undersigned offers bid(s) to Vanderburgh Co. And/Or City of Evan (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.


 Signature of Bidder or Agent
 Thomas H. Sermersheim, President

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

NON-COLLUSION AFFIDAVIT

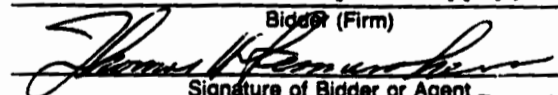
STATE OF INDIANA }
 VANDERBURGH COUNTY } ss:

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

M & W Concrete Pipe & Supply, Inc.

Bidder (Firm)


 Signature of Bidder or Agent
 Thomas H. Sermersheim, President

day of January, 1989.

Subscribed and sworn to before me this 28th

My commission Expires: Feb. 22, 1991

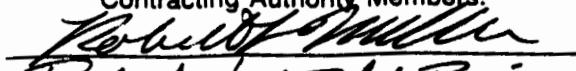
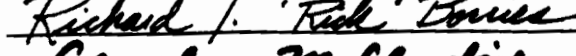

County of Residence: Harrison


 Notary Public

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of Vanderburgh County (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:

Date: January 16, 1990

M & W CONCRETE PIPE & SUPPLY, INC.

CAP 2-2/3" X 1/2" CORRUGATION
ALUMINUM SPIRAL/LOCKSEAM PIPE, CORLIX
ALCLAD 3004-H34

****ROUND****

GAGE	DIAMETER	PRICE PER FOOT
18 (.048)	6"	\$ 3.48
	8"	4.63
	10"	5.75
16 (.060)	6"	4.37
	8"	5.82
	10"	7.19
	12"	8.24
	15"	10.20
	18"	12.18
	21"	14.18
	24"	16.14
	30"	20.07
14 (.075)	24"	19.90
	30"	24.75
	36"	29.65
12 (.105)	36"	40.75
	42"	47.42
	48"	54.10
	54"	60.78
10 (.135)	48"	69.25
	54"	77.75
	60"	86.40


M & W CONCRETE PIPE & SUPPLY, INC.

CAP 3" X 1" CORRUGATION
ALUMINUM SPIRAL/LOCKSEAM PIPE, CORLIX
ALCLAD 3004-H34

****ROUND****

GAGE	DIAMETER	PRICE PER FOOT
16 (.060)	42"	\$ 31.70
	48"	35.85
	54"	40.55
	60"	44.90
	66"	49.35
14 (.075)	42"	40.10
	48"	45.00
	54"	50.55
	60"	56.05
	66"	61.55
12 (.105)	48"	62.00
	54"	69.40
	60"	77.10
	66"	84.50
	72"	92.15
	78"	99.55
	84"	107.35

5.	10 Gauge Guard Rail 12'-6": Galvanized with Hardware Shop Curved Galvanized w/Hardware	per foot	6.95
		per foot	<u>11.20</u>
6.	12 Gauge Guard Rail 12'-6": Galvanized with Hardware Shop Curved Galvanized w/Hardware	per foot	5.00
		per foot	<u>8.40</u>
7.	End Sections:		
	Standard End Wings/Terminal End Section	each	30.00
	Transition End Sections with 1" x 6" diameter rod	each	30.00
	Terminal End Sections Flare	each	<u>30.00</u>
8.	Posts - Galvanized with Hardware 4" x 6" x 5'- 9" 6" x 6" x 6'- 3"	each	30.50
		each	<u>62.00</u>
9.	Offset Brackets 4" x 6" 6" x 6"	each	9.50
		each	<u>15.50</u>
10.	"C" Splice Plates	each	<u>75.00</u>



Concrete Pipe
& Supply, Inc.
1219 STANLEY AVENUE
P. O. BOX 4817, STATION A
EVANSVILLE, INDIANA 47711
PHONE (812) 426-2871

<u>INCHES IN DIAMETER</u>	<u>CLASS III</u>
12"	\$ 5.25'
15"	6.00'
18"	8.20'
21"	12.00'
24"	12.25'
27"	18.50'
30"	19.00'
33"	27.50'
36"	28.50'
42"	34.00'
48"	43.00'
54"	59.00'
60"	67.00'
66"	86.00'
72"	104.00'
78"	130.00'
84"	145.00'
90"	170.00'
96"	185.00'

No bid on other sizes and classes.
Other sizes and classes are available. Prices vary according to quantities required.

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 16, 1990

I N D E X

<u>Subject</u>	<u>Page No.</u>
Approval of Minutes.....	1
Awarding of Bids re Guard Rails, End Post Sections, Aluminum Pipe, etc.	1
Awarded bids to both M&W Concrete & Conner Highway Drainage Co. of Indiana, Inc.	
Computer Contracts.....	1
Awarded contracts to ATEK, Intelligence Data Systems and Bull Corporation	
Problems w/Naturaal Gas Supply/Old State Neighborhood Association, etc.	2
I-164 Growth Management Report .(including Amendment)...	9 & 15
Rezoning Petitions.....	10
VC-25-89 (approved on 1st Reading)	
VC-26-89 (approved on 1st Reading)	
VC-14-89 (Denied on 3rd Reading)	
VC-24-89 (approved on 3rd Reading)	
Travel Request/County Auditor (approved).....	13.
County Attorney - David V. Miller.....	13
Release Document/Richard Bennett (approved)	
Acceptance of Checks/Alexander Ambulance Lawsuits	
Simons Governmental Services Claim	
Amendment to Agreement Between County & Southwestern Indiana Mental Health Foundation re Hillcrest- Washington Youth Home	
County Highway - Cletus Muensterman (Absent).....	19
County Engineer - Greg Curtis.....	19
Certificate of Insurance/Bridge #13	
Request for Monthly Progress Meeting w/Firms doing Design Work for Vanderburgh Count	
Requests for Proposals (Bridge #90 over Little Pigeon Creek; Green River Rd. Project; and Lynch Road Extension Project) - approved advertising for proposals - due 2/26/90	
Authorization re Educational Class/Gary Kercher	
City-County Aerial Photography & Mapping Project - approved proceeding w/Morley & Associates	
Claims/Veach, Nicholson, Griggs Assoc. (\$423.00; \$893.00)	
Claim/United Consulting Engineers (\$3,610.00)	
Authorization to Travel & Use County Auto (G. Curtis & R. Willner to Indpls.)	
Authorization to Hire Veach, Nicholson, Griggs & Associates for work on Motz Rd., Red Bank-Nurrenbern, and Kleitz Rd. Projects/Not to Exceed \$16,035	
Clerk of Circuit Court/Monthly Report.....	22

Request for Transfer of Metal Safe from Auditor's Office to Data Processing Department (approved).....	22
Acceptance of County Employees - 1990.....	22
Scheduled Meetings.....	23
Employment Changes.....	23
Meeting Adjourned @ 9:10 p.m.	

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 16, 1990

The Board of Commissioners of Vanderburgh County met in session at 7:00 p.m. on Tuesday, January 16, 1990 in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order and Commissioner Willner apologized for the late start due to the fact that the Board had a Joint Executive Session with the County Council prior to the regular Commission Meeting.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of December 11, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the minutes of December 26, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AWARDING OF BIDS RE GUARD RAILS, END POST SECTIONS, ALUMINUM PIPE, ETC.

County Engineer Greg Curtis was recognized and said that after reviewing the bids on the above-mentioned, neither of the bidders bid on the same items. The items that M&W (local firm) bid on, the other firm did not bid on and vice versa. Therefore, it is his recommendation that the Board accept both bids -- as the bids do not pertain to the same materials.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the bids of both bidders were accepted. So ordered.

RE: COMPUTER CONTRACTS

President Willner said that Mr. Art Gann is present for purposes of having contracts approved with regard to communications cabling, Child Support, and Honeywell maintenance.

Mr. Gann said we are in our final throes of this project now. As the Board will recall, when we signed the ATEK contract the ATEK Corporation provides two (2) Child Support packages and the County Clerk had not had the proper time to review and there was a difference in the modifications of about \$26,000. They have since reviewed that and chosen the cheaper of the two modifications and we have before us tonight the extension or addendum to the ATEK contract, which will be about \$7,000.00 to provide the modifications to the ATEK program for the County Clerk. It was noted by Mr. Gann that all the contracts he brings before the Commissioners tonight he provided to Mr. Miller last week for his review.

The second contract concerns the installation of the cabling and the terminal service in order to connect all the terminals and printers, etc. to the main CPUs and connect the CPUs together. Tie it altogether throughout all three buildings and hopefully make it work. This is with Intelligence Data Systems out of Noblesville, Indiana.

The last contract he brings before the Board today is with the Bull Corporation, which is the new name for Honeywell -- and that is to provide us with the maintenance for the two CPU Honeywell systems and associated drives and devices that we're currently operating on -- to provide us with maintenance for that for 1990. That was previously attached with Pulse's contract and we have to initiate our own this year.

President Willner entertained questions of Mr. Gann.

Attorney Miller noted he reviewed the contracts.

Mr. Gann noted he has spent considerable time with Mr. Humphrey, County Auditor, verifying the funding is in place and proper for all of these contracts. They have a separate sheet they worked out with Mr. Humphrey showing what is in that account, what the effect will be, and what will be left over when these contracts are taken care of -- and there is about \$86,000 or \$87,00 left.

Attorney Miller said he thinks a single motion would be in order, moving the approval of the contracts that have been submitted by Mr. Gann at this meeting.

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

Mr. Gann said he would like to point out that, as the Commission may recall, last week when we awarded the bid there was an additional \$15,000 worth of network hardware that would be required and both the Commission and the Board of Public Works did approve that extra expenditure and we're now in the process of drawing up an addendum to the ATEK Corporation contract providing for the pieces of hardware and he will be bringing this to the Commissioners for their signatures within a week or so. That should be the last capital expenditure for this new project.

RE: PROBLEMS WITH NATURAL GAS SUPPLY
OLD STATE NEIGHBORHOOD ASSOCIATION, ETC.

President Willner said some County residents have been experiencing problems with the natural gas supply to their homes.

Mr. Jim Gager of 8205 Pine Creek Drive, Evansville, IN, said he believes he and Mr. Willner have talked several times. One of the reasons that he is here tonight, he is on the Steering Committee for the Old State Neighborhood Association. "We have been having some concerns about the possibly contaminated oil that has been appearing in some of the homes in the Old State and Pine Creek area. I brought several members of the Steering Committee with me tonight. They have some concerns they would like to address with the County Commissioners and possibly request that they take this up with County Council and some of their members. The reason that the group was formed is because we have a variety of people and over 100 residents attended our first meeting. We have women who are expecting children; they are very concerned. We have small children living in those homes. We wanted answers as to short term effects, long term effects, and what we could do to clean up the problem. At this point we do not feel to our satisfaction that we've got those answers and ask that you get involved in helping us resolve the situation and possibly assure the residents of the Old State Neighborhood Association that there is no danger or, if there is, what we can do to solve the problem. I have several points I'd like to address and then if I may I would like to introduce a couple of other members. We will try to be brief.

I don't know how -- or if-- you've been following the newspapers, etc., and are familiar with the conditions that exist. We have had the EPA in. They are testing the oil that they have drained out of the homes and there were about thirty-seven (37) homes

involved and actually had oil seeping into the furnaces, etc., in the area. They sampled seven or eight homes and we are still waiting on those results and understand now that those results will not be forthcoming for another several days. We had hoped to have the results for tonight.

Some of the concerns we have -- and we have been told by SIGECO that Aroclor 1242 is a non-cancerous substance. That may be. But we also understand that it has other side effects. We are expecting the EPA to answer this question for us. What we are most interested in is the Aroclor 1242 the only substance that was found in the oil? Secondly, we know of its presence for numerous years in the gas lines. We have documented that presence and other occurrences of this oil seeping into other people's homes in the area over the past eight to ten years. It makes you kind of wonder if the oil was there ten years and SIGECO knew about it. Why all of a sudden are we testing for PCB's? This type of situation makes residents and myself concerned about the long term exposure. We would like to be assured that everything will be done by SIGECO to clean up the problem and if there is a health hazard, we want solutions to that. SIGECO stated in their commercial on the media yesterday or the day before that everything that could be done is being done. There are 100 residents in our area who would like to know that is enough. We'd like to ask the City officials to get involved, to police this and make sure it doesn't get shoved under the carpet. We, more than anybody, would like to find out that this is not dangerous to our families, our children, our wives, and if that can be shown to be true, then we will probably be the happiest group in town. But so far, we are not sure. What I am asking you -- and thus far it has not occurred, and that is one of the questions that I would like to ask -- one of the jobs of a City official is to protect the residents, to investigate possible harmful situations, and so far I have not seen any action by any City officials or County officials. I'd like to know why. I think it is part of your job. It hasn't been on the media and it hasn't been publicized to the point that you haven't seen it. I made several phone calls a week ago. Several officials were asked to be present at our first meeting two weeks -- none showed up. This concerns me, also. So I am asking that you get involved. We voted for you; we put you in office. We're asking you to make sure that we're still living here in twenty or thirty years. At this time I'd like to introduce Mr. Jerry Brady, who is Chairman of our organization. He has some comments to make. Then if there are any other members who wish to speak, I wish you'd listen to their concerns at this time. Thank you very much."

Mr. Willner thanked Mr. Gager for his comments.

Mr. Jerry Brady of 8100 Pine Creek Drive, Evansville, IN introduced himself. He said, "I guess what I'd like to say right now is that Mr. Gager pretty well covered and hit on all the spots and highlights I was about to touch on. Understanding that this situation has been and, you know, from our information, in the Evansville area for a long time. We understand the oil in the lines has been going on for up to ten (10) years. We have never been informed that at that time there was a problem and a potential PCB contamination. As concerned citizens for our families and our health, our homes, for the short term, for the long term, as Jim mentioned, we want to know why we were not warned of the potential hazards when the accute problem first became apparent over the Christmas holidays -- and very acute problem. We were denied having the right to make a personal decision regarding the health of our families -- if the PCB contaminants were there at that time -- a week prior to our finding out through the local news media, or from neighbors. Why didn't we have the choice to evacuate our families or at least be informed that there was a potential hazard do we could take some kind of action. We were not notified by anyone from SIGECO (like

I say) during that first week. It came a week later -- and at that time, from my understanding from SIGECO officials, they did not want to panic the residents. But you can imagine what it was like when you get information that your family is breathing potential dioxins and purins that if not having a short term could very possibly have a long term effect. Again, I reiterate something that Mr. Gager had explained. We also wanted to know why it has taken so long for local State and Federal political officials and representatives to become involved -- or even present themselves in a way now that they appear to show they are going to help us or have some concern. Some have yet to respond to our request to attend residential meetings in their respective districts. We are asking for support and help to get some kind of answers to our honest health concerns for our families and neighbors. I have been told that this area has a very high cancer rate -- elevated cancer rates and death rates. I don't know this to be fact. But I was wondering if an epidemiological study of Vanderburgh County residents by the State would be something that could possibly be started from the Commissioners or the Council of Vanderburgh County -- to help us find out if these facts or information that I have received or that any of us have heard of is true. Today I found out (actually last night I found out) that one of the hospitals in Evansville (and today I found out that the other two hospitals in the Evansville area) are full to capacity -- to where one of the hospitals shut down their emergency room. People are in the halls and everything else. They are finding that if they have to they can make room -- but we don't know as residents being affected by the oil and PCB contamination in the gas lines -- it is very possible throughout the whole city if the people filling these hospitals are actually fighting viruses to the epidemic proportions being as being heard across the nation, or if they are being affected by contamination -- the toxins that could possibly be in the air from your furnace being used as a hazardous waste incinerator. In a letter I received in the mail today, the Federal EPA has stated that their feelings are that the PCB exposure that we possibly are being exposed to now does not have a short term effect. But very possibly a long term effect. From all the information we have gathered, how long has this problem existed in the City gas lines of Evansville, Indiana? -- to now where we are hearing stories and seeing stories in the news media of not only residents all over the City, businesses being shut down by oil, and public facilities -- even our high schools. So we feel like it is not only critical for residents of the north side who have been, to a degree, inundated holiday-wise and everything else with a large volume of oil, and the inconveniences we've had to go through -- not to mention some of the health problems where we do not know whether they are related to this or not at this time. But we are concerned about the City of Evansville. Do we have a City-wide problem? We ask for your help and support in finding some answers.

Mr. Gene Lutterbach of 8808 Pine Creek Drive. Mr. Lutterbach commented, "I think about everything has been said. Just a few things. If SIGECO says they are doing everything they can do, I think they should have thought about that in 1979. They knew that this was a problem and they probably should have put the filters on back then and then cleaned up the City of Evansville. They've already let the cat out of the bag, so to speak, and, to me, if they are to do anything now I would like to see maybe some kind of a filtering system put on the target area that is having the problem right now. So if they're still having it, why not put the filtering system on the Old State Road area instead of the transmission lines coming in from Texas. They can do that, too, but the problem still seems to persist out that way -- so why not put some filtering systems right there in the immediate area instead of on each individual house. That way you stop it before it gets to those thirty-five residents. That's about all I have to say. Thank you."

Mrs. Mary Gager of 8205 Pine Creek Drive: "I stand before you as a Mother, a Wife, and as a resident of Pine Creek Drive and Old State Road. I ask your help so that myself, my family, and my neighbors can sleep at night knowing that they are free from any health hazards -- and so Evansville can also rest at ease -- that this is either not in all of the City now or will be coming to all of the City. Thank you."

Mr. Willner asked if there were any further comments from the audience. There being none, he asked if the Board is ready with their response.

Commissioner McClintock said, "I appreciate your coming this evening. I guess other than addressing letters to the EPA, SIGECO, and the State Health Department, I would like someone's response on specifically what you would want this body to do to help you -- understanding we are not the EPA, we're not a Health Agency, etc."

Mr. Gager said, "Carolyn, I've had this question asked of me several times and I'll be perfectly honest -- it gets a little old. Okay? If you were living out there and you had an eighteen month old child that you were concerned about, what would you do? What we're asking you to do is this -- we want to know if Aroclor 1242 is hazardous? What are its long term and short term effects? What other chemicals have been found in the oil that has been tested? What is SIGECO going to do to clean up the existing oil in the pipes? Even if they come back and put filters in the lines now to stop new oil coming in, how do we get rid of the existing problem? I talked to a gentleman at SIGECO two or three weeks ago. He said this problem not only occurs on the North side of town -- it's in every gas line in the City. So this is not an isolated case. We would like for you to get involved with State agencies to find out exactly what are the health effects of this particular chemical or any other chemicals that have been found in these oil tests."

Mr. Brady said, "We are looking for representation from our City-County officials that tax dollars are paying for -- to show the concern for the residents that you're representing -- that you will take care of their needs when they ask and respond when there is a definite concern here. It has been said that they found 170 ppm (at first it was 280 ppm) in the gas lines of PCB contamination. The EPA says that 50 ppm is something that needs to be cleaned up. So what is SIGECO going to do for the City of Evansville? Especially if this is all over the City, as it appears to be cropping up."

Mr. Gager said: "I would just like to say one thing. As officials, you have access to information that we, the citizens, don't have access to. You can get to the State agencies, etc., and find out about the levels of hazard to us, etc., and that is the type of information we want. If I go to a doctor and he tells me I have cancer and I'm going to die, I'd like to have a second opinion. We're not here to stir up trouble for SIGECO. We want to be able to know that we are safe in our homes."

Commissioner Borries said he certainly wants to thank the individuals who have spoken. He believes the Commissioners can certainly work with them to write the State EPA and to continue to monitor this situation -- certainly understanding very, very clearly that there are some potential problems here that the rest of our community could face. Their comments are on tape and this matter has certainly been aired thoroughly here tonight with their comments and I would think we need to write the EPA to ask for their ongoing monitoring of this situation and also to provide answers to the questions they have raised here this evening.

Commissioner Willner asked, "Would there be a test tube of the substance? I think Mr. Gager told me that some of the residents might have a sample that we could use -- maybe send it to a private lab. Would somebody give those to us?"

Mr. Gager said all of the residents requested the EPA to take a sample and those samples have already been taken.

Mr. Willner asked, "That would be available to this Commission?"

Mr. Brady offered comments from his seat but they were inaudible.

Mr. Willner continued, "Has the State Board of Health been contacted?"

Mr. Brady responded that they have.

Mr. Willner asked, "What was their response? And I will probably check. We usually (I say usually) depend upon the County Board of Health and the State Board of Health for our information on all health situations within our County. I don't know that this has been done and I need to do that. If you can tell me, fine; if not, I'd be glad to do that."

Mr. Gager said, "I think, Mr. Willner, what we're waiting on is the results from the EPA. They, in turn, said that if the results warranted they would contact the State Board of Health or the local Health Department -- whatever is necessary."

Commissioner Willner then asked, "Has your organization asked for an investigation either by the Prosecutor or any other policing powers as to how these things got into the PCB's -- or how any other contaminants got into the line -- or has any of that been done?"

Mr. Gager responded, "We have not asked for any legal action or anything like that. We understand that the oil was injected into the line prior to 1979 and compressors were used to bring the oil up through Texas Gas pipelines and Eastern gas pipelines and it has been sitting ever since 1979. Of course, in 1979, they outlawed the use of PCB's in oil compressors. "

Mrs. Gager said, "I think it should be noted we are not wanting to press any kind of charges or anything like this -- we just want this cleaned up so that we can live in our neighborhood and our homes happily and safely. It has not been our goal to try to go out and do some kind of legal action or something -- we just want safety in our homes."

Mr. Willner asked, "Do you have any specific name with the State Board of Health?"

Mr. Gager said, "At the Federal EPA and State EPA we've had several names and numbers -- I would think this body would know how to obtain that information."

Mr. Willner said, "No, I'm just trying to determine if anything has been done prior?"

Mr. Gager said he didn't think so -- other than the Federal and State EPA.

Mr. Brady said, "I think that is one of the reasons we are here -- as citizens, we are not normally dealing with State agencies, etc. But we have contacted the EPA trying to get something done -- honestly expecting the City-County officials to jump in and help us here -- and since that did not occur, that is why we are here tonight."

Mr. Willner said, "Well, I don't think it is as simple as that. I don't think that anybody sitting on this Board or any other Board within our County would hesitate to help anytime, anyplace, anywhere. That is not true. If you're asking me to go out and test these samples -- we can't do that. So we have to take the word of somebody else."

Mr. Gager said, "We're not asking you, Bob....."

Mr. Willner said, "Now, wait a minute -- I've listened to you and now let me finish. I'm perfectly willing to take your samples that you furnish us. We will send them to a private lab if that will help. Whatever you request this Commission will do -- or anything we think of ourselves. We will do that -- there is no question in my mind. We're still taking somebody else's word. Now if you would like to wait until the samples come back from SIGECO, that is fine with me. If you want to give us your samples now and have us send them to a private lab -- we will do that. It would be inconceivable that anybody sitting here or anywhere else within the City-County not to help, okay? So I don't want you to have the idea that nobody seems to want to help you. That is not true. The fact is that we have to take somebody else's word for it and we need the samples -- and we need your cooperation, along with ours. And if you will furnish that sample, it will certainly find its way to a private lab and we'll get that sample back. If you're wanting our help in any legal way, we have legal counsel -- and we will give you that answer. If you want to write letters to the EPA, we'll do that. But we are depending on someone else -- just the same as you are."

Mr. Gager said, "We understand that. I think one of our primary concerns is that the City-County officials get involved in interfacing between us and SIGECO the concerns of the citizens of the City of Evansville that the problem is corrected and that there is no longer a health effect. That you can do a lot better than a private citizen can do."

Mr. Willner said, "I was not invited to your meeting or involved -- and I did not know until I talked to you -- and I'm sorry I wasn't there, but I didn't know about it. I didn't know we'd had a ten year problem and this is news to me."

Mr. Lutterbach stated, "To reiterate what I said, if there are thirty-five families who have this problem why not put the filter back here in front of all those families, instead of one in front of each individual house? Then at least you'd have that mess cleaned up for now until you find out if it is contaminated."

Mr. Willner said, "I can agree that what you say makes a lot of sense. The death rate in Vanderburgh County or the Evansville valley -- I'm not sure that this is true...."

Mr. Gager said, "I think Vanderburgh County had been designated as a high cancer rate County in the State of Indiana."

Ms. McClintock interjected, "That is true. And there was a study when I worked at Welborn from four to seven years ago -- and I'm sure we could get a copy of that study from the State of Indiana and it was basically linked at that point to our industry and the coal used in the industry. But there were some other theories and I'm sure that any of the hospitals would have a copy of that or, of course, the State Board of Health would have a copy. But that is accurate."

Mr. Willner asked if Ms. McClintock would try to secure a copy of that report and she agreed to do so.

Mr. Willner said, "I was unaware of the hospitals being full."

Ms. McClintock interjected, "They are."

Mr. Willner continued, "I was under the impression that there was a flu epidemic of some sort within our County. As a matter of fact, some of my family experienced that and I live in Haubstadt. And we're not even on a gas line - we don't use gas. As to a short term effect or a long term effect, his understanding of PCB's is both short and long term effect and I am not sure that is not a moot point. It's harmful and we need to get rid of it." Mr. Willner then queried Mr. Borries concerning the schools.

Mr. Borries said he only knows that attendance figures were 93% last week -- that's good. Sometimes it will run as high as 96%. He has heard that there is an increase in flue-like symptoms, as well as a rise in pneumonia this year. It's also very complicated in relation to hospitals, because you're also having nursing shortages -- so you can't really relate the whole situation to just one item. It's a very complicated issue.

Ms. McClintock said she really thinks that the health risk question -- if it does pose a health risk problem -- what the Board can do to intervene with SIGECO with what they are going to do about it. So if people do develop something as a result of this, you want to know what SIGECO is going to do about it?

Mr. Gager said this is correct. And whether SIGECO was aware that 170 ppm to 280 ppm had been in the lines all this time?

Mr. Larry Ricketts of 4413 Chadwick Rd.: "My question and concern is -- my parents have had oil in their lines for ten (10) years - and I want to know why SIGECO didn't do anything since 1979?"

Mr. Willner said, "I'm not sure we can help you with that one. We're going to get the same answer you did."

Mr. Brady asked: "Mr. Willner, is it possible that you can find out what public facilities, residences, schools, etc., have been affected by the oil -- where it is mapped out by SIGECO -- where they've had problems?"

Ms. McClintock said, "I don't quite understand the question. So you mean that there are others that have not been publicized -- that people don't know about? That there's a map that SIGECO has?"

Mr. Brady said, "I would think SIGECO would know which residences have been affected by oil in their meters or in their furnaces or in their gas to the boilers in public buildings. Is there any way we could get some help in acquiring that information? Through rumors and conversations we have heard of areas that have been affected but this information has not been made public. Crescent Plastics was one of those locations. It was not until through the grapevine or through some official that we found out they were shut down with this oil condition. We heard that North High School had a problem. I don't know. But these are the kinds of questions I'd like to get some answers to."

Mr. Willner said, "There, again, I don't know whether they would tell us anything they haven't told you. We can, of course, ask questions."

Mr. Gager interjected, "See, that's where we are -- at a stone wall here -- we want information that we can't get. As County officials, we thought perhaps you could break down the brick wall."

Ms. McClintock said, "Sometimes -- and sometimes not. I don't want to mislead anyone. There is some information we can find out. But we have no authority over SIGECO and we have no power. We can ask and request just like you do -- but we are at their mercy."

Mr. Gager said, "I understand. We are not lawyers, EPA specialists, but there is also a Right-to-Know Act (and I'm not sure what it states) about hazardous chemicals. And I'm not sure whether this gives us the right to find out. But I think you have better access to public information than we do."

Mr. Willner said, "There, again, is why we need to get the local Board of Health and the State Board of Health -- because they do have all those powers. They can ask the right questions and get the answers -- and we certainly will help you do that."

Mrs. Gager said, "It was my understanding the Health Department would not enter into it until the different things were picked out and we were told they were hazardous or something like this -- at which time they would enter. Until that time, they would not think about it."

Mr. Willner said, "That's news to me -- I don't believe that is true. One other question, "Do you believe that the cold weather did bring this on? Or would it have happened without cold weather?"

Mr. Gager said, "Yes, we do. And, Jerry, correct me if I am wrong. But we understand that SIGECO had to increase gas pressure to the North side of town, which forced the oil to be pushed into the gas -- and that is why it occurred in thirty-seven homes out there."

Mr. Brady said, "Also, PPG had both boilers going and they weren't getting enough gas and they had to pump it out to PPG and they went out to the station on First Avenue and upped the pressure, which may have helped it."

Mr. Gager said, "We feel like the area that has been heavily hit with this oil on the North side is due to the increased pressure or gas requirements. We had the heaviest concentration out there -- but we do not know if the oil that has concentrated in that area since the cold spell had been in the lines here for some time. And the built-up pressure accumulated it in that area, as Mr. Lutterbach said, possibly because of the excessive needs for gas at PPG and maybe Ameriquel -- large plants a little bit north of us."

Mr. Willner asked, "We need to run our correspondence through you or Mr. Brady?"

Mr. Gager said that either party would be fine -- Mr. Brady is the President of the Old State Neighborhood Association.

Mr. Willner said, "Thank you for coming down. We will do everything within our power to get you some help in your endeavors."

RE: I-164 GROWTH MANAGEMENT REPORT

Mrs. Barbara Cunningham, Director of Area Plan Commission, said the Commissioners have a draft copy of the I-164 Growth Management Report before them. It has been accepted by the Area Plan Commission. "I hope you'd had an opportunity to study it. I-164 is a 21-mile limited access Interstate which extends from I-64 to the North, traveling along the Eastern boundary of Vanderburgh County and West along the southern edge of Evansville to Highway 41 at Veteran's Memorial Parkway. The increased development pressures from I-164 may result in land use conflicts

between the potential commercial development and the existing residential areas -- and also with the rural and agricultural areas. Without proper planning there may be traffic congestion, excessive curb and median cuts, and inadequate secondary transportation network, inadequate utilities, and poor drainage. The intent of this report is to provide information to you and to serve as a policy guide to assist the decision makers in land use and development decisions. It's an effort to anticipate problems and act on them prior to development. It is really each intersection and it's a group of many reports -- as you have seen as you went through it."

Mr. Willner asked if Mrs. Cunningham wants the Board to vote?

Mrs. Cunningham said, "You usually just accept it -- you don't really vote on it. You just accept it as the information it is."

Mr. Willner requested that the record so state -- that the Commissioners do have this Growth Management Report, and if there are any questions now or in the future, contact Mrs. Cunningham.

Ms. McClintock said she has an amendment to propose. However, it was noted the Board will wait to do this after the rezoning petitions are heard.

R E Z O N I N G P E T I T I O N S

The meeting continued with the Board hearing Rezoning Petitions.

VC-25-89 (1st Reading) -- Petitioner, Koester Contracting Co.:
Mr. Willner said petitioner is seeking to rezone property from Agricultural to M-3. Property is located on Green River Rd. and the intersection of I-164 or 30,303 ft. south. Existing land use is vacant and proposed land use is an asphalt plant. Mr. Willner said he sees Mr. Koester is present. Is there anyone here to remonstrate against the first reading? There being none a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, VC-25-89 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-26-89 (1st Reading) -- AK/AR Investments: Requested change is from Agricultural to CO-2 (Commercial office). Mr. Willner asked if anyone is present to speak to this rezoning?

Mr. Borries said he doesn't have a comment on the rezoning. But he does have a problem from time to time with that zoning designation, however, as a CO, which is confusing to him as to what it used to be and what it is currently.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the petition was approved on First Reading for forwarding to Area Plan Commission. So ordered.

VC-14-89 (Third Reading) - Petitioners, Bettye Davis and Carol Lant: Requested change is from Agricultural to C-4.
Mr. Willner said it is his impression that an offer to buy a portion of this land was delivered to the property owners this evening. Is that correct? (It was noted it was delivered.) Commissioner Willner confirmed the property owners are in receipt of those offers. They were made by an approved Appraiser and an approved Review Appraiser and the offer has been made.

Attorney George Barnett said he is here for the Petitioners and would like to clarify. "We were given, I guess, as to what could be construed as an oral offer. We did not receive anything in writing. We did receive a copy of an appraisal, apparently conducted on those properties -- so we are in receipt of that.

That was provided to me and my two clients. One is doing inventory tonight and the other is home with flu-like symptoms. Having sat through the last hearing and having lost two of my meters in December, I am now going to go home and evaluate my condition. I may be back next time. In any event, we spoke prior to the last continued meeting with the engineer and he asked that we continue so negotiations could begin on a purchase of the part of the property we are asking to be rezoned. I told him at that time that my clients aren't interested in selling, don't want to sell until they have to -- and they have reasons for that. There are tax reasons as well as other personal reasons. But in any event, the doors are always open for negotiations and discussions of proposals. Having just received this one tonight and not having reviewed it with them, we are not in any position to comment one way or the other.

What we do think is appropriate tonight though -- and maybe even in light of the appraisals -- there appears not to be any reason not to go ahead and rezone the property. That is what we are here for. The Area Plan Commission has unanimously approved the rezoning and sent it here. We know of no remonstrators or any reason not to rezone. It is clearly going to become commercial property -- or it is contemplated to become commercially zoned property -- and we believe it would be appropriate tonight to rezone. We will stay in contact and, of course, convey any offers for the purchase and see if something can be worked out in that regard."

Mr. Willner entertained questions of Mr. Barnett.

Commissioner McClintock asked, "So what you are asking us to do, George, is exactly what we said we wouldn't do last month?" Because we said that we wanted to purchase this property."

Attorney Barnett commented, "No, what you said the first time was that you wanted to go to the meeting and find out when the highway was going to be completed -- and if you can tell me that, I will convey that, also."

Ms. McClintock said, "And last month I believe we told you that we wanted to look at purchasing a portion of that property for the access for Lynch and Green River Road and we weren't going to rezone that parcel, because then we would never be able to purchase that right-of-way. So we're exactly where we were last month."

Attorney Barnett said, "That's a little different than I construe it, but that is close enough. No one told me it was one or the other -- just that they wanted to contact me about negotiations and that happened today."

Ms. McClintock said, "Well, maybe I am wrong, but that was the impression I was under."

Attorney Miller commented, "I have spoken to the individual Commissioners here. I did not get a chance to talk to Ms. McClintock before the meeting. It seems to me, notwithstanding the Area Plan Commission action, highly unusual for this body to rezone such a large parcel as this without having any proposal before it about a particular use or type of building or types of buildings, or access routes, or development plans of any kind. And, yes, this land probably does stand in the way of a future extension of Lynch Road that is very critical to the economic development of this area. And, yes, there is interest in obtaining a portion of it. And, yes, we have attempted to get a proposal together for these people -- even though they have told us they are not interested. But notwithstanding all of that, it is my recommendation to you that in the ten (10) years I've been sitting in this chair, I have rarely seen approvals of rezonings of this type without any kind of plan for development presented

-- without any idea of what is going to go there -- and how you are going to access and those kinds of things. I have recommended on that basis that the rezoning be denied, and that is my recommendation at this time."

President Willner asked if there are any remonstrators with regard to VC-14-89? There being no response, he asked if Attorney Barnett wishes to say anything further. Attorney Barnett responded in the negative.

President Willner then asked if the Board has any questions of either Counsel? There were none and a motion was entertained.

Commissioner Borries moved that VC-14-89 be approved, with a second from Commissioner McClintock. Commissioner Willner then asked for a roll call vote. Commissioner McClintock, no; Commissioner Borries, no; and Commissioner Willner, no. President Willner declared the petition denied by unanimous roll call vote. So ordered.

VC-24-89 (Third Reading) -- Petitioner Krieger-Ragsdale Co.: Mr. Willner said requested change in zoning is from Agricultural to M-2.

Attorney Marco DeLucio introduced himself and said he is here this evening on behalf of Mr. & Mrs. Al Mann and also Krieger-Ragsdale Co., the Petitioner in this rezoning, seeking to rezone property located at 10501 Highway 57 North from Agricultural to an M-2 classification. The property is currently unimproved agricultural land and the intended use of this property is to relocate Krieger-Ragsdale's current operations (they have outgrown their current location) and move that manufacturing and processing plant out to this property. As many of you know, Krieger-Ragsdale is a long time Evansville company and has been in business since 1906. They currently employ around 110 people.

If you look at the location map, you'll see that directly to the West of this property is the Airport Industrial Park, which is zoned M-2. To the Northwest, Bill Morris owns that property (I think it is for Corwood Manufacturing) and that is zoned M-2. Immediately to the North is the property owned by the Hadi Shrine Temple, and that is zoned C-2, I believe. The remaining portion of the property is agricultural and that is owned by the Schlinsker family.

The Staff Field Report indicates that the Comprehensive Plan has designated this area for commercial and manufacturing purposes. We believe that the use Krieger-Ragsdale intends for this approximately 3.14 acres will be consistent with the Comprehensive Plan and it provides adequate space for them to currently locate their operations and also provides for future expansion if necessary. Access to this property will be off of Hedden Road. There is a 30 ft. easement (private easement) that is granted from Hedden Road over to serve this property. That easement currently runs along the entire North portion of the property we're seeking to rezone. At the Area Plan Commission and the Staff requested (and we agreed) that we also dedicate an additional 10 ft. in that area. We would dedicate that for right-of-way purposes, in the event there is future expansion to that agricultural property located to the East. That will be done by an instrument granting the County the right-of-way in the event they need that.

One additional comment, the private roadway that will be developed from Hedden Road to serve this property will be built pursuant to County code and County requirements. I don't believe it is intended that that roadway will be dedicated. I don't think we have the power to do that -- it's a private easement right now. But it will be built pursuant to County code

requirements in the event later on all parties in the area agree -- and the County agrees - that the property should be dedicated to the County.

Continuing, Attorney DeLucio said Mr. Al Mann is present this evening (the property owner) and Mr. Kent Brasseale, the Vice President of Krieger-Ragsdale, should the Board have any specific questions to ask them.

Commissioner Willner entertained questions of Attorney DeLucio. There being none, he asked if Mr. DeLucio would draw the easement on the map he has before him. Mr. DeLucio gladly complied and briefly exchanged comments with President Willner, answering his questions. Mr. Willner then asked just what is North of the cul-de-sac?

Attorney Delucio said he believes construction is going on right there -- it is Corwood Manufacturing.

Commissioner Willner then entertained further questions. There were none. He then asked if anyone in the audience wishes to speak concerning this petition. There was no response.

Commissioner McClintock moved the petition be approved, with a second from Commissioner Borries. Commissioner Willner then asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. The petition was approved by unanimous roll call vote. So ordered.

* * * *

E N D O F R E Z O N I N G S

RE: TRAVEL REQUEST - COUNTY AUDITOR

The Commission meeting resumed with President Willner submitting a travel request from the County Auditor for four (4) members of the County Council and one (1) member of the County Commission and the Auditor -- to travel to Indianapolis on January 29-30 for Legislature Day. That would be overnight one (1) night and there will be a meeting of area Legislators at 4:00 p.m. on January 30th set up by the Indiana Legislature.

Ms. McClintock said she might also be interested in attending the special Legislative meeting at 4:00 p.m., if she can swing it.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries that the foregoing request be approved, as submitted, with the request to include two (3) County Commissioners, if the third Commissioner would like to attend. So ordered.

RE: COUNTY ATTORNEY - DAVID V. MILLER

Release Document/Richard Bennett: Attorney Miller said he has four (4) copies of the Release Documents concerning the lawsuit of Richard Bennett filed against the Sheriff's Department. The Commissioners will recall that in an Executive Session they approved the settlement of this matter for a sum in excess of the amount provided in here. We have been able to negotiate in the amount indicated in the agreement. The agreement is not signed by Mr. Bennett -- but will be signed after execution by the Commissioners and the County Auditor. He requests that these agreements be signed and returned to him.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Release Agreement was approved and signed. So ordered.

Acceptance of Checks/Alexander Ambulance Lawsuit Collections:
Attorney Miller then submitted the following checks for acceptance:

Danny McFarland	\$20.00
Thomas Yeates	5.00
Chris Hunt	5.00
Elizabeth Boyle	10.00
Stacy Kemper	10.00
	<hr/>
Total	\$50.00

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the checks were accepted, endorsed, and given to Joanne Matthews for deposit into the County General Fund. So ordered.

Simons Governmental Services Claim: Attorney Miller said, "We are at this time continuing to work very diligently on the agreement between the County and Simons Governmental Services. A draft of that agreement is in the hands of Mr. Simons and his Counsel and they are reviewing the terms of it. We have had to adjust the concepts that I explained to you in the Executive Session just slightly in order to retain Mr. Simons' claims -- the possibility of any recovery by him for the additional work over and above the settlement amount. As soon as Mr. Simons approves the settlement agreement I will present it to you for settlement and then we can make it available to the media. But at this point the settlement is not finalized."

Mr. Willner asked, "You do not want me to act upon these claims then?"

Attorney Miller responded, "I do want you to act on those claims, subject to the approval of the settlement agreement?"

Mr. Willner asked, "Shall I read those in then while they are fresh on my mind or should I wait until.....?"

Attorney Miller replied, "I see no reason not to go ahead and do it now. The point is that we want to keep the good faith of Mr. Simons during these negotiations. I have indicated to him that we would go forward with those subject to the finalization of the settlement agreement."

Mr. Willner said, "I do have a bill then for 50% hold-back of Mr. Simons' bill to Pigeon Township in the amount of \$57,098.29. I have another claim for Simons Governmental Services from Pigeon Township in the amount of \$3,600.00, which constitutes 90 hours at \$40.00 per hour for the informal hearings which were advertised in the paper and the services rendered by Simons Governmental Services. And I have a bill for \$4,401.49, which constitutes the current contract that we owe -- not hold-back."

Attorney Miller interjected, "Now, I'd like to make something clear here. To the extent that any claims are in the hands of the County Auditor that have been approved which go to the base contract performance itself, and which do not invade any of the retainage -- those payments should be made without delay."

The payments that we are holding pending the resolution of this settlement agreement relate to the retainage and to the extra work agreement that was in the amount of \$92,000. Anything that goes to the base contract except the retainage is now due to Mr. Simons by virtue of the Township officials' approval."

Commissioner Willner entertained a motion that the claims be approved subject to the finalization of the settlement agreement between Vanderburgh County and Simons Governmental Services, as outlined by Attorney Miller.

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

Amendment to Agreement Between the County & Southwestern Indiana Mental Health Foundation: Attorney Miller said he has the subject agreement, which should have been signed a long time ago. It is fine. It somehow got stuck in a pile on his desk and it simply has the effect of changing the length of the contract as the Commissioners indicated it was their wish to do, etc. Thus, he recommends the Commissioners sign the contract. The contract should be dated December 30, 1989, which is the date the Commissioners approved the contract. (He subsequently requested the secretary provide copy of the signed agreement to the Southwestern Indiana Mental Health Foundation).

RE: I-164 GROWTH MANAGEMENT REPORT

The meeting continued with Commissioner McClintock directing the Board's attention to Page 23, Paragraph 4 of the I-164 Growth Management Report, which is discussing the Lloyd Expressway Interchange Future Conditions. "As you are both aware, there has been considerable discussion about the development of the East side and particularly about future commercial development and use of land South of the Lloyd Expressway. With the recent rezoning of the Eaglecrest property, the question arose as to -- in the Comprehensive Plan, the current plan states that (of course, a plan that Mr. Klassy will tell you at any moment is subject to change, etc.) there will not be commercial development West of Fuquay, South of Green River Road. That was an assurance that was apparently made before my time to neighbors who were concerned about development -- particularly the Kuhlenschmidt property -- and the things that were going along North Green River Road. Fuquay has, in effect, been realigned and become John Street. Fuquay used to go straight up North to Lloyd Expressway. Now that piece of road is gone -- whatever you want to call it -- and it comes around in a little hook and it's come further and encroached on that property further West. I believe with the recent concern that has been expressed by those neighbors who have very large investments in homes in that particular area, that it behooves us to clarify in this plan that we are accepting where we think Fuquay Road is. And I believe the City Council is going to consider the same amendment when they look at this same I-164 Growth Management Report. And the amendment is very, very simple. It states, 'The commercial development should not spread West of Fuquay Road' -- should say 'At a line extended from Fuquay Road and John Street North to Lloyd Expressway, the former route of Fuquay Road Provisions for buffering and transitional uses should also be considered.' 'I believe that in addition to those previous assurances (which I did not make, because I was not in either body nor on Area Plan Commission) we do have some responsibility for orally planned development of this community -- not only commercially and residentially, but also to provide some green space. Mr. Klassy may argue with us that we are, in effect, condemning this property. And he does own -- as you probably remember -- a strip of property along there that he would like -- at some point -- to develop commercially. All that I am asking is that we clarify that the designated piece of property (on map) remain in that portion that this body assured to designated area of people that this would not go commercial.

Mr. Roger Klassy asked, "Carolyn, are you talking about...?"

Ms. McClintock interrupted, "South of the Expressway between Burkhardt and Fuquay (as realigned)."

Mr. Klassy asked, "Are we saying that everything south within that parameter -- commercial will not be allowed? Is that what we are saying?"

Ms. McClintock responded, "Within that corridor."

Mr. Willner said he has no problem with that.

Ms. McClintock said that Mr. Klassy is primarily concerned about a strip of property that is right up against Lloyd Expressway.

Mr. Klassy introduced himself and said, "I am concerned about being boycotted at this point. Here I am a singleton with a few acres -- and I am opposing your position and that taken back in 1986, which draws the line heavily along Lloyd without parameters and that envelope has been pierced once on the Southwest corner of the Interchange and the highway. And there are people to the East of us who represent several acres, and to the West of us maybe 40 to 60 acres; and then a little West and South another forty (40) -- and where does this stop? Where did this stop initially? Where were the parameters? We assume the Warrick County Line and we assume the Ohio River. But we've seen spot zoning occur in the meantime. And what you are really doing is boycotting. Here, let's go back to the concept of this, if you will, for just a moment. On Page 1 under 'Introduction' it says the intent of this report is to provide comprehensive information and to serve as a public guide. Okay, to assist in decision making, etc. Okay. Then, on Page 39, speaking of General Land Use, it states that there may be occasions when there will be developments proposed which do not conform to the land use plan. If they are sound, beneficial proposals, there is no reason why they cannot be accepted -- as long as they don't deviate from the concept, don't you see? But here, O Mighty Queen, you are drawing a line and boy we are locked out, you know. You heard the attorney concerning the Plaza Court petition. He said they were told that area was to be residential. Yet you approach that subdivision early on and there was a big sign in Lot A, and everything else is brown and earth tones and lots were green -- and Lot A was orange and now it sits back. Okay, the same person had asked for a copy of the covenants and we said in the covenants, 'Look, we are going to do something -- a P.U.D. or commercial, or something or the other -- and be aware that you lose your right to remonstrate.' I'm sure that is not something you can hang your hat on, but it said that. It did not say that this would forever be residential. It said that we are going to do something -- and that is really what I am talking about. And that is what this addresses itself to and, Carolyn, what you are doing -- you are locking us out. Everyone will hang their hat on what you are saying right now this evening. And when you are back on my side of the Lloyd Expressway, we won't have an argument, right? Don't you see it that way?"

Ms. McClintock responded, "Mr. Klassy, we are not addressing your property. We are addressing a little piece of property that you do not own."

Mr. Klassy said, "All right, I'm sorry. That is why I asked where the parameters were. To me, you said South of Lloyd."

Ms. McClintock said, "That is already in this. My amendment addresses one little piece of property. In this plan it says -- it's not my amendment, but we've said we've already approved -- unless you can get these gentlemen to change their minds. Doesn't it already say that? That is not what my amendment is, Mr. Klassy."

Mr. Klassy said, "But the action by the County Commissioners back in 1986 concerning the Kuhlenschmidt property said that the Lloyd Expressway was the dividing line and everything South shall be residential."

Mr. Willner asked, "From where to where?"

Mr. Klassy responded, "There are no parameters there. Now that has been pierced. Now there is a big section of C-2 and C-4 out there. But we say now...."

Commissioner McClintock said, "Now, Mr. Klassy, that is not correct. And we've argued about this (this may be our fiftieth argument about this) -- but according to the minutes of that Commission meeting it was between Burkhardt and Fuquay Road and you're saying it has been pierced because of the Eagle Crest development and that development is East of Fuquay Road."

Mr. Klassy said, "You're right -- the Comprehensive Plan said that. But the action of the County Commissioners -- and that is what has been our stumbling block. We're not talking about the Comprehensive Plan; we're talking about the action of the County Commissioners in 1986. That's what we're talking about."

Ms. McClintock countered, "But the Comprehensive Plan says the same thing."

Mr. Klassy said, "But it comes from a different direction. Commissioner Cox stated that she intended for each and every petition to be carefully reviewed on its own merit."

Mr. Willner said, "Roger, let me ask you -- please step forward here and let me show you this map on Page 22? We're talking about this strip with the residents all behind this designated area. That's all we're talking about. You don't object to that, do you?"

Mr. Klassy said, "I'm not going to answer that question. I owe you an apology."

Mr. Willner said, "I think so. I think we're talking about oranges and apples."

Mr. Klassy said, "I am -- but sooner or later we are going to be addressing this question and all. Are you telling me now that we can come to you and if we have a new package that you're going to accept it?"

Mr. Klassy pointed to designated area and Mr. Willner said that area is 'City' now. I don't think the Commissioners are going to have to say anything in here (pointing to a designated area) -- I think the people in there will say something.

Mr. Borries said, "I understand what you are saying. You know when you do this job -- I guess you never say 'never'. At least I never said I was going to be part of the Deity. I was trying to do from here on earth the best I could -- looking at it that night -- in the future."

Mr. Willner interjected, "And it made sense -- and it still makes sense."

Mr. Borries continued, "Yes, it did; but there were a lot of people who couldn't understand how big that highway was going to be. I think they still thought it was going to be a country road. Now they understand that, if the State ever widened it to six lanes capacity -- it will be all the way out there. And they will. But that is not to preclude the change -- and I think that is what you are talking about. Two of us were on the Commission at that time -- since then all of that has changed and now that has become part of the urbanized area of the City of Evansville. So that has changed. My comments early on talked a little about this confusion over we've laid down the gauntlet with C/O because there is no longer any kind of a real buffer perceived by the public between residential and C. We're now into that -- and I think Area Plan will probably have to address that at some point -- and I think that is where residents really get into it. I

just think that C/O and R/O -- and we're always taking about these buffers and the different things that can go -- and it does pose a dilemma, I am sure, because he now feels he has some buyable property that can't be used for what he feels is residential -- but I think what he is saying is that there aren't going to be any takers based on residential -- is probably what he is saying in relation to the close proximity toward the highway. And that is a dilemma. So what is an appropriate buffer? Green space? Who will pay for it? The City? Or should he develop it at his expense?"

Mr. Willner said, "Well let's just talk about a recent rezoning for what we thought was signs along the I-164 corridor. Here is a man with 22 acres that was turned down 12 to 0. What has he got? He's got farmland, hasn't he? And it was turned down 3 to 0 here. He had 22 acres sitting right on the highway. And we were afraid he was going to put a sign up there, weren't we -- and we turned him down -- because I think that is what he was going to do."

Mr. Borries said, "I'm not sure that was the only reason -- I think there may have been other uses found in there that might not have not been, at that point, inappropriate. Who knows? Your concern, I think, addresses one issue; there may have been more. I think we all probably have to vote based on more than one issue."

Mr. Willner said, "If you cannot get multiple family, you can go back down to a single family."

Mr. Borries said, "The point was -- I guess you could hang your hat on it -- but I don't know who has to determine the change at this point. I suppose the City of Evansville does -- and the Area Plan Commission. Again, going back to the point we were doing the best we could given the set of facts and what the circumstances were in 1986."

Ms. McClintock said, "We're accepting this plan, as well. Mr. Klassy and I have talked about this at length and I am as concerned about his property as that of the other property owners out there -- and something has to be done. And we do not want a string of -- you won't have to hear them, yes -- but this Commission made those original assurances and clearly it is unfair to have a string of developers in the Area Plan Commission and City Council and after the last group was in there that expect a rezoning who have not read the Comprehensive Plan and something needs to be done. And clearly it may be a case where government needs to intervene and make those provisions that can provide you some way to get out of your investment and the City and County some way to continue to assure those neighbors. That is the overall deal and that is the overall problem. What we're talking about right now is a little bitty piece."

Mr. Borries said, "I'm willing to accept your amendment -- I have no problem with that."

Mr. Willner commented, "Neither do I."

Mr. Klassy said, "Thank you. It's nice to be acquainted with such fine folks, because I'm sure we're going to be eyeball to eyeball many times. Thank you for listening."

A motion was entertained by President Willner concerning the I-164 Growth Management Plan.

Motion to receive and file the I-164 Growth Management Plan, including the amendment, was made by Commissioner McClintock, with a second from Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Commissioner Willner said Mr. Muensterman is not here this evening and the record should reflect that he is being installed as President of Germania Mannechor and the Board wishes him the best in this new endeavor. Mr. Muensterman has submitted his Weekly Reports to each of the Commissioners. If they have any questions, they should call Mr. Muensterman.

RE: COUNTY ENGINEER - GREG CURTIS

Certificate of Insurance/Deig Bros.: Mr. Curtis said he had just handed Joanne Matthews a Certificate of Insurance for Deig Bros. on Bridge #13.

Consultants Doing Design Work for Vanderburgh County: Mr. Curtis said it is his intention to send a letter out to all the Consultants that presently have design work for the County -- and he has discussed this with each of them -- to have a bi-monthly progress meeting on each project with their Project Manager, if possible, and to require a standardized monthly progress chart report that the Indiana Department of Highways uses for the local assistance projects. He just wanted to make the Commissioners aware of this and unless they have objections, his intention is to send that letter out.

The Commissioners requested that Mr. Curtis please do this.

Mr. Curtis said he thinks this will facilitate our being better informed as to the progress of projects, particularly with Green River Road and some of the other projects nearing actual construction. He thinks it is more and more important that we do that.

Requests for Proposals: Mr. Curtis said he would like to send out Requests for Proposals for:

- 1) Design of Vanderburgh County Bridge #90 over Little Pigeon Creek (Old Petersburg Rd.)
- 2) Design, Right-of-Way, and Construction Engineering (depending upon his office's staffing at the time) Services for the Green River Rd. project. (Our agreement with United Consulting Engineers, for some reason or another at the time that was signed, did not include Construction Engineering -- and we need to go through the entire process according to Hoyle and advertisements, etc. -- because that will be a reimbursible expense.)
- 3) Design for Right-of-Way and Construction Engineering on Lynch Road Extension from Burkhardt Rd. in Vanderburgh County to Telephone Road in Warrick County. The design would be paid in-house and the construction engineering is a reimbursible expense. Basically, the DOT has foregone funding for Preliminary Engineering.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Curtis was authorized to request proposals and advertise. So ordered.

Authorization re Educational Class/Gary Kercher: Mr. Curtis said he had spoken with each of the Commissioners concerning the request that Mr. Gary Kercher, Assistant County Engineer, be allowed to take a three hour class at the University of Evansville. The class is from 8:00 a.m. - 9:00 a.m. on Monday, Wednesday and Friday. He would not be available to report to work until 9:15 a.m. He is willing to make up that lost time on either each of those days or at another time, if more convenient for the County. Mr. Curtis said he would like to state that he recommends this and this will be no inconvenience to his office; in fact, it might be of more convenience during the late spring semester in that we will have construction going on and it will be convenient to have someone working that late at times.

Mr. Willner entertained a motion.

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

Mr. Borries said, as pointed out in Mr. Curtis' letter, Mr. Kercher is only two classes away from receiving his Engineering Degree, and this is one of the two. So this also enhances the County's capacity to have two engineers on board when he receives credit for these two classes.

Mr. Curtis said that once Mr. Kercher receives his degree, due to his experience, he will be eligible to take the Professional Engineer's exam. Normally you have to wait four (4) years, but Mr. Kercher already has his experience in.

County Aerial Photography & Mapping Project: Mr. Curtis said the Board has copies of a letter he wrote to Mr. Willner, as President concerning the County's Aerial Photography & Mapping Project. Tom Williams, the City Engineer, has gone through the proposals, etc., received. Basically, they received the proposals and the Commissioners have a sheet that gives a breakdown (possibly on the back side of the letter from Mr. Williams to the Board of Public Works) of the people who responded. In his opinion, there were two (2) proposals worth considering. One was Bernardin, Lochmueller & Associates and the other was Morley & Associates. Morley's proposal was slightly better -- we would be able to do a larger amount of acreage. We'd be able to do 40,797 acres. With Bernardin's, we'd be able to do 37,846 acres. It might also be stated that because the City was handling this project, basically Mr. Williams was wanting him to get the Commissioners' concurrence with that. Mr. Curtis said he has no problems and would recommend that we go along with Morley & Associates and commit to funding that conditionally -- those conditions being that (and he understands that Morley & Associates can meet these conditions) that he outlined in his letter to Tom Williams, which requires that the final product be configured in AutoCAD and a series of layers, etc., which would make it compatible with the computer system the Commission has purchased for him.

Mrs. Barbara Cunningham interjected, "The money for the County's share is already in my APC budget and we've all been working together on this."

Claim/Veach, Nicholson, Griggs & Assoc.: Claim in the amount of \$423.00 for Fifth Avenue Bridge. Mr. Curtis recommended the claim be approved.

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

Claim/Veach, Nicholson, Griggs & Assoc.: Claim in the amount of \$893.00 for Orchard Road Bridge over Hi-Rail Railroad. Mr. Curtis recommended the claim be approved. So ordered.

Motion was made by Commissioner Borries and seconded by Commissioner McClintock to approve the claim. So ordered.

Claim/United Consulting Engineers: Claim in the amount of \$3,610.00 for right-of-way engineering on Green River Rd. Mr. Curtis recommended the claim be approved.

Motion was made by Commissioner McClintock and seconded by Commissioner Borries to approve the claim. So ordered.

Travel Request: Mr. Curtis said he is requesting permission for him and Mr. Willner to travel to Indianapolis in a County car to meet with the Department of Transportation to discuss Lynch Rd.

and the Boonville-New Harmony Rd. Extension. There seems to be some confusion regarding one of the contracts on the latter. They also want to try to meet with the State Building officials re requirements they might have concerning building improvements. They plan to go early in the morning and return around 5:00 p.m. to 6:00 p.m. tomorrow afternoon. (Mr. Willner noted tht part of the trip also concerns Vanderburgh Auditorium.)

Motion was made by Commissioner Borries and seconded by Commissioner McClintock to approve the request. So ordered.

Approximately a month ago, Mr. Curtis said he came to the Board requesting relief to some degree in that we have a number of projects that at the present time we don't have anyone on staff qualified to do. It requires a Registered Land Surveyor to perform the work. Having gone through those projects and the State requirements for registration and what is required to be done by a Registered Land Surveyor, he would recommend that we hire Veach, Nicholson, Griggs Assoc. to perform the surveys on these projects:

- 1) Motz Rd Project -- We need to determine the property line on Motz Rd. Down in the corner where it makes the bend, the property owner wants to know where the property line is, as well as where the right-of-way line is -- and if we are stake that out in the field, the State law requires that be done by a Registered Surveyor. (Cost: \$850.00)
- 2) Red Bank-Nurrenbern Rd. Improvement - As discussed, this project will require an extensive amount of of right-of-way (research more than anything) and basically we have asked Mr. Nicholson to include in that a small amount of cross-sections, etc., rather than having to send a crew out there right after that to do that. (Cost: \$5,395.00)
- 3) Kleitzi Road: This is basically the same thing, except that the research is not as detailed (but, more work). (\$5,790.00).

With regard to the Red Bank-Nurrenbern Road project, if the Commissioners would be so inclined, since Veach, Nicholson would already be out at the site, they have an optional price for the bridge survey of \$4,000. He would like approval to get an agreement so that, specifically, we can get started on the Red Bank Rd.-Nurrenbern Rd., because other than Bridge #35, this is our highest priority project. In response to question from Mr. Borries, Mr. Curtis said a Registered Surveyor is not required on the bridge, but since VNG will already be out there and this is adjacent to and would tie into that project, he requested a price as to what it would cost for them to do that. That would not have to be -- but the rest of the work is work that requires a Registered Land Surveyor by State Law. The Commission could approve \$5,395 for the curve and his office or the Surveyor's office could do the bridge. The total of the Red Bank-Nurrenbern, Kleitzi, and Motz and the bridge project would be \$16,035. On Motz Rd. it would come out of the Contractual Services account and Local Road & Street; on Red Bank-Nurrenbern and Kleitzi Rd. it would come out of Contractual Services and Local Road & Street; for the bridge portion, it would come out of Contractual Services and Cumulative Bridge Fund. Mr. Curtis also noted these are NOT TO EXCEED fees. It depends on what they run into -- all of these could be less. They are hourly fees based on a crew's time of \$60.00 per hour. He said he has to be honest -- he doesn't know what hourly rate was figured for research.

Mr. Willner asked if we're contemplating blacktopping Motz Rd. this year?

Mr. Curtis said that is the way he has been proceeding. However, as stated, the Red Bank-Nurrenbern Road project is his priority.

Mr. Willner asked if there are any other problems Mr. Curtis is aware of with regard to Motz Road?

Mr. Curtis said, "Not of a surveying nature."

Mr. Curtis said the other projects (Trapp Road Bridge, Outer Darmstadt Rd. Bridge #34, the large structure that will likely be a bridge at Volkman Rd., north of Baseline, Bridge #75 on Old Petersburg Rd., and the Boonville-New Harmony Rd. 3R project) have all been requested for the Surveyor's Office to do that work for the County. Preliminarily, Mr. Brenner has indicated they would be willing to do that. He wasn't able to give Mr. Curtis a time frame by today, but indicated he would give him a time frame very soon. So even with the Red Bank Rd. bridge, we have a considerable amount of work we need to get done this spring. In response to query from Mr. Curtis, he said the Red Bank-Nurrenbern Road project is top priority. They are trying to get this project going so we can have a letting on it and get it done prior to Memorial Day (the opening of Burdette Park season). If we can't, then we will forego the project until Labor Day.

There being no further questions, a motion was entertained.

Motion was made by Commissioner McClintock and seconded by Commissioner Borries, the Board approved the Not to Exceed \$16,035 expenditure to hire Veach, Nicholson, Griggs to do survey work on Motz Rd., Red Bank-Nurrenbern and Kleitz Rd. So ordered.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

The meeting continued with President Willner submitting the Monthly Report from the County Clerk for period ending December 1989 report received and filed.

RE: REQUEST FOR TRANSFER OF METAL SAFE FROM AUDITOR'S OFFICE TO DATA PROCESSING DEPARTMENT

A request from the County Auditor with regard to the above was submitted, with indication the transfer should be accomplished as soon as possible.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved. So ordered.

RE: ACCEPTANCE OF COUNTY EMPLOYEES - 1990

President Willner submitted the following lists of employees for 1990 (which, so he is told, concludes the lists):

Area Plan Commission
Armstrong Assessor
Auditorium
Burdette Park
Clerk
Co-Op Extension
Convention & Visitor's Bureau
County Assessor
County Highway Department
Cumulative Bridge
Darmstadt Trustee
Election Board
German Assessor
Jail Misdemeanant
Jail/Sheriffs
Pre-Trial Diversion†
Prosecutor Adult Protective Serevice
Prosecutor
Prosecutor IV-D Incentive
Registration of Voters

Sheriff
Sheriff
Superior Court

RE: SCHEDULED MEETINGS

Wed.	Jan. 15	10:00 a.m.	EUTS Technical Committee
		4:00 p.m.	EUTS Policy Committee

RE: CLAIMS

Lichtenberger Construction: Mr. Riney said the claim has been approved by Walter Clements & Associates, as well as Rick Higgins and Don Chambliss at the Auditorium. There was a small amount of carpeting to be laid and they say it is finished. Claim is in the amount of \$8,807.55. This concludes the construction on the elevator and the restrooms.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved. So ordered.

RE: EMPLOYMENT CHANGES

Auditor (Appointments)

Linda May	Part Time	\$5.00/Hr.	Eff: 1/9/90
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Circuit Court (Appointments)

Charles Marx	PT Guard	\$5.00/Hr.	Eff: 1/1/90
Vickie Gibson	PT Guard	\$5.00/Hr.	Eff: 1/1/90
David Wilkins	PT Guard	\$5.00/Hr.	Eff: 1/1/90
Karen Altman	PT Intern	\$5.00/Hr.	Eff: 1/1/90
Dirck Stahl	PT Intern	\$5.00/Hr.	Eff: 12/10/89
John Schwentker	PT Guard	\$5.00/Hr.	Eff: 1/1/90
Scott Graves	PT Guard	\$5.00/Hr.	Eff: 1/1/90
Robt. Matthews	Magistrate	\$5,000/Yr.	Eff: 1/1/90
Joan Reed	Guard	\$16,969/Yr.	Eff: 1/1/90
Robert Saunders	Special Stipend	\$3,247/Yr.	Eff: 1/1/90
Wm. R. Wallace	Law Clerk	\$17,050/Yr.	Eff: 1/1/90
Dennis Vowels	Public Defender	\$ 11,561/Yr.	Eff: 1/1/90
Bill Danks	P Guard	\$ 5.00/Hr.	Eff: 1/1/90
Dennis Howard	PT Guard	\$ 5.00/Hr.	Eff: 1/1/90
Robert White	PT Guard	\$ 5.00/Hr.	Eff: 1/1/90
Jeffrey Larson	PT Guard	\$ 5.00/Hr.	Eff: 1/1/90
Sara J. Vessels	PT Guard	\$ 5.00/Hr.	Eff: 1/1/90
Velma Mason	PT Guard	\$ 5.00/Hr.	Eff: 1/1/90
Mark Acker	PT Guard	\$ 5.00/Hr.	Eff: 1/1/90
Alan Folz	PT Guard	\$ 5.00/Hr.	Eff: 1/1/90
James Worley	Guard	\$16,969/Yr.	Eff: 1/1/90
Georga Payne	Guard	\$16,969/Yr.	Eff: 1/1/90
Karin Klagge	Guard	\$16,969/Yr.	Eff: 1/1/90
Patricia Burress	Guard	\$16,969/Yr.	Eff: 1/1/90
Darren Newman	Trans. Off.	\$19,182/Yr.	Eff: 1/1/90
Verner Solomon	Guard	\$18,186/Yr.	Eff: 1/1/90
Oscar Kirkpatrick	Guard	\$18,004/Yr.	Eff: 1/1/90
Hugh Nicholas	Guard	\$18,185/Yr.	Eff: 1/1/90
Robert L. Hart	Asst. Dir.	\$26,990/Yr.	Eff: 1/1/90
Edna Enlow	Intake Clerk	\$13,679/Yr.	Eff: 1/1/90
John Voight	Ver. Off.	\$19,693/Yr.	Eff: 1/1/90
Norman Hoskinson	Trans. Off.	\$20,374/Yr.	Eff: 1/1/90
Richard Young	Judge	\$20,296/Yr.	Eff: 1/5/90
Janice Sloat	Secretary	\$17,275/Yr.	Eff: 1/1/90
Connie Sisco	Adm. Asst.	\$21,137/Yr.	Eff: 1/1/90
Harris Howerton	Director	\$32,054/Yr.	Eff: 1/1/90

Circuit Court (Released)

Charles Marx	PT Guard	\$5.00/Hr.	Eff: 12/31/89
Vicki Gibson	PT Guard	\$5.00/Hr.	Eff: 12/31/89

David Wilkins	PT Guard	\$5.00/.Hr.	Eff:	12/31/89
Karen Altman	PT Guard	\$5.00/Hr.	Eff:	12/31/89
Roy Weightman	Mtce. Supv.	\$Other/Bi-An	Eff:	1/1/90
Mark Kirstler	PT Sec'y.	\$4.50/Hr.	Eff:	12/18/89
Keith Haas	PT Intern	\$4.00/Hr.	Eff:	12/18/89
Kelli Ulrich	PT Intern	\$4.00/Hr.	Eff:	12/18/89
John Schwentker	PT Guard	\$5.00/Hr.	Eff:	12/31/89
Scott Graves	PT Guard	\$5.00/Hr.	Eff:	12/31/89
Joan Reed	Guard	\$16,380/Yr.	Eff:	12/31/89
John R. Mueller	Special Stipend	\$ 3,257/Yr.	Eff:	12/31/89
Wm. R. Wallace	PT Law Clerk	\$700/Bi-Wk	Eff:	12/31/89
Stephen Griggs	PTWR	\$10.00/Hr.	Eff:	12/31/89
Bill Danks	PT Guard	\$5.00/Hr.	Eff:	12/31/89
Dennis Howard	PT Guard	\$5.00/Hr.	Eff:	12/31/89
Robert White	PT Guard	\$5.00/Hr.	Eff:	12/31/89
Jeffrey Larson	PT Guard	\$5.00/Hr.	Eff:	12/31/89
Sara J. Vessels	PT Guard	\$5.00/Hr.	Eff:	12/31/89
Velma Mason	PT Guard	\$5.00/Hr.	Eff:	12/31/89
Mark Acker	PT Guard	\$5.00/Hr.	Eff:	12/31/89
Alan Folz	PT Guard	\$5.00/Hr.	Eff:	12/31/89
James Worley	Guard	\$16,380/Yr.	Eff:	12/31/89
Georga Payne	Guard	\$16,380/Yr.	Eff:	12/31/89
Karin Klagge	Guard	\$16,380/Yr.	Eff:	12/31/89
Patricia Burress	Guard	\$16,380/Yr.	Eff:	12/31/89
Darren Newman	Trans. Off.	\$18,515/Yr.	Eff:	12/31/89
Verner Solomon	Guard	\$17,199/Yr.	Eff:	12/31/89
Oscar Kirkpatrick	Guard	\$17,199/Yr.	Eff:	12/31/89
Hugh Nicholas	Guard	\$17,199/Yr.	Eff:	12/31/89
Robert Haert	ADCS.	\$26,513/Yr.	Eff:	12/31/89
Edna Enlow	Intake Clerk	\$13,256/Yr.	Eff:	12/31/89
John Voight	Ver. Off.	\$18,654/Yr.	Eff:	12/31/89
Norman Hoskinson	Trans. Off.	\$18,603/Yr.	Eff:	12/31/89
William Miller	Judge	\$20,296/Yr.	Eff:	1/4/90
Janice Sloat	Secretaery	\$16,625/Yr.	Eff:	12/31/89
Connie Sisco	Adm. Asst.	\$20,403/Yr.	Eff:	12/31/89
Harris Howerton	DCS	\$31,488/Yr.	Eff:	12/31/89

Pigeon Trustee (Appointments)

JoeAnn Hastie	Investigator	\$17,741/Yr.	Eff:	1/1/90
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Superior Court (Appointments)

Allen Hamilton	Public Defender	\$17,295/Yr.	Eff:	1/1/90
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Scott Assessor (Releases)

Bob F. Harris	Assessor	\$35.00/Day	Eff:	1/1/90
Marcia Roberts	Deputy	\$35.00/Day	Eff:	1/1/90
Norma Miller	Deputy	\$35.00/Day	Eff:	1/1/90

County Coroner (Appointments)

Helen Groves	Clerk	\$15,267/Yr.	Eff:	11/1/89
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County Coroner (Releases)

Helen Groves	Clerk	\$14,229/Yr.	Eff:	11/1/89
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Center Township Assessor (Appointments)

Charlotte Rohrbacher	PT	\$5.00/Hr.	Eff:	1/2/90
Kimberly Ellara	PT	\$5.00/Hr.	Eff:	1/2/90

Pigeon Township Assessor (Releases)

Robert T. Dorsey	PT	\$35.00/Day	Eff: 12/19/89
Thomas P. Toon	PT	\$35.00/Day	Eff: 12/19/89
Vicki Benningfield	PT	\$35.00/Day	Eff: 12/15/89
Elizabeth Dix	PT	\$35.00/Day	Eff: 12/15/89

Co-Op Extension Service (Appointments)

Jana Near	PTP	\$6,448/Yr.	Eff: 1/2/90
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Scott Assessor (Appointments)

Marcia Roberts	Chief Deputy	\$14,215/Yr.	Eff: 1/1/90
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Scott Assessor (Releases)

Ann Jones	Deputy	\$35.00/Day	Eff: 1/1/90
Joanne Johnson	Deputy	\$35.00/Day	Eff: 1/1/90
Marcia Roberts	Deputy	\$35.00/Day	Eff: 1/1/90

Center Township Assessor (Releases)

Elizabeth Haggard	PT Reass.	\$35.00/Day	Eff: 12/18/89
Steve Kveskin	PTFD	\$35.00/Day	Eff: 12/28/89
Jane Wilkie	PTFD	\$35.00/Day	Eff: 12/18/89

Center Township Assessor (Releases)

Gayle Hochstetler	PT Reass.	\$35.00/Day	Eff: 12/18/89
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German Township Assessor (Appointments)

Betty Singer	Clerical	\$5.00/Hr.	Eff: 1/2/90
Karen Wagner	Clerical	\$5.00/Hr.	Eff: 1/2/90

Center Township Assessor (Releases)

Betty Singer	Clerical	\$35.00/Day	Eff: 1/2/90
Karen Wagner	Clerical	\$35.00/Day	Eff: 1/2/90

County Clerk (Appointments)

Connie Spindler	Dep. Clk.	\$5.00/Hr.	Eff: 1/2/90
Deborah Henson	Dep. Clk.	\$5.00/Hr.	Eff: 1/2/90

County Clerk (Releases)

Jessica Pace	Dep. Clk.	\$5.00/Hr.	Eff: 1/1/90
James Goodge	Dep. Clk.	\$5.00/Hr.	Eff: 1/1/90
Betty Dayvolt	Dep. Clk.	\$5.00/Hr.	Eff: 1/1/90
Deana Bean	Dep. Clk.	\$13,082/Yr.	Eff: 12/17/89

Knight Township Assessor (Appointments)

Hurshel Cobb	Deputy	\$5.00/Hr.	Eff: 1/1/90
Alfred Inkenhaus	Deputy	\$5.00/Hr.	Eff: 1/1/90
Jackie S. Hammer	Deputy	\$5.00/Hr.	Eff: 1/1/90
Amy Koonce	Deputy	\$5.00/Hr.	Eff: 1/1/90
Steven R. Folz	Deputy	\$35.00/Day	Eff: 1/1/90

Knight Township Assessor (Releases)

Clyde A. Folz	Assessor	\$2,257/Yr.	Eff: 1/1/90
Leon Collins	Deputy	\$35.00/Day	Eff: 1/1/90
Amy Koonce	Deputy	\$35.00/Day	Eff: 1/1/90
Michelle Allen	Deputy	\$35.00/Day	Eff: 1/1/90
Steven R. Folz	Deputy	\$35.00/Day	Eff: 1/1/90

Union Township Assessor (Releases)

Mary A. Bernard	Dep/RE	\$35.00/Day	Eff: 1/1/90
Timothy Steinkamp	Dep/RE	\$35.00/Day	Eff: 1/1/90

Auditor (Appointments)

Virginia Wallace	PT	\$5.00/Hr.	Eff: 1/2/90
Jeanette Rueger	PT	\$5.00/Hr.	Eff: 1/2/90
Deana Goad	PT	\$5.00/Hr.	Eff: 1/2/90
Carolyn Reiman	PT	\$5.00/Hr.	Eff: 1/2/90
Kristie Joest	POT	\$5.00/Hr.	Eff: 1/2/90

Prosecutor (Appointments)

Ronald Bell	Dep. Pros.	\$24,500/Yr.	Eff: 1/1/90
Michael Clay	Dep. Pros.	\$23,000/Yr.	Eff: 1/1/90

Prosecutor (Releases)

Ronald Bell	Dep. Pros.	\$24,346/Yr.	Eff: 1/1/90
Michael Clay	Dep. Pros.	\$22,792/Yr.	Eff: 1/1/90

Union Township Assessor (Appointments)

Mary Ann Bernard	Dep. Ass.	\$5.00/Hr.	Eff: 1/1/90
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Union Township Assessor (Releases)

J. Robt. Bernard	Dep. Ass.	\$2,000/Yr.	Eff: 1/1/90
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There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 9:10 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Sam Humphrey, Auditor
David V. Miller, County Attorney
Gerg Curtis, County Engineer
Barbara Cunningham, APC
Art Gann/EPD
Bob Proske
Christopher E. Carl
George Barnett, Atty.
Mary Gager
Jim Gager
Jerry Brady
Charles Toshin
Carole Davis
Betty Hermann
Larry Ricketts
Gene Lutterbch
Bill Koester
C. Becker
Roger Klassy, Developer
Marco Delucio, Attorney
Al Mann
Kent Brasseale, Krieger-Ragsdale
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Robert L. Willner, President

Richard J. Borries
Richard J. Borries, V. President

Carolyn McClintock
Carolyn McClintock, Member

MINUTES
COUNTY COMMISSION MEETING
JANUARY 22, 1990

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County Highway Engineer - Greg Curtis..... Notice re Proposals & Advertising Request to Advertise for Design Engineer Request to use County Vehicle/County Bridge Conference/Purdue University Claim/Bernardin, Lochmueller (\$22,946.80) Agreement w/Veach, Nicholson Schissler Road Authorization to Purchase/Carol Lant-Betty Davis Property Bridge Inspection Reports/Synopsis (due next week) USI Project (Presentation next week)	11
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Meeting Recessed @ 4:05 p.m.	

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 22, 1990

The Vanderburgh County Board of Commissioners met in session at 6:30 p.m. on Monday, Tuesday 23, 1990 in the Commissioners Hearing Room, with President Robert Willner presiding. (Commissioner Borries was absent.)

RE: APPROVAL OF MINUTES

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of minutes.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of January 8, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of the Joint Executive Session held on January 16, 1990 were signed. So ordered.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

Kenneth Tapp/315 S.E. 2nd Street/Evansville: Attorney Steve Culley of the Legal Services Organization of Indiana, Inc. said he represents Mr. Tapp, who applied to the Pigeon Township Trustee for rent assistance and his application was denied, because the Trustee's office had said they give no rent assistance unless the applicant's rent is at least thirty (30) days in arrears. He said Mr. Tapp pays rent by the week in the amount of \$49.00 per week.

Commissioner Willner said that before a long discussion begins, he would state that the Trustees have guidelines they follow. Those guidelines are not approved by the Board of Commissioners, but rather by the Trustee Advisory Board. If the guidelines state he must wait until he is at least thirty (30) days in arrears prior to making application, then there is nothing the Commissioners can do to help him.

Attorney Culley said it would be his point that under several Indiana appeals cases on file, that any rules and regulations that the Township Trustee formulates have to comply with basic due process -- and one of the concepts that goes hand in hand with that is that the rules have to be shown to be reasonable. He understands this is the first step in the appeal process. In the aforementioned cases, those appeals went to the Courts.

Following further comments, Attorney Culley said he has two letters from Mr. Tapp's landlord indicating Mr. Tapp is now \$80.00 behind in his rent and the landlord is essentially saying that if he doesn't get this money, he will file an eviction. If Mr. Tapp waits thirty (30) days, he could already be out on the street. Therefore, this rule, particularly in this concept, just doesn't make any sense. That is their position. If the Commissioners' decision is that they have no power, then he will have to go elsewhere.

Attorney John said that in similar cases, in many instances the Trustee has written to the landlord and explained the policies of that Department. He doesn't know whether this has been done.

Commissioner Willner cited I.C. 12-2-1-18 concerning establishment of Trustee Guidelines and said that to his knowledge the Commissioners have never overridden that statute. However, they do not want to deny Mr. Tapp due process.

After lengthy discussion, motion was made by Commissioner McClintock that the Commissioners ask the Township Trustee to send in writing an indication to the landlord that the \$85.00 for this past month will be forthcoming and either a voucher or a claim form (whatever the Trustee needs to go ahead and start that process) -- so once the Trustee determines he is eligible and his rent is thirty (30) days in arrears, the Trustee can get the money to the landlord.

Ms. Nancy Walters of the Trustee's office asked where the Commissioners are getting the \$85.00 figure? The amount paid is \$120.00 per month. Mr. Tapp's utilities are included in his rent, so the amount would be \$120.00.

A second to the motion was made by Commissioner Borries. So ordered.

RE: PROPOSED EAST SIDE TRUCK ROUTE - SHERIFF SHEPARD

Sheriff Shepard said he has been getting a number of telephone calls from people on the far east end of the County who live along Outer Lincoln Avenue and Martin's Lane. He addressed a letter to the Commissioners on January 17th, as follow:

"Dear Commissioners,

Last week Mr. Tom Williams, the City Engineer, recommended that Burkhardt Road between Newburgh Road and Outer Lincoln be closed for service repairs. I think these service repairs, along with some sewer problems, is also caused by the large number of semis and dump trucks utilizing this road to go north. Since this closing, the same large trucks are now using Martin's Lane and Outer Lincoln to Newburgh Road for passage. These streets are all residential and a school area at Martin's Lane and Outer Lincoln -- and they go by there all hours of the day. The small holes in the streets are now becoming large holes. It is my understanding that Warrick County does not allow these trucks to use Frame, Bell, or Epworth Road to Lloyd Expressway. Instead, they come into our County on a daily basis and severely damage our roadways.

My question to the Commissioners is, "Do we have an agreement with Mulzer Rock & Grain Loading Dock or Bobby Staub, or Bill Koester (who is doing the construction work) to allow them to use Newburgh Road, which is not designated as a truck route? I propose contacting the Warrick County officials and asking them to make the heavy truck traffic use Epworth Road north of Highway 66 from that grain company and rock yard in Newburgh.

We're also experiencing heavy damage to Newburgh Road at Lincoln Avenue, where these semis and dump trucks are scooting up the pavement in the westbound lane as they stop at Green River Road to turn north. If we don't have an agreement with them while this highway is being built, I request that the Evansville Police Department be advised of the situation and enforce the designated truck routes. And if you give me permission, my department will be glad to coordinate that effort."

Going to map on an easel, Sheriff Shepard said when I-164 is officially opened, it will be a designated truck route, also. Trucks are using a designated area on the map on a daily basis. Covert Avenue is a designated truck route. The truck route

should go over to Green River Rd. and back up to Highway 66. Pointing to a designated part of Burkhardt Rd., the Sheriff said it is not a designated truck route. (The Sheriff offered additional comments, but he was speaking from the easel without benefit of a microphone and the comments were not picked up on the tape.)

Continuing, Sheriff Shepard said he would like for them to begin to use Epworth Road and stop using Burkhardt and Martin's Lane. Burkhardt is being repaired right now.

Commissioner McClintock asked if the Sheriff has talked to the Sheriff in Warrick County.

Sheriff Shepard said he has not. He wanted to get permission from the Board of Commissioners to do that.

Commissioner Willner said, "Part of your question I can answer. There is no agreement with anyone in any way, shape, or form as to which roads they can or cannot use insofar as Vanderburgh County is concerned. Are they coal trucks or grain trucks?"

The Sheriff said some of them are coal trucks, some are grain trucks, and some are rock hauling dump trucks. He knows we do have a County ordinance with regard to Green River Road from Highway 57 to Morgan Avenue that excludes grain trucks and trucks hauling farm equipment. But what is the difference between a grain truck with 60,000 lbs. of corn on it and a rock truck with 60,000 lbs. of rock.

Commissioner Willner said, "The law is different."

Sheriff Shepard said, "The truck is still tearing up the pavement."

Ms. McClintock said she knows the Warrick County Commissioners are very concerned, particularly about that new turn (in designated place on the map) because the Commissioners received a letter approximately a month ago. She thinks we should try to require them to use Epworth Road first.

Commissioner Willner said the Vanderburgh County Board of Commissioners can't require them to use Epworth Road at all -- that's up to Warrick County. And, we can't keep them off Burkhardt Road in the City -- that is not the County's to do. Further, you have to understand that you have to give a truck an alternate route to his destination. He doesn't mind working out something.....

Ms. McClintock said she thinks we ought to ask the contractor to purchase his materials from the Evansville yard, which puts them on Fulton Avenue, Lloyd Expressway, and I-164, and then they won't have to go anywhere near a residential street.

Commissioner Willner said that is a good try -- but you can't make them purchase their materials from a designated vendor.

Sheriff Shepard said he had heard mentioned around the building that while I-164 was being built we had an agreement, but the Commissioners said this was not the case.

Commissioner Willner said he has been getting calls from Daylight, IN residents not wanting the trucks to use Old Boonville-New Harmony to even get to I-164. But that is not the only problem. If they'll just wait a month or until a couple of days when we have 55 degrees, that problem will be eliminated. He doesn't know what we can until that is open. Whatever the City wants to do -- if they want to ask them to use Covert Avenue, it's okay with him. He has no problem with that.

Sheriff Shepard said there is a potential hazard situation by Plaza Park School when the semis make their turns.

Commissioner Willner said he has no problems -- just remember we have to give the trucks an alternate route. He then asked if there is a timetable on the south portion of I-164?

Someone from the audience commented they had heard early spring.

Ms. McClintock said she doesn't know about that -- they have a lot of work to do. They have some places where they do not have the ramps in.

Sheriff Shepard said there is another concern. He was contacted by the Scott Township Fire Department and between Boonville-New Harmony and Morgan Avenue there is a six (6) mile stretch where there are no emergency access cut acrosses. If there is a wreck in the northbound lane, the fire truck would have to get on at Boonville-New Harmony, go down to designated area, get off, and come back on and run back up. He got with Rose Zigenfus and a few other people involved in this project and they are going to be putting emergency things all the way down.

Ms. McClintock noted there is also no emergency access to the Airport.

Sheriff Shepard said he would like clarification on this matter so he can work with the City.

Commissioner Willner said the last time we tried an alternate route the State Highway would not let us put signs on their highway.

RE: REQUEST TO GO ON COUNCIL CALL - CHARLES CORTRIGHT
CENTRAL DISPATCH CENTER

Mr. Cortright said we need to bring the additional staff on board so we can get them trained as a dispatcher before we can even consider moving into the new building. The Consultant the City and County retained recommended a total staff of thirty (30) at the new center. After looking at his figures and the current figures (which are three years newer) they determined the best mixture is six (6) supervisors and twenty-four (24) telecommunicators or dispatchers. In addition, he had recommended an engineer or radio technician (which is a more proper term) and that has been included in the budget request he is sending to County Council and City Council. They intend to take the personnel from the Police Dispatch Center and the Fire Dispatch Center (who have already been put into one room) and they will be combined into the new center budget wise and administratively during the next couple of months. That will bring us to a total of twenty-four (24) people. From that we will select supervisors and hire an additional six (6) people, which will bring us up to a total of thirty (30). That will bring us into probably April. From there we will do our training. In order to set a date, Ms. Blenner, City Controller, picked October. He is hoping we are going to be in the new center by mid-summer (late July or early August) because the Telephone Company is telling us they would like to test the new 911 equipment for about two to three months prior to our going wide with it -- so that requires them being there at least Monday thru Friday from 8:00 a.m. to 5:00 p.m. to facilitate that. They feel they will be far enough along equipment wise that they can move in, assume the Sheriff's dispatching function, the Fire Departments, and the City Police, utilizing the existing 911 system and the existing radio systems. That will allow them to switch over a little at a time -- not doing everything at once. With that, they are asking they be permitted to have a staff of six (6) supervisory personnel and twenty-four (24) dispatchers and assume the engineer -- the Fire Department currently has a radio technician -- and he would be transferred along with them.

One of the things of concern when they talked with some of the Commissioners and Councilmen was whether the County should be paying for that -- for a few months they are just going to be dispatching City Police and Fire. That was where the October date was picked. His understanding is that we will go ahead and go with that date and when we actually make the change to the new building -- then they will do the adjustment of the budget and will have to come back to the Commissioners at that time.

Ms. McClintock asked if the County will not actually pay its share until October, and Mr. Cortright confirmed this is correct -- the County would pay from October to December. When they do the actual move, they will set a date to come back to the Commissioners, the City Council, and County Council for approval to again adjust the budget. He feels we will probably have to adjust the budget some three, four, or five times during this fiscal year. Hopefully, we won't have to do it but once next year.

Commissioner Willner indicated the Commissioners would like to take this under advisement for one (1) week.

Mr. Cortright said it is going through City Council tonight -- and he isn't sure when County Council is going to meet. He has until February 15th to get in the request to go on Council Call.

Commissioner Willner said he is a little concerned about the number of people.

Mr. Cortright said that right now the three dispatch centers (Police, Fire, and Sheriff) employ forty-one (41) dispatchers. When they move into the new center, with the technological centers, they will be able to reduce that to thirty (30). So between the two governmental agencies they are actually reducing some ten to eleven employees.

Mr. Willner said he guesses he was under the impression that there would be a greater reduction in personnel than that.

Mr. Cortright said it is a 33% reduction, which is what the Consultant recommended. To be very honest, Mr. Cortright said he doesn't think we can go to any less people. There are so many people required per "x" number of calls. He will be glad to sit down with the Commissioners and go over this. The current City Dispatcher's pay is slightly less than the figure shown, and it was based on that. And, of course, the contract between the City and the County requires us to follow City Personnel policies, which means we have to negotiate with their union in order to set a pay scale. Supervisory personnel are going to be management, so they would be subject to using disciplinary measures. The dispatchers will be Teamsters.

It was the consensus of the Board that this matter would be taken under advisement for a week and Commissioner Willner said he'd like to run over some of these figures with Mr. Cortright.

RE: RENEWAL OF INSURANCE PROGRAM - DENNIS FELDHAUS

Mr. Dennis Feldhaus of Helfrich Insurance Agency said he feels it is that time of the year to look at the County Insurance Renewal Program. All policies renew on February 1, 1990 and Helfrich Insurance is grateful for the opportunity to present the following proposal. The format of their proposal is a simple comparison of old to new. They were pleased that the Commissioners last year approved his recommendations, because he thinks it is very important to know that the progressive nature of the self-insurance program and what it's enabled the County to do and maintain its cost and provide much better coverage. They're convinced that Vanderburgh County's Insurance Program

continues to be the model of self-insurance. This year the State Council of Counties has awarded Vanderburgh County special recognition because of its innovative program and success. There is an old adage that states "if it's not broke, don't fix it". Helfrich Insurance feels that Vanderburgh County's insurance package fits this concept. With that, they simply recommend that the Commissioners renew the current program as is. (Copy of proposal attached hereto.)

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the insurance program was approved from 2/1/90 - 2/1/91 as presented. So ordered.

Mr. Willner said he does have a couple of questions. The Public Official's Bond has gone from \$100,000 to \$1,000 000. Is that due to...."

Mr. Feldhaus explained that this is the area of coverage. We have \$100,000 deductible, so the insurance coverage is \$1,000,000 with \$100,000 self-insurance retention. Last year it was \$500,000 and they increased it to \$1,000,000 and he is recommending keeping that at \$1,000,000. He said that one policy is a pretty bulk of the total increase. He is not sure what that is indicative of, but that policy itself was about \$9,000. They searched the market and that was the bottom line.

Mr. Willner then asked, "Does this meet the remarks by our Insurance Consultant?"

Mr. Feldhaus said it does. There are a lot of remarks that the Consultant made and he and Jerry Riney went through the entire report. He will have a meeting with the Consultant, Mr. Kenn Bush, and Mr. Mitch Hill of PENCO and himself will have a meeting in Indianapolis to address some of those comments.

RE: ORDINANCE EXTENDING APPROVAL OF AN AMBULANCE SERVICE PROGRAM FOR COMAIER AMBULANCE, INC.

Mr. Willner submitted an Ordinance extending approval an ambulance service program for Comaier Ambulance, Inc. Attorney Paul Wallace had not yet arrived and Mr. Willner asked Attorney John about the ordinance.

Attorney John said this is a renewal and extension for one (1) year. He believes it states that beginning April 30th the existing ordinance expires and they are requesting it be renewed for an additional year. He said that basically this is authorization for them to operate and eliminates the necessity of their obtaining a license from the Indiana Insurance Department to operate and sell policies. He thinks this states they will notify all their holders that the current 911 number does not dispatch them.

Mr. Willner asked that a copy of last year's ordinance be brought into the meeting for comparison purposes.

Upon review of the previous ordinance, Attorney John said he noted one change which might be considered a major change is in Section II. Last year they added a sentence at the end stating that notification to subscribers that they were not connected with the 911 number would be initialed by all the contracting members. That clause is not included in the new ordinance. In other words, any new subscribers are not required to initial this. He believes last year was the first year for the program. If the Commissioners are wanting the ordinance identical to last year's, then this should be included.

Mr. Willner said, "Okay, last year they included that their subscribers would have to initial their contract stating that the Sure Care Program is not effective if the 911 number is used."

Attorney John said, "They were required to initial that indicating they are aware that if they call that number the Sure Care Program is not the one that would be dispatched. Under this one, the major problem is that subscribers may call 911 and claim they were not aware of that (whether or not they are aware of that). Mr. Willner asked that Attorney John take the ordinance and make sure this language is included. Attorney John said the Board may want to approve the ordinance subject to that change and he will contact Attorney Paul Wallace after the meeting to let him know the Board is requesting that change."

RE: BUILDING COMMISSION RE CIVIL DEFENSE - ROGER LEHMAN

Request to Go On Council Call/Civil Defense: Mr. Roger Lehman, Building Commissioner, said he has a copy of a letter from the Civil Defense Advisory Board to the City Council, County Commissioners, and County Council requesting that the total funding for the salaried position of Director of Emergency Services for Evansville-Vanderburgh County Civil Defense be raised to \$25,000 from the current \$13,228. The net result was that after they had the position factored by the City, the actual salary would be \$24,562 (using their factoring system through Personnel Administrative Services). To obtain that number, the additional appropriation that would be required from the County is in the amount of \$2,589. That would be the 50% share after the State 50% grant.

Ms. McClintock said the \$24,562 doesn't sound like much money to her.

Mr. Lehman said the previous salary was \$13,228.

Ms. McClintock asked how the \$24,000 compares to what is paid in other cities?

Mr. Lehman said he doesn't have that information in front of him, but he believes the top salary in the state is about \$28,000 and the lowest is somewhere around \$500 for, obviously, part time. However, we are looking for full time and the top salary in the state is substantially less than he would have guessed. As Chairman of the Civil Defense Advisory Board, he would let the Commission know that they intend this to become a professionalized position -- even to the extent that the name will be changed at the time the State's is officially changed to the Department of Emergency Services as opposed to Civil Defense, to better reflect its actual mission -- which has changed substantially over the last forty or fifty years.

Ms. McClintock asked if a job description has been written and Mr. Lehman replied in the affirmative. He said he apologizes for not getting it to the Board ahead of time.

Ms. McClintock said it is her understanding that the Advisory Board is going to be expanded and Mr. Lehman said he will get to that in a minute.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, authorization was given to go on Council Call in the amount of \$2,589. So ordered.

Addition to Civil Defense Advisory Board: Mr. Lehman said at today's Advisory Board Meeting, a motion was made and passed that we add an eighth (8th) position to the Board to replace the State recommended one of the Director of Civil Air Patrol, as we evidently don't have a local chapter of the Civil Air Patrol. The Board recommended that this appointment be made by the Community ALS consortium, as we therefore would always have someone from the Emergency Medical Services arena on the Board.

The appointment would not be through the Commissioners or by the Mayor, but by virtue of an appointment made by the ALS consortium. An ordinance is being drafted by Kevin Winternheimer, Counsel for Civil Defense and he asked him to get with County Council as far as adjusting the agreement between the City and the County to make that change. Mr. Lehman said he doesn't need a motion today, as that will come when the ordinance is ready. But the Civil Defense Advisory Board felt it would be important to have someone from the medical community in actual voting position on the Board.

Mr. Willner asked if the statute allows for that?

Mr. Lehman said the statute basically allows for anything the City and County agree on. The eight (8) member board is actually a recommendation from the state -- not a requirement, he believes. But this is what the City and Council decided to adopt as their model and it is an eight (8) member Board which includes the Civil Air Patrol -- and since there isn't a Civil Air Patrol we only have seven (7) members and they're proposing the eighth person be the individual appointed by the community ALS consortium.

Inventory of CD Property: Mr. Lehman said they are currently in the process of inventorying the property of the Civil Defense Department and there is quite a bit of stuff here and yonder -- ambulance, computers, copy machines, televisions, refrigerators, washers, dryers, etc. -- and they're attempting to establish some kind of list as to where it came from -- so if it is something that the County gave to Civil Defense they are going to surplus it and if the County wants these items back, they will be given first shot at it. He thinks they are going to propose a list of surplus property and then it will be given to the Board of Works and the Commissioners (if they are interested) to see if they are interested in any of the items prior to surplusizing the equipment. He would assume that if no one wants anything, the surplus items will be sold at perhaps the Board of Works auction and the proceeds would be divided as recommended by the attorneys.

Mr. Willner said he has no problem with this. But he thinks the Commission does want a list of what they have for review and they would like that list as soon as possible.

Mr. Lehman noted they also have a list of claims from people of personal property that got caught in the police investigation and was locked up and they want it back, etc.

Mr. Lehman said the CD secretary is ill today, but he will get that information tomorrow and as soon as the inventory list is available he will provide the Commissioners with a copy.

Ms. McClintock asked, "You are aware that we agreed with the Local Emergency Planning Committee to provide them with some office space?"

Mr. Lehman said in a meeting two weeks ago the CD Advisory Board did approve LEPC's (Local Emergency Planning Committee) using the CD office downstairs for storage and also secretarial help (as long as it does not get to be overwhelming).

Ms. McClintock asked if we're looking to move the CD office to anywhere besides the basement?

Mr. Lehman said, "Not anytime in the near future; in the distant future that may become an issue. Right now they're simply trying to get things together to see where they are and then they'll go from there."

Ms. McClintock said its being located in the basement of a building doesn't make a whole lot of sense. She knows Mr. Lehman didn't do this -- but some Einstein in the past did.

Mr. Lehman said in some scenarios it is beneficial and in some it is not beneficial. In a nuclear attack the basement seems to be a good place -- but that seems to be less of a problem now thank goodness.

Ms. McClintock said she is concerned about what we are currently doing insofar as procedures followed when the 911 number is called. It is her understanding that if there is a shooting at her house and somebody calls 911 and reports a shooting at 506 S.E. Riverside, a police car is dispatched but the ambulance is not dispatched until after the police have arrived at the scene. What they will say to her is that they want to make sure the scene is secure. She understands that. She doesn't want an ambulance person going to the scene of a potential or alleged crime if someone is still in there with a gun, but what does not make any sense to her is why they can't both be dispatched at the same time -- but the ambulance people do not go into the scene or do anything until the police have secured the scene and tell them it is okay to come in. As it is now, we're losing ten (10) to fifteen (15) minutes while the police are getting there and checking out the scene. And ten to fifteen minutes in a trauma situation can make a difference. So see what they say about that. Maybe they can't change it now -- but maybe they can change it when we go to Central Dispatch.

Mr. Lehman said he will check this out at the next meeting. He asked if the Commissioners are aware that the ambulances will not be dispatched from Central Dispatch -- it will be like it is now, where they contact the ambulance company and they dispatch their own ambulances.

Ms. McClintock said she is not sure that is an Einstein of an idea either.

Mr. Willner asked, "The caller says 'I'm Carol McClintock, there is a bad accident here and we need an ambulance' -- they're not sending an ambulance?"

Mr. Lehman said, "I think they transfer you to the ambulance company."

Mr. Willner said, "I think if you tell them who you are and you are a responsible person that they will send an ambulance. But they're not going to do it for every Tom, Dick, and Harry -- but I think all the volunteer firemen have that privilege -- to call and they will send it immediately."

Ms. McClintock said, "Let's find out what they are doing for sure. It may be perfect -- it may be the most wonderful way to do it in the whole world -- I don't know."

Mr. Lehman promised to bring a report back.

RE: TRAVEL REQUEST - JUDGE YOUNG

A travel request from Judge Young with regard to travel to Indianapolis for meeting with representatives of the Judicial Center on Thursday, January 25th, was submitted. Mileage only is being requested.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the motion was approved. So ordered.

RE: COUNTY ATTORNEY - CURT JOHN

Ordinance re Daylight Drive and Boonville-New Harmony Rd.:
Attorney John reported that he had drafted the ordinance with regard to name change for Daylight Drive and Boonville-New Harmony Road, but he does not have it with him today. He will bring it next week.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said he had submitted his weekly work report and entertained questions.

Flood Waters: Mr. Muensterman said Friday's rain presented problems and we had several roads blocked due to an abundance of rain -- and some downed trees. It rained from around 7:00 a.m. and it was still raining at 1:00 p.m. We have some culverts to be checked.

Bartel Rd.: He and Greg Curtis are looking into the Bartel Rd. situation; he went there this morning and couldn't see any water at all. It doesn't make sense -- so they will continue checking on this.

Petition re Big Cynthiana Road: Mr. Muensterman said the Rev. Raymond Brenner of Resurrection Catholic Church sent the following letter, together with signed petition:

January 22, 1990

Mr. Richard Borries
Ms. Carol McClintock
Mr. Robert Willner
County Commission Office
City-County Bldg.
Evansville, IN 47708

Dear Commissioners Borries, McClintock & Willner:

I am submitting a proposal for a road name change along with some signatures in favor of such.

I am proposing that the section of road which is to the west of Resurrection Church and extends from New Harmony Road to State Road 66, presently called Big Cynthiana Road (see attached sketch), be changed to "Resurrection Drive".

° One of the postal carriers had indicated it is especially confusing for substitute carriers who are not familiar with the area to find out where some people live. Also, delivery trucks and emergency services have trouble locating addresses as the section near Bockelman's Restaurant is also Big Cynthiana Road as well as the dead end section north of SR 66. Highway 65 is also designated as Big Cynthiana Road.

If Resurrection Drive would not be acceptable, perhaps it could be considered an extension of Red Bank Road.

Please advise if there is anything further I need to do in this matter.

Sincerely,

/s/Rev. Raymond Brenner

Mr. Muensterman said there are three roads that they call Big Cynthiana Road. One runs in front of Bockelman's; one runs into Harmony Way at Hwy. 66 and then also the big regular Highway 65. There are complaints from the post office and emergency personnel that they can't find out which road to get into.

In response to query from Commissioner McClintock as to why they do that, Mr. Muensterman said the State put a road in there and then built a shortcut into it (they blocked one off).

Mr. Willner said the normal procedure is to give it to Area Plan Commission and then have them come back with a recommendation.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Board will ask Area Plan for a recommendation. So ordered.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Notice re Proposals & Advertising: Mr. Curtis said that last week he brought the request for proposal notices and had them approved. He has sent out the addendum revising that to be received February 26th.

Request to Advertise for Design Engineer: Mr. Curtis requested permission to advertise and post advertisement for Design Engineer. The County Council has not yet approved the classification request, so he put in the range of salary which it would be between what he requested it be changed to, as well as what is right now the initiation rate for that position. In that he had that resumes should be submitted by 5:00 p.m. on February 16th.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, Mr. Curtis was authorized to advertise for this position and post same.

Request to Use County Vehicle/County Bridge Conference/Purdue University: Mr. Curtis said two weeks ago he asked permission to travel to the County Bridge Conference at Purdue University and he forgot to get permission to take a County vehicle.

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

Claim/Bernardin, Lochmueller & Assoc.: A claim in the amount of \$22,946.80 for USI Grade Separation project was submitted. Mr. Curtis said he recommends the claim be allowed.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the claim was approved. So ordered.

Agreement/Veach, Nicholson, Griggs Assoc.: Mr. Curtis noted that the agreement with Veach-Nicholson mentioned last week as stipulated in the meeting has been obtained from Veach-Nicholson and signed.

Schissler Road: It was noted that there was a fatality on Schissler Road over the weekend. He received several calls today and we will be going out to review the situation to see what signs, etc., might be needed for any improvements, the cost, etc. He wanted the Commission to know his office is looking into this.

Authorization to Purchase/Carol Lant-Betty Davis Property: Mr. Curtis said he has this document which, when executed, authorizes Mr. Francis Miller to negotiate a purchase of this 10.266 acres (the amount of acreage required for Green River and for Lynch Road). The property has been appraised and valued at \$173,850. The three Commissioners verbally authorized this, but he wanted to get this in writing.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, motion to execute the Authorization was approved. So ordered.

Bridge Inspection Reports/Synopsis: Mr. Curtis said next week he will have the Bridge Inspection Reports and a brief synopsis of those.

USI Project: Bernardin, Lochmueller & Associates will have their preliminary geometric designs for the USI project next week. If any of the Commissioners have an opportunity to look at those beforehand, Bernardin-Lochmueller has those plans in their office. Possibly they could look at these and speed things along.

RE: ACCEPTANCE OF CHECK

Mr. Willner said he has a check from Southwest Mental Health Foundation for the Hillcrest-Washington Home in the amount of \$180,268.70.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the check was accepted, endorsed, and given to Joanne Matthews for deposit into the County General Fund.

RE: ALEXANDER AMBULANCE SERVICE - STATEMENT PROFIT/LOSS

A Profit & Loss Statement from Alexander Ambulance Service for period ending December 31, 1989 was submitted.....report received and filed.

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report from the County Treasurer for period ending December 31, 1989 was submitted.....report received and filed.

RE: CLAIMS

Helfrich Insurance Agency, Inc.: Claim in the amount of \$342,681 and claim in the amount of \$208,563 were submitted -- for all liability policies was presented.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the claims were approved for payment. So ordered.

Ms. McClintock asked why we pay all of this up front?

Mr. Riney said advance payments are required.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the claims were approved for payment. So ordered.

RE: AUTHORIZATION FOR APPRAISAL OF COUNTY SURPLUS PROPERTIES (61 PARCELS)

President Willner said he has sixty-one Deeds issued to the County Commissioners for 61 parcels of property. The Board of Commissioners now needs to authorize the County Auditor to have the County Assessor appraise said properties, as required by State Law.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the deeds were given to the Secretary for transmittal to the County Auditor and subsequently to the County Assessor for appraisal purposes. So ordered. (A complete list of the properties is attached hereto to the minutes and made a part thereof.)

RE: OLD BUSINESS

Commissioner Willner entertained matters of old business for discussion. There were none.

RE: NEW BUSINESS

President Willner then entertained matters of new business for discussion. There were none.

RE: EMPLOYMENT CHANGES

Pigeon Township Assessor (Appointments)

Vicky Benningfield	Part Time	\$5.00/Hr.	Eff: 1/8/90
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Pigeon Township Assessor (Releases)

Vicky Benningfield	Part Time	\$5.00/Hr.	Eff: 1/16/90
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County Highway (Releases)

Raymond E. Cook	Driver	\$9.23/Hr.	Eff: 2/9/90
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Burdette Park (Appointments)

Bob Coleman	Security	\$12.00/Hr.	Eff: 1/13/90
Rick Rager	Rink Guard	\$ 4.00/Hr.	Eff: 1/10/90
Steve Woodall	Security	\$12.00/Hr.	Eff: 1/12/90
Stuart VanMeter	Security	\$12.00/Hr.	Eff: 1/5/90

Burdette Park (Releases)

Lee Askins	Security	\$12.00/Hr.	Eff: 1/13/90
Klint Willis	Rink Guard	\$3.50/Hr.	Eff: 1/12/90

Circuit Court (Appointments)

Verner Solomon	Tr. Supv.	\$8,987/Yr.	Eff: 1/15/90
William C. Korff, Jr.	Guard	\$17,818/Yr.	Eff: 1/15/90

Circuit Court (Releases)

William C. Korff, Jr.	Tr. Supv.	\$ 8,987/Yr.	Eff: 1/12/90
Verner Solomon	Guard	\$17,818/Yr.	Eff: 1/12/90

Auditor (Appointments)

Donna Krowl	Post. Clk.	\$14,485/Yr.	Eff: 1/1/90
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Auditor (Releases)

Donna Krowl	Post. Clk.	\$13,679/Yr.	Eff: 1/1/90
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RE: COMAIER AMBULANCE ORDINANCE

Attorney John reported he has talked with Attorney Paul Wallace, who is on his way over. He apologized and said time got away from him. The ordinance will be amended to include the requested sentence. The Commissioners can reconvene when Mr. Wallace arrives, or proceed with the motion, subject to the ordinance being amended, as requested.

Commissioner Willner asked for a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the ordinance, as amended, was approved. So ordered.

There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 4:05 p.m., with an announcement that the Drainage Board Meeting will be held following a two minute break.

PRESENT:

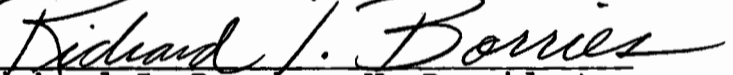
Robert L. Willner, President/Commission
Carolyn McClintock, Member/Commission

Richard J. Borries, Vice President/Commission (Absent)

Curt John, County Attorney
Sam Humphrey, County Auditor
Cletus Muensterman, County Highway Superintendent
Greg Curtis, County Highway Engineer
Roger Lehman, Building Commission
Steve Culley, Attorney/Legal Services
Kenneth Tapp/Poor Relief Applicant
Nancy Walters/Representative/Pigeon Trustee's Office
Rose Zigenfus/EUTS
David Ellison/Big Creek Drainage Association
Charles Cortright/Central Dispatch
Clarence Shepard, Sheriff
Dennis Feldhaus, Helfrich Insurance Agency, Inc.
Jerry Riney, Supt. County Bldgs.
Margie Meeks, Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

Ordinance

**AN ORDINANCE EXTENDING APPROVAL OF AN AMBULANCE SERVICE PROGRAM
FOR COMAIER AMBULANCE, INC.**

WHEREAS, I.C.27-4-5-2(a)(10) exempts ambulance service providers who transact business in the State of Indiana from obtaining a certificate of authority from the Insurance Commissioner of the State of Indiana if the ambulance service program is approved by the legislative body of the County in which it operates and if the ambulance service provider does not offer any membership that includes benefits exceeding one year in duration; and

WHEREAS, during 1989 Comaier Ambulance, Inc. requested and received such approval of its "Sure Care Program" from the County Commissioners of Vanderburgh County, Indiana by special ordinance said ordinance expiring April 30, 1990; and

WHEREAS, Comaier Ambulance, Inc. requests a one year extension of its approval for its "Sure Care Program" from the County Commissioners, represents that it is a duly qualified under the provisions of I.C.27-4-5-2(a), that its "Sure Care Program" is in compliance with all applicable laws and regulations and that the offering of its program has been and will be of benefit to the citizens of Vanderburgh County;

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of Vanderburgh County, Indiana, as follows:

Section I. Approval of Program

The County Commissioners of Vanderburgh County, Indiana hereby approves the "Sure Care Program" of Comaier Ambulance, Inc. for purposes of complying with I.C.27-4-5-2(a), which approval shall terminate on April 30, 1991. Should Comaier Ambulance, Inc. desire further approval after such expiration date, an ordinance for extension of such approval shall be filed on or before January 10, 1991.

Section II. Notification of 911 Exception.

Comaier Ambulance, Inc. shall inform prospective members of the Sure Care Program, and The program contracts shall contain a clause stating that the Sure Care Program is not currently effective if the emergency 911 phone number is used. Such notification shall be initialled by the contracting member.

Section III. Effective Date

This Special Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

This Special Ordinance shall not be published as part of the County Code.

Robert L. Willner
Robert L. Willner

Richard J. Borries
Richard J. Borries

Carolyn McClintock
Carolyn McClintock

Presented by me, the undersigned County Auditor of the County of Vanderburgh, State of Indiana, this 23 day of Jan., 1990.

Sam Humphrey
County Auditor

Approved as to form:

Date: 1-23-90

County Attorney
County Attorney



HELFRICH INSURANCE AGENCY

2303 WEST FRANKLIN STREET • EVANSVILLE, INDIANA 47712 • (812) 464-5991 (FAX) 464-5655

PERSONAL AND BUSINESS
INSURANCE COVERAGES
AUTO & HOME
FIRE & LIABILITY

January 17, 1990

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

RE: Vanderburgh County Insurance Renewal 2/1/90 - 2/1/91

President Willner,

We at Helfrich Insurance are once again grateful for the opportunity to present the attached renewal insurance proposal. The format of our proposal is a simple comparison of old to new. We were pleased that the Commissioners approved our recommendations last year in regards to:

1. Increasing limits of liability from \$2,000,000 to \$5,000,000.
2. Increasing Public Officials liability from \$500,000 to \$1,000,000.
3. Purchasing an Excess Worker's Compensation policy with a limit of \$5,000,000.
4. Adding the Old Court House to the County's insurance program.
5. Retaining the services of Mr. Jerry Schenk as loss control engineer.

We are convinced that Vanderburgh County's insurance program continues to be the "model" of self-insurance. It is truly the positive result of conscientious people doing a conscientious job.

There is an old adage that states "if it's not broke, don't fix it". We at Helfrich Insurance feel that Vanderburgh County's insurance package fits this concept well! We simply recommend to renew as is. We look forward to being of service and continuing to be a part of your risk management team.

Respectfully,

HELFRICH INSURANCE AGENCY

James J. Helfrich
President

George P. Helfrich
Executive Vice President

Dennis K. Feldhaus
Vice President

JJH:GPH:DKF:ssf

cc: Rick Borries, County Commissioner
Carolyn McClintock, County Commissioner

OUR 77th YEAR

Board of Commissioners
Vanderburgh County

<u>COVERAGE/COMPANY</u>	<u>1989-1990</u>	<u>1990-1991</u>
1) All Lines Aggregate 75% Lloyds of London 25% Northfield	\$178,040.	\$172,740.
2) Excess Liability \$250,000 to \$2,000,000 St. Paul	\$176,288.	\$184,123.
3) Excess Liability \$2,000,000 to \$5,000,000 Northfield	\$63,000.	\$65,800.
4) Excess Property Fireman's Fund	\$18,477.	\$23,050.
5) Excess Work Comp \$250,000 to \$5,000,000. General Reinsurance Corporation	\$65,780.	\$62,100.
6) Public Officials \$100,000 to \$1,000,000. Scottsdale	\$28,090.	\$37,864.
7) Boiler Insurance Indiana Insurance	\$3,857.	\$3,865.
8) Law Enforcement A.D.D. Hartford	\$1,628.	\$1,702.
TOTALS	\$535,160.	\$551,244.
NET INCREASE	\$16,084.	
NET PERCENTAGE INCREASE	3%	

COMMENTS:

1) Totals do not include premiums for individual public official bonds (\$3,915.) and the County Work Release Accident Policy (\$6,876.)

DESIGN ENGINEER

VANDEBURGH COUNTY ENGINEERING DEPARTMENT

This professional position will be responsible for developing highway and bridge designs for Vanderburgh County. The incumbent will report to the County Engineer. The desired qualifications are; six or more years of experience in highway and bridge engineering three or more in design, must be familiar with AutoCAD, knowledge and familiarity of State and Federal highway manuals and regulations, must be able to work well with others, State of Indiana Registration in Land Surveying, Bachelor of Science Degree in Civil Engineering. Must be willing to relocate to Vanderburgh County. Must possess a valid drivers license. Absolutely must be registered as a Professional Engineer in the State of Indiana. Starting salary \$22,029-\$30,771. Submit resume by 5:00 p.m., February 16, 1990 to the Board of Commissioners of Vanderburgh County, 305 Administration Building, Civic Center Complex, Evansville, Indiana 47708.



5301 New Harmony Road - Evansville, Indiana 47712-1740 - (812) 963-3121

January 22, 1990

Mr. Richard Borries
Ms. Carol McClintock
Mr. Robert Willner
County Commissioners Office
City-County Building
Evansville, IN 47708

Dear Commissioners Borries, McClintock & Willner:

I am submitting a proposal for a road name change along with some signatures in favor of such.

I am proposing that the section of road which is to the west of Resurrection Church and extends from New Harmony Road to State Road 66, presently called Big Cynthiana Road (see attached sketch), be changed to Resurrection Drive.

One of the postal carriers had indicated it is especially confusing for substitute carriers who are not familiar with the area to find out where some people live. Also delivery trucks and emergency services have trouble locating addresses as the section near Bockelman's Restaurant is also Big Cynthiana Road as well as the dead end section north of SR 66. Highway 65 is also designated as Big Cynthiana Road.

If Resurrection Drive would not be acceptable, perhaps it could be considered an extension of Red Bank Road.

Please advise if there is anything further I need to do in this matter.

Sincerely,

Rev. Raymond A. Brenner

Rev. Raymond Brenner

Enclosure

PETITION TO RENAME SECTION OF ROAD TO RESURRECTION DRIVE:

Edwin H Reine
Cecilia Reine

Clarence Neumann

Karla Adams

Tom Kuhr

Debbie Knight

Nick Knight

Syl Neumann

Ron Lemoff Sr

Clarence Reine

Nancy Meethung

W. W. Taylor

Maurice J. Brenner

Mark L. Lannert

Edward (Bud) Hertz

James E. Schmitt

Doreen C. Schmitt

Joey Baumgart

Joe Schmitt Jr.

Rose Niedermeier

Matthew Shiva

Yvette Reutter

Pam Warrumet

Debbie Elpers

Jim Elpers

Evelyn Beach

Don Beach

Nicholas Beach

Anna M. Filbert

Linda Berger

Chris Schmitt

Randy Bauer

Fr. Ray Brenner

PETITION TO RENAME SECTION OF ROAD TO RESURRECTION DRIVE:

Pauline Muth
 Marvin Greeting
 Jill Heuerbrecht
 David Heuerbrecht
 Mary Wiegand
 James P. Werner
 Russell Herrmann
 Lois Mary Herrmann
 Mavis Papp
 Tandy Sparks
 Gary W. Sparks
 Holly Sparks
 Brandy Sparks
 Killion Schenk
 Mildred Schenk
 Jim Weil
 Ellen Weil
 Mautyn Sander
 Chester Hopp
 Kathy Hallander
 Lawrence Humm
 Thomas E. Anselinger
 Brenda L. Anselinger

Duane Harrison
 Tammy Oliver
 Jay Oliver
 David Unfried
 Carl Kist
 Bill Luter
 ASHIE V. H. S.
 Barbara Rodenberg
 Mary Ellen Zimmerman
 Clarence Bower
 Helen Goltz
 Frank G. Goltz
 Katherine Fuchs
 Alfred B. Knapp

PETITION TO RENAME SECTION OF ROAD TO RESURRECTION DRIVE:

Connie Taylor
 Joe Petric
 Esther Petric
 Michael Wilman
 Elvira Joachim
 Joseph E. Meyer
 Urban Hammers
 Lorne Hammers
 Doris Dewig
 Jim Dewig Sr.
 Mary Ann Hennen
 Wayne Hennen
 Mary Vitz
 Sylvia Gersonen
 Mary Vitz
 Richard Lunge
 Francis Lunge
 Miriam Kanger
 Stanton Elfrich
 Mary Ann Allison
 Margaret Lankle
 Edwin Lankle
 Joe Berender

Lynn Hanged
 Scott Garand
 Susan Kersch
 Nancy Smith
 Carol Lewis
 Joanne Dewig
 Lucile Cudde
 Joyce Maser Smith
 Janine Nytonak
 Gayle Derridge
 Edie
 John Spotti
 Evelyn E. Rompa
 Cindy Preske
 Ona Drest
 Rowena Macke
 Margaret Kunkelensch...
 William Herzog
 Mary Kay Schmitt
 Shirley Trapp
 Dora Skappe
 Mike Kirsch Sr.

PETITION TO RENAME SECTION OF ROAD TO RESURRECTION DRIVE:

Carroll Mehl
Francis J. Lockum

Jarell Mayer

Bill Macke

Margaret Macke

Sylvia Baehl

Judith A. Niemeier

Ernestine Mathis

Annamarie Mathis

Andrew Mathis

Joseph Mathis

Jerry Mathis

Wally Rasmussen

Paul Friesboerger

Carol Friesboerger

Joni Sanders

Karna Herrmann

Charles Herrmann

Dale Mischke

Joella Mischke

Ray Mischke

Shirley Baumgardner

Stacey Schmitt

Laundrea Humm

Sylvia Koch

Gil. Ruck

Juanita Reis

Kerna Grefe

Steve Grefe

TO: City Council
County Commissioners
County Council

FROM: Civil Defense Advisory Board

This letter constitutes a formal request to provide additional appropriation for funding a full time Director of Emergency Services for Evansville-Vanderburgh County Civil Defense. We are requesting that this position be funded for \$25,000.00 vs. the current \$13,228.00. The actual salary paid will be based upon factoring of the position by City and/or County up to \$25,000.00.

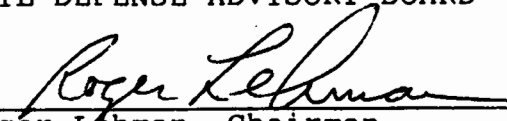
It is our opinion that a jurisdiction the size of ours needs a full time, fully qualified Director to plan, organize and manage this area of critical need.

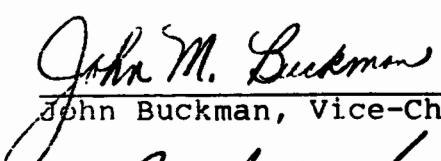
The State will reimburse 50% of the salary as well as some other costs.


cc: Mayor Frank F. McDonald II
Leslie Blenner, City Controller
Tom Dorsey, Admin. Services




CIVIL DEFENSE ADVISORY BOARD


Roger Lehman, Chairman


John Buckman, Vice-Chairman


Jack Danks, Member


Ray Hamner, Member


Paul Bitz, Member


Doug Wilcox, Member


Clarence Shepard, Member

1/16

M E M O

DATE January 2, 1990
TO Salary Administration Committee
Central Dispatch Board
FROM Leslie Blenner *LB*
SUBJECT . Revised Central Dispatch Personnel (#2)

CITY - ALL
2/2

After discussion with Charles Cortwright on December 18, 1989, I'm submitting the revised figures below for your consideration. Mr. Cortwright is requesting the City and County Councils proceed with the required transfer and/or appropriation procedures as early as possible in 1990, to facilitate his direction over this function.

By way of this memo, this matter should be placed on Salary Administration's next agenda, in order to proceed to City Council.

By way of this memo, this matter should be placed on County Council's next scheduled and appropriate agenda.

Proposed Budget - Operating 1990

	<u>City</u>	<u>County</u>
Current appropriations includes Director, Utilities, Contractual, Supplies	\$ 43,854	\$ 21,599
Plus: (6) Supervisors @ \$25,000	100,500	49,500
Health Insurance	12,550	6,182
Life Insurance	161	79
Social Security	7,688	3,787
Retirement	10,301	5,074
Worker's Comp	1,997	984
(Fringes 32.5%)		
(24) Dispatchers @ \$18,913	304,121	149,791
Health Insurance	50,202	24,726
Life Insurance	643	317
Social Security	23,265	11,459
Retirement	31,172	15,354
Holiday Pay	23,349	11,500
Overtime	10,390	5,117
Worker's Comp	624	307
(Fringes 46%)		

	<u>City</u>	<u>County</u>
(1) Engineer @ \$19,056	12,768	6,288
Health Insurance	2,092	1,030
Life Insurance	27	13
Social Security	977	481
Retirement	1,309	645
Worker's Comp	27	13
(Fringes 35%)		
(1) Secretary/Bookkeeper @ 12,807	8,581	4,226
Health Insurance	2,092	1,030
Life Insurance	27	13
Social Security	656	323
Retirement	880	433
Worker's Comp	27	13
(Fringes 43%)		
Property Insurance	1,005	495
Subtotal	\$651,285	\$320,779
GRAND TOTAL	\$972,064	

NOTE: Depending on when building is operational, utilities may be underbudgeted.

City Funding Needs:

Current Budget	\$ 43,854
Transfer Fire Dispatch	317,075
Transfer Police Dispatch	<u>290,356</u>
	\$651,285

County Funding Needs:

Current Budget	\$ 21,599
Transfer or Appropriate	<u>299,180</u>
	\$320,779

cc: Mayor McDonald
 Robert Willner
 Mike Scales
 Jack Corn
 David Mosby
 Mark Owen
 Clarence Shepard
 Doug Wilcox
 Ray Hamner
 Tom Dorsey
 Charles Cortwright

EVANSVILLE - VANDERBURGH

CENTRAL DISPATCH

15 N.W. 7th St.

Evansville, IN 47708

MEMORANDUM

DATE: January 8, 1990
TO: Leslie Blenner, Controller
SUBJECT: 1990 Operating Budget

Attached you will find a proposed change for the Central Dispatch budget. I have taken the figures from your memo of January 2-90 and in addition have added several other items that will be required for the Department to function through 1990. I believe that we have covered everything; however, there could be some small changes that need to be made during the year.

I will go through each line item individually to show how I arrived at the Additional Requested funding. I did not break the figures down for transfers from Police and Fire and County.

001-011-411 Salaries, Regular

The 1990 appropriated budget carries only the salary for the Director at \$31,500. I have added the following from your figures:

6 Communications Supervisors	@ \$25,000	150,000.00
24 Telecommunicators	@ \$18,913	453,912.00
1 Radio Technician	@ \$19,056	19,056.00
1 Secretary	@ \$12,807	12,807.00
1 Custodian/Maintainer	@ \$14,560	14,560.00
Holiday Pay		34,849.00
Overtime Pay		15,507.00

Total Regular Salaries \$ 700,691.00

001-011-414 Health Insurance

The 1990 appropriated budget carries the cost for health insurance for the Director at a figure of \$ 2,648.00. I

have added a figure of \$ 103,500.00 which covers 34 employees at the cost of \$3,122.00.

001-011-415 Life Insurance

A figure of \$ 1,320.00 has been added to cover the additional 33 employees being added to the Department.

001-011-416 FICA

A figure of \$ 53,603.00 has been added to make the account total \$ 56,103 (7.65% of 001-011-411).

001-011-417 PERF

A figure of \$ 63431 was added to the PERF account. This is based on 10.25% of base salaries (\$650335).

001-011-419 Workmens Compensation

Your figures were added, plus an additional \$40 for the custodian/maintainer position.

001-011-421-00-01 Telephone

I did not add anything for telephone service at this time. The Fire and Police Departments would continue to pay the telephone bills for the Dispatch Center until we actually move to the new Center. At that time we may need to make a transfer for the remainder of the year. The cost will only be for administrative lines as the E-9-1-1 bill will be paid through the County Treasurer's Office from the Enhanced Telephone System surcharge.

001-011-421-00-02 Postage

I have put a figure of \$200 in for postage costs. I really have no way of judging the costs.

001-011-421-00-03 Travel

I have included a figure of \$1500 for travel expenses. There are some schools and other meetings that we will need to attend during the remainder of the year.

001-011-422 COLLECTIVE UTILITIES

A figure of \$ 5,000 was budgeted for utilities. I have completed some basic research with the utilities and have broken the costs down in the next three categories. We estimate that the electric bills for the new building should be approximately \$600 per month exclusive of the power needed to run the radio equipment, computers, etc. We cannot estimate that usage at this time; however, we

feel that \$6,000 should cover through December 31, 1990 and we will have sufficient data later this year to make a better estimate for 1991.

The figure listed for gas is for propane to fuel the emergency generator.

The cost for water should be fairly close, with the exception that I was advised by the water utility people that they are in the process of preparing a rate increase and they do not know what it will be.

001-011-423 Instruction

This figure was estimated prior to my coming on board. It was a guess and at this point it still is. We are still looking at and formulating training plans and cannot estimate this figure any closer at this time.

001-011-424 Printing and Advertising

This figure is an estimate of what we may need to have printed brochures, posters, etc to publicize the new 911 system.

001-011-425 Repairs

This figure is an estimate of what might be needed for small repairs to equipment during the year.

001-011-426 Other Contractual Services

This figure is an estimated figure that should be sufficient to carry us through the year.

001-011-433 Institutional & Medical

This figure is for medical examinations of individuals that are being considered for employment to fill the additional positions. We have had Occu-Med do an evaluation and the cost per individual should be approximately \$85.

001-011-436 Office Supplies

This is an estimate to take care of office expenses for bid preparation and other needs during this year.

001-011-437 Other Supplies

This figure was previously in the budget. Most of it will be used for startup items needed for the custodian/maintainer to keep the building clean.

001-011-438 Uniforms

This is an estimate of the startup cost for uniforming the personnel that will work in the center. It is based upon an estimate of approximately \$430 per person.

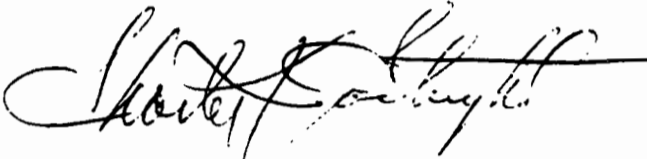
001-011-451 Insurance

This is the figure from your estimate.

Summary

I have basically taken the figures you gave me in your memorandum of January 2-90. To that I have added the best projections that I can make at this time for what will be needed to operate the Department until December 31, 1990.

The items I have added to the budget add \$ 40,466 to the cost of the operation.



Charles K. Cortright
Director

CKC/cc

cc: File

Chief Ray Hamner, Police Dept
Chief Doug Wilcox, Fire Dept
Sheriff Clarence Shepard, Sheriff's Dept
Mayor Frank McDonald II
Robert Willner
Mike Scales
Jack Corn
David Mosby
Mark Owen
Tom Dorsey
Rick Borries

ALEXANDER AMBULANCE SERVICE, INC.
COUNTY STATEMENT OF PROFIT & LOSS
FOR THE PERIOD ENDED December 31, 1989

	County	City & Private	Total
Revenue:			
Net Revenue	\$18,083.49		
Expenses:			
Purchases	\$465.96	\$5,195.80	\$5,661.7
Gas & Oil	152.56	2,033.13	2,185.6
Utilities	1,212.14	3,231.19	4,443.3
Rent & Operating Lease	689.09	1,836.90	2,525.9
Repairs & Maintenance Vehicles	1,410.43	3,759.75	5,170.1
Repairs & Maintenance Equipmnt	385.64	1,027.98	1,413.6
Repairs & Maintenance Building	152.84	407.43	560.2
Advertising	0.00	14,889.83	14,889.8
Wages & Salaries	26,197.78	69,835.12	96,032.9
Sales & Use Tax	106.98	285.16	392.1
FICA Tax	1,799.48	4,796.84	6,596.3
Federal & State Unemployment Tax	0.00	0.00	0.0
Federal & State Income Tax	272.80	727.20	1,000.0
Vehicle License & Other Tax	0.00	0.00	0.0
Real Estate Personal Property Tax	0.00	0.00	0.0
Legal & Accounting	347.96	927.55	1,275.5
Travel	0.00	0.00	0.0
Group Medical Insurance	(456.97)	(1,218.13)	(1,675.1)
Other Insurance	(937.93)	(2,500.22)	(3,438.1)
Donations	0.00	0.00	0.0
Laundry & Cleaning	187.68	500.29	687.9
Miscellaneous	(20.82)	(55.49)	(76.3)
Dues & Subscriptions	369.86	985.92	1,355.7
Freight & Express Mail	0.00	0.00	0.0
Professional Fees	713.16	1,901.06	2,614.2
Employee Training	340.73	908.27	1,249.0
Office Supplies	1,173.92	3,129.31	4,303.2
Personnel Administration	78.27	208.66	286.9
Bad Debts & Recoveries Private	0.00	6,331.26	6,331.2
Bad Debts & Recoveries County	2,412.93	0.00	2,412.9
Bad Debts & Recoveries City	0.00	(55.00)	(55.0)
Bad Debts & Recoveries Wheelchair	0.00	276.48	276.4
Interest & Bank Service Charge	398.56	1,062.44	1,461.0
Pension	(144.26)	(384.54)	(528.8)
Depreciation & Amortization	3,013.01	8,031.73	11,044.7
Employee Benefits	74.39	198.31	272.7
(Gain) Loss On Sale Of Assets	0.00	0.00	0.0
Total Expenses	40,396.18	\$128,274.24	\$168,670.42
Net Loss Before Taxes:			
December, 1989	(22,312.69)		
Add Prior Periods:			
November, 1989	(28,612.90)		
October, 1989	(30,829.13)		
Total Loss, Fourth Quarter, 1989	(81,754.72)		

Alexander Ambulance Service, Inc.
County Billing Statement
December, 1989

	Total Working Hours	Pct	Total Downtime	Pct	Total Miles	Pct	Total Runs	Pct
Alexander	1,342	59.84%	0.0	0.00%	15,667	77.00%	433	42.4
City	737	32.87%	0.0	0.00%	3,268	16.06%	504	49.3
County	163	7.29%	4,958	100.00%	1,411	6.94%	84	.2
	2,242	100.00%	4,958	100.00%	20,346	100.00%	1,021	100.0


Allocation Basis:

Purchases	8.23% (Runs)
Gas & Oil	6.98% (Miles & Runs)
Bad Debt	Actual
Advertising & Donations	No Allocation
All Other Expenses	27.28% Of Total Expense

Summary Of Income:

Total Billed	
Net Contractual Adjustments & Refunds	\$18,083.49
Total Collected	\$13,431.54
% Collected/Billed	74.28%

I certify this summary of total hours and total miles accumulated during the month of December, 1989 is true and correct. I further certify that the information is supported by records kept by Alexander Ambulance Service and are subject to inspection as stipulated in the contract between Alexander Ambulance Service and the Board of Commissioners.

Dated JANUARY 15, 1990
By  CPA
Title COMPTROLLER

RECEIVED

JAN 18 1990

VANDEBURGH CO
COMMISSIONER'S OFFICE



1987-1988 CLASS-B TAX SALE
DEEDS ISSUED TO COUNTY COMMISSIONERS
ON DECEMBER 18, 1989

TAX CODE	NAME	CERTIFICATE NO
7.70.9.115.14	HINDS, SAMUEL	VAND. CO. COMM 801A
10.140.18.157.23	TRAYLOR, FERRIS	803A
10.140.18.157.24	TRAYLOR, FERRIS	804A
10.140.18.158.9	TRAYLOR, FERRIS	805A
10.140.18.158.10	TRAYLOR, FERRIS	806A
10.140.18.158.11	TRAYLOR, FERRIS	807A
10.140.18.158.12	TRAYLOR, FERRIS	808A
10.140.18.158.13	TRAYLOR, FERRIS	809A
10.140.18.158.14	TRAYLOR, FERRIS	810A
10.140.18.158.15	TRAYLOR, FERRIS	811A
10.140.18.158.16	TRAYLOR, FERRIS	812A
10.140.18.158.17	TRAYLOR, FERRIS	813A
10.140.18.158.18	TRAYLOR, FERRIS	814A
10.140.18.158.19	TRAYLOR, FERRIS	815A
10.140.18.158.20	TRAYLOR, FERRIS	816A
10.140.18.158.21	TRAYLOR, FERRIS	817A
10.140.18.158.24	TRAYLOR, FERRIS	818A
10.140.18.158.25	TRAYLOR, FERRIS	819A
10.150.18.163.17	TRAYLOR, FERRIS	820A
10.160.18.167.58	BRACK, KENNETH	821A
10.160.18.167.59	BRACK, KENNETH	822A
10.160.18.167.61	BRACK, KENNETH	823A
10.160.18.167.62	BRACK, KENNETH	824A
10.160.18.167.63	BRACK, KENNETH	825A
10.160.18.167.64	BRACK, KENNETH	826A
10.160.18.168.31	TRAYLOR, FERRIS	827A
10.160.18.168.32	TRAYLOR, FERRIS	828A
10.160.18.168.33	TRAYLOR, FERRIS	829A
10.160.18.168.34	TRAYLOR, FERRIS	830A

10.160.18.168.46	TRAYLOR, FERRIS	831A
10.160.18.168.47	TRAYLOR, FERRIS	832A
10.160.18.168.49	TRAYLOR, FERRIS	833A
10.160.18.168.50	TRAYLOR, FERRIS	834A
10.160.18.168.51	TRAYLOR, FERRIS	835A
10.210.19.12.28	WINSTEAD, ROBERT	836A
11.60.21.41.7	SISNEY, ORLANDO	837A
11.70.21.54.18	FORTSON, NAOMI	838A
11.70.21.57.25	BARNHILL, CEOLA	839A
11.70.21.58.26	PARRISH, INETTIE	840A
11.80.21.60.58	BRYANT, MAPPLE LEE	841A
11.80.21.63.10	BARNHILL, CEOLA	842A
11.80.21.63.13	HILL, EMMA	843A
11.80.21.63.14	HILL, EMMA	862A
11.90.21.72.24	CRAYTON, ROBERT	844A
11.90.21.73.6	BISHOP, OSCAR	845A
11.90.21.74.17	GATES, SAM	846A
11.90.21.77.7	SEXTON, C B	847A
11.100.22.2.12	KAHO, MOSTYN	848A
11.150.22.61.22	MC GEE, HUGH	849A
11.160.22.75.11	NEIGHBORHOOD CONSER.	850A
11.190.23.30.14	LOCKETT, RICARDO	851A
11.190.23.35.11	MULLINS, LOUIS	852A
11.270.24.34.30	DENNIS, BRENDA	853A
11.270.24.36.10	ELLIOTT, JAMES	854A
11.280.24.40.38	MCFARLAN, VERNAL	855A
11.280.24.42.38	ELLIOTT, JAMES	856A
11.280.24.50.28	PHILLIPS, JAMES	857A
11.290.24.55.6	SALLEE, HARVEY	858A
11.430.26.34.13	GATES, SAMUEL	859A
11.490.27.28.11	FREYBERGER, FRED	860A
11.620.29.93.22	JACKSON, VICTOR	861A

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 29, 1990

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 2:30 p.m.	
Approval of Minutes.....	1
Resolution re Naming of Law Library after The Honorable William H. Miller..... (David Miller's office to prepare)	1
ATEK Summary Payment Schedule (Approved)	
Request for Monies to Pay Overtime Help - County Auditor & Knight Township Assessor..... (Approved \$1,000 for Auditor; \$750.00 for Knight Assessor)	2
Ordinance Concerning Establishment and Funding of County Correction Fund (First Reading)..... (Final Hearing scheduled February 12th @ 2:30 p.m.)	3
Burdette Park - Mark Tuley..... Agreement w/City re Softball Diamonds (approved) Request for Approval of Specs/Water Slides (To be revised by C. Hustace prior to advertising) Authorization for G. Curtis & C. Davis to assist with engineering and drafting; Commissioners to send letter to County Surveyor re C. Davis. Purchase Requisition approved for Inner Tubes/Aqua Tubes (\$7,978.50) Water Rate Increase \$35,000 Refund owed to Burdette by City/Attorneys working on this	3
Request for Waiver of Sidewalks in Autumn Hills Subdivision (approved).....	7
Agreement w/David M. Griffith & Associates, Ltd..... (Approved - \$13,125)	7
Notice re County Parking Lot by County Bldg.....	8
County Coroner - County Morgue & Travel Request..... County Morgue/Coroner to meet w/Commission & Council on Thursday 2/1 to discuss various details. Travel Request/Approved	8
Travel Request - Commissioner McClintock (Approved).....	9
Request re Computer Equipment/County Auditor..... (Approved P.C. Computer to handle Re-Assessment Appeals Status Log)	9
Acting County Attorney - Cedric Hustace..... Status Report/Alexander Ambulance Lawsuit Collections Acceptance of Checks (3) re Lawsuit Collections	9
County Highway..... (Reports submitted; Mr. Muensterman in Indpls.)	10

County Government Day/Indianapolis.....	10
Assistant County Highway Engineer/Greg Kercher.....	10
Approval of Preliminary Plans for Replacement of Bridge #35/Outer Darmstadt Rd.	
Old Business.....	10
David Lockridge Rezoning/Commission to send letter to Mr. Lockridge advising if there are further complaints, the current agreement will be terminated.	
Letter to Employees re 40-Hour Policy.....	11
Attorney Miller to draft letter to be enclosed with County Employee paychecks	
Scheduled Meetings.....	11
Claims.....	12
Employment Changes.....	12
Meeting Recessed @ 4:00 p.m.	12

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 29, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, January 29, 1990 in the Commissioners Hearing Room, with Vice President Borries presiding. (Commissioner Willner was in Indianapolis with other County officials, including Auditor Sam Humphrey, County Engineer Greg Curtis, and County Highway Superintendent Cletus Muensterman.)

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of January 16th were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: RESOLUTION RE NAMING OF LAW LIBRARY AFTER
THE HONORABLE WILLIAM H. MILLER

Commissioner Borries said a function hosted by the Evansville Bar Association honoring Judge William H. Miller was held last Friday evening at the Vanderburgh Auditorium. At that meeting there was reference to a lasting memento to Judge Miller in regards to his contributions to the Law Library. From his recollection, they're indeed considerable. He had lost a bit of contact with this whole effort since it had come under the Judge's authority. What he has done has been an outstanding contribution to that particular library. Traditionally, when he came on the Commission, the Law Library had suffered from several things -- not the least of which was funding. But the Judge always seemed to have a way of funding and he would certainly get his message across to members of County Council. And even though the cost of lawbooks and the cost of maintaining a comprehensive and up to date Law Library is considerable, once it was under his particular part of the budget, he then literally engineered a Law Library Foundation with private support to supplement the funds that were put in the budget for this particular facility. It has really worked well. As the attorneys point out, our Law Library in Vanderburgh County is as complete, comprehensive and up to date as any you will find in any County in the State of Indiana. With those comments made, if Commissioner McClintock agrees, the Board does have an ordinance to be referred to Attorney Cedric Hustace (who is sitting in today for David Miller) to make sure it is in order. He is requesting the ordinance be developed to name the Law Library in Vanderburgh County the William H. Miller Law Library.

Commissioner McClintock asked if an ordinance is necessary, or can the Board do that by Resolution?

Attorney Hustace said it could probably be by Resolution..

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Attorney Hustace was asked to prepare a Resolution to name the Law Library after The Honorable William H. Miller. So ordered.

RE: ATEK SUMMARY PAYMENT SCHEDULE

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Summary Payment Schedule to ATEK for areas of usage by the County and the City in the amount of \$126,211 (75% of which is to be paid by the County) was

approved. (The County's usage is always greater due to the usage by the Courts, which are considered a part of the County.) So ordered.

RE: REQUEST FOR MONIES TO PAY OVERTIME HELP- COUNTY AUDITOR
AND KNIGHT TOWNSHIP ASSESSOR

The meeting continued with Commissioner Borries submitting letters from the County Auditor and the Knight Township Assessor, Messrs. Humphrey and Folz, respectively, requesting monies to pay overtime help for the purpose of completing exemption verifications before mailing Notices of Re-Assessment to property owners.

Following brief discussion and comments by Mr. Folz and Chief Deputy Auditor Cindy Mayo, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, approval was given in the amount of \$1,000 for the County Auditor and \$750.00 for the Knight Township Assessor, and authorize the Auditor and the Knight Assessor to go on Council Call for an additional appropriation in March. So ordered.

Mr. Borries noted the office received a letter from the State Board of Tax Commissioners and they are going to request the Board of Commissioners to send them an outline of a plan as to when the Assessors feel the whole re-assessment process can be established. If at all possible, we can probably FAX this information to the Tax Commissioners. He then asked if there would be any way we could have that information by February 1st.

Mr. Folz said they have 7,000 Form 11's ready to go now. That's not all of them -- they have about 24,500 -- but 7,000 have been checked and are ready to go. But here, again, is where they come into the overtime monies, because if they have to figure the Homestead Exemptions up ahead of time and calculate them into the computers, they're not going to be able to get them.

Mr. Borries asked if Mr. Folz thinks this is going to be a common request from the other Assessors?

Mr. Folz said he doesn't know. Knight is the largest township, by far, and they are still operating with the same number of people -- which is why he is requesting the overtime funds -- so he can get caught up. He can't speak for the other Assessors.

In response to query from Commissioner McClintock, Mr. Folz said if they can't complete the work in a week, he will have to come back.

Mr. Borries said it would be his feeling that there are no funds at this point in the re-assessment line item for overtime. Is that Mr. Folz' understanding?

Mr. Folz responded in the affirmative. He said they turned back in a lot of money from the re-assessment fund, because it automatically stopped on January 1st. It then reverted back into the Assessment Fund.

Following further brief discussion, it was determined the Auditor and Knight Assessor should transfer any necessary extra help funds and then go on Council call for an appropriation to replace these monies.

Ms. Mayo said the Auditor's office has 36,000 homesteads which went into effect in 1979. "This year, because of re-assessment, the Homestead is going to be a 6% credit plus an additional \$2,500 off a person's gross assessed valuation. So if we are wrong about who gets these Homesteads, it could have a considerable impact on the tax rate. If we're wrong on 100 people at \$2,500 off of the assessed valuation -- so what we have done is we have massively gone through all of our Homesteads to make sure that the information is indeed correct; that the

correct taxpayer is getting it -- that they are not getting two; that maybe some filed and did not get it and have not received it. We have just gone over everything. When we got to a point to where we could kind of see when we might be finished with this, then we called the Assessors over. The reason we would like for them to have this done before the Form 11's go out is that once the Form 11's go out, they won't have time to do the Homesteads and we won't have time. We're going to have people coming in filing appeals; they are going to have people coming in to look at their cards -- and there just won't be time to do the Homesteads and they have to be done. It will have just a tremendous impact on the tax rate -- the assessed valuation."

Mr. Borries said he has no problems with the overtime. He wants to speed up the re-assessment as quickly as possible.

Ms. Mayo said they have talked to the ladies in the Auditor's office and explained they might not see the money for a long time. They will put the hours in.

Councilman Robert Lutz said funds could be transferred by letter and they could go on March Council Call for an appropriation.

Mrs. Mayo said the Auditor's office is just starting with their overtime; once they get the Form 11's, there will be a lot more. Most of the women in the office would rather have time off. However, they have to pay the part time help. In fact, she did have a question about part time help. If they work over 40 hours, according to the Fair Labor Standards Act do they get time and a half?

Attorney Hustace said they are entitled to time and a half if they work over forty (40) hours.

In conclusion, Commissioner McClintock said the Auditor and Knight Assessor can go ahead and work overtime -- it is authorized, and the employees can be paid - and they can go to Council in March to get an appropriation.

RE: ORDINANCE CONCERNING ESTABLISHMENT AND FUNDING
OF COUNTY CORRECTION FUND (FIRST READING)

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the subject ordinance was approved on First Reading. Joanne Matthews was authorized to advertise said Ordinance (February 2 and 9, 1990) and the Final Reading was scheduled for Tuesday, February 12, 1990 at 2:30 p.m. The bottom line figure is \$161,000, which is placed in the County Correction Fund and used then for any purpose authorized through Senate Enrolled Act 395. So ordered. (Copy of Ordinance attached hereto.)

RE: BURDETTE PARK - MARK TULEY

Agreement w/City re Softball Diamonds: Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, an Agreement Between the City and the County with regard to the Softball Diamonds was executed. So ordered. (Copy attached hereto.)

Request for Approval of Specs/Water Slide: Mr. Tuley requested permission to advertise specifications for the water slides (inner tube and aqua tube) for Burdette Park. He said Mr. Goodman has been working with Ms. Jeffries in the Purchasing Department, so the specs should be in order. A couple of minor changes were made, as follows:

- 1) Mr. Goodman said a completion date was added, so we don't get someone who takes all year to do this.

- 2) There is a penalty clause included for every day beyond the completion date.

Mr. Tuley noted it is their feeling -- and that of their Consultants -- that if we are able to award a bid on time, they honestly feel this project can be completed within that time frame. If we get spring rains like we had last year, that could delay construction and, obviously, they should not be penalized for that.

Continuing, Mr. Tuley said the Attorney's office has had a copy of the specs all week and they didn't see anything that stood out. He will call to the Commissioners' attention Item #4 on Page 1. The last time we did water slides we used an out-of-state firm. While we required a Bid Bond, we did not require a Performance Bond. We had problems toward the end of the contract and the County had to step in and make sure the local contractors were paid, etc. The contract awardee is no longer in business. He talked to the insurance carriers in an effort to determine the correct way to do this. Once the winning bidder is selected, they will have to provide the County with a 100% Performance Bond.

The other thing is, going through the insurance carrier and, obviously, trying to hold our insurance costs down, we want to make sure the successful bidder has product liability insurance which, obviously, if something happens down the road -- they are the first line and the County would be the second line. So they have tried to cover all bases.

On Item #6, he talked to Commissioner Willner and also talked with Greg Curtis last week about the possibility -- all the companies who would bid on this area are out of state and there has to be a local engineer -- to use an Indiana license to have this thing approved. Therefore, they would like to have Mr. Curtis' services to a certain degree. They also will probably need some drawings. Is Charlie Davis under the Commissioners or the Surveyor?

Mr. Borries said he is under the Surveyor.

Mr. Tuley asked if it would be possible to get the Commissioners to ask the Surveyor to do some engineering and drafting on this project? The Consultants say we could probably save about \$20,000 if we do this in house. He already has Site Utilities worked out with SIGECO and they know where the water utilities are, etc. Obviously, they are going to provide us with drawings. Insofar as fencing, they know where this goes. They will need Greg Curtis' help with regard to the foundations, etc. Greg will be doing the engineering, but he will probably need the help of a draftsman and Charlie is the draftsman for the County. Mr. Tuley would like a letter from the Commissioner's office asking Mr. Brenner to allow Mr. Davis to do this. It was noted by Mr. Tuley that instead of bringing in an outside company to build that landing, etc., we might be able to take that out of the actual bid and do that locally and save some money. Thus, they want to reserve that option. He thinks Mr. Dorsey has done an excellent job in putting these specs together and he thinks the County is well protected.

Commissioner Borries said the Commissioners can write a letter to Mr. Brenner.

Commissioner McClintock said, "Mark, if you want to reserve the right to do this labor and your price quotation form includes all of this, how are you going to tell what you can exclude? You have engineering separate and I see that."

Mr. Tuley responded, "Probably the only thing is that we said we could eliminate any part and the bid will be broken down into different areas. And we also put in there the right to pick and choose. We can accept the entire turnkey package or we can delete at the Commission's option and accept the rest of it."

Ms. McClintock said she thinks this needs to be separate.

Mr. Tuley said they can ask for an Alternate -- that way we could accept the bid either way.

Attorney Hustace said that with regard to the guarantee -- the specs say the equipment shall be guaranteed. Is there any guarantee with regard to the installation?

Mr. Tuley said most firms use sub-contractors.

Attorney Hustace said if the County does the engineering and the company installs the equipment, if they say the County didn't do the engineering properly the installation isn't going to work. He thinks the specs should be revised -- to break this out to clarify the issue -- if it is done by County labor or local contractor does the warranty count? Or are they going to hang us on some kind of technicality here.

It was subsequently noted by Commissioner McClintock that if the successful bidder performs the installation, the labor and equipment should be guaranteed for at least one (1) year. If we do it, they are not going to guarantee the labor. All work, materials, equipment, and labor furnished by the contractor should be guaranteed for a period of one (1) year.

In summary, it was determined that Mr. Tuley will get with Attorney Hustace to re-write pertinent sections of the bid specs, such as the guarantee, prior to advertising same.

Mr. Tuley pointed out that all structural engineering is part of the bid. The only thing the County is doing is Site Utilities, landscaping, placement of sidewalks -- this is what we're using the County Engineer for. He is not responsible for any engineering for the construction, layout, etc. We need to clarify the building of the pool.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bid specs were approved, subject to re-write of Paragraph 4, Section B. under "Guarantee" and approval of Attorney Hustace, and Mr. Tuley was authorized to subsequently advertise for proposals, with bid opening to be held on Tuesday, February 20th at 6:30 p.m. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, an Alternate is to be added to the Price Quotation Form showing a price that would reflect us utilizing our own labor or another local contractor to build the splash pool. So ordered.

Purchase Requisition for Inner Tubes: Mr. Tuley said the Consultants recommended we buy "X" number of inner tubes; some people won't want to stand in line and inner tube rental is a big thing. They plan to purchase additional tubes of different color for rental purposes. People will use those all day -- the float stand has been very popular.

Mr. Tuley said actually the McCormick's agreement was simply for the Trading Post and they just kind of let them set up a float stand. Burdette will be taking over the float stand. If he understands the Trading Post contract correctly, it was for seven (7) one (1) year contracts, but the Commissioners have a right to get out of that contract with sixty (60) days notice. They do a real good job with items at the Trading Post and the County gets

20% of the business they do -- so it's not a bad thing to keep. In response to query from Commissioner McClintock, he doesn't know what they took in last year. He promised to provide this information to the Commission next week.

Ms. McClintock said if the County is going to take over the Float Stand, they're going to have to have someone there anyway -- so they might want to consider combining the souvenirs, T-Shirts, etc.

Mr. Tuley noted one is inside the Aquatics Center and the other is in the Parking Lot. They have a little cart that goes around the park selling snow cones, etc. He thinks Council is inclined toward the County taking over all concessions, too. He should have a report back from the Food Consultant by next Monday and he will also have a report on the Trading Post at the same time.

In response to query from Commissioner Borries, Mr. Tuley said if we're going to actually replace McCormick's at the Float Stand, they are in kind of a bind. She can't order that stuff in February and expect to have it in May. She ordered stuff last November and has \$8,000 worth of merchandise enroute. He told her that if the County decided to take over, we might have to try to work out something with her. They both rent and sell the inner tubes. They also have the loungers that go in the baby pool for the mothers; they have the floating alligators for the kids to rent, etc. Excluding Harold Elliott, the majority of Council members to whom he has talked would basically like the County to take this over. Obviously, the reason is that there is big money there. According to our Consultants, just on the rental for the inner tube slides, they are going to pay \$1.00 each for those which, obviously, at that rate it doesn't take long to pay for those inner tubes.

In reading the agreement with the McCormicks, Mr. Borries quoted:

"This agreement may be renewed for successive renewal terms of one (1) year unless either party gives written notice to the other party not less than sixty (60) days prior to expiration date of the then existing one (1) year term. In any event, it would not exceed a total of seven (7)."

Mr. Borries said, "That would have to be sixty (60) days before the 13th day of May -- so it should be around the 13th of March, but I will give it to the Attorney for his perusal and expertise."

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Tuley was authorized to purchase 450 single inner tubes at a cost of \$5,625.00 and 100 double inner tubes at a cost of \$2,150.00 for a total of \$7,978.50. So ordered. (It was noted by Mr. Tuley that they will rent 300 of these inner tubes.)

In response to query from Mr. Borries insofar as notifying the McCormicks, Mr. Tuley said we will defer this until next week at which time a decision will be made. Then the Attorneys can notify the McCormicks.

Water Increase: Mr. Tuley said that at budget time, they anticipated a slight increase in the water rate; obviously, they did not anticipate the 35% increase. That is going to affect Burdette and they will have to come back and ask for more money. They are probably one of the largest water users on the west side.

Ms. McClintock asked where we stand on the money the Water Department owes us?

Mr. Tuley said he thinks Attorney Miller is working on that. But with the City, he's sure they'd rather owe us than beat us out of it. The last he heard about this, the Attorneys for the City and the County were trying to work out something regarding some property for the new County Morgue or something. The City had some property they owned down in Walnut Center where they are wanting to build the County Morgue. There is a possibility they might be willing to work out some kind of arrangement and give us the ground for the County Morgue in lieu of the money they owe us (around \$35,000) or something. Attorney David Miller was working on this the last he heard. Maybe Cedric Hustace can check with David on this. If something can't be worked out, obviously, we'd like to have the money back.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN AUTUMN HILLS
SUBDIVISION -- SAM BIGGERSTAFF

Mr. Sam Biggerstaff was present. He said he'd submitted the following letter to the Commissioners:

January 25, 1990

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

Re: Autumn Hills Subdivision
Waiver of Sidewalks

Dear Robert, Richard, and Carolyn:

Attached is a copy of Autumn Hills, a subdivision in the Northwest Quarter of the Northeast Quarter of Section 17-6-11, lying North of Koring Road.

We are asking at this time for the waiver of sidewalks within this four (4) lot subdivision.

Respectfully yours,

/s/Sam Biggerstaff

Mr. Biggerstaff said in this area he doesn't think there is any subdivision that has sidewalks at this time. These are going to be such big lots with only four (4) houses, he doesn't see any need for sidewalks.

Following brief discussion, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request for waiver of sidewalks was granted. So ordered.

RE: AGREEMENT WITH DAVID M. GRIFFITH & ASSOCIATES, LTD.

Commissioner Borries said the Board has before them an agreement with the subject firm. In conjunction with the Association of Indiana Counties, D. M. Griffith & Associates prepared a cost allocation plan in 1989 to assist the County in recovering the administrative costs of federally-sponsored programs. This plan enabled us to be reimbursed for administrative costs in such programs as Food Stamps, AFDC, Medicaid, Child Support, etc. A note from Joanne Matthews in the Auditor's office indicated we received \$67,547.26 in reimbursements for 1989. Following brief comments, Mr. Borries explained that our cost involved is \$13,125, which is based upon a County population fee (including the City) -- and we fall in the 100, to 499,000 category. The agreement and fee is identical to that in the 1989 agreement.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the agreement was approved and signed. So ordered.

RE: NOTICE RE COUNTY PARKING LOT BY COUNTY BUILDING

The meeting continued with Commissioner McClintock reading the following Notice for approval, which is to be forwarded to All County Officeholders and Department Heads:

January 29, 1990

TO: ALL COUNTY OFFICEHOLDERS AND DEPARTMENT HEADS

RE: COUNTY PARKING LOT BY COUNTY BUILDING

More frequently we are receiving complaints of automobiles being parked in spaces not assigned to them.

Unless you have the permission of the person for whom the space is reserved and a parking sticker permit for that space, you will be issued a ticket.

We will not be responsible for any tickets.

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH

/s/ Robert L. Willner
/s/ Richard J. Borries, Vice President
/s/ Carolyn McClintock

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the memo was signed and approved for distribution to All County Officeholders and Department Heads. So ordered.

RE: COUNTY CORONER - COUNTY MORGUE & TRAVEL REQUEST

County Morgue: Mr. Charles Althaus, County Coroner, was recognized. He said he was impressed with the statement just made by the Mark Tuley, Manager of Burdette Park, that the City is trying to make a deal with the County on the land for the County Morgue, because on Thursday of this week they are ready with all of their drawings to go before the State. Their only hold-up now is the property, because they have to have the plot layout, etc. It would be wonderful for him if the City would take the money they owe the County and give him the property he's asking for. That would please him very much -- and maybe they are working on that, he doesn't know.

Commissioner Borries advised Mr. Althaus that the Commissioners will continue to work on this, because they know how much work he has put into this. He is not aware of the current status or where we were -- but maybe they can make some contacts with the City this week. Is there a certain parcel of property that has been selected?

Mr. Althaus confirmed there is. He said it is his understanding there is a legal hold-up. He also said he understands the Commissioners and Council have a Joint Meeting on Thursday. Possibly they can have a brief meeting subsequent to the Joint Session to discuss several items -- a name for the Morgue (he believes Vanderburgh County Coroner's Office would be appropriate), furniture, carpeting, and things like that -- he needs to get approval from the Commissioners and Council to write the specs for those sorts of things. They're down to this particular point right now. The only hold-up is the site.

Mr. Borries thanked Mr. Althaus for the update and said they will get with him and Council on Thursday to discuss the specifics.

Travel Request: Mr. Althaus said he is currently on the Indiana Coroner's Association Legislative Committee and Board of Directors and they have meetings on Thursday and Friday of this week. He needs to attend, with just one night's stayover and return on Friday.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request for travel was approved. So ordered.

RE: TRAVEL REQUEST - COMMISSIONER MCCLINTOCK

Ms. McClintock requested permission to travel to the N.A.C.O. 1990 Legislative Conference March 17 thru 20. She did discuss this with Commissioner Willner.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the request was approved.

RE: REQUEST RE COMPUTER EQUIPMENT - COUNTY AUDITOR

The meeting continued with Mr. Borries saying he has a letter from County Auditor Sam Humphrey, who says the request has been presented to -- and approved by -- the Data Processing Board for a PC Computer to handle the Re-Assessment Appeals Status Log required by the State Board of Tax Commissioners. A software program supplied by Government Systems will be used. This program will be acquired through Central Purchasing Standard Bid Configuration of Computer Services, for which funds have been appropriated.

Mr. Borries asked Chief Deputy Auditor Cindy Mayo if this will only be used for re-assessment.

Ms. Mayo said, "No -- for many things. We have a P.C. in the office right now, but it is not ours -- it belongs to the City. There are several uses we do have for it, but because of the volume of suspected appeals we anticipate -- it would tie up the P.C. we have right now. We had 7,000 appeals in Knight Township alone during the last re-assessment, and there will probably be several thousand appeals. The State has come up with a log that is quite detailed as to where the appeal is. But to answer your question, we do have several uses. We anticipate putting the Settlement on the P.C., the Financial Statements -- we have several things where we think we could use the Lotus a great deal."

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request for a P.C. Computer to handle the re-assessment appeals was approved. So ordered.

RE: ACTING COUNTY ATTORNEY - CEDRIC HUSTACE

Status Report/Alexander Ambulance Lawsuit Collections: Mr. Hustace submitted an update on the status of the Alexander Ambulance Lawsuit Collections dated January 29, 1990.....report received and filed.

Acceptance of Checks: The following payments were also submitted in connection therewith:

Thomas Jarvis	\$5.00
Daniel McFarland	\$20.00
Thomas Jarvis	\$5.00
Total	\$30.00

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the checks were accepted, endorsed, and given to Joanne Matthews for deposit into the County General Fund. So ordered.

RE: COUNTY HIGHWAY

It was noted by Commissioner Borries that Mr. Cletus Muensterman, the County Highway Superintendent, is also in Indianapolis. He did, however, file his Weekly Work Reports/Absentee Reports for the past week.....reports received and filed. Also included was information concerning various fertilizers and breakdown in bidding procedure, etc.

RE: COUNTY GOVERNMENT DAY

Mr. Borries said there is a County Government Day tomorrow in Indianapolis, whereby County Officials from throughout the State will meet in Indianapolis and use their special interest group to lobby the Legislature on various issues. He was up there this past week and, from having talked to Rick Cochran (the Executive Director for the Indiana Association of Counties) there is a wide variety of issues that are always there --but he doesn't think there are any at this point that are going to have a great negative impact on local government through the State -- hopefully, that will continue.

RE: COUNTY ENGINEER

Commissioner Borries said County Engineer Greg Curtis is also in Indianapolis today, and the Assistant County Engineer, Mr. Gary Kercher, is present today.

Mr. Kercher said he is requesting approval of the Preliminary Plans for replacement of Bridge #35 out on Darmstadt Rd. At the end of last year we let a bid for demolition and pile driving. They have the old bridge down and are starting to install the pilings. These are detailed plans with regard to the abutments and span -- and give an overview of the project. These plans were done in the County Engineer's department.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the plans were approved, as submitted. So ordered.

RE: OLD BUSINESS

Commissioner Borries entertained matters of old business for discussion.

David Lockridge Rezoning: Ms. McClintock said she is sure Commissioner Borries will recall the rezoning out in Darmstadt with regard to the young man (David Lockridge) with a garage. The Board gave him an extension and he returned and the Board gave him another extension in April. The agreement was, however, that he could not have more than three (3) cars parked outside at one time. After she had a call on Thursday, she drove out there and there were nine (9) cars parked in the driveway. She had a friend of hers who lives out there go by on Saturday and there were seven (7) cars parked in the driveway. Clearly, Mr. Lockridge is abusing what the Board had originally said he could do. The current agreement is supposed to go until April 1st. She is in favor of terminating that agreement -- telling him he has abused his privileges, and he is going to have to do something else -- because the property is currently rezoned R-1.

Mr. Borries said he would agree with Commissioner McClintock, but suggested one additional step. Write him a letter advising that there are complaints and documentation that seven and nine cars were in the driveway on specific dates -- and that if we receive another complaint the agreement will be revoked immediately.

Motion to this effect was made by Commissioner McClintock with a second from Commissioner Borries. (Ms. McClintock said she will give this information to Mrs. Meeks so she can send a letter.)

Letter to County Employees re 40-Hour Policy: Commissioner McClintock said that first, David Miller -- then Alan Kissinger -- was going to draft a letter to send to all County employees in their paychecks to explain the 40-Hour Policy. Does Commissioner Borries remember this?-- because it was not being interpreted exactly the same by all of the officeholders. They have not received that yet. She thinks it would be good if we could get that out with the next paychecks. She doesn't know who left the meeting with this item on their list of 'Things to Do' -- but we do need to get it done, because there is still some confusion. Possibly the Attorney could have this on Thursday for the Commissioners' perusal.

Ms. Mayo said if it is going to go out in the next paychecks, they would need the letter by the Wednesday afternoon before the Friday payday (a week from this coming Wednesday -- February 7th).

Mr. Hustace said he will remind Attorney Miller of this.

RE: SCHEDULED MEETINGS

Wed.	Jan. 31	2:00 p.m.	County Council Personnel Mtg. (Room 303)
		2:30 p.m.	County Council Finance Mtg. (Room 303)
		6:30 p.m.	Public Hearing in Washington, IN High School Cafeteria Proposal to Form a Multi-County Coalition or Authority to investigate the partial funding of Highway between Vanderburgh Co. and Indianapolis
Thurs.	Feb. 1	9:00 a.m.	Joint Executive Session/ Commission & Council (Room 307)
Mon.	Feb. 19		HOLIDAY (County Offices to be closed)
Tues.	Feb. 20	5:30 p.m.	Public Hearing re County Roads
		6:30 p.m.	Commission Meeting
		7:30 p.m.	Rezoning Petitions

Commissioner Borries said that the County Highway Department, in cooperation with the County Engineer, prepares a preliminary list of roads to be improved in 1990 -- and the public is invited to participate and give their testimony. While a March 19th date had been suggested, Commissioner McClintock advised she is not going to be in town on that date. She suggested February, and it was determined that the Public Hearing re County Roads will be held on Tuesday, February 20, 1990 at 5:30 p.m. (Joanne Matthews was instructed to prepare an ad and publish same.)

Ms. McClintock asked if Commissioner Borries is aware of any other big public hearings coming up (such as EUTS has)? She said last year they had three (3) public hearings, all of which were scheduled during Channel 9's Auction.

Mr. Kercher said they do have some design hearings coming up with regard to the USI Overpass, but no dates have been set yet.

Ms. McClintock said she doesn't want to miss any of those. The last week of April is bad for her -- but if that is the only time they can do it, fine.

RE: CLAIMS

Commissioner Borries noted there are no claims for approval today.

RE: EMPLOYMENT CHANGES

Knight Township Assessor (Appointments)

Michelle Allen Deputy \$5.00/Hr. Eff: 1/29/90

Scott Township Assessor (Appointments)

William R. Oistad Deputy \$5.00/Hr. Eff: 1/23/90

There being no further business to come before the Board today, Commissioner Borries declared the meeting recessed at 4:00 p.m.

PRESENT:

Richard J. Borries, Vice President
Carolyn McClintock, Member

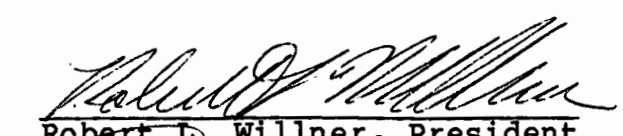
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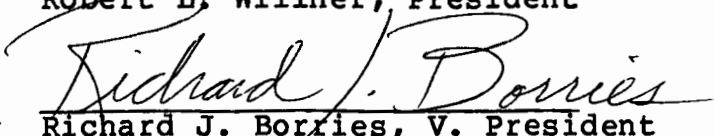
Robert L. Willner (Indianapolis)

PRESENT:

Cedric Hustace, Acting County Attorney
Cindy Mayo, Chief Deputy Auditor
Greg Kercher, Assistant County Engineer
Charles Althaus, County Coroner
Sam Biggerstaff/Engineer
Mark Tuley, Manager/Burdette Park
Al Folz/Knight Township Assessor
Jerry Riney, Supt./County Bldgs.
Margie Meeks, Commission Executive Asst.

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 5, 1990

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 2:30 p.m.....	1
Approval of Minutes.....	1
Approval of Contract for Purchase of Drug Detection Dog w/Alabama Canine Law Enforcement Officers Training Center in Tuscaloosa, AL..(\$4,500.00).....	1
Approval of Alexander Ambulance Subscription Program.....	1
Resolution Naming Law Library "The William H. Miller Law Library".....(Approved 1/29/90; signed 2/5/90).....	2
Resolution re Naming of Roads (Boonville-New Harmony & Daylight Drive.. (Signed).....	2
Burdette Park - Mark Tuley.....	2
Discussion re Trading Post Agreement	
Report from Food Consultant forthcoming next week	
Children's Attractions/Authorized T. Dorsey preparing specs; Attorney C. John to talk w/T. Dorsey re bidding	
Admission Fees/Discussion (taken under advisement)	
Request for \$50,000 additional for marketing the Aquatics Center	
Lease Agreement w/J.M.H. Investments to be discussed during Executive Session (see p. 10)	
Travel Request - County Clerk.....	7
Request to Pay Overtime - Center Assessor.....	7
Commission Office to advise Assessors to have employees use comp time bank time bank prior to paying.	
Travel Request - County Assessor.....	8
Taken under advisement; Commissioners to speak with Mr. Angermeier about this.	
Solid Waste Disposal Planning/D.M. Griffith & Assoc.....	8
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MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 5, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, February 5, 1990 in the Commissioners Hearing Room with President Robert Willner presiding. The meeting was called to order by President Willner and Sheriff Clarence Shepard declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

President Willner entertained a motion concerning approval of minutes of meeting held on January 29, 1990.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: APPROVAL OF CONTRACT FOR PURCHASE OF DRUG DETECTION DOG

Sheriff Shepard said he contacted the Alabama Canine Law Enforcement Officers Training Center in Tuscaloosa, Alabama (the people who train a number of dogs for a number of police agencies and also the DEA federal officers. He's talked with several agencies that purchased dogs from them and they are very happy with the dogs, the training, and the school down there. . Detroit recently purchased seven (7) of the dogs. He gave a copy of the contract sent to him to Jim Casey of David Miller's office and he reviewed it and said he would talk with either David Miller or Curt John to say that he had no problems with the contract. The only thing he saw in the contract that would be worth mentioning was that after we take possession of the dog, they disclaim any liability for the actions of the dog -- should he bite someone, go wild, or whatever. He did want him to mention this to the Board. This is not an attack dog -- it's merely a sniffer dog. The officer he has selected is going down for four (4) weeks in April. During this period, he lives at the Academy and they train with the dog day and night -- and then they are certified together. We subsequently take possession of the dog. The contract has to be signed, because they only allow four (4) officers for every quarter -- and he has one (1) slot reserved and he needs to get the contract back to them. The amount of the contract is \$4,500.00 (allotted in this year's budget).

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the contract was approved and signed. So ordered.

RE: APPROVAL OF ALEXANDER AMBULANCE SUBSCRIPTION PROGRAM

Mr. Jess Roberts of Alexander Ambulance Service, Inc. was recognized. He said he is present to obtain the Commission's approval of marketing of the Annual Alexander Ambulance Subscription Program in the unincorporated sections of Vanderburgh County. The program is identical to the previous program and the cost remains at \$39.00 annual fee. Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was granted. So ordered. (Commissioner Willner requested that Mr. Roberts prepare a copy for the Commissioners' signatures.)

RE: RESOLUTION NAMING LAW LIBRARY "THE WILLIAM H. MILLER
LAW LIBRARY"

President Willner said the Board previously approved a Resolution naming the Law Library "The William H. Miller Law Library", and the document is now ready for the Commissioners' signatures. The Commissioners executed the document.

RE: RESOLUTION RE NAMING OF ROADS (BOONVILLE-NEW HARMONY
ROAD AND DAYLIGHT DRIVE)

The following Resolution (also previously approved) was submitted by President Willner for the Board's signatures"

RESOLUTION

BE IT RESOLVED by the Board of Commissioners of Vanderburgh County that the following roads shall be named as set forth herein effective as of the date of adoption of this Resolution:

Boonville-New Harmony Road -- the new extension of the existing Boonville-New Harmony Road which extends from just east of Young Road to Green River Road at the existing Boonville-New Harmony Road;

Daylight Drive -- that portion of the old Boonville-New Harmony Road which extends from Young Road west to Green River Road. (See County Surveyor's master list for additional description.)

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY

Robert L. Willner
Richard J. Borries
Carolyn McClintock

Date: February 5, 1990

ATTEST:

Sam Humphrey
Auditor

The Commissioners signed the Resolution.

Commissioner Willner requested that Joanne Matthews make certain that Joe Ballard in Area Plan receives a copy of this Resolution.

RE: BURDETTE PARK - MARK TULEY

Report on Trading Post: Mr. Tuley said last week the Board asked him to come back with a report on the Trading Post (the non-food concessionaire at Burdette Park. Basically, they were interested in a revenue breakdown (including the Aquatic Center). He has provided copies of the breakdown to the Commissioners. Basically, the question that has come up with both Consultants is that the County should be doing this themselves. He asked Attorney John to review the current contract with the McCormicks and he has several options to present to the Board.

Attorney John said following a brief discussion with Mr. Tuley, it seems the agreement commenced on May 13, 1985 and was for consecutive one (1) year terms for a possible seven (7) years. It gave the right to either party to terminate with sixty (60) days written notice prior to the expiration of the current term

of the agreement. This current term would expire May 12, 1990. Therefore, if there was to be any change or termination by either party, notice would have to be given March 11th or 12th (whatever the 60 day period is). In reviewing the agreement, it seems the premises leased to the McCormicks is one-fold. It is the Trading Post, which is the small building between the main Burdette Building and the swimming pool. It is his understanding they are currently operating in two (2) locations. Therefore, the County has the right to terminate the agreement in the event we believe they are not living up to their end of the bargain or we want to get someone else, or we have the right to amend the existing agreement to include the locations where they are currently. We may also want to consider whether or not they would want to continue to operate if they did not have both locations. In looking at a summary of their concessions, it would seem the pool location is doing considerably more than the shop (about twice as much).

Ms. McClintock queried Mr. Tuley concerning revenue from the inner tubes.

Mr. Tuley said inner tubes normally bring about \$1.00 per cap or 27 cents. It will be hard to anticipate, because it also depends on the number of slide users. Last year we had 25,000 slide users. That part of the business ought to be somewhere around \$1.00 per cap. But, again, that part is also the per cap for the parks that have inner tube rides and we didn't have any at that point -- in all fairness to the concessionaire. Obviously, if we left the whole thing with him, then his per cap would go way up. Right now he is way below average -- but once he gets the inner tubes, etc., he will be right up there with them.

Mr. Tuley said one of the things the Board might want to consider is that the McCormicks offer a lot of things besides raft rentals; he sells swim wear, suntan lotion, etc. He is not making any recommendation on this -- he is just saying it might be something for the Commissioners to consider -- the fact that we would take over the rental of just all the floatables. If he wanted to keep the lounge chairs, swim wear, suntan products, etc., we could allow him to do that -- with us just taking over the rafts and inner tubes. Right now he doesn't offer inner tubes. He offers rafts and lounge chairs -- and he also has the kiddie floatables (floating alligators, etc.) -- he both rents and sells this stuff.

Ms. McClintock finally calculated that we should realize considerable revenue from inner tube rentals (approximately 200 -- the other 100 being replacements). If we rent 150 of the tubes twice a day at \$1.50 per rental for 80 days -- that is \$36,000.

Mr. Tuley noted the use inner tubes and rental inner tubes are different colors. We probably ran only on 80 days last year. The average stay is 3-4 hours and the operation is open for eight (8) hours -- so we could rent those same tubes twice the same day.

Mr. Borries said if we're going to consider this. if we're doing one thing and they're doing another, he thinks this would create too much confusion. But he thinks we do need to go ahead and do the pool part.

Ms. McClintock agreed, saying we are going to be paying someone to stand there anyway -- so why should we pay them to just rent items when they could be selling the suntan lotion and everything else, too? So the agreement covers only the Trading Post and we just sort of added the pool?

Mr. Tuley said that is correct. If we take over the tube rental, we could just send them a letter from the Commission saying they are going to be restricted to the actual contract -- which would be the Trading Post. Mr. Tuley said, to be honest, he doesn't really want to get into the Trading Post business, if we could stay away from that phase of it. Obviously, they might tell us that if they can't have both locations they don't want to do anything. At that point we'd have two options: Close the Trading Post down (a lot of campers use that -- they sell paper plates, etc.) or we have the option of taking that over, also. The chances are they will stay there. The only problem is that when he talked to her the other day and told her there was a good possibility that since we're now in the inner tube business that we probably would want to be moving them out of there, was the fact they had bought all of that inventory for this year (about \$8,000 worth). She says that stuff has to be bought late in the fall. (We had to have our inner tube order in by February 1st, which is why he was here last week) or they wouldn't guarantee shipment by Memorial Day. If we take it, we might as well negotiate and try to buy the stuff they have coming in.

Ms. McClintock said she has no problem with that -- she'd want to see the paperwork, etc., on it.

Commissioner Willner said that when we started with Wild West Concessions, some laughed and said this was not a viable business to have at Burdette Park and this gentleman has done a bit better than this. He returned \$6,635.00 to us last year. He thinks he has done a good job and he hates to tell him he can no longer operate. He thinks we ought to let him sell swim wear, trinkets, whatever -- but it is obvious we have to take the tubes back -- though he knows it is confusing. But we do have to remember Mr. McCormick has done some work, too.

Mr. Tuley said Mr. McCormick could move his swim wear down to the Trading Post from the pool area -- and we wouldn't be in competition insofar as swim wear; he personally doesn't want to get into the clothing aspect at all.

Ms. McClintock noted the Trading Post might be a more appropriate place to sell the swim wear anyway. Could Mr. Tuley come up with a list of what has traditionally been sold in the pool shop that perhaps would be more appropriate for him go ahead and sell in the Trading Post?

Mr. Tuley said, "Yes, but the same thing would apply. We would be in the rental business only. Mr. McCormick sells what is called the "baby sitter", a float that goes around small children. He would think that anything that is a sellable item we would let him continue handle-- and us not get into selling rafts or inner tubes.

Ms. McClintock said she thought she and Mr. Borries were talking about taking over the Trading Post and selling that stuff.

Mr. Tuley said he misunderstood their intent.

Mr. Borries said he was talking about the pool operation.

Ms. McClintock said that is what she means -- she doesn't have any problem with Mr. McCormick selling the swim wear down at the Trading Post. She thinks we should have one (1) operator at the pool and one (1) operator at the Trading Post. But, as pointed out by Commissioner Willner, this gentleman has done the work and perhaps it might not be to our best advantage to get into all that merchandise to have to purchase and re-sell. We should divide it somehow without making it too confusing. Suntan lotion should still be in the pool area. But she doesn't have any problem with him also carrying some suntan lotion -- for people

at the lake and out and about that still need it. But all floatables and the inner tubes should be by the pool and we should handle that.

Mr. Tuley said he doesn't know that he disagrees with this. He also understands what Mr. Borries is saying about staff -- if we're going to be paying people to handle the inner tube rentals, they will be standing around at times. If there are other floatables, we should also perhaps handle those. He will be glad to check this out a little further and meet with the McCormicks and come back to the Board with a list next week. If we decide to take that over, obviously he will have to put a budget together so we can go to Council for funding. It is his understanding the majority of Council would like to see us do the non-food stuff.

Motion was made by Commissioner McClintock that we send a letter to the McCormicks indicating our interest in running the pool concessions and that we would like for them to continue to run the Trading Post -- if they so desire -- and that we will work out the details on what items they can keep at the Trading Post that would be more appropriately sold down there and, basically, the items in the pool would be floats and pool-related items.

Mr. Tuley said once this is worked out, he can send a copy to the Commissioners for the record.

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

Mr. Borries pointed out that perhaps we can purchase the floatable items from them which they have already purchased.

Report from Food Consultant: Mr. Tuley said the report from the Food Consultant is finished and is being sent to us via Federal Express; we should have it tomorrow. Basically, they recommend that the County take over their own food service. He also recommended hiring a food service person. The only thing is, he does have a seminar to attend -- should the Board decide to go along with the Consultant's recommendations. Gold Medal is putting on a Seminar with regards to fast food. There is no cost for attending the seminar; but it would require staying two (2) days in Cincinnati (March 2-3). There will be over forty (40) fun food menu concepts and 70 pieces of concession equipment in action. If we're going into this, we will be purchasing equipment and it would be wise to attend and learn as much as we can. It is his understanding he has specified the kind of equipment we will need, including model numbers, costs, floor layout, etc. He understands the Consultant is providing a very detailed report. With regard to travel, he would recommend taking the County vehicle. Mr. Tuley said if any of the Commissioners would like to attend the seminar since we will be purchasing equipment, no reservations are required. He just has to send in the names of the group that will be attending.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Tuley was authorized to take the County vehicle to Cincinnati, with the County paying for gas, lodging, necessary food, etc.

Mr. Tuley said he needs to transfer some money to his travel account (Council left this out at budget time).

The Commissioners said travel is in their account.

Children's Attractions/Burdette: Mr. Tuley said County Council earlier approved a list of children's attractions for the baby pool. He has been working with Mr. Tom Dorsey of Purchasing and he is trying to find other suppliers of this type of equipment. A couple of years ago when we bought the children's slides, they

were the sole supplier on this type of product. To make a long story short, if he cannot find another vendor to bid on this, does Purchasing have the Board's approval to go ahead and do this without all the formal bidding -- because there is only one company who bid on it. Is there a limit? Mr. Tuley said it will cost about \$34,000 to \$35,000.

Ms. McClintock said we have to follow the State statute. Attorney John said he will talk to Tom Dorsey on this.

In response to query from Mr. Tuley, the Board indicated it is okay for Mr. Dorsey to go ahead and put the specifications together and get started on this.

Mr. Tuley noted the contract with the Food Concessionaire expires in March -- and a decision in this matter will have to be made very quickly. When they receive the Consultant's report, the Commissioners will have several options. He can be placed on next Monday's agenda again, and this can be addressed again at that time if the Commissioners so desire.

Admission Fees: It was noted by Mr. Tuley that a recommendation concerning admissions was made in the Haraldson report. Obviously, the Commissioners have all read those recommendations. Mr. Willner discussed this with Mr. Haraldson when he was here and asked him to give us an alternative. The recommendation was \$4.95 for adults and \$3.95 for children for the Aquatics Center. The alternative to that would be a recommendation from them for a structured fee (which we currently have) -- an Admission Fee of \$2.50 for everybody and a recommendation of \$3.50 for the water slides. He asked if the Commissioners wish to take this under advisement for a week -- or would they prefer to set those fees today?

Current rate is \$1.75 General Admission and water slides are \$3.25. Combination use is \$5.00. When you add the latest addition of children's items (started in 1986 and completed in 1987) we'll have a total of \$90,000 worth of equipment, etc., for small children. His argument in going with the structured fee was basically that he felt the adult water slide user or the children were paying for all the stuff for the little children and he felt that should be evenly divided. Another option to that would be to raise the General Admission Fee -- and that way everybody would help cover all those costs. Maybe in good old Evansville, Indiana the structured fee is the way to do it -- though that is not what they do elsewhere. The report also recommended we set aside \$50,000 for marketing purposes just for the Aquatic Center -- over and above the advertising money we already have. He would strongly urge the Commission to go before Council before the season starts to request this money. Obviously we are going to have a price increase -- we need to be able to reach out farther. We no longer are the West Side Burdette Swimming Pool -- we're a Regional Facility that is ten times more than a regular swimming pool -- and we're going to have to do a good job of selling that. He understands there is quite a bit of opposition to the \$4.95 fee -- but he thinks once the people actually get out there to see what they are getting for their money, he doesn't think they will be opposed to it. He does understand that several of the Councilmen have been flooded with calls concerning the fee.

Mr. Willner said he thinks the \$2.50 General Admission is fair.

Councilman Lutz was in favor of leaving the structured fee.

For some reason, some parents do not want their kids to ride the water slides and they prefer to be able to control that factor by not giving them enough money to allow them to do so. He can understand that. The General Admission would be \$2.50 and water slides \$3.50, making the total cost \$6.00. Without all the added

attractions they were paying more now on the structured fee. So the recommended fee is a better deal for the people who actually use the pool. Maybe we haven't done a good enough job in letting them know what they are getting for their money -- and he thinks part of this will have to be in the marketing.

Commissioner Willner said nobody understands they will actually be saving money this year over last year -- if they ride the slides and enter the pool.

Mr. Tuley said we are in that 80,000 and 90,000 attendance bracket every year and the maximum would be 100,000 to 110,000. So we actually will not be able to have that much more growth insofar as attendance. Four different days last summer they had to close the gates at Burdette and not let anyone else in. Some of those people who just want to lay out may be forced to pay the price or choose to go elsewhere. But he understands Hartke is putting in new water slides and they are going to one price -- but the slides are included. Their price is not firm yet, but it looks like it is going to be in the \$2.50 to \$3.50 range -- and their water slide is included.

Commissioner Willner requested that Mr. Tuley give the Board his recommendation and let them take it under advisement for a week, since he plans to be back next week.

Mr. Tuley said he likes the \$2.50 and \$3.50 fees -- that is his personal belief. The Commissioners may want to come in at \$2.50 and \$3.00 and re-evaluate it next season and see if it justifies raising it again. He thinks the \$2.50 General Admission has to be locked in -- he doesn't see how we can make it any lower for the amount of money we've invested in the Aquatics Center during the last three years.

RE: TRAVEL REQUEST - COUNTY CLERK

The County Clerk, Betty Knight Smith, was recognized. She said she didn't know she needed to come to the meeting today. But they've asked two of her girls from the Child Support Division to come to Indianapolis next week to a Workshop re the new computer system that the State is going to put in for Child Support. They are going to pay the room rent. The only thing she needs is the transportation to Indianapolis.

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

RE: REQUEST TO PAY OVERTIME - CENTER ASSESSOR

The meeting continued with Commissioner Willner submitting a request from Center Township Assessor Alvin Stucki for approval to pay overtime money for employees to process and complete the Homestead breakdown in the computers by the Auditor's office prior to mailing of Form 11's. He has roughly calculated 60 hours of overtime will be needed.

President Willner said he thinks the Board needs to ask Mr. Stucki to give compensatory time off later in the year to compensate for this 60 hours of overtime -- and the Commission needs to be certain the compensatory time is given.

Commissioner Borries said that last week he and Commissioner McClintock approved going on Council call (which they did not need to do) since they found from talking with a couple of Councilmen individually that money had been included in the Commissioners' budget for overtime help. However, because of the way the Fair Labor Standards Act reads and also because there are options wherein some employees feel they would want to have compensatory time off rather than be paid, it would be his feeling that the Board needs to advise the Township Assessors to

proceed in that direction before we would issue any overtime pay from this line item. And a record needs to be kept as to the compensatory time due. Also, in accordance with what the State Board of Tax Commissioners requested from this County, Jerry Riney has called and asked for written documentation from each of the Township Assessors with regards to information concerning completion date for the re-assessment. All of the Township Assessors have complied and this information has been FAXED to the State Board of Tax Commissioners. It is the Commission's hope that they can stay on target.

Ms. McClintock said the Commissioners also need to advise Mr. Folz (she believes Mr. Humphrey already knows) that the policy is going to be that they use their hours to put in the comp bank before the County pays any dollars. But Mr. Folz needs to be advised of this in writing.

Commissioner Willner cautioned that assessing is kind of a seasonal thing, and they will have time later in the year to give compensatory time. If they don't, then we'd have to go ahead and pay the overtime.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries that compensatory time be approved for the Knight and Center Township Assessor's offices in order for them to complete reassessment work. So ordered.

RE: TRAVEL REQUEST - COUNTY ASSESSOR

Mr. Willner submitted a request from County Assessor Jim Angermeier for three of his computer operators (Evelyn Lannert, Dorothy Joest and Carolyn Garrison) to travel to Indianapolis on February 19th for a demonstration in the latest computer technology in computer mapping. He is requesting the allowed per diem plus mileage for one driver.

Mr. Willner said he guesses this is the Manatron/UNISYS School.

Ms. McClintock asked if these aren't the people we're having all the trouble with? Why would we want to send anyone to their school?

Mr. Willner said he doesn't believe we have computer mapping.

Auditor Humphrey said he requested the Homestead program two months ago. They sent the program in with a lot of fanfare last Thursday and Friday morning he was told it would be the right program.

Ms. McClintock said she doesn't think we want anymore County employees exposed to these people.

It was the consensus that the Commissioners will speak with Mr. Angermeier about other alternatives.

RE: SOLID WASTE DISPOSAL PLANNING

Mr. Willner said he has a letter from D. M. Griffith & Associates Ltd. with regard to Solid Waste Disposal Planning indicating the State of Indiana is going to pass some laws pertaining to solid waste management and, should that happen, they want to know if they can be of any service to the County. This is the firm that handles the County's Cost Allocation Program.

RE: ACCEPTANCE OF CHECK - EVANSVILLE CABLE T-V

A letter, together with check in the amount of \$28,959.54, from Evansville Cable T-V for franchise fees for the third quarter of 1989 was submitted.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the check was accepted, endorsed, and given to Joanne Matthews for deposit into the County General Fund. So ordered. (Mr. Willner asked that Mr. Riney sees that an acknowledgment letter is sent to Evansville Cable T-V.)

RE: ACCEPTANCE OF CHECK - CAROON & BLACK MANAGEMENT, INC.

Mr. Willner submitted a check in the amount of \$195.00 from Caroon & Black Management. He asked that Mr. Riney explain same.

Mr. Riney said they have collected \$195.00 partial payment and remaining total due is \$467.50 from Mr. Salvador Ruiz.

Attorney John said it would appear that this is reimbursement for an auto accident which occurred resulting in damage to County property. It is very common to collect this by issuing a conditional release to the party liable and then entering into a Promissory Note. He doesn't see where any of that has been done. However, he sees nothing wrong with receipting it into the County and it would appear Caroon & Black is going to proceed to collect the remaining \$467.50.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the check was accepted, endorsed, and given to Joanne Matthews for deposit into the insurance account.

RE: REQUEST TO GO ON COUNCIL CALL - COMMISSIONERS

Mr. Riney said the Commissioners are requesting to go on Council Call for School Transfer Tuition in the amount of \$30,000 and Patient-Inmate Care in the amount of \$200,000. In Account 130-329, due to the fact that some of last year's bills had to be paid this year, we're already short \$6,489.67, with the rest of the year to go. In Acct. 130-305, claims were held from last year because there wasn't enough money to pay them. We don't have the money to pay present bills, with more to come.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved. So ordered.

RE: REQUEST FOR EMPLOYEE MATERNITY LEAVE - COUNTY TREASURER

A letter from the County Treasurer requesting Maternity Leave from February 29, 1990 to April 23, 1990 for Beth Kerchief was submitted. Mr. Willner noted Mr. Tuley is also requesting that Ms. Kerchief's medical insurance continue to be carried.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the request was approved. So ordered.

RE: COUNTY ATTORNEY - CURT JOHN

Civil Defense Board: Attorney John said that prior to the meeting Ms. McClintock asked him to call Jerry Hauer. He discussed this with him and there is nothing in the State statute that regulates the number of people who can be on a local board. If there are any limitations on that, it would be through our local Civil Defense ordinance, because it is not contained in the ordinance we have in the County Commissioners office. The County ordinance refers to the State statute. He would like the opportunity to review the City ordinance and that would basically tell us how many we could have at this time. That could always be changed to increase or decrease the number of members of that Board.

Commissioner Willner said he did speak with the Mayor about this and he was agreeable to add/subtract some people. Mr. Willner said he was under the impression that certainly SIGECO should be on that Board, because the first thing you need is electric and

the first thing you need shut off is gas. So we probably ought to have at least one (1) representative from SIGECO on that Board. The Mayor was agreeable to that.

Attorney John said he is sure it can be done -- but it may require changing of the ordinance as it has been adopted. He will let the Commissioners know.

RE: REQUEST FOR EXECUTIVE SESSION

Attorney John said that Attorney Miller has requested an Executive Session on Monday, February 12, 1990, at 1:30 p.m. (Note: This was subsequently changed to 1:00 p.m., after additional items were added to the agenda at the request of Attorney John and Mark Owen, County Council.) Purpose of said session is to discuss the claim of Mr. R. Andrew Easley, Jr. (former County Engineer).

Attorney John said that per request of Mr. Tuley, he is in possession of what appears to be some type of agreement to be entered into by J.M.H. Investments (John and Paula Hoon) who have the concession at the Miniature Golf Course at Burdette Park and a Mr. William Schmidt, and Mr. Tuley would like to discuss this with the Commissioners prior to their approval/disapproval of an assignment of the lease.

Ms. McClintock asked if this can be discussed in an Executive Session.

Attorney John responded, "You wouldn't make a decision, just discuss it -- because there are some personal matters Mr. Tuley would like to discuss."

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock an Executive Session is to be held on February 12th at 1:30 p.m. (subsequently changed to 1:00 p.m. after additional items were added to the agenda by Attorney Curt John and Mark Owen, County Council) in Room 307 to discuss the claim of Andrew Easley, Jr. against the County and a Burdette Park matter (pending Attorney's approval that the latter can be discussed in the Executive Session). So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said he had submitted his Weekly Work Reports and entertained questions. He said he thought there might be a question concerning a culvert on the main road at Burdette Park. Probably the last time it was put in was by the W.P.A., because it had steel drums, etc. The County crew installed a little larger culvert to take the water off the parking lot and some of those hills. It may relieve some of that water at the skating rink.

Ohio River Flood Waters: Mr. Muensterman said the Ohio River is up to 36.6 ft. this morning and it is expected to reach 39.5 ft. by Thursday (they hope it will crest by Thursday.) They give a new report at 1:00 p.m. every day.

Road Hole/606 Radio Avenue: Mr. Willner said he had a request from 606 Radio Avenue indicating they had a hole there -- and the last three times it has been repaired it doesn't stay. That's probably the waterworks, isn't it?

Mr. Muensterman said it might be.

Mr. Willner asked that Mr. Muensterman make sure the hole is fixed this time. He also said he needs to talk with Mr. Muensterman after the meeting.

Elna Kay Drive: Mr. Borries said he appreciates Mr. Muensterman's help with Elna Kay Drive as do the residents from out there who called.

RE: COUNTY HIGHWAY - GREG CURTIS

Metro Center East/Approval of Roadway & Storm Sewer Plans: Mr. Curtis said the majority of this development is in the City. He had a few questions and Morley & Associates has offered him assurances and it is his recommendation that the plans be approved.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the roadway and storm sewer plans for Metro Center East were approved. So ordered.

Request to Go on Council Call/Boonville-New Harmony Road Extension (\$94,416.05): Mr. Curtis submitted a request to go on Council call in the amount of \$94,416.05 with regard to the Boonville-New Harmony Road Extension. This would be for the Local Roads & Streets account. Due to not yet receiving reimbursement on the account, we have insufficient funds in the account to cover the cost of our construction engineering contract as well as some utilities relocation. There was a slight error on his part in calculating what we would need for the remainder of the year last year in regard to a change order in the amount of about \$200.00. The \$94,416.05 will also enable us to have between a \$5,000 to \$8,000 balance in case another change order or something arises that the State requires our participation on. This is the extension project that is almost complete. We have not yet received any reimbursement back on the construction engineering. We're paying out 100% and the paperwork went to Indianapolis and didn't get back to Vincennes (where it needed to go) -- but we will receive 75% reimbursement. We have a contract with Bernardin-Lochmueller in a not-to-exceed amount of something like \$144,000 and 75% of that amount will be reimbursed. Basically, we will be receiving a little more than the \$94,000 back.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Curtis was authorized to go on Council Call in the amount of \$94,416.05. So ordered.

Travel Request: Mr. Curtis said he has discussed with each of the Commissioners at various times (possibly starting with the Orchard Road Bridge project) the possibility of doing the construction engineering on Federal Aid Projects, as well as some of our more major local projects. To do the Federal Aid projects you have to have a Project Engineer or a Supervisor who has been certified in the Workshop that the State of Indiana puts on for their Project Engineers and Supervisors. He is requesting that Gary Kercher be allowed to attend that Workshop in Indianapolis from February 19th (an office holiday) thru February 22nd. He would request permission for use of a County car to travel to/from the workshop and the following expenses: \$24.00 per diem for four (4) days; \$50.00 room at the Quality Inn East for three (3) nights -- which is \$96.00 and \$150.00 respectively, for a total of \$246.00. There is no registration fee for the workshop for governmental agencies.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request was approved. So ordered.

Acceptance of Check for Bridge Inspection: Mr. Curtis submitted a check in the amount of \$10,884.15 from the State for 80% reimbursement on the claims we have paid on the bridge inspection.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the check was accepted, endorsed, and given to Joanne Matthews for deposit into the Cumulative Bridge Account (203-354). He said each of the Commissioners has received a copy of the Bridge Inspection Report. Next week he intends to have a bridge plan of sorts for the next four years or so -- or it might be February 20th -- to try and plan to get our

bridges repaired and brought up to a little higher standard over the next three or four years. The Commissioners can look through the report and if they have questions, he will answer them next week. Or, if they want them answered today or in the interim, he will be glad to do so. When the field work for the report was done, we had not even demolished the old structure on Boonville-New Harmony Road and we asked that they do another inspection on that bridge so as to alleviate the need for his office to do that -- since the report has drug out the length it has.

Claims/Bernardin-Lochmueller: Claim for the road study in the amount of \$29,736.15. Mr. Curtis said he would anticipate we will be receiving our report within a month and he finds the claim in order.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved. So ordered.

Claim/Deig Bros. Lumber & Construction Co., Inc.: Claim in the amount of \$29,73.15 for Bridge No. 13. The claim is in order and he recommends it be allowed.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved. So ordered.

Claim/Sam Oxley & Co.: Claims for road widening project and other contractual services contract (VC-89-09-02) in the amount of \$85,665.27 and \$43,120.26. This is final payment on this account.

Ms. McClintock asked if Mr. Curtis is satisfied the work was done satisfactorily?

Mr. Curtis said he is on the Oxley project: Eissler Rd., Boonville-New Harmony Rd. between Highway 57 and Green River Road, Inglefield, and St. Joe and Allen's Lane, Laubscher Rd. and St. Joe. He recommends these two claims be allowed.

City of Evansville: Claim in the amount of \$12,062.14 for the County's share of the new Traffic Signal Installation at T. J. Maax per agreement.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claims were approved for payment. So ordered.

St. Joe/Allen's Lane: Commissioner Willner commented that these improvements seem to be working and he hopes it continues. The striping hasn't even been put down yet. But it's a big improvement.

Mr. Curtis said there was a fairly severe accident at this intersection over the weekend. He and Mr. Kercher were looking at a number of things in the field and they were talking about this intersection. He has not seen the police report and he's going to get a copy to see what it says. He's also been in touch with Southwest Engineering today (who has a sub-contractor who is doing part of their work -- if they get a good day for putting down thermoplastic striping). -- and asked that they get that done as soon as possible).

Multi-County Association: Mr. Curtis said he is sure everyone is aware that we went to the meeting this past Wednesday evening in regards to forming a Multi-County Infrastructure Authority for the purposes of furthering the cause of an Evansville-Indianapolis Highway. The thing for us to do would be to first initiate becoming a part of that. From the discussions he's had with Attorney Curt John as to whether you do it by Resolution or Order -- it has to be an Order by the Commission.

He doesn't know if they are so inclined to do that today, but he thinks someone from the Commission and possibly himself needs to be at the Council Meeting on Wednesday to get them to go ahead and pursue the Ordinance.

Ms. McClintock asked, "Why would they pass the Ordinance?"

Mr. Curtis said in this matter the Indiana Code dictates they pass the Ordinance and the Commissioners pass the Order.

Attorney John said, "We had that sample Ordinance and I believe that Ordinance set out which other counties would be a member of the Authority. So we may be a little premature in joining an organization that there is nothing to join. There has to be at least two (2) counties. So we may want commitments from the other participating members prior to joining anything."

Mr. Willner said, "I think we already have commitments, plus one more. Greene County did call and said their Commissioners were busy with a lawsuit and didn't have time to make the meeting, but they had selected a Commissioner and a Council person and they wish to join."

Ms. McClintock asked, "So we can go ahead and make a motion? Do we have to advertise this?"

Attorney John said the Ordinance will have to be advertised, but not the Order.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board passed a Resolution to join the Multi-County Association. So ordered.

Trapp Road Bridge #20/Over Barr Creek: Mr. Curtis said he has been looking into the Trapp Road Bridge and he had discussed with each of the Commissioners (and particularly with Carol) looking into the possible cost savings of putting a timber bridge at that location. Originally when we went before County Council and asked for an appropriation on this bridge we had asked for \$200,000 and that was based on building a 3-span concrete box beam bridge similar to the Woods Road Bridge. While it would be a much more considerable structure, it would basically be the same construction as that bridge. Our cost estimate at the time was \$198,992 for that type of structure. He would note that that does have a 10% contingency in that. Anytime we do an estimate we always put a contingency on it in case we missed something.

In looking into the cost of a timber structure, he talked with Ralph Patton of American Timber Bridge & Culvert as to what the materials would possibly cost and for the same structure (which would be an 88 ft. structure of 3-spans with a clear roadway of 24 ft. and the appropriate AASHTO railing, piling, etc.) the material cost would be \$99,653.71 and the construction cost, based on what we were able to get from some cost estimating manuals (because instead of including the price of materials -- trying to get just the labor costs is rather difficult) we came up with a cost estimate of \$50,405.00, including again a 10% contingency. That would basically make the cost around \$151,000 for a timber structure in place. On the timber structure that does not include paving the approaches, so it would possibly be \$3,000 more if we paved the approaches -- and he would recommend doing this. It kind of saves the rocks from chewing up a bridge deck -- whether it be concrete or timber or whatever. He has no problems -- and, in fact, there are some benefits if we would choose to go with a timber structure at that location -- in that with the Red Bank Road project being his Number 1 priority, this bridge is likely not going to be done until later in the year -- and it is probably one of our worst bridges. It is not the worst bridge we have out there at the present time. He would recommend we go that route because if his office does not have to mess with

the Trapp Road Bridge, they will be able to work on another project and possibly get another of our bridges replaced yet this year after we get finished with Red Bank Road.

Ms. McClintock asked Attorney John if we decide to build this bridge do we still have to bid the materials, because they are almost \$100,000?

Attorney John said the Purchasing Department has a contract.

Mr. Curtis said his understanding is that we have already done the annual bid for timber products, and that included bridge packages, bridge deck packages, treated timber in general, and salt storage buildings and something else.

Ms. McClintock said she thinks we should get moving on this. As Greg says, once we do, we can spend our time doing something else. She subsequently moved that we build a timber bridge on Trapp Road across Barr Creek, with a second from Commissioner Borries. So ordered.

Commissioner Willner said we have to go on Council Call to get that money before we can approve that.

Attorney John said we have to have the money appropriated before the Commissioners can commit themselves to it.

USI/Union Township Overpass Projects: Mr. Curtis said we will have both United Consulting Engineers and Bernardin-Lochmueller present next week to explain the two overpass projects in the preliminary stage. If any of the three Commissioners have time to go by Bernardin-Lochmueller & Associates between now and then, he would recommend they do so and look at what they are doing and see what questions they might have. Unfortunately, unless they are going to Indianapolis, they won't have the same luck with the Union Township project -- but there will be a presentation of sorts on both of those projects next week.

Commissioner Willner said he and Mr. Curtis looked at the Union Township Overpass last Monday and there is not much alternative.

Scheduled Meeting with Levee Board: Mr. Curtis noted that two weeks from tomorrow (February 20th) providing the Commissioners make no major changes -- we also intend to go to the Levee Board and present to them our basic intent on this project and, hopefully, get their preliminary approval. If not at that meeting, then at their first meeting in March.

RE: STATEMENT FROM OLD NATIONAL BANK RE ACCEPTANCE FEES FOR TRUSTEE'S SERVICES

Commissioner Willner submitted a statement from Old National Bank re Acceptance Fees for Trustee's Services in the amount of \$3,500.00. The original registration of 199 certificates at \$2.50 each which is \$747.50 for a total of \$4,247.50, which is the Trusteeship for the \$10 million that the County borrowed from the Revenue Bond. He said he is informed we need to treat this billing as we would any other bill and we will need to go to Council to appropriate the funds. He would add this amount to Jerry Riney's Council Call.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, approval was given to add this to the Patient-Inmate Council Call sheet. So ordered.

RE: OLD BUSINESS

Maintenance Agreement/Auditorium: Commissioner Borries said he had a call about the lighting at the Auditorium. It is his recollection that a major project was going to be the lighting at

the Auditorium. In looking at the budget, they probably have cut that out. Are we going to have to go to Council to request monies for that?

Commissioner Willner said he thinks we're still working on that -- the sound system and the lighting. The President of the County Council wanted us to upgrade those meeting rooms in anticipation of the Association of Indiana Counties Convention in September. The Committee from the Indiana Association of Counties was down in Evansville over the weekend and they inspected the hotel, the race track, convention facilities, etc., and they were more than pleased. They are now working out the details.

RE: NEW BUSINESS

Evansville Association for Retarded Citizens: Commissioner Willner proceeded by reading the following letter:

Dear Mr. Willner,

The Evansville Association for Retarded Citizens would like participation from the Board of Commissioners to serve on its Board of Directors. A representative on the Board would insure a flow of information between the EARC and the County Commissioners. Do you have a recommendation for this representative?

As the new Executive Director of the Evansville ARC I look forward to visiting with you in the near future.

Mr. Willner said they are also asking the County Council to name a representative to that Board.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Commissioner Robert L. Willner was appointed. So ordered.

RE: MAINTENANCE AGREEMENT - VANDERBURGH AUDITORIUM

Commissioner Willner said we are currently without a maintenance agreement with anyone for Vanderburgh Auditorium. Don Chambliss has been doing an excellent job in taking care of minor maintenance.

Mr. Jerry Riney interjected that this agreement is for the new air conditioner compressor on top of the building. This is a one (1) year maintenance contract that cost us nothing except for minor parts -- with J. L. Shekell, Inc. It was with Koch & Company, but Koch sold to Shekell -- so that is why it is getting in here late. The contract is in the amount of \$3,500.00 in installment payments for the service herein agreed to be performed. Each monthly payment shall be made by the 30th of each month in the sum of \$209.66.

Ms. McClintock asked what we will pay in addition to that?

Mr. Riney said the contract has been examined by both David Miller and Curt John and was re-written by David Miller. The contract runs from February 1st thru January 31st.

Another contract is forthcoming from Johnson Controls, Inc.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the contract with J. E. Shekell was approved and signed. So ordered.

RE: PUBLIC HEARING RE COUNTY ROADS

The meeting proceeded with Commissioner Willner saying the notice re Public Hearing on County Roads to be held at 5:30 p.m. on Tuesday, February 20th, in Room 307 appeared in today's paper. Purpose of said hearing is to give County residents an opportunity to voice their concerns regarding various County roads.

RE: SCHEDULED MEETINGS

Wed.	Feb. 7	2:30 p.m.	County Council Meeting (301)
Wed.	Feb. 7	6:00 p.m.	Area Plan Meeting (301)
Thurs.	Feb. 8	10:00 a.m.	EUTS Technical Committee (303)
Thurs.	Feb. 8	4:00 p.m.	EUTS Policy Committee (307)
Mon.	Feb. 12	1:00 p.m.	Executive Session (307)
		2:30 p.m.	Commission Meeting
Tues.	Feb. 20	5:30 p.m.	Public Hearing re County Roads (Room 307)

RE: CLAIMS

Happe & Sons, Inc.: Mr. Willner submitted a claim in the amount of \$10,410.00 for work completed on the Caranza Drive-Kebmell Drive Sewer Project. He said he presumes this is an agreement worked out with Attorney David Miller and Happe & Sons and Veach, Nicholson, Griggs Associates (the architect).

Mr. Curtis said he is not sure. He had set up a meeting for this coming Wednesday to sit down and discuss and iron out -- if this is an agreement, that may well be. But he wasn't aware that was coming up today.

Commissioner Willner said he wasn't either and this claim will be held until next week.

Richard Young/Circuit Court: Claim in the amount of \$92.00 for trip to Indianapolis (Reimbursement for mileage).

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the claim was approved for payment. So ordered.

Bowers, Harrison, Kent & Miller: Claim in the amount of \$4,457.54 for legal services was presented. Commissioner Willner entertained a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved, subject to approval of Commissioner Willner. So ordered.

RE: EMPLOYMENT CHANGES

Circuit Court (Appointments)

Patricia Walker	Nurse	\$21,000/Yr.	Eff: 1/1/90*
R. K. Dodd	Med. Director	\$21,600/Yr.	Eff: 1/1/90*
Richard Russell	Intern	\$5.00/Hr.	Eff: 1/29/90
Michael Peeler	ADS	\$23,912/Yr.	Eff: 1/1/90*
Roy Weightman	MTce. Supv.	\$530.00/BIAN	Eff: 1/1/90*
Betty Craig	Prob. Counc.	\$6,500/Yr.	Eff: 1/1/90*
Jerry Steckler	Disp. Tech.	\$20,076/Yr.	Eff: 1/1/90*

*Retroactive

Circuit Court (Releases)

Kelli Ulrich	Intern	\$4.00/Hr.	Eff: 1/5/90
Patricia Walker	Nurse	\$20,000/Yr.	Eff: 12/31/90
R. K. Dodd	Med. Dir.	\$15,600/Yr.	Eff: 12/31/89
Dirck H. Stahl	Intern	\$4.00/Hr.	Eff: 1/5/90

Keith Haas	Intern	\$4.00/Hr.	Eff: 1/5/90
Michael Peeler	ADS	\$22,713/Yr.	Eff: 12/31/89
Roy Weightman	Mtce. Supv.	\$422/BIAN	Eff: 12/31/89
Betty Craig	Prob. Counc.	\$19,120/Yr.	Eff: 12/31/89

Prosecutor IV-D Support (Releases)

Rita Jo Ford	Sec./Inv.	\$18,138/Yr.	Eff: 2/5/90
(Medical Leave w/Insurance - 4 to 6 weeks)			

Superior Court (Appointments)

Michael S. Long	PT Intern	\$5.00/Hr.	Eff: 1/29/90
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Knight Township Assessor (Appointments)

Deanna Kincaid	Deputy	\$5.00/Hr.	Eff: 2/5/90
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Center Township Assessor (Appointments)

Opal Hape	PTOD	\$40.00/Day	Eff: 2/5/90
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Burdette Park (Appointments)

Julie Mitchell	Rink Cash.	\$4.35/Hr.	Eff: 1/17/90
Angela Bosse	"	\$3.75/Hr.	Eff: 1/17/90
Darwin Rausch	Security	\$4.35/Hr.	Eff: 1/17/90

Burdette Park (Releases)

Julie Mitchell	Rink Cash.	\$4.00/Hr.	Eff: 1/17/90
Angela Bosse	"	\$3.50/Hr.	Eff: 1/17/90
Darwin Rausch	Security	\$35.00/Day	Eff: 1/17/90

Knight Township Assessor (Appointments)

Leon Collins	Deputy	\$5.00/Hr.	Eff: 1/30/89
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RE: TREATED TIMBER MATERIALS

County Engineer Greg Curtis reported that he checked with Purchasing. They had informed him around the first of the year that they had asked with regard to treated timber whether we wanted to re-advertise. He told them that, of course, we did. They said if we had a statement from the supplier that his price would remain in effect until the end of 1990, that because we had advertised the bids in June of 1990 that this would suffice -- as long as they were willing to hold at that price for the remainder of this year and if the Commissioners were agreeable to that. It is his understanding from Purchasing that the prices would still be in effect through the end of April, but the possibility exist that this structure might not come in prior to then and it would make things much easier if we got the timber products on the same annual bid calendar year basis as the other bids (pipe, Bituminous materials, etc.). Therefore, he needs the Commission's approval.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board approved re-accepting the subject bids. So ordered.

RE: MULTI-COUNTY AUTHORITY

Mr. Richard Lythgoe of 2305 Cherry Lane approached the podium and said he'd been reading in the media about the proposed new authority. He guesses his question to Attorney John is that it is a taxing authority, he presumes, and he wonders if it will be a toll road to pay off the taxes for the new road or whether this a Multi-County Taxing Authority will be composed of all the

counties between here and the Capital -- he'd like to know more about it before we jump in. Does the enabling act talk about the funding?

Attorney John responded, "Yes, it does; it discusses it thoroughly. Basically, whichever counties desire to join can join and the actual funding and distribution of those funds is discussed. The Authority comes up with their own formula insofar as distribution and it allow them to bond and raise funds in other manners allowable by other statutes. In other words, if we're now allowed to have a toll road, this Authority could initiate and fund and then charge for a toll road. But it is not limited to just highways -- it is for other improvements, as well."

Mr. Lythgoe said, "Of course, we've had a law that enabled Indiana and Illinois to fund the Lawrenceville Airport -- that's been on the books a long time. Is this an amendment to that or is this a new enabling act?"

Attorney John replied, "As far as I can tell it is a separate enabling legislation."

Mr. Lythgoe asked, "But you don't know yet whether we are going to be talking about a toll road or whether this will be funded by the County's -- does the enabling act tell us what the State might fund?"

Attorney John said, "No, it doesn't. But I can give you that information -- it is rather thorough in describing what this authority can and cannot do and it is rather broad."

Mr. Lythgoe said, "Oh, I would think so -- eminent domain and the whole bit."

Attorney John said, "Yes."

Commissioner Willner interjected, "Richard, you still have to go back to your respective County Councils for money."

Mr. Lythgoe said, "I didn't think you'd get that bridge to a road that is not here -- but you've got it. If we can take over the State's jurisdiction in front of USI, we could probably take over the State jurisdiction from here to Indianapolis and maybe Vanderburgh pay the whole thing. That is what I am worried about. If we're going to do it -- how are we going to fund it? We ought to be talking about that early -- not late."

Commissioner Willner said, "I think before you talk about funding you've got to know where it is going to go."

Mr. Lythgoe said, "No, you don't have to --no matter where it is going to go it is going to be paid for if we are going to build it. And if the enabling act gives us certain things I'd like to know."

Mr. Willner said, "It is an Interstate highway."

Mr. Lythgoe countered, "Well, we're building a bridge over a State highway connecting to a road that doesn't exist in front of a school that belongs to the State. You know, if it's Interstate, maybe we can take over the Feds jurisdiction. I'm worried about where we go with these kinds of projects and I would like that citation -- I'd appreciate it."

Commissioner Willner responded, "Let me just say that there are safeguards in there for that. Each individual county also has a safeguard."

Mr. Lythgoe said, "That's why I'm asking more about it -- because there is an Indiana toll road -- I've been on it many, many times when I was traveling -- and I'm not opposed to that -- everybody is going to pay for it. But I am a little disenchanted with projects that we fund on a State jurisdiction in front of a State school and those kinds of things. We're wearing the taxpayers thin."

Commissioner Willner thanked Mr. Lythgoe for his comments and entertained any further matters of business to come before the Board. There being none, President Willner declared the meeting recessed at 4:25 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Curt John, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Jess Roberts, Alexander Ambulance Service, Inc.
Sheriff Clarence Shepard
Mark Tuley, Burdette Park Manager
Betty Knight Smith, County Clerk
Jerry Riney, Supt./County Buildings
Richard Lythgoe
Others (Unidentified) News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 12, 1990

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MINUTES
COUNTY COMMISSIONERS MEETING
February 12, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, February 12, 1990 in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of minutes.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of February 5th were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: UNITED CONSULTING ENGINEERS & BERNARDIN LOCHMUELLER:
 Presentation on Union Township Project

Jeff Bislich(United Consulting Engineers)"I've got some plans I'm going to lay in front of Bob Willner. What we have on this project is two lanes, both of them 12 feet wide. It's going to have curving gutter at the beginning of the project. Basically, we will be constructing a concrete wall on levee to help minimize cut in the levee section. Basically, it's designed as a urban-collector with 40 mph design speed and the maximum grade on it is 9% which we are not near the 6%, so there's no problem there. It has a maximum super at .04 feet/feet max. in the supers. Thank you. The supers is the rate of curvature in the curves. That is what helps to keep a car on the road when it goes through the curve and does not get thrown off into the shoulders. Basically, the project is going to start down, just off Henderson road, about 260 feet and it will be crossing CSX Railroad with the four-span box culvert (box-beam bridge), go through a field (just along Carpenter Creek) and come up on top of the levee. It will run along the top of the levee and then break off into a curve and tie in to Broadway Avenue, just south of Broadway. That will be the stopping point of the project. Take a look at the plan in profiles, here. As I stated before, the project will start about 260 feet south of Old Henderson Road, will run up to the bridge. We will have a four-span box beam bridge across the CSX Railroad tracks and then we will go into the field and through the field it will go and will start to curve on into the levee. This is the top of the levee, right here. There will be access to the side-street road, so this will be open. There will be an access point here. As I stated before, it will be running on top of the levee. We have preliminary designed a concrete barrier wall which will minimize the cut on the levee to minimize any damage into the clay incasement so, it will help physically so the levee will not be really damaged or touched. As it comes off the levee, it will come down and tie into Broadway. That will be the end of construction. At that point it will terminate. Let's first go to the relocation of Old Henderson Road; Old Henderson Road will have to be relocated due to the high embankment fill that the bridge will cause us to push it out to get back down into grade. So we will be starting the relocation of Old Henderson Road about 1800 feet west and be coming along and going out into the field with it and bringing it around then tying back into Old Henderson Road. Basically, it's just a relocation of the road. Here are some detailed geometrics of the tie-in at Old Henderson Road and the new Tekoppel. Here are some details of the road on top of the levee and it will curb and guttered in the section close to the residential homes, which will minimize any right-of-way taking needed there at all. So, we will be controlling all the water on the surface."

Jeff Bislich (Continued)... "We will be coming off the levee at this point, to tie back in to Broadway and Tekoppel and then out project will stop right just south of Broadway. There are two relocations on the project with some right-of-way take in the fields. Here is the four-span bridge that will be crossing CSX Railroad. It will have the same typical cross section as the proposed road. Is there any questions?"

A woman in the audience (not identified) asked if they had gotten approval.

Mr. Bislich "We are meeting with the Levee Board on the 20th, unless dates have changed."

There was some questions asked by members of the audience but they were not near the microphone and cannot be heard.

Mr. Bislich: "That is still in the planning stages as to whether a detour or a temporary run-around will be placed."

A woman in the audience asked where the access onto the levee was coming from. (From what street?)

Mr. Bislich: "I believe the name was Koressel Avenue. That one will have an access onto the levee (the extension)."

The woman asked how the water will be drained away.

Mr. Bislich: "There will be inlets placed in the section where there is curbing, gutter and bearing wall. We will drain it on the eastside of the levee. Therefore, not bringing any water, during flood stages, over into the road. It will be retained. The elevation currently that we set on profile grade for the alignment and grade is all above the levee stage. So, the elevation of the levee is at it's lowest point on Tekoppel (our extension, we're not talking about the present Tekoppel). There will be no work on the present Tekoppel. Anything north of Broadway, there will be no work done there. The new alignment will be above the flood elevation of the levee. That was set high enough so the road would not flood. Any other design questions?"

The woman asked what the cost of the project was.

Mr. Bislich: "We are looking around \$4.2 million. That is also right-of-way costs and P.E. work. That is a preliminary cost. There have not been quantities run on the job yet."

Commissioner McClintock: "Why, when you are talking about it being skewed at a slight angle at Broadway. Can you explain?"

Mr. Bislich: "When you are coming off the levee, you have got to use curves to come off the levee, without doing alot of relocation of homes, we have to come off real sharp and therefore, we are not getting a smooth intersection geometrically and tie back in. It's basically minimizing relocations. We are trying to minimize that along the levee."

Commissioner Willner asked Mr. Bislich to explain why they followed the creek as you come off the Railroad.

Mr. Bislich: "The reason why we went that route, we did not want to sub-divide that parcel of land right there. We tried to keep as close as possible to the outskirts and the woods around there so that would not be sub-divided. Therefore, giving the partial owner access to farm that land still."

Commissioner Willner asked if there was anyone in the audience from the Haymaker's. There was no answer and Commissioner Willner stated that they were sending them a copy of the map.

Someone from the audience asked what the total road mileage was.

Mr. Bislich: "I believe, the length is 4,856."

Commissioner Willner asked County Engineer, Greg Curtis, if they needed to approve the preliminary plans at this time.

Greg Curtis: "We have an appointment at the Levee Board next Tuesday. They meet the 1st and 3rd Tuesday of each month. We have an appointment there to present this plan and I guess, as far as preliminary approval is what we really need on this plan so that what we are presenting to the Levee Board is within what the Commissioners would like to be done. One of the questions that was asked, that I would like to address; When we were originally talking about the different variations for the project into Union Township, we had a number of cost, all of which were based only upon construction cost. I reported at a meeting, between the time the discussion was made between Tekoppel and the time that the bonding happened, that due to some factors that we had not considered that we had raised the cost estimate for the Tekoppel project to 2.9 million for construction. In those numbers that we talked about where 2.7 was the cost for the Tekoppel option that was never included in that design right-of-way construction/engineering, utilities or any of those factors. None of those were considered at that time and that is why the cost has risen from the 2.9 that I had reported it at the last time the cost was discussed up to the 4.2 million. That is the figure that was used for the bonding estimate. In the 4.2 million, all of the costs were included."

Greg Curtis: "I would also like to state: We've also talked about phasing this project and I have had a number of discussions with United Consulting Engineers. Basically, we could go ahead and do the dirt work and possibly part of the road before the end of this year. However, we likely will, the bridge portion of that project will be running slightly behind that and wouldn't be ready until next spring and it will cost us approximately \$150,000 extra to break that into two contracts. I would recommend waiting until next spring. It won't delay the projects completion that much because until the bridge is there we can't open the project so, it would be my recommendation that we keep the project as one contract and procede in that manner and plan on a spring of 1991."

Commissioner McClintock: "What's the projected completion date from letting?"

G. Curtis: "We anticipate completing the project in one construction season, which would mean before the winter hit in 1991. Sometime in October, 1991 would be a projected completion."

Commissioner Willner asked if there were any further questions and there was no answer.

Commissioner McClintock made a motion to approve the preliminary plans for Union Township project pending the approval of the Levee Authority and was seconded by Commissioner Borries. So ordered.

Commissioner Willner stated they keep on the project and the Engineer should keep the Commissioners informed on the Levee Authority. He also stated that the Commissioners would be available for the Levee Authority meeting if necessary.

RE: ELECTION OFFICE/Betty Knight Smith- County Clerk

Betty Knight Smith: "Mr Chairman, this is my first election to run the Election Office and I would like to present my assistant Chief Deputy of Elections, Alberta Mattlock. Mrs. Yuncker is with me. She is my Head Bookkeeper. We have been trying to get some cost on some ballots. We've had a company to come in and give us a complete price on doing the whole ballot system and doing the whole elections, with the tabulators and everything. So, I'd like for my Bookkeeper to explain that to you. Part of the project is the ... We've usually had seven people back there doing, which takes several man hours; one person stamping this, one person putting this clamp on. The whole ballot layout and whatever this company will do the whole project. Sharon, would you like to explain from 1988, the cost there? We really don't have a whole lot of cost to go on because we got 28 new precincts from what we had in 1988 and the cost of printing has gone up considerably since that time. We feel, and this would probably be a good project for the Election Office."

Sharon Yuncker: "The cost that I have went back is 1988 that I have picked up. This is printing costs. This was also the costs of our tabulator cards. The ballot page printing all came to a total of \$25,480.00. There's also a program that is needed and has to be purchased through the ballot company. The company has now offered to run, put the ballot pages together, print them off of our information. We still have to furnish the information, of course, but they will put the entire ballot section together. They will do the crimping. They will do the mask. They will do the setting Mary Smith in the right precinct, and making all these things that is a basic set up on this. They will return it to us in these packets. So, all we have to do is then assemble these, drop them into our machines, which is a very small amount of work. This will save alot of man hours. Their cost for doing this for us is \$43,392.00. This figures out for 100,000 voters, and that's what we have registered in Vanderburgh County right now, .43¢ per voter.

Commissioner McClintock: "So, you are asking for \$18,000.00 increase? Is that what I'm hearing?"

S. Yuncker: "That is over your 1988 price. That is not including, in that increase, the cost I quoted first, any salary. That was just ballot cards and the printing. This is a very important election in that we have many changes. There will be like 21 different ballots going into this election. The figures I have that was 1986, which is an equal election to this year, the cost of printing those ballots was at least \$5,000.00. This came back from the company that had done our printing. In 1988, our ballots cards was only \$3,400.00 for having these printed. So, right there we are already going to cost more than the 1988 figures. The only thing I had to go on was to go back to 1988 and I did get a printout on 1988 figures. This is a much more expensive election to print because you have got so many more changes and you've got so many more offices running this time than you will have. The only thing I did get is the printout and then I did contact the one printer that I knew had printed for us and I did call him and ask him what he had charged us back in 1986 because I was interested to know how much it had increased. You are also going to need an increase in printing because cost have gone up and they are telling me about a 10% increase over-all printing. It was a total of \$163.33 per precinct. We are asking for \$235.00 per precinct, now. We are figuring that this is also the increase if because of 28 new precincts that you've got new equipment and you are going to have to have printing in those that we haven't had before. That's a great deal of your expense right there."

Commissioner McClintock: "How many people voted in 1988?"

S. Yuncker: "I don't have that figure with me."

Commissioner McClintock: "But, it wasn't near 100,000 voters, was it? Why do we print cards for every voter?"

S. Yuncker: "You have to have a card available for every registered voter in case somebody comes in and we get a big turnout."

Betty Knight Smith: "And for every precinct, you have a Committeeman election, you have to have a different ballot for every precinct. So, the printing cost is going to be alot more than you realize. The figures we've got is the only thing we've got. It is from the Auditor's Office because there was nothing left in our file cabinets to give us any information."

Commissioner Willner asked if they had enough money in their account, and the answer was negative.

S. Yuncker: "The account, when we went to Council, we had \$50,000.00 in for election supplies. It was cut to \$16,000.00. We can't even, at this point, buy the ballot cards for 1986. Not the ballots, not the printing, nothing. We can't even buy the cards that it takes to run the precincts."

Commissioner Willner asked for a figure that they would like to go before the County Council on and Ms. Yuncker stated they needed \$57,000.00.

S. Yuncker: "That will also include the rental of computer printout or read-outs to read election night. It will include two operators for the public test and for election night with a back-up computer on site. These would be new equipment & readers. Our readers are now about 15 years old, if my memory serves me correct. You are all aware that every election we have slow downs and there are problems with the readers. So, we do need to have some sort of a new program for the readers. The reader rent would be \$12,697.00 per election. That would give us the new printouts, the new readers... Here's your proposal."

Several people talking at once and cannot understand what is being said enough to type...

Commissioner Willner: "The first thing we have to do is go to Council."

Betty Knight Smith: "We were told to get the information and get it all together because of the circumstances of what it is. So, that's the reason we made our presentation. Dorothy Macgregor is here also concerning the Election Office."

Dorothy Macgregor: "This is on part of Betty's budget. We haven't had a raise in the meals for the people who work in the polls since 1984 and because it goes in her budget that I would suggest that we change those meals to \$5.00/per meal. I figured it out. She has appropriated \$13,750.00 for the primary election. She has that in her account. We would need \$5,570.00 more per election because it's hard enough to get good people to work inside the polls all day, say thirteen hours, without the proper diet. Right now, we are paying \$2.50 for breakfast, \$3.50 for lunch and supper. I would suggest that we raise that to \$5.00 per meal and that way we could get something decent. The cost of food has certainly risen since we had a raise in the price of food in 1984. She has some of it appropriated. I'd say she would need approximately \$12,000.00 more per year to do this."

Commissioner McClintock asked if there was enough in the account to cover the primary right now and Ms. Macgregor stated yes.

Betty Knight Smith: "I think what we figured when we figured the budget was \$70.00 per precinct and that's for 7 lunches, 7 breakfasts, and 7 dinners. It's hard to get anybody to prepare the food for \$10.00 a person for three meals."

D. Macgregor: "At five dollars per meal, it would be \$105.00 if we are going on 184 precincts, which comes to a total of \$19,320.00 per election."

Betty Knight Smith: "I think I've got \$27,500.00 in the budget, but that's for the whole year."

Commissioner Willner: "Will both of you be available when we go to Council? I want you to keep your figures readily available for that. I think we should talk to the Council about this."

Commissioner McClintock made a motion that the Commissioners go on Council call for account number 121-273(election supplies) in the amount totaling \$57,000.00 and was seconded by Commissioner Bories. So ordered.

Commissioner Willner stated that they would let them know when this would be before the Council.

Commissioner Borries made a motion to approve the increase the price for meals to \$5.00 for election workers and was seconded by Commissioner McClintock. So ordered. Commissioner Willner stated this was subject to available dollars.

Betty Knight Smith stated that the new voting machines have come in.

Commissioner Willner stated that they still needed to get the voting places but that this was not usually a big job. He also questioned, since we have a number of new precincts, who was going to be working on that. Betty Knight Smith stated that Doratheia Macgregor was working on that.

RE: UNITED CONSULTING ENGINEERS & BERNARDIN LOCHMUELLER:
Presentation on USI Project.

Mr. Bernardin : "The reason we are here today is to present some alternatives for a grade separated interchange at the entrance to University of Southern Indiana with State Route 62. As we were looking at it there were several configurations to try to pin down what would be the best route to take. We are presenting three viable alternatives to you today and will try to present the facts so that you can make an educated discussion on which way to go with this. At this point, we will need a discussion before we can move any further in the design. The first alternate is a basic diamond, which will be referred to as alternate 1B. On each one of these three maps the red indicates the traffic lanes with the new construction and the yellow lines indicate the preliminary right-of-way that will be required to construct these interchanges. The first alternate, 1B diamond, will enter into the USI campus at the existing entrance where it is located today. The entrance road would come over 62, there will be a bridge over 62, and it would proceed northerly and eventually tie-in to the new Eichoff/Koressel road. With this being constructed prior to Eichoff/Koressel, we would just tie it into Eichoff/Koressel Road and with some access roads and so forth that haven't been totally put together yet. The design speed would be 40 mph. There would be two north bound lanes, and two south bound lanes with a 16 foot median in between. The design speed on each ramp would be 40 mph with a 16 foot wide lane. For those who are coming on 62 from Evansville and wish to get into the University would proceed down this way and come up the northeast ramp and would turn left at an intersection and come over the bridge into the University. For those who are coming from the west, from Mt. Vernon, would come from the southwest ramp and turn right into the University. For those exiting the University and want to go east towards Evansville, would come up to this southeast ramp, turn right, proceed easterly and those who want to go west would come over the bridge, turn left and go down the northwest ramp towards Mt. Vernon."

Mr. Bernardin: (Continued): "We are presently planning to put in a traffic signal at the north ramp. That would be warranted, primarily because of the high number of left turn movements into the University. We are not planning to put in a signal at the south ramp junction. None of these alternates include illumination or lighting for the interchanges in the cost. The second interchange: to be considered is another diamond configuration which we refer to as east-diamond or alternate 1F. The main difference between this and the first alternate is that the entrance to the University is approximately 450 feet east of the existing entrance. So, instead of coming on the main boulevard, the entrance way would come in at the east end of the existing parking lot, which would not come down to grade until we are down in this area pretty far down south. You would be way up in the air as you come over 62. There will be a new bridge over 62 as the entrance road will go over the top and would precede north and tie in to the future Eichoff/Koressel Road. The design speed would be 40 mph. Each ramp would be 40 mph as well, and we would have the two lanes north bound and two lanes south bound and the 16 foot median. Traffic signal at the north ramp junction, none at the south. Most of the other features are the same as the first alternate that I showed you. The main difference is that we are coming in at the rear and this area just south of 62 is in quite a ravine and so we are going to be up in the air, twenty-five feet over 62 and then drops down. We have this access road that is pretty highly traveled inside USI, and we planned on using another small bridge to come over that instead of closing that off and rerouting it, which would be very expensive since we are on the side of an embankment here we decided that we could just bridge right over it with a second bridge and keep it open to the traffic. So, that's the primary difference between that and the first diamond. The third alternate; 3A, we refer to it as the northeast loop. The main difference geometrically between that and the simple diamond is that we've taken this northwest ramp, that turning movement, and placed it over in the northeast quadrant here. So, if someone was leaving the University and wanted to go westbound, they would come up over the bridge on 62, turn right and come around and be on 62. All the other movements would be the same. The design speed is 40 mph, 40 mph on all the ramps except for this loop, which would be 30 mph. It's about as tight as we can make it and still be drivable by today's standards. Again, there will be a signal at the north ramps junction and none at the south. You can see there is significant right-of-way impacts which we will get into in a moment. As we get into the right-of-way; the first diamond, 1B, I might point out that we have a old school house which is eligible for the National Historic Register. I'll talk about that in a minute. Basically, we will have more paperwork to fill out to get that cleared and it would take more time. So, the primary reason that we developed these two other alternatives it was to avoid this parcel with the school house to expedite the project. You will note that both these two other alternatives totally avoid the school house property. With the diamond interchange, we would be impacting 25 parcels, which seems like alot but when you look down along these ramps here, you will see that there is alot of small takes to get these ramps taken care of off the bottom of these lots. There will be four homes acquired, three relocations, we are not counting this school house as a relocation since it's not presently occupied. There will be 28.2 acres required. That includes this property to the south. Our right-of-way costs however, do not include the cost for this property which presently belongs to USI. They have indicated that they will donate that property. So, that's not included in the costs. The northeast loop would involve 21 parcels, which is fewer parcels because we don't have all these smaller takes however, we would be taking seven homes vs three relocations over here. It would require 32.7 acres."

Mr. Bernardin: (Continued) "The eastern diamond would require 20 parcels, two relocations and require 26.4 acres. This one has the minimum right-of-way impacts when you want to talk about the total number of acreage and the total number of homes with relocations involved. If you turn to page two in your booklet, I will take you through the cost that we developed for these alternatives. At the top of page two: the construction cost for the basic diamond 1B, for the roadway and ramps is 2.6 million dollars. The bridge over 62 is 1.2 million for a total construction cost of 3.9 million dollars. The right-of-way costs are estimated at 491,000.00 for the right-of-way and relocation cost, with right-of-way engineering, appraisal buying and management of all this, the total right-of-way cost would be \$584,000.00. The engineering along with the design fee, which we are involved in, would be \$717,000.00 for a total cost of alternate 1B of \$5,201,000.00. Alternate 3A, the northeast loop, on page 4, the roadway and ramps are \$2,923,000.00. The bridge is 1.2 million dollars for a construction cost of \$4,123,000.00. So, that is \$223,000.00 more than the basic diamond. The right-of-way costs are more because we have 4 more relocations involved. The total right-of-way cost for this option would be \$926,000.00. That is \$342,000.00 more than the basic diamond. Design and construction engineering services are \$739,000.00 for a total cost on this alternate of \$5,788,000.00. That is \$587,000.00 more than the basic diamond. On page 6 is the eastern diamond, where the roadway and ramps are \$5,093,000.00, which is quite a bit more than the others and the main reason being is that we are so high up in the air here as we come across revine, there is a tremendous amount of embankment and then we will have to put in retaining wall otherwise we would be way out here and totally destroyed half the parking lot. So, the only way to make this feasible to the University would be to put in some very expensive retaining walls. That's the bulk of your cost difference. Total construction cost of \$6,623,000.00. Actually, this is the least of the right-of-way impacts of \$446,000.00, and engineering \$976,000.00 for a total cost of \$8,045,000.00 for this which is \$2.84 million dollars more than your basic diamond. I will get into the time configuration here. There's a replication of these in your booklets, as well. On the basic diamond, in the blue you will see that we are in the design phase here, the grade review is where you would be as soon as an alternative is selected. We would submit that to the State for a geometric approval. The field check plans would follow soon after that by the 1st of July. The final plans would be finished by the end of the year. That's eleven (11) months. With this option, because of the school house involved, we would have 20 months involved with an environmental, a section 106 and EA and a 4F. Basically, you can just look at this red here and consider it red tape for what it's going to take to be able to get clearance on that property. Then, the right-of-way phase, 3 months for engineering, and the writing of a descriptions and title work and so forth, appraising 3 months, buying 6 months, relocation another 3 months, for a total of 15 months. Construction 20 months, that's two months for the letting and advertisement and 18 months for construction for a total of 4 years and 4 months. The construction should be completed by June of 1994. These other two interchanges, the 3A and the 1F are identical timewise. The design is similar, however, we would be able to begin the right-of-way portion, it would overlap in design, we would be able to begin by the first of July. Proceed into the right-of-way 15 months and 20 months for construction which would get that completed by June of 1993. That would be 3 years and 4 months and the same with the 1F alternate vs. basically one more year to get through the red tape on the basic diamond with the school house involved. To put it all in a nut shell: as we perceive it, there are three central elements to your decision here. One is your cost. Two is your right-of-way and three is your time. None of these three alternates will give you favorable on all three elements. Each one will give you two favorable elements and one bad element. Alternate 1B will cost you time. It's the lowest cost. It is the least right-of-way impacts but it's going to cost you an additional year."

Mr. Bernardin: (Continued) "Alternate 3A has the most right-of-way impacts. It cost \$587,000.00 more than the 1B, which may still be tolerable. The time would be good but the right-of-way is going to take 4 more homes. In alternative 1F is the most costly of the three. This is the most costly, the most right-of-way and the most time. I'm open for any questions at this time."

Mark Parker (USI Student Government) "My question is, have these plans been submitted to the Board of Trustees also for review Because of the safety factors that alternatives 1B and 3A involve in bringing the traffic right into the University Boulevard?"

Mr. Bernardin: "We have been working with Dr. Rice. He has reviewed the plans from time to time and is aware of all of these. He hasn't voiced any major opposition to any of the three."

Shirley James (Westside Improvement Assn.) "If the small school could be moved then would that completely eliminate the environmental study on that? You say it's going to cost 20 months for the environmental. I'm assuming that's because of the school, right? If the school were moved, cause there's a group that wants to preserve it, if it were moved then would your environmental time be eliminated?"

Mr. Bernardin: "Part of this is a question of jurisdiction. The Federal Highway feels that this is somewhat linked to the Eichoff/Koressel project. Although it's local funding, it is not a Federal project, they feel that somehow it is linked to the Eichoff/Koressel project and therefore if we do not follow all Federal guidelines in the development of this project that would jeopardize the funding of the Eichoff/Koressell Road Project. That's how they are linked together. With that in mind, they view it as such and that means we will have to follow all environmental, even if the property is acquired with private funding, it's not going to get us off the hook. As they perceive it and how things stand now. We have been trying to get a change in that perception but that's how they look at it."

S. James: "That would apply to all of the plans though wouldn't it? We want anyone of these plans to tie-in to Eichoff/Koressel. Wouldn't there be environmental studies necessary for all three? And aren't the environmental studies complete on Eichoff/Koressel?"

Mr. Bernardin: "The environmental studies are complete on Eichoff/Koressel, or at least they are passed the hearing phase. They call for just an at grade intersection here at 62, so this is a significantly different story or picture than what the environmental is talking about."

S. James: "I don't understand. Just the school is going to take 20 months?"

Mr. Bernardin: "That's correct. It's a little complicated but the Federal Highway could and possibly would perceive this as a means to circumvent their process. They would not look favorable on that. There have been projects in the past in the U.S. where people have tried to circumvent problems on Federal jobs by using local funds so, it's not a way to just get around it."

S. James: "How will this effect Middle Mt. Vernon Road? Middle Mt. Vernon Road is a major secondary road that is starting to become used much more now that Highway 62 is becoming so heavily trafficked. We are concerned; will this cut Middle Mount Vernon Road? If so, that would put traffic to the West Terrace School right out on the highway, would it not? We would be having a problem there and it would really cut off a major arterial unless you have some plans as to what will happen to Middle Mt. Vernon Road."

Mr. Bernardin: "Good question. We don't have all the details of the local access roads worked out yet. However, with these two plans, we would be able to keep Middle Mt. Vernon open to Eichoff and keep the movement of traffic there. The basic diamond would totally cover it which would sever Middle Mt. Vernon Road and we would have to cul-de-sac it. We can't see anyother feasible option. It would be extremely expensive. We would be talking about 3 more bridges to do that which would really up the cost."

Someone from the audience(not recognized) "On the east diamond, if you took out the bridge for the extra access road that the University has, and you were able to take part of the parking lot. Would that cut the cost on the overall engineering plan?"

Mr. Bernardin: "It'd cut out the bridge on the local access road and take the retaining walls out. Is that correct? There would be some reduction there, however, if we cut this off we would have to relocate this road. This is about a 40 foot embankment here which is going to be pretty rugged to bring that road back through here. So, the cost that you would have here would be somewhat offset by relocating this road down this way. Perhaps not totally, but we are also faced with a problem; if we come out here, how do we replace the parking? It is my understanding that the parking lot is almost fully utilized at most times. So, we would have some parking loss and there would be repair and drainage alterations and so forth. I can't say for a fact, but I don't think there would be a significant amount of cost savings to really make a big change there."

Man from audience: "So you would have to replace that access road?"

Mr. Bernardin: "I would think so. There's a tremendous amount of people that live over here that need to get over. We looked at bringing it through the parking lot and that's really not an acceptable situation for that amount of traffic."

Man from the audience: "I know that the University has an engineer looking at plans that would be in an area off to southwest of this picture."

Mr. Bernardin: "We're not aware of that at this time. The point is we are already up in the air regardless. It would be just as easy to leave it open and bridge across it as it would be to shut it off. We diffently will have the clearance."

Man from the audience: "Would you have to go over the road with the east diamond instead of possibly going under Highway 62?"

Mr. Bernardin: "We have considered an under pass and it is somewhat feasible. It would cost roughly a million dollars more than this alternative of the basic diamond. Are there any questions from the Commissioners?"

Commissioner McClintock: "Yes. Could you explain the Middle Mt. Vernon Road issue again. Real quickly."

Mr. Bernardin: "The basic diamond will totally sever Middle Mt. Vernon Road. There's really no way (practically) without installing more bridges here, here, and here, which jacks this ramps up and kicks the right-of-way way out and it's just not really a very practical solution for that road. Over here, on these two, it would be open to Eichoff. Now, Eichoff would T into the new access road here. So, that would have some access. If you wanted to get from here over to here, however you wouldn't be able to. The only way at this point in time, unless some other access road is constructed. These people would have to come out and go down to 62 and go down this way."

S. James: "I'd like to address to the Commissioners that right now alot of traffic going the entire distance from Evansville all the way through to Mt. Vernon are traveling Middle Mt. Vernon Road because of the excessively high rate of traffic on Highway 62."

Shirley James (continued): "That would cut that option completely off and we would have another traffic impediment. Mark, you had a suggestion on that."

Mark Parker: "Another question. If you are able to go with an underpass at the east diamond, could you possibly leave Middle Mt. Vernon connected with a bridge there over the underpass?"

Mr. Bernardin: "We are looking at about \$6.2 million. Another bridge \$6.5 million. Either way, if you come up or down, you are going to kick out here and knock out a home or two. I think you are looking at a \$7 million range to do that extra bit there."

Commissioner McClintock: "Mark, do you understand what our funding mechanism is?"

Mark Parker: "Yes, but I'd like to point out that the reason I'm bringing these up is that the Student Government Association is concerned with the amount of traffic that will miss the turn and come right into the University Boulevard. We have all our parking on one side of the road and all the students have to cross it to get into the other. What we are afraid of is that you'll move the problem from the entrance, as where it is now, into the University itself. Right inside it's doors of the Orr Center. With the plan the Commissioners have to connect this to 66 and eventually to 64, you are going to have a large amount of truck traffic coming down and using this we're afraid and it'll end up inside the University."

Commissioner McClintock: "Let me get this straight. You're not worried about the students coming in to the University, you're afraid that people are going to get confused using this diamond and other people are going to come to the University."

Mark Parker: "Correct. Because we are concerned with the safety of the students that have to cross this University Boulevard. Yes, the off ramps are before they would get into the area of the parking lot but, you are going to have a lot of traffic coming in there anyway. It's going to slow it down and cause problems where it's at; where they are planning for the designs except for the east diamond. That's why I was bringing up the questions of alternatives on that interchange. I don't mean to drag this out but, I'd just like to hear the alternatives because of safety factors. We have a very large increase of older students as well as handicapped coming in that are living in the Mash and Campus apartments that have to cross this road slowly and traffic coming off the extensions that you are planning will just keep it the same speed through the University and that's what we're afraid of."

Unidentified: "I don't know if this helps, but we're designing this overpass to be posted at 40 mph however, your sight distance will be at 50 mph which is a good distance for anyone coming down in this area. We want to slow them down anyway which we'll have the traffic signal which at times will slow them down. It will be posted at 40 mph. I think most people that are coming into University are going to know that they're trying to get into the University and therefore should be slowing down. I don't see that people would perceive it otherwise."

Mark Parker: "I might add that we will probably get the speed limit lowered." Part of what this man said could not be heard because he was not by the microphone.

Mr. Bernardin: "It should be geometrically safe for anyone whose trying to use the ramps or get into or out of the University."

Commissioner Willner: "Do you have any safeguards in your price?"

Mr. Bernardin: "You mean for a contingent in the construction costs? At this point, in doing a cost estimate, we take the major pay items. The paving, the dirt work obviously is the biggest item. The major things that we can get a handle on and then we...But we don't estimate all the smaller items. We threw in some money for major drainage; pipes, and so forth. Then we used a 20% contingency after the major items, so, we don't get into all the detailed work. We feel we've got it well in the ball park range by hitting the major items. Traditionally, we would use a contingency somewhere of that magnitude at this point in time. So, it could, potentially be less. This would be our best straight shot estimate at the cost at this point. We are not trying to hedge anything."

Commissioner Willner: "Okay, I think we need to do something with price. I guess I'm at a loss for words. First thing, with 1B I'm not really interested in building this portion with County funds. This is Eichoff/Koressel Road. We are going to have it within the Federal road system, and I think they should help pay for this. So therefore, I think from right here, all this right-of-way should be eliminated to right here and we should take this road here and bend it through and connect right here and stop the project right there. That's what I think we should do with this one. Then, come back and give us a price for that, and maybe we can afford. I don't think we can justify that kind of dollars. Then, I think we might be within the ball park. I think on this one too, that at least cut it down to here and make the connection between Eichoff/Koressel right here. Then, reprice this structure. The same thing over here. I think right here stop the project and leave that one open and then give us a dollar figure. I don't know whether that will still cut enough dollars out of it, but what you see.. I'm grasping for staws and I think when you get that priced the County Engineer and the Commissioners would look at the bridge structure that you've got. I don't know if we can get any there but we've got to look. The price is just out of our range as it now stands."

Commissioner Borries stated that it was his opinion, also.

Commissioner McClintock: "I agree. You know, on this last design, personally I don't like bringing in people into the back of the University."

Mr. Bernardin: "We had some discussion with Dr. Rice on that, because we were concerned as well. It was his opinion that was not a problem, as a matter of fact, they had some reason to desire to have the traffic on the other side of the parking lot because of students crossing that busy internal boulevard."

Commissioner Willner: "Mr. Bernardin, I don't know exactly what our elevations are here, but you know the problem with having a stop sign here. We're going to have it the same here, aren't we? We are going to have the same problem and we're not addressing that."

Mr. Bernardin: "There's about 15-20 foot elevation difference from here down to here. So, that makes quite a bit difference."

Commissioner Willner: "No, this road does go up and connect to the main thoroughfare. What's the problem with this one going up and stopping here?"

Mr. Bernardin: "We're too high."

Commissioner Willner: "Okay. I see nothing wrong with putting this road and continue to cross that traffic, here. It's going to on all three of the plans."

Mr. Bernardin: "At grade or with the bridge over it?"

Commissioner Willner: "That's one thing I don't need to get into because I don't know what the grade is. I think the Engineer and I have to get together, go through the alternatives and see if we can bring the cost down."

Mr. Bernardin: "We're really not recommending any alternative, at this point. As you can see, there's a wide disparity in all three elements: the cost, the right-of-way, and the time. It really is going to boil down to what's most important to the Commissioners in making a decision."

Commissioner McClintock: "Well, I think we would like to see you look at these three designs with a recommendation that Bob made as far as cutting of that access roadway and come back with three new estimates. We have to get in these two projects under \$10 million dollars. We know from presentation an hour ago that the other one is going to be approximately \$4.2 million. So, this one really cannot go in excess of 1/2 million dollars. If we can't get this one down to 1/2 million dollars, the third alternative, there's no reason to try to rework all that. Maybe we need to look at something ..."

Mr. Bernardin: "I really don't think we can get alternative 1F down to \$5 million dollars."

Commissioner McClintock: "I don't think you can either."

Mr. Bernardin: "For time purposes, we had gotten these all pulled together with the cost up to here. To keep it all apples and apples, we kept it that way. However, and I stand corrected, you are right, we would eliminate some of this. That would have to be worked out in the details. There is some cost savings there and I apologize, I forgot about that."

Greg Curtis: "Prior to this presentation, I looked over the designs and one of the things that we had come up with and decided that there wasn't sufficient time to work the estimates up for particularly on the first one that takes the school house. There wasn't sufficient time. You can cut the ramps considerably on that, or going north you can cut the amount of roadway. It was late enough in the game as far as getting ready for this presentation, that I told the consultants to go ahead and just present the plans apples for apples at this time simply because of the time constraints. I didn't want to put it off another week or two. As far as an underpass, it's my understanding, that we would also require some additional time due to the State review building two bridges on a major State route would to a degree require more review time as well as because the traffic would require greater construction time. I think that other than the old school house, the 1st plan and the cheapest plan is the best plan but with that old school house thrown in there, that causes some problems. At this time, they seem a little bit insurmountable as getting any waiver on it."

Commissioner Willner: "I think one question that probably needs to be answered now is; I understand these drawings have been drawn to State specifications, since we are crossing a State highway that may need to continue. Is there a slight possibility of this making some slight adjustments and the State approving them to do some cost saving measures since we are paying for it entirely with local funds?"

Mr. Bernardin: "I'll let Jim answer that. He's more...
He knows the designs standards a little better than I do."

Jim Gulick: "Whether it's State standards or any standard, there is certain parts of a design that have to fit together. Number 1 is that you have to design a road with the proper stopping distance. You have the proper curvature of the road, and those items. Be that as it may, this is as good of a shot that we can have at this point of where the ramps have to be. In order to come in to the State highway with the ramps, and they will have jurisdiction on the ramps terminals, that sets some of the ramps more than half the length of those ramps are covered in just the approach into the acceleration or deceleration from the State Highway. I don't see that there is really too much room for movement in that area. We went through a number of designs on here. You can see that 1F means that I've gone through 1A, 1B, 1C and 1D and 1E and F in different minor variations and change in geometrics. Had one here that I thought looked pretty good that I was working on. It looked real good on paper from here. The trouble was it was getting too close to the State Road 62 and was going to cut out a lane and a half out of 62 by the time I got into it. So, I knew I couldn't do that. So, you have vertical as well as the horizontal to look at in here. I really considered the alternative 1B gets you in the tightest in that you can be, is the best design and I really don't think that good sound engineering practice would dictate that we change those very much. We have curvature in there. We have to have the cars have the right... We have curvature that goes around the other way. Cars have to have adequate length in which to transition from curve into the left and curve into the right. So, I would think that in 1B there is not much more that could be done as to refine that to get that in tighter and save very much. As you alluded to, the biggest cost savings that we will have will be determined how much is being done by strickly local project and how much is being in the Koressel project. And where we can stub it off. That would be the biggest change that I can see."

Commissioner Willner: "I don't know whether he answered the question. Do we have to meet the State standards here. Yes or no."

Jim Gulick: "Yes, you would have to meet the State standards because you are involved with them. Whether or not there would be a waiver on clear zones because you are dealing with the State and not Federal Highway, we would have to check into that portion of it. It will not change the location where the ramps will be."

Commissioner Willner: "Okay, just for instance. You show right here, coming almost straight down and then having to turn. Why can't we turn this the other way? This way. It's higher up here and we're real low down here. Why don't we come off here and come off this way and join way up here and cut off."

Jim Gulick: "That's a good question. That's one that I had explored in one of the earlier alternatives. The problem that I found in that was that I didn't have an adequate distance to meet the end of that ramp coming in there and get the cars turned from left to right."

Commissioner Willner: "The distance is exactly the same the way it looks to me. The curvature is going to be the opposite way."

Mr. Bernardin: "Okay, I have looked at many alternative, Bob. I really have. We can look at all those different aspects. I do believe I've checked out those. I've checked various items. Gone through it. Checked the distances between the curves to see if there's adequate room between the curves to transition back and forth. I've found that some instances by getting that real tight in there, I did not have that adequate room in order to do what I needed to do. We've tried to tighten that down as much as we could."

Commissioner Willner: "Okay. I guess I need to ask the Commissioners then to delay judgement on this project for a period of time until we can go through it and see if there's some cost saving measures. Maybe we don't even need to consider plan F, I don't know. If you say that there is not enough cost savings there then maybe we need to eliminate that one now."

Mr. Bernardin: "I don't think you're going to get that one down in the range that you want to. This is 5.4 now, with the stubbing this off and what not; it's very possible it could be under 5 million dollars."

Commissioner Willner: "How much time did you say that you would need to do these things with the Commissioners input? A couple weeks?"

Mr. Bernardin: "To find out what the cost savings is here?"

Commissioner Willner: "Right. We want to look at the bridge."

Mr. Bernardin: "The bridge on which alternative? This again, I think ... I remember seeing Jim try some of these guys and there were some reasons it just couldn't be done. Or shouldn't be done, on angling this up here. We could get those cost pulled off in a couple of weeks, couldn't we, Jim?"

Commissioner McClintock: "Can I make a motion that we request our Engineers to make the changes as we've requested and bring that information back to our meeting in three weeks, with new cost estimates?"

Commissioner Willner: "Two weeks, if possible, and three weeks when you get done. Shirley, I'm sorry. Go ahead. Shirley, lets not talk about 1F. It's too much and we're not going to consider it."

Shirley James: "Right, but I know that I'm harping on something, perhaps, but we have had so many people coming to us and say they no longer use 62. The other night I had to wait through two stop lights and it wasn't even during a time when the University was coming out, in order to get through the Red Bank Road stop light. As far as I could see ahead, and as far as I could see behind, in both lanes was bumper to bumper traffic. The headlights you could see clear down the road. Now, already residents in this area are looking to the side roads and I know that I am harping on Middle Mt. Vernon Road as being a major secondary through road all the way to Mt. Vernon. Even though it's ... Is there someway you could look to the State to maybe help keeping Middle Mt. Vernon Road open. I understood too, from some people (I haven't checked) that there's some law about putting the school buses out onto State Highways. I'm not familiar with that and I don't know anything about it but some people approached us who were opposing the Eichoff-Koressel thoroughfare and asked about that. It was their understanding that it was and they were frightened that West Terrace school is going to be adversely effected. Is there anyway Federal monies or State monies or something that we could look at to keep that thoroughfare open for good long range planning?"

Commissioner Willner: "We just asked the Consultant to do just exactly that on both these plans."

Shirley James: "To keep Middle Mt. Vernon opened?"

Commissioner Willner: "Yes, ma'am."

Shirley James: "Well, I didn't understand that. I thought you were just talking about cutting down to this. I didn't understand it."

Commissioner Willner: "Then, you have to hook Eichhoff-Koressell to that. So, you'll need a frontage road."

Shirley James: "And, that would be Middle Mt. Vernon Road?"

Commissioner Willner stated that was correct.

Commissioner Willner: "Is there anybody else? (Hearing none.) Thank you for coming. We'll get back to you. Thank you Mr. Bernardin. I can't say I liked everything you said but probably everything you said is true. So, we'll work it and see if we can't help that situation."

RE: AREA PLAN COMMISSIONER/Barbara Cunningham
Revision to Flood Insurance Rate Maps, also
Request to Travel

Beverly Behme: "I'm here for Mrs. Cunningham who has the flu. I mean she really does. She can't even speak. I think you have a copy of her request to the Annual Planning Conference, April 21st through 25th in Denver. She is a member of the Indiana Planning Association and that ties into the National Conference."

Commissioner McClintock made a motion to approve the travel request and was seconded by Commissioner Willner. So ordered.

Commissioner Willner asked if they had the maps for the Commissioners.

Joseph Ballard: "I do not have those, yet. That's what this is about. You received that letter on January 23rd regarding the revision of the Flood Insurance Rate Maps and the significance of that is, well, it's been going on for years. Area Plan requested that Federal Emergency Management Agency in 1987 revise these flood plain maps to take into account the drainage improvements in the North 41 Industrial area that were done by the County Surveyor's office and the Big Creek Drainage Association. The significance of that is that it could improve the possibility for industrial development in that area and that alot of this area was in the flood plain. If land is in the flood plain you have to build two feet above it, which on industrial property might be several acres. Quite an expense so, basically now, three years later, we've received from the Federal Emergency Management Agency that they are going to revise those two maps. They will do that in 30 days after we send them some additional information which we have ready to go now. We should have those, they say in 30 days."

Commissioner Willner: "They are not asking for our approval of those?"

J. Ballard: "No, that's correct. They are just notifying us that they are going to do it. We'll be sending them some stuff this week. I guess with my letter, you'll have to sign it since they sent it to you so, I will be contacting you later."

RE: COUNTY ASSESSOR/Jim Angermeier
Request to Travel

Commissioner Borries: "I will do it. I do so reluctantly. I have Ms. Lannert, I need some answers regarding this Manatron situation. They are requesting a per diem of \$25 plus mileage only for one person and no overnight travel. I in no way want to be obligated to Manatron. I will move that the request be granted and that I will be asking for further information as to their capabilities here to provide answers as we encounter further problems with this reassessment."

Commissioner McClintock: "So, we are talking about \$25.00 plus mileage just to get up there?"

Commissioner Borries: "Right."

Commissioner McClintock seconded the motion by Commissioner Borries. So ordered.

RE: BURDETTE PARK/Mark Tuley-Admission fees for Burdette
Park Aquatic Center

Mark Tuley: "Mr. President, Commissioners, good afternoon. I'll kinda make this short and sweet, if I can. Last week, the Commissioners and I took under advisement two different proposals from us in regards to the admission fees for the Aquatic Center at Burdette Park. Today, I would still recommend that we accept the structured fee and that would be the recommendation of \$2.50 for general admission and again, we recommend \$3.50 for the water slide users. Now, obviously that is up to you to ... You can adjust that, change that if you so desire."

Commissioner McClintock: "What did we charge last year?"

Mark Tuley: "\$1.75 for general admission and \$3.25 for the slides. So, there was a \$5.00 combined fee and this year it would be \$6.00 but in lieu of \$400,000.00 of improvements going in there, I think it's a fair charge."

Commissioner Willner: "I don't think that's too great a charge and since it is a dual fee, I think that everybody that had contacted me had wanted a dual structure because not all people want to use the slide. And, I understand that and I agree with it. I think that's the way to go myself. Mr. Borries."

Commissioner Borries: "Yes, I do to. I know that none of us like change but we are moving forward here in a pro-active situation trying to make improvements which ultimately do not come about at all through tax money. That's why you have to charge admission and that's why you have to charge admissions to the water slide. When you think that we are going to have at least two more water slides available to the public for their discretion with a quarter increase there. That doesn't seem to be excessive to me. The \$2.50 does raise (the charge for the pool) however, there again, we have some children attractions that are going to be in place there which are not always charged to those slide persons there as well. So, there will be added features in regarding children and I think that fee would not be excessive to continue in improvements there, too. So, I would concur with those."

Commissioner Willner: "Well, we got alot of press and I appreciate that. We are cognizant as to what the people out there want and evidently that's what they want."

Mark Tuley: "From the phone calls and letters that we received, obviously the people that took the time to contact us, they wanted the structured fee. In talking to Carolyn, she'd had a few calls in regard to the same thing and obviously you all had the same calls. You know, one of the things I studied in your proposal and the thing going with the structured fee vs. going to the one fee, where everybody paid the same thing going in, was we have to go with a controlled system for the water slides now which is the wrist bands, which roughly cost us about \$4,000.00. Also, you have to have several employees to put those wrist bands on. So, that raises our cost \$10,000.00. so, that difference in what we had in water slides users last year;(at 20,000 people using the slides) we'll recoup that \$10,000.00 by staying at \$3.50 vs. \$3.00."

Commissioner McClintock: "I'll tell you my primary concern. I wanted the structured fee as did several people that I talked to. I really originally said something a little bit lower than that but I'm willing to go with that. What my primary concern: are those families that live on the westside that use that pool as their neighborhood pool. That's where they live and it's just like if they lived around, you know on Maryland, and wanted to use Helfrich pool, and because Mom and Dad both work or whatever, they can't travel across town to another pool. So, I'm willing to go with this structured fee but, something that I would like for us to look at (not for the water slide but just for family swimming) is selling a very limited number of family passes. And, if we could get some kind of recommendation on that. Then, if they want to use the water slide or rent or whatever, they would have to pay an addition to that. That would, in my mind, take care of some of those families who have got a bunch of kids that do use that 3 or 4 times a week and we don't want to eliminate that opportunity from them and yet on the other hand we need to generate enough revenue to pay for some of those new improvements."

Mark Tuley: "I'll get with our consultants and get back with you at a later date on that."

Commissioner McClintock stated that unlimited numbers are bad, she knows.

Mark Tuley: "Right. One of the things that he did tell me already and it's something for you to think about, he didn't talk about the family package but he did talk about the possibility of adding a individual pass. He recommended a fee of \$30 for children and \$40 adults. And there again, they were in limited numbers and those were to be sold only up to opening day. Those are something for you to take under advisement and give some thought to."

Commissioner McClintock asked if the customers could use their VISA or Mastercard.

Mark Tuley: "That we don't have but we could try to work it out."

Commissioner McClintock stated that they could fix that and that it was easy to get.

Shirley James: "First, we want to congratulate Mark on the fine job he's done for Burdette Park. It's been a fine job, but we have had some people calling us and they want to know what's going to happen to the poor people. The underprivileged, all who pay taxes and those children won't have the opportunity to use those facilities because they simply can't afford it. We were wondering if the Commissioners would consider (I hadn't talked to Carolyn, but it was on the same line) some special day or something because poor children and impoverished children also need the stimulation of water slides and they don't like to be completely neglected or left out of things. If you could consider something for those people who are really poor and don't have many other advantages. We have very few things open strickly to them without users fees, now and some of them simply have no other form of recreation."

Commissioner McClintock: "One of the things that we had talked about, Shirley, when we were out at the park looking at these improvements, and I don't know if you are aware that the City runs playgrounds in the near City for the kind of kids you are talking about. Alot of whom their parents both work or are out of the house and they are left alone during the day and we had talked about setting up a system (since we have a bus) where we would go, the County, and work it out with the City we would take a playground a week out to Burdette for the whole day, take their Counselors so they would watch them. They could use the slide and the golf and all that kind of thing and really have a mini vacation because I think that's one of the big selling points for putting those improvements out there. Those people that cannot afford to go out of town anywhere, you know Burdette Park is a great opportunity. So, we are least going to try a pilot this summer."

Mark Tuley: "Yes, we are. As a matter of fact, I'm meeting with Jim Hedden this week to try to get started on that. We also, for Mrs. James knowledge, and I'm sure you are aware of it, on Mondays and Tuesdays for the last two or three years, we've ran a program with Hardees in town which allows a discounted fee. I think, last year it was \$1.50 off our regular price. On every Monday and Tuesday throughout the whole summer. With the Commissioner's permission, we'll continue to do that this summer. It's advertised."

Commissioner McClintock made a motion that the Commissioners set the 1990 fees for Burdette Park pool or Aquatic Center at \$2.50 admission and \$3.50 for the water slides and was seconded by Commissioner Borries. So. ordered.

Commissioner Willner: "Mark, we did have an Executive Session and we did speak about the golf course at Burdette Park. We do have a individual who wants to purchase the golf course from the individual who now owns it. We are in the process of going through the agreement that we had with the 1st owner and coming up with what we expect of the new owner in the way of meeting it's requirements that the first owner should have met and that is going forward."

Mark Tuley: "Also, I have a proposal for you today, just to look at. Obviously, we don't even want to discuss them today since I know it's the first time you have seen it. It's in regards to our day camp for 1990. It's another program that the hospital would like for us to look at in addition to our other day camp, which is a two week period. Whenever you're ready to discuss it, I'll be glad to come back. Obviously, they need to know something right away, within the next two weeks if the Commissioners could act on it that quick."

Commissioner Borries: "Let me ask if, and again I'm not prepared to do anything with it today, but are there any significant changes as to what kind of agreement or what agreement you had last year?"

Mark Tuley: "Well, that agreement is basically the same. This one is because they would like to run a special two week camp for the physical challenged kids. This is additonal to our regular program. This would be just for a two week period in June and it would be between 40 and 60 kids. They tell you about the medical staff that they are going to equip it with and I think that once you read through it, it's been well thought out and it looks like a very good program. In the past few years, those kids have been going up to Camp Carson and so the hospital would like to move it out to our facility. They were so impressed with things last year."

RE: SHERIFF'S DEPARTMENT- Transient Merchant Ordinance
Indentification

Sheriff Shepard: "On this County Ordinance reference, the Transient Merchants; we're having a little problem with the way it was written. I must have had my Mr. Rogers mode on when Loretta was talking to Chief Deputy about all that. We have a problem with taking the pictures and the identification cards. I'd be willing to buy Loretta a polaroid camera and put that in her office if she will handle all that I.D. stuff. I don't think you want me to, nor do I care to jeopardize the security of the jail. The only camera that we have capable of doing something like this is up in the jail and it's mounted in the delouse room where we take the pictures of the prisoners that come in. I don't think it would be proper to bring outside people into the jail, take them all the way through the second floor, back to the delouse room, take their pictures and print I.D. cards there. I'd like to give it to Loretta and the Commissioners and work something out on this as to who issues the I.D. cards. Being that she is the one who is going to enforce it, I think that I'll buy her a camera and put it over in her office then once they sign up with Sam then they can go right over the office and get their I.D. card. She'll know who they are that way and what they are doing and the length of time in town."

Commissioner Willner: "Good enough. We'll work on that, Sheriff."

RE: WEST SUMMIT ESTATES-Jerry Nord

Greg Curtis "First off, Mr. Nord had requested waiver of sidewalks in West Summit Estates."

Commissioner Borries: "Is there a bridge in there? (Negative answer) I was going to say, you are going to lose me right off the bat. I think Mr. Nord, didn't you have ... This is not the same sub-division where there's a bridge that you had constructed over a road and had a road on top of that, a damm?"

Greg Curtis: "This is what we're talking about today. It's prior to that. It stops before we get to that. The damm is right here. We terminated-the end of the construction terminates right here, before we get onto the damm."

Commissioner Borries asked what he meant by the end of construction.

Greg Curtis: "This is the phase of construction. We gave him construction approval on phase one because of the concerns the Commissioners had about the damm. There may be construction over the damm, but at this time there is no approval for that to be constructed in accordance with County standards."

Commissioner Borries: "I for one, under no circumstances, want jurisdiction for any road constructed over a damm. I'm sorry, just can't do it."

Greg Curtis: "On to what we're on today. First matter would be the sidewalks. This is a very rural setting. They had a sight expection two weeks ago."

Commissioner Borries asked how large the lots were in the sub-division.

Unidentified man: "Most of them are an acre to an acre and a half."

Commissioner Borries: "And, is this more than a mile outside the City?"

"It's on the other side of USI. So, it's more than a mile, I guess."

Commissioner Borries made a motion to waive the sidewalks and was seconded by Commissioner Willner. So ordered.

RE: COUNTY HIGHWAY ENGINEER - Greg Curtis

Greg Curtis: "I corrected the road acceptance form. You should have it in front of you. We have 2125 feet of road in construction that was given construction approval for West Summit Drive. 640 feet of construction approval given for Wilderness Court, which is the end and has a cul-de-sac. We had some very minor problems that were found during the sight inspection. Mr. Nord has agreed to remedy those problems, most of them are extremely minor. There's some erosion behind the curb lines and so forth, that until you get grass growing on it it's going to continue to keep reoccurring but he, in trying to sell his lots will be much easier to sell his lots if he keeps that repaired. Most of the things are as much in his interest as they are in ours. I would recommend that we receive those roads and those lengths of those roads into the County road system and accept them for maintenance."

Commissioner Borries: "Will you show me, please, where this would go then?"

Greg Curtis: "Wilderness Court will extend from County Line Road to right here. 2125 feet."

Commissioner Borries: "Is there construction past this?"

Greg Curtis: "There may be but it is not in accordance at this time with any approval by this Board."

Commissioner Borries: "Well, what I want to know is: Is there a portion of the road actually constructed here at this time?"

Greg Curtis: "Not yet. That may happen in the future but that has not been given approval by this Board."

Commissioner Borries: "That's why I want to make it real clear that subject to the acceptance, and I want to make it real clear to Mr. Nord that should his plans go forth with what we had talked about earlier, that he ain't got me with you."

Jerry Nord: "Well, I'd like to present my case and my information."

Commissioner Borries: "You will be given the opportunity to do that. That may predicate whether or not I want to approve these things, at this point, because I can't (liability wise) see anyway that I could... I just can't support that now. You may want to wait until Commissioner McClintock gets back. I'd be willing to, I think I could do something in this area but if... see what we get into is if I say okay we'll approve it for Summit then you say we've already approved it this far why can't we go the other part? If it goes beyond this and goes over a lake, I just can't do that."

Greg Curtis: "After a very lengthy discussion at our meeting, last May 1st, we decided as a Board to give construction approval because of the dam and the location of the dam to give construction approval to that point because we wished not to accept nor to indicate that we might accept any portion of the road on the dam that was constructed by Mr. Nord. My comments would be that we gave them construction approval and they constructed the length that we gave them construction approval upon, knowing that was why we terminated it at that point and knowing that the length was what we had approved, if we had approved a shorter length, Mr. Nord would have constructed a shorter street. The reason I have brought this here is because we have given it construction approval. I know the concerns that all three of the Commissioners...(out of tape, changed tapes) approval for the remainder of it. Our acceptance to that point, I think one thing that we might want to require at a later date is that if that road is extended that we put a sign up at that point that says that is the end of County maintenance. I think that there are a number of locations in this County where things have been done similar to this that people are not aware that County maintenance has ended."

Commissioner Borries: "Their not and that's my concern, here. I don't have any problem with the road. As you say, you've said that it's accepted. I understand that. I think that I've made myself clear that that acceptance in no way implies that I would be willing to accept anything else. That's where I want to make it perfectly clear to any prospective homeowner that he/she would be, then at this point should that plan go forward as it had been expressed earlier, that they would have to sustain it at the owners expense or perhaps, some of the other Commissioners might wish to approve it. That's always the other option. But, I have some... I don't know of any other situation quite like that, any place in the County where we would have accepted that. It definitely would be breaking new ground and it would be more than I would be willing to accept."

Commissioner Willner: "I think I agree with that. I was the first one that objected to building a road upon a dam. But, I have no problem with accepting it to that point. Let me say one other thing. When the first home is built beyond that point, we would like a sign up there saying "End of County Maintenance"."

Greg Curtis: "I might also state, and I don't think that this is the developer's plan, and in standing here is when the thought crossed my mind. I think that if, and I don't think this will be the case, but if the developer chooses not to extend that road, I would like to see a cul-de-sac placed at the end of that rather than the dead end termination that we have now. My understanding is that regardless, one way or another, he is going to go ahead and extend the road. Therefore, I didn't put that into the stipulations but I possibly should have in case something would happen and that would be terminated."

Commissioner Willner: "Is there not a move to construct the road below the damm? We have lots of intances in the County where that has happened."

Jerry Nord: "Well, let me just have each of you view that particular site and what we're talking about."

Commissioner Willner: "We have and we still feel that way. It's a beautiful damm and I don't think we'll ever have any problems with it but I have been around a few of them and they are problems. Always. A muskrat can move over and he can tunnel 50 feet in 2 hours, I believe."

Jerry Nord: "We have provisions which was part of this review process when I began construction of this. That we have association; we have monthly meetings, those are all spelled out in the restrictions that are supposed to be or will be recorded with this sub-division, stating a yearly professional inspection on it. We have looked at it. We have discussed, which again we're sort of spilling into the next part of it which is the ultimate construction of the road across that but about the maintenance of the spillway, the section of the road, the damms, everything is leading up to that part of it. So, I mean I addressed everything that was pointed out in this particular review."

Commissioner Willner: "But, you do have an option of building your road below the damm. That's my point."

J. Nord: "I don't know."

Commissioner Willner: "That's an option. Whether you pursue it or not. That's your problem."

Commissioner Borries: "I think, as a developer because we've run into a situation, in another area, where there was even a plan development of rezoning streets accepted and everything and people came back because this particular person wanted to change the zoning and so forth like that. So, what happens in a development like this is, one thing always kind of leads to another. And so, assuming we accept this street and say it's fine right here and you can say well, and you've already implied that you are just going to go right on ahead. So, I wanted to let you know right up front that you didn't have me with you in relation to going over the damm, because I really picked up on Bob's thing. I have been out there. I have seen what you done and he's exactly right. You just never know, but the tremendous amounts of liability and problems that we would have in maintenance in the future. Maybe not five years, maybe not ten, but when something happens to it, you're talking about alot of money. More so that we might be able to do in one single project. I just am unwilling to make that committment, but again, you have three members, and so the other two may. I would want you to know that I'm clearly against. I think you also owe it to anybody who would purchase property. I think it's very important to a prospective homeowner to realize that he/she then are going to have some maintenance across that. I hope, and ask your cooperation in that area."

Commissioner Willner: "Not only the points you brought up, if something should happen to that damm, there's x number of property owners that don't have any way out. And, they're going to be saying, "County, what are you going to do?". We are going to have to tell them that we are going to get the helicopter out, because there's a hole in the road and we can't get an automobile across it. What are you going to do?"

Mr. Nord: "I guess the design criteria and of course, Bill Nichols is more familiar with that, I guess at this point we'll just approach it at the point."

Commissioner Borries made a motion that the acceptance of the street at phasement known as West Summit Drive in the amount of 2,125 feet be approved and also Wilderness Court in the amount of 640 feet be approved and accepted for County maintenance. The motion was seconded by Commissioner Willner. So ordered

Commissioner Willner: "Along with that I did have a call from a contractor who was interested in paving County Line Road. Did you receive a call? (Positive answer) I probably would be favorable to that one, too."

Commissioner Willner continued "I had a call from a contractor who would like County Line Road paved. Which is Posey County's responsibility. He said he had person/persons who would pay for the hot mix out of their pocket if Vanderburgh County would use their machine and their labor to put it down. I told him I would probably agree to that."

Commissioner Borries: "I talked to Mr. Nord earlier. I'm not in favor. I know we've gotten criticism for any Vanderburgh County personnel doing work in another County. If our attorneys tell us that it might be possible to do that, I'd agree to do that."

Mr. Nord: "I had heard that the County had put that section of the road on their paving schedule for this year. That's not a true statement?"

Commissioner Willner: "No."

RE: DATA PROCESSING - Art Gann:

Art Gann: "I come before you today to request that the County Commissioners consider signing the agreement that was proposed based on the computer usage for 1989. My understanding was that sometime in August of 1989 Councilman Elliott felt that the County was paying an undue share of the cost of the City/County data processing services and requested that they run that formula and they did and, in fact, there was some disparity between what we were paying and what the usage was. At that time it was brought to my attention from Controller Blenner that we should adjust that and we discussed that we felt that it was such a critical period, while we were negotiating all those particular hardware purchases and software contracts, to try to make any adjustment to the percentage at that time would have been detrimental to the entire project. So, the City postponed any action on this particular request until such time as all those contracts were signed at those percentages. Then, it was brought before the Data Board about three to four weeks ago and a request was made that those percentages be put in place and passed the Data Board at which time I asked Mr. Winternheimer to draw up this agreement so we would be in compliance with the contract we have with S.E.T. Corporation, as far as adjusting these percentages. I presented those to the Commissioner's office for their review and I met with Mr. Willner about it and he indicated that some questions or concerns that he would like to address first. I was then contacted saying that the meeting had taken place and that I should re-submit and that is what I am doing now. I would be glad to answer any questions the Commissioners might have concerning this agreement that I have before you."

Commissioner Borries: "Did SET or was it Pulse that did the formula at this time?"

Art Gann: "Pulse. It is the exact same formula. I have a copy of their letter that was mailed to Mr. Elliott or Sam Humphrey. I'm not sure. They usually send out a copy to the City and a copy to the County whenever they envoke that formula giving out percentages."

Commissioner Borries: "And, that normally has been a standard thing. I guess that's what we are questioning. I was familiar with this procedure, so I cant' tell. They have not given any reason as to why the County's portion went up other than increased usage thru the Courts because that is always the main area of usage from what we can determine from the County."

Art Gann: "Right. I think that's a fair assumption. The County had more area for growth and the County had more large substantial users: Child Support, Garnishment, Superior Courts and the word-processing area over in the Courts Building are your primary users groups. Those have been increasing over the period of time while several of the other places in the City. The City is expanded as far as it can go. This will even hold true when we go to the new system. If you reflect on those departments and areas that are adding additional applications, you'll find that most of those like the Sheriff's Department, going through records systems and new jail application. We are adding six additional courts in the Courts Building. The same criteria will be followed through as we go to the new system. We have in contractual agreement that this will be performed in an annual basis from now on in April prior to budget time for the City so that we can go on regular basis and review this. In the past it was pretty well done on a request basis. It's just one of those things that the percentages have fluctuated over the years and as the County has paid as much as 83% and as low as 57% over the time frame that we have been doing this. I don't see that getting much better for the County if you look ahead as to what your applications are. The County just has alot of data, primarily because of the Court systems."

Commissioner Willner: "When the County adds something, should not the approval of this Body be given? (Positive answer.) Do you think that has happened?"

Art Gann: "Well, I think, in this case, I don't know that's not the case. I can't say that it is or isn't. (I can't address past issues) I think that these are percentages and in the new process that the County Commissioners did, in fact, do that. Now, in the past, if the County added new applications, the departments that were funding the applications would have had to get their funding and approval through the Commissioners. Now, I can address that."

Commissioner Willner: "But, that's not true. It's not been done that way. It hasn't been done in this instance and it has never been done that way."

Art Gann: "Well, it is being done currently. (Commissioner Willner disagreed) Well, all the additonal applications that we have talked about that the County will be funding are all applications on the new system. But, the systems that you have now, each and every one of those requests are funded through County governments. Now, whether they can be funded through the Council's office and then to a department's budget without review. I can't address that."

Commissioner Willner: "How am I going to get this extra money, now?"

Commissioner Willner: "I'm going to have to go back to the Council, aren't I? Because that money has not been budgeted."

Art Gann stated that he did not know and that he knew that when the budget was prepared for 1990, the person who requested this was also aware of the percentage figures. Whether that was put into his budget request, he cannot address.

Commissioner Willner commented that he did check and they do not have funding, now. All he can do now is to sign the agreement and then go on Council. He stated that there has got to be some control over this and it cannot just run hobshod, like it has been doing.

Art Gann stated that the new system is different and over the last year the Data Board has been more sensitive and they have been coming before the Commissioners with contracts and sending contracts to attorneys and making sure everything was alright before the Commissioners saw the contracts and making sure it was funded. The old system, Honeywell system, all the applications and modifications that are going on there are funded through the County Government. Now, whether or not that funding or each individual expenditure by each individual county office, they are funded through the County budgets because they are being paid for. He can't speak for those because it was before his time.

Commissioner Willner asked what the money amount was that Mr. Gann was talking about.

Art Gann stated that the only effect that this will have would be on the S.E.T. contract. The amount will be paid and he cannot tell the Commissioner the exact amount involved. He said he thinks it's about 7% or 8% more than they are paying currently.

Commissioner Willner stated that he did need a figure to go before the Council.

Art Gann commented that it will apply to the maintenance agreements that we have, in this case the Honeywell for 1990, and it will also apply to the facilities management agreement. Any software or hardware application that we currently purchased are either in the percentages that we have agreed to 66/34 or they are 50/50 or 100%, depending on which department is buying it. The routine maintenance and operation cost is what these percentages apply to.

Commissioner Willner stated that he needed that figure before the 15th of February and a motion to go on Council call.

Commissioner Borries made a motion that the Commissioners be placed on Council call for a figure to be determined by the County Auditor or Mr. Art Gann regarding the increased funds for the Data Processing Agreement and was seconded by Commissioner Willner. So ordered.

RE: JOHNSON CONTROL CONTRACT/To be signed:

The contract was approved by Mr. David Miller and Johnson Control Company. However, the contract was still in Mr. Miller's office and could not be signed at this date. Commissioner Borries made a motion that the contract be approved and was seconded by Commissioner Willner. So ordered.

RE: ORDINANCE-COUNTY CORRECTION/Final Hearing:

Commissioner Willner stated the Ordinance is for the establishment and funding of the County Corrections Fund. Commissioner Borries made a motion that the Ordinance be signed and was seconded by Commissioner Willner. So ordered.

RE: COUNTY ATTORNEY/Cedris Hustace:

Mr. Hustace stated that he had nothing to go before the Commissioners.

RE: COUNTY HIGHWAY SUPERINTENDENT/Cletus Muensterman:

Cletus Muensterman stated that he has a problem on St. Joseph Avenue, from Indiana HI-Rail to what they call north to Ashbury Drive, on the westside of the road. He said they've got culverts in there people had put in there themselves. Some of them are high elevation or low elevation and they can't get them to drain. He's asking for permission for the County Engineer, Greg Curtis, to dig those culverts up and replace them and have the people buy culverts to put in, somehow. We've got to get that water off the road because someone is going to get killed out there.

Commissioner Borries stated that the County has always had an agreement where the people buy the culverts and the County will install them. He asked if the problem was on County right-of-way and Mr. Muensterman stated that is was.

Cletus Muensterman said the next thing is East Boonville-New Harmony Road in Daylight. He said he had talked to the Sheriff and they are currently patrolling it and he is out there patching the road now, but they have been getting these big tractor trailer trucks and there is no outlet for them coming over to 57. They come off of Boonville-New Harmony Road and come through that short spot because the new one isn't built yet. He's hoping that they can get in there and pave it.

Commissioner Willner stated that this will be eliminated but he thinks they should get all the culverts and ditches cleaned out and get ready to pave that road immediately.

Cletus Muensterman commented that he has talked to the Sheriff and said that there is an orange pick-up going around out through the north-west asking people if they want their drive-ways rocked or paved and that they will do them for so much money. Now, he states it's not any of the County's people. He said the Sheriff is aware of this and that all of his pick-ups have the sign on the door.

RE: COUNTY HIGHWAY ENGINEER/Greg Curtis:

Mr. Curtis asked for permission to go on Council call for the Local Road and Street Fund in the amount of \$17,038.05 for the road study. They had a blue claim that his office thought was paid but was not, so therefore, the money was not encumbered for it and they need to ask for additional appropriation to cover the claim. Commissioner Borries made a motion to approve the above claim and was seconded by Commissioner Willner. So ordered.

Mr. Curtis has a change order on the Caranza Sewer Project. He's sure both the Commissioners are aware that there were some items in counting, there was much more rock excavation that was encountered in the first portion of this project, which made a need for more rock cradle and re-fill. He also has a change which basically is a change in the drop assembly in manholes to standard manholes so there is an increase and a corresponding decrease and due to the way the project is going to be done, they have a decrease in the sodding. The total increase is \$6,116.38. The total decrease (there might even be more decrease in the sodding but we just showed enough to cover the increase) is \$6,117.79, which reduces the total contract amount by \$1.41.

Commissioner Borries made a motion to approve the above mentioned change order and was seconded by Commissioner Willner. So ordered.

Greg Curtis next submitted a claim from Happe & Sons for what the change order approved as well as the entire rock cradle and refill item, in the amount of \$4904.41. Mr. Curtis made a recommend the claim be allowed. Commissioner Borries made a motion to allow the claim and was seconded by Commissioner Willner. So ordered.

Mr. Curtis submitted a claim from Rogers Group Inc. for their paving on the last paving contract, which includes the controversial Schenk Road and Pinehurst Road paving and basically the total of the claim is \$173,767.79. He contacted a couple of contractors who do this type of work, or repair work that would be needed to bring those roads up to condition that is needed to make sure that we held an adequate retainage for making sure that work gets done when the weather gets warm. It needs to be very warm, not just warm enough to pave, but it needs to be very warm to correct those problems and it was slightly under \$10,000.00 so, therefore, he added onto their claim a deduct/retainage for Schenk and Pinehurst Roads of \$10,000.00 which brings the claim up to \$163,767.79. He recommends that the claim be paid. Commissioner Borries made a motion to accept the claim and was seconded by Commissioner Willner. So ordered.

Mr. Curtis stated the next claim is from Veach, Nicholson, Griggs in the amount of \$893.00 for Orchard Road Bridge #158 over the highrail railroad. He recommends that this claim be allowed. Commissioner Borries made a motion to allow the claim and was seconded by Commissioner Willner. So ordered.

Mr. Curtis submitted another claim which was from United Consulting Engineers for design of the Columbia-Delaware Expressway Bridge #1-C rehabilitation project in the amount of \$8,850.00. He recommended that the above be allowed. Commissioner Borries made a motion to allow the claim and was seconded by Commissioner Willner. So ordered.

Mr. Curtis next submitted a claim for Bridge #4 Franklin Street, United Consulting Engineers, \$5,400.00 and recommended the claim be allowed. Commissioner Borries made a motion to allow the claim and was seconded by Commissioner Willner. So ordered.

Mr. Curtis submitted a claim for Union Township Access Project, \$56,840.00, United Consulting Engineers and recommended the claim be allowed. Commissioner Borries made a motion to allow the claim and was seconded by Commissioner Willner. So ordered.

Mr. Curtis submitted a claim for Green River Road in the amount of \$11,404.00, United Consulting Engineers and recommended the claim be allowed. Commissioner Borries made a motion to allow the claim and was seconded by Commissioner Willner. So ordered.

At this time, Commissioner Borries asked Mr. Curtis if he had any further information on Green River Road, North. Mr. Curtis stated they are proceeding with the right-of-way portion and they have requested design approval and are waiting on Federal Highway and Department of Transportation approval. He is still anticipating starting the first phase of that project this year. He also said they are pushing the right-of-way portion because that is going to be the determining factor and in a couple of months he will be able to give the Commissioners a good idea of how that is proceeding.

NEW BUSINESS:

RE: FACILITIES MANAGEMENT/Approval:

Commissioner Willner submitted a warrant for Command Data Systems that Margie inadvertantly stamped, so if he can get approval on this. It's for Facilities Management, \$24,080.00 for the new computer system. Commissioner Willner stated that he thought the Commissioners had already approved this but to be sure they wanted to get it on the record as doing so at this time. Commissione Borries made a motion to allow the claim and was seconded by Commissioner Willner. So ordered.

RE: COUNTY CLERK/MONTHLY REPORT:

Commissioner Willner submitted a monthly report from the Clerk of the Circuit Court to be received and filed.

RE: MEETINGS SCHEDULED:

Tuesday, February 20th - Public Hearing on County Roads - 5:30pm Room 307

RE: HOLIDAY CLOSING:

All County offices will be closed on Monday, February 19th in observance of President's Day.
The next County Commissioners meeting will be held on Tuesday, February 20th, at 6:30 p.m. following the Public Hearing.

RE: CLAIMS:

There were no claims to submit.

RE: EMPLOYMENT CHANGES:

Appointments - Pigeon Township Assessor

115-199	Kathaleen L. Pajak	Part-time	\$5.00/hr.	2/6/90
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Appointments - Center Assessor

111-119.004	Cynthia A. Harnishfeger	Part-time	\$5/hr	2/6/90
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Releases - Cumulative Bridge Fund

203-116	Michael W. Glover	Laborer	\$9.01/hr	12/28/89
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There being no further business before the Board, the meeting was adjourned.


PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice-President
Cedric Hustace, representing the County Attorney
Sam Humphrey, County Auditor
Cletus Muensterman, County Highway Superintendent
Greg Curtis, County Engineer
Betty Knight Smith, County Clerk
Sharon Yuncker, County Clerk office
Beverly Behme, Area Plan (representing Barbara Cunningham)
Mark Tuley, Burdette Park Manager
Sheriff Clarence Shepard
Art Gann, Data Processing
Bernardin-Lochmueller/Tom Bernardin, Jim Gulick & Jeff Bislich
Jerry Nord, West Summitt Estates Owner
News Media

Stephen Helfrich - USI
Mark Parker - USI Student Government
Gail Cummings - Union Township Betterment Assoc.
Shirley James - Westside Improvement Assoc.
Michael Moade
Jerry Riney
Margie Meeks
Others (unidentified)

MINUTES RECORDED BY: Karen S. Hadfield


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
PUBLIC HEARING RE: COUNTY ROADS
FEBRUARY 20, 1990

The Board of Commissioners of Vanderburgh County, Indiana held a Public Hearing on Tuesday, February 20, 1990 at 5:30 p.m. in Room 307 of the Civic Center Complex, for the purpose of giving County residents an opportunity to voice their concerns regarding the various County roads.

The meeting was chaired by Robert L. Willner, President of the Board of Commissioners.

President Willner explained that this was a road hearing with input from county citizens and asked that if they cared to speak, they should come before the microphone. He explained that the meeting is being taped and they cannot be heard if they do not come to the microphone.

President Willner stated that the Commissioners had a list of paving requests which the county has received via mail and telephone to date. This list consists of thirty-nine (39) roads. They would also like to have a public forum this evening to give everybody a chance to discuss their roads and their needs.

The Chair then entertained interested persons to come forward, and give their name and address for the record.

Mick Greubel of 8425 Kneer Road, the northwest section. Mr. Greubel said, "The road is approximately 1/2 mile long. It is terrible. It has been a rock road since day one. We have kept our kids out of school before because of the mud. You can't send them to school and have wet feet all day. I have some pictures of it if you would care to see them. (Mr. Greubel presented pictures.) Those pictures pretty well run the entire length of the lane and some of them are after it was freshly graded. There is still water and mud in the road after it was graded and rocked, so I really believe that it is in desperate need of blacktop. Thank you."

Mr. Willner stated that Kneer Road is number three (3) on the list. It is a short section off of Mohr Road that goes due north, by the radio station towers.

Mr. Greubel continued, "One thing I forgot, it has been approved for Evansville city water to run parallel with the road and the culverts are bad on it. I noticed that somebody came out and marked them and I was wondering if that could be coordinated, and possibly get the city water in before the road is black topped. We have went all of these years with mud and water and a few more months of getting the water in before it is black topped, I think would be wisdom."

Mr. Willner responded, "Not only consider it, I think the County Highway has already been working on it. They are in touch with the Evansville Board of Works and the Waterworks and I even believe they have a timetable. So, they will not black top it until all of that is done."

Mr. Greubel said, "Also, with the culverts, because there is one that hasn't been a culvert for several years, but I have lived back that lane all of my life and it is completely buried by a yard that has been filled in where there was a ditch. If we could get that taken care of, it would eliminate a lot of maintenance upkeep on the road."

Mr. Willner asked Mr. Muensterman if that was a thirty (30) foot wide right-of-way.

Mr. Muensterman responded affirmatively.

The Chair asked if there was anyone else present from Kneer Road and if they wanted to add or subtract anything from this.

Some gentleman stated that he thought it had been pretty well covered.

Mr. Willner countered that there were eight (8) persons present in regard to this road, and asked how many residences were on that road.

An unidentified lady responded that there were thirteen (13) with approximately thirty-five (35) licensed drivers.

Jesse Storey of 2203 Eric Court. Mr. Storey asked the Commission for repair of 11th Avenue, north of Allens Lane into Eric Courts. Mr. Storey stated that somebody from the County Garage has been out and assessed that road. It is a concrete road and there are several places where it is starting to cave in and a lot of large cracks coming out.

Mr. Willner asked how many blocks long is that.

Mr. Storey responded that from Allen's Lane from where it runs into Eric Court is about three (3) blocks.

Eric Court is eighth (8th) on the list.

Mr. Willner asked if there were others there to speak on Eric Court.

Bill Harty ...Mr. Harty said, "I am here this evening on behalf of the Westside Improvement Association. Our Board meets annually and we try to submit a list of roads for repair, resurfacing and re-drainage. The following is a recommendation from the Transportation Committee of the Westside Improvement Association and the Board of Directors. 'For streets to be repaired, repaved and some drainage improvements. The intersection of Hogue and Vanness needs to be opened up. It is very hard to turn west. The ditch on the south side needs to be cleaned from Vanness to the railroad tracks. Peerless is another road that has large bad spots and these need to be repaired or the road resurfaced from State Road 62 North. The intersection of Eichele Road and Peerless Road needs to be opened up and Eichele needs to be widened. Red Bank has many problems over its length -- two 90 degree turns and a bad intersection between State Road 62 and Upper Mt. Vernon Road. With the increase in traffic, the entire length of Red Bank needs to be widened and repaved. Mill Road needs to be repaved from State Road 65 and St. Joseph Avenue. New Harmony Road (Old 460) has a lot of holes and needs to be repaired or it could stand repaving. County Line Road, North of State Road 62 needs to be repaired or repaved. Kedzie, Walcott, Gayne and Cort Street needs to have drainage problems corrected and each street repaved to the full length and width. Upper Mt. Vernon Road needs to have the ditches cleaned in the area West of George Koch & Sons plant. Water runs across the road after a hard rain. Rosenberger Avenue needs to be improved in many ways and the following are some suggestions. The road floods and needs to be elevated on the lower end near Hogue road. it needs to be widened and/or a right turn lane added at Hogue Road to speed traffic flow into town."

Mr. Harty continued, "The reason that a lot of these roads are submitted, due to the increased traffic from the shopping center out there. The volume of traffic has gone up considerably. We would be very appreciative too if you would go and look at these suggestions and see what you can do about them. For this, we

thank you for your considerations of these roads and drainage problems and as a resident in one of the areas out there, on the back of this are supporting petitions which were taken in a short time. These are asking you to do something about Vanness Avenue. Vanness runs between Hogue and Upper Mt. Vernon Road. Due to the problems on Red Bank, a lot of these people use Vanness Avenue to travel from Western Terrace to the new shopping center. There is also increased truck traffic that the road cannot handle and if you cannot see your way clear to doing something to this road, we would ask you to kindly consider restricting the truck traffic. Going down to the streets that were mentioned; these streets were repaved two (2) years ago, but, I am sad to say, they are narrow, they do not have the drainage problems corrected, and they are falling apart already."

Mr. Harty presented picture of Cort Street.

Mr. Harty then continued, "As the document says, 'we would like to have the streets, Kedzie, Wolcott, Gayne, put in good condition, resurfaced the full length and width.' We ask no more than anybody else. I believe, Mr. Willner, that you said last year that you had your street repaved and if it is done once in twenty (20) years, that you would like to have it done right. That's what we would like to have done. There are several drainage problems and each street has its own. They are too numerous to list and we would ask that you kindly go out there and take a look at them. Thank you."

Mr. Willner stated, "We will look at each one of their suggestions and analyze and if possible, we will take action. Many county roads are narrow and that we don't have enough right-of-way to really get a super two-lane and I don't think that we have enough dollars to widen all of our county roads, so we will probably have to live with a lot of it, but we will....."

Mr. Harty interrupted, "I understand this. One more thing. May I add that all of the streets that I have mentioned have fifty (50) foot right-of-ways and the right-of-way is there and I can see in some places they don't have but twenty (20) feet, but all of these streets that we have submitted here have a fifty (50) foot right-of-way and it is there and we do not ask that it be done to the full width, we are just asking that it be done to the width that it is now and to the complete end."

Mr. Willner stated that with regard to County Line Road north of State Road 62 (and that is really not our jurisdiction) "I will later, at this meeting, read you a letter from our attorney as to the availability of paving County Line Road." He stated that he might as well do that right now.

Mr. Willner said, "We asked David Miller, our County Attorney, to see if we might join forces with Posey County in doing a County Line Road, West. I see there are some people here who are interested in that, so I am going to read it now."

Mr. Willner read the following letter into the record:

February 14, 1990

Mr. Robert L. Willner, President
and Members of the Board of
Commissioners of the County of
Vanderburgh, Indiana

Re: Posey County - County Line Road
Our File # 1202.001

Dear Commissioners:

At the Commission meeting on February 12, 1990, Cletus Muensterman, County highway Superintendent, requested permission to enter into a cooperative effort with Posey County, Indiana, relating to the paving of the county line road between that county and Vanderburgh County. Posey County had requested Vanderburgh County's assistance in the form of using Vanderburgh County Highway Department personnel and equipment in connection with such improvement.

As highly desirable as such a cooperative effort may be, it is not legally permitted with respect to the county line road. The word "road" excludes any bridge more than 20 feet in length crossing the road and covered by I.C. 8-20-1-35 (Burns 1989 Supp.), discussed below. (1973 Op. Att'y. Gen. No. 29).

Before May 5, 1989, executives of two or more counties could establish, lay out, widen, change, construct or improve any highway or part of highway along the boundary line between the counties. I.C. 8-17-1-20--8-17-1-34.1. On May 5, 1989, those sections of the Code were repealed.

The only remaining section of the Code, relating to county line roads, is I.C. 8-17-1-45 (Burns 1989 Supp.). That section provides that each county is responsible for the construction, reconstruction, maintenance and operation of the roads making up "its southern and eastern boundaries." Therefore, the maintenance of the road in question, along the eastern boundary of Posey County, is solely the responsibility of that county.

If, however, any bridge more than 20 feet in length crosses the road, Vanderburgh County may aid in the erection, repair or purchase of the bridge under the procedure in I.C. 8-20-1-35, referred to, above (copy attached).

Sincerely yours,
BOWERS, HARRISON, KENT & MILLER
/s/ Cedric Hustace

Mr. Willner said, "This is the only thing that I can go on now and I will be checking to see if there are any other counties in the state that are having similar problems and if they are addressing them, but, as of right now, we are not empowered to do that."

Ray Schmitt, resident of County Line Road.

Mr. Schmitt said, "I live on County Line Road and I guess that is my bad luck. It seems like if you happen to be on county line road, one county that could do it and would do it, is not allowed to do it and the other counties cannot afford to do it. I understood at one time before the boundaries were changed, back and forth between Posey and Vanderburgh County, when Vanderburgh County was in charge of doing this portion of the road, they were ready to pave it at that time and in the meantime, the State Legislature changed ends and Posey County was taking care of that end of the road instead of Vanderburgh and I knew that Posey County had more problems trying to get funds than Vanderburgh did. I do have a request for doing Vanderburgh County that is along Posey and Vanderburgh County Line Road. The county line makes a jog right passed our house. I have a diagram here that shows that. There is a portion that Vanderburgh County forgot to pave. This is actually all Vanderburgh County portion. I would like to request that that portion that is Vanderburgh County's be black topped the first time in my life. This is 1990 and we have never had a black top road on County Line Road and I know there are some roads that are being black topped for the second or third time and I would like to get that done. There is a short portion of Posey County Line Road to the south of that and it will be inconvenient for them, but maybe

along the line somewhere we can try to get that done too, through some cooperative effort or Posey County might do that 6/10 of a mile. Thank you."

David Tieken of 6716 Laura Lane. Mr. Tieken requested the resurfacing of Schmitt Lane, which is the main lead-in to Laura Lane off of St. Wendell Road. That particular street, since the sub-division has been built, has not had any resurfacing done to it and the road is crumbling up pretty bad and there is quite a number of pot holes. The County does come out and take care of those from time to time, but that particular street is in desperate need of resurfacing, as well as the side ditches, that are a continuous problem out there and the water coming off the hill is undermining the paved side ditches that are falling in. The county has spent a little bit of money going out there at least last year and trying to fix that, but it does need major re-work on it; otherwise, the whole thing is going to cave in, especially where it ties in down at St. Wendel Road. I have lived on Laura Lane twelve (12) years and the road was paved about fifteen (15) years ago and there has been nothing done to it and it is starting to severely crack and if we don't do something out there, it is a very thin surface, when it was built by the developer, and if we don't do something now to try to put another layer of surface over the top of it, we will lose the very base and the essence of which it was built upon and structured. There are a couple of places where the water is ponding. Anytime you pond water in a side ditch, it really works on the surface by giving it a spring area and it gets soft and you get major cracking. I would like to request that Schmitt Lane, as well as Laura Lane be put into your plans for resurfacing if at all possible. There are approximately twenty-five (25) homes that are serviced by those two (2) streets in there and the length for both Schmitt Lane and Laura Lane would be about 1/4 to 3/8 of a mile in there."

Mr. Willner stated that they would certainly put that on their list.

Roger Steinkuhl of Darmstadt Town Board.

Mr. Steinkuhl said, "I have sort of a road problem. It is not a chuck hole or that sort of thing, but I would like to point out the problem, explain our solution to it, and ask your cooperation in helping us make this solution work. As you know, the 4-H Center is located in the bounds of the Town of Darmstadt and there have been an increasing number of groups, organizations that are having 'Walk-a-Thons', 'Road Runs', and this sort of thing. Because the roads do not have sidewalks, they are very narrow, and their solution for safety, is to stop traffic until the walkers or runners go from one point to another along the road, the points being the 4-H Center to the Intersection of Boonville-New Harmony and Darmstadt Road. This is about 1 1/2 miles or so. We are running into a problem in that citizens are becoming very irate when they can't get to their houses because they have to wait for someone to walk from the 4-H Center to the Boonville-New Harmony Road. What we have decided that we need to do -- the Town of Darmstadt is to require a parade permit for anyone having any walk-a-thons that involve the roads in Darmstadt. I understand that the County doesn't particularly have a procedure for this because maybe they haven't been faced with it. The City of Evansville does have and we have patterned a parade permit requirement similar to the City of Evansville's, and we would like to ask your cooperation if you have any suggestions, I will give you a copy of our suggested permit and if you have suggestions that will help us make this work, we would like to hear them. I think the bottom line is that we cannot have traffic stopped indefinitely while someone walks that distance. On highway construction and this sort of thing, they can radio from one side to another and let it go one way for a while and then the other way. That is why I wanted to get your help."

Mr. Willner said, "We certainly will work with you Roger. I think that we, as County Commissioners, never did give them permission to use the roads in Darmstadt as their route. All of our decisions to let them use Vanderburgh County roads was prefaced with that they did not impede traffic. That was always our intent and I think maybe some of the Civil Defense policemen carried their authority a little bit too far. One time they would not let me get to my place of business (or didn't want me to). Our Sheriffs were never doing that sort of thing. It was always a Civil Defense policeman. We will work with you in whatever way that we can."

Mr. Steinkuhl said, "I think at this point the problem has been that no one has ever told them they shouldn't do that and that is basically what we are saying."

Mr. Willner responded, "We have told them ten times at least. We will work with you."

Ms. McClintock asked, "Is this something that we should have Curt look at?"

Attorney John stated that he was not sure that the county had anything like a parade permit or ordinance regulating parades, but he will look at the ordinance. He asked that in the event that they don't, would the Board you like for him to draft a proposed ordinance?

Ms. McClintock responded affirmatively.

The Chair entertained further comments from anyone in regards to Vanderburgh County Roads.

There was no response.

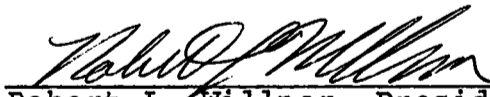
President Willner thanked everyone for coming down and participating in our spring road information. Most of the roads mentioned here tonight are on the list of roads to do and if anyone wants a list, they may have his. There are thirty-nine (39) roads on the list and they will add Laura and Schmitt Lane and Elna Kay.

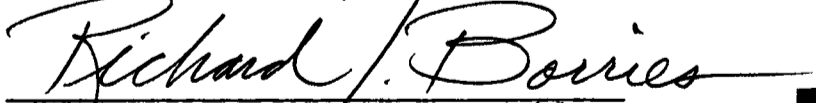
The meeting was recessed at 6:20 p.m.

SECRETARY: Joanne Matthews

Transcribed by: Bettye Miles

(Proofed and corrected by Joanne Matthews)


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSION MEETING
FEBRUARY 20, 1990

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MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 20, 1990

The Vanderburgh County Board of Commissioners met in session at 6:30 p.m. on Tuesday, February 20, 1990 in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

The meeting was called to order by Commissioner Willner, who subsequently entertained a motion concerning approval of the minutes of meeting held on January 22, 1990.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS - REPLACEMENT OF
BRIDGE #35 ON OUTER DARMSTADT ROAD

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, County Attorney Curt John was authorized to open the bids received on the subject project. Mr. Willner noted that five bids were received. So ordered.

RE: AUTHORIZATION TO OPEN BIDS - WATER SLIDES AT BURDETTE PARK

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, County Attorney Curt John was authorized to open the bids received on the subject project. It was noted that two bids were received. So ordered.

RE: REQUEST FOR ACCEPTANCE OF STREETS - BROOKSHIRE ESTATES

The meeting proceeded with President Willner recognizing Attorney Les Shively, who was present on behalf of the Brookshire Estates Neighborhood Association.

Mr. Shively said the issue they bring the Board this evening is simply this, it involves the status of the streets within the Brookshire Estates subdivision as to whether those particular thoroughfares were accepted by the County prior to that area being annexed by the City of Evansville. A review of the APC records and correspondence between the developer and the APC in this matter would indicate the following.

First of all, the law has been for some time that until roads and other related infrastructure improvements in a subdivision have been completed to the County specifications (if it is in the County) or to City specifications (if it is in the City) the Area Plan Commission, which has exclusive jurisdiction over approval of subdivisions, requires that a bond, letter of credit, or some escrow arrangement be made that holds those monies necessary to complete those roads up to code if the developer would default, etc. That is to prevent the governmental entity from having to go in there and finish those streets.

As late as this afternoon he checked with Mr. Joe Ballard, who handles this particular area for the Plan Commission. The procedure in releasing letters of credit and bonds is that those are not released until the governmental entity where those properties are located has accepted those roads and streets for maintenance. The Plan Commission office shows that there are no

monies being held or letters of credit on file -- and they all have been released with regard to all of Brookshire Subdivision, which would indicate that at some point in time they received notification from the County that those roads had been accepted for maintenance.

A review of the records also shows that the last stage of Brookshire to be developed is Brookshire V and part of Brookshire IV. There are letters on file from Barabara Cunningham directed to the institution that issued the letters of credit regarding the improvements on those particular subdivisions that those roads had been accepted by the County and those escrows or letters of credit could, in fact, be released. Once again, this indicates that the earlier parts of Brookshire Subdivision have been accepted as well.

"What we are asking the County to do -- and feel it is necessary for the County to consult these same records of the Plan Commission as well as its own records -- assuming the records would confirm the acceptance of these roads for maintenance by the County -- we would ask that the County make this review and in some formal manner place the City on notice that these roads were, in fact, accepted for maintenance prior to annexation. What this will do for those folks out there is this. The City has taken the position that they don't believe the roads have been accepted and therefore they have no intention of maintaining those roads at any point in time -- until the residents take the initiative to do what needs to be done. Now they haven't come up with a punch list or specifics as to what they are referring to needs to be done. It is our position, quite frankly, that at the time inspection was requested by the developer those roads were up to code and that was all that was necessary at that time and they have been accepted for maintenance. We would ask that the County assist these folks in reiterating that fact in some form, manner, or by letter from the Commissioners to the City -- so that the City would then take another look at their position where they, in fact, have refused to repair and maintain the streets they saw fit to annex two of three years ago. That is basically our request in a nutshell and I will be more than happy to answer any questions you have."

Commissioner Willner entertained questions of the Commissioners.

Commissioner Borries commented, "Les, there are several other checks to be made which would have to be researched. One is we do have a Master List of Roads and that list ought to contain -- can you tell me what those streets are?"

Mr. Shively said the President of the Brookshire Neighborhood Association is here and probably a list of those roads in question.

Ms. Maria Nix of 7849 Brookridge Court cited the following:

- 1) Cedar Ridge has not been accepted
- 2) Washington Avenue has not been accepted (7800 block down to possibly 7400 -- maybe a bit higher or lower)
- 3) Salem Court has not been accepted
- 4) Part of new Kirkwood has not been accepted -- the old part of Kirkwood has been accepted

Mr. Borries asked if Mr. Shively has done any research in this area?

Mr. Shively said he has, but he has not had an opportunity to check the County Commission minutes.

Mr. Borries said the minutes can be checked. Has Mr. Shively checked any road listings with regard to prior County acceptances?

Mr. Shively said he has not checked any road listings. He basically checked with the developer (Mr. Roy Foster). The same developer did all of Brookshire Subdivision as well as the adjacent Lakeside Terrace Subdivision. The correspondence from the APC and the developer, as well as the APC records regarding status of letters of credit and completion of streets, roads, and storm sewers, etc.

Mr. Borries asked if Roy Foster is the developer for the entire area?

Mr. Shively said the APC records would indicate that is the case.

Mr. Borries asked if he still resides in Vanderburgh County?

Mr. Shively said he doesn't think Mr. Foster has ever resided in Vanderburgh County since he has known him; he thinks he resides in Warrick County. He thinks he has an office in Vanderburgh County, but that he actually resides in Warrick County.

Mr. Borries said he recalls that Mr. Foster attended a Commission meeting with regard to the Lakeside Terrace matter -- he doesn't remember Brookshire IV, but he does remember Brookshire V and Lakeside Terrace I and II. This is why he inquired about the Commission minutes.

Commissioner McClintock said she has no questions.

Attorney John said that apparently there is some question as to whether these roads have been accepted by the County prior to annexation by the City and that is why Mr. Shively is here today. According to Ms. Nix, some of the roads have not been accepted.

Mr. Shively interjected, "There is a contention that they have not been accepted."

Attorney John continued, "We don't know at this time whether or not they have been accepted. It is no longer within the jurisdiction of this Board to accept or reject those roads. They either have or have not been accepted and basically the record will speak for itself. There are a number of issues as to whether or not they have been accepted, that being the Master List of Road and whether the County has received State aid for those roads. But the proper procedure for accepting these particular streets for County maintenance would be a vote by this Board in an open meeting accepting those streets as County streets. That is going to be the main indication as to whether they are accepted County roads and maybe a little more research has to go into this -- whether it be by the County Engineer or Mr. Shively. But I believe it is not within the power of this Board to do anything right now with regard to accepting those particular roads or even acknowledging that they have, unless the record indicates they have accepted those streets prior to this meeting."

Mr. Shively said, "I have always taken a little bit different position as to what constitutes acceptance for maintenance and I don't want to get into that now. But please understand, for purposes of this conversation I am not waiving any of those arguments if I have to make them at another point in time -- but I think what I am asking you to do is simply to give us an "assist" -- for lack of any better term. You know, I don't believe it is the responsibility of the property owners to prove status of the roads. The City was so anxious to gobble it up and now they say they don't want to maintain it. We fought that annexation battle. And now the County, rightly so, says, 'Gee whiz, we don't want to be on record as telling the City what we did three or four years ago until we are darned sure what the

records show'. All we're asking this evening -- so these people won't have to incur the expense of utilizing my services or whatever -- if you could check those additional sources and the sources I've checked and see what those records indicate and we'll have to go from there. I think that is all we're asking you do right now. We didn't come here tonight to ask you to make a specific decision (unless you feel you want to rely on what I've given you). But at the minimum we'd ask you to check your own records and see what the facts are indicated in your records and we'll simply go from there."

Commissioner Willner said the Board will pass this along to Greg Curtis to research and give the Board an opinion and relay same to Attorney Curt John -- and then to Les Shively.

Commissioner Borries said he would echo that sentiment in order to try to clarify the matter. He does find it interesting though -- is Mr. Shively saying that the City is giving no specifications, no comments regarding what must be done in order to accept these roads?

Mr. Shively said the correspondence he reviewed simply said that it hasn't been accepted by the County, therefore they are not taking the responsibility to repair or maintain at this time.

Ms. Nix said, "Right; and when I said the streets that had not been accepted, I meant the streets that they hadn't repaired -- because they have repaired older parts and the newer parts of the subdivision. But the ones that are left are the ones they don't want to repair. So those are the ones I assume they assume are not accepted yet."

Mr. Shively said, "We have not received a specific punch list, which I assume Mr. Curtis does. When he works with developers he will go out and send a punch list to their engineer that 'we need this manhole at this point, etc.' They have simply said they are not going to repair it because it was not accepted and that is all we've heard."

The Commissioners said they will work on this.

Ms. McClintock asked Mr. Curtis when he might have the information?

Mr. Curtis said he will try to have it next week -- but he will definitely have it two weeks from yesterday.

RE: COUNTY ENGINEER - GREG CURTIS

Supplemental Agreement/Road Study: Mr. Curtis said that with regard to the Road Study, whenever we signed the agreement there were certain components -- a lap top computer as well as a distance measuring instrument that fits into the car and measures roads in feet instead of miles very accurately. To make a long story short, that was prior to his office purchasing a computer system. After they purchased their computer and the software, they saw that with a slight addition to the cost of the items included in the road study, they could get some equipment they could use in many other ways, as well. Therefore, he has a Supplemental Agreement on the Road Study basically for \$530.00 additional. It takes the total not-to-exceed fee up to \$59,080.00 and he would like to recommend the agreement be signed. It will help his office. For instance, they purchased a laser printer with their computer system because of the number of letters, etc., they put out. But with laser printers you can't print wide computer printout data information. The Road Study had an 11 inch carriage; if they could get a 14 inch carriage printer (something like \$300) as well as upgrading the laptop computer, they would be able to use some of their other software

on it that would only work on a 286 or 386 code processor computer. So he is requesting -- more than recommending -- that the Supplemental Agreement for the Road Study be signed.

Mr. Borries asked, "So I take it that your office will be in charge of making sure that this Road Study doesn't end up on the shelf and, in fact, the accumulated material will be updated through your computer file?"

Mr. Curtis said this is his intention.

In response to query from Commissioner Willner, Mr. Curtis explained that in the Road Study there are four or five pieces of equipment listed in our agreement with them (some of it is just cables) that they provide to us at completion of the road study -- one is a lap top computer. It is portable -- you can take it in the vehicle with you and enter the data into the computer in the field. The first thing we asked be done was to upgrade that computer such that we could use some of the software that we use in our office on that machine as well. Additionally, they were going to provide a plotter. The software for their road management program works with an 11 inch wide printer. However, much of the budget information we print and other programs we use (the bridge program, for instance) requires something wider than 11 inches. So for a small amount we could upgrade that piece of equipment rather than having a printer we wouldn't necessarily be able to use in the future. In addition to that, we asked that while they were purchasing a distance measuring instrument (which is included in the road management package that they are providing -- which will measure roads to the nearest foot whenever we are doing our road submittal at the end of the year -- that is how the State measures it; so if we measure it with similar type instrument we won't get reductions which we've been getting from time to time). We also asked for an additional cable, because it was cheaper to buy while we were already submitting that order -- it would save a \$50.00 shipping charge to order an additional cable.

Mr. Willner interrupted by saying the County already owns a computerized measuring device.

Mr. Curtis said it does not work.

Mr. Willner said he thinks we ought to get it working then.

Mr. Curtis said we sent it off and it was sent back to us with a repair estimate higher than the cost of the equipment.

Mr. Willner asked, "What assurance do we have that the same thing won't happen to this one?"

Mr. Curtis responded that it has a five year warranty. He doesn't know what warranty we had on the other one; they said with the model number it was outside the warranty and he couldn't find records as to when it was purchased. Basically the \$530.00 will benefit his office. It won't really benefit in the road study itself; but to make that \$530.00 additional cost part of the road study will make it \$530.00 rather than \$850.00.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request was approved. So ordered.

Appropriation Request: Mr. Curtis said that because of this request, he revised the appropriation request he tendered last week. This one is for \$17,568.05 and last week it was for \$530.00 less than that. This will cover that as well as the blue claim he spoke of last week which was held over. He has already submitted the paperwork, because of the deadline. But he does need Commission approval to go on Council Call.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Curtis was authorized to go on Council Call in the amount of \$17,568.05.

Travel Request: Mr. Curtis requested permission to travel, saying he and Commissioner Willner plan to go to Indianapolis tomorrow. They are going to be meeting with the Department of Transportation in regard to some requirements they will or will not have concerning the USI project.

Commissioner Willner said he has a 10:00 a.m. meeting with the Association of Indiana Counties as well as a luncheon, and then he will meet with Greg at 1:30 for the Department of Transportation meeting and then at 3:15 p.m. a meeting with the President of the Indiana Economic Development Commission. Thus he is requesting permission to drive the County car.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the requests were granted. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said he had submitted his work reports and entertained questions. The only thing new concerns the resurfacing of Mill Road and the letter he received dated February 8th, as follows:

Dear Mr. Muensterman:

Recently Petersburg Road in McCutchanville received a blacktop overlay. In the process of improving the road rocks were inadvertently scattered along the shoulder of the road, making it impossible to cut the grass. I talked with Mr. Bill Higgs and within a matter of a few days the matter was taken care of. I was impressed with his promptness and pleased with the clean up.

My thanks go to Mr. Higgs for following through.

Sincerely,

/s/ Mrs. Eugene Brinker

Flood Water Update: Mr. Muensterman said this morning the water went up to 42.7 ft. (it was down to 42.1). Old Henderson Road is closed at Nurrenbern Road. Bayou Creek between Old Henderson and Seminary Road is closed -- Cypress-Dale -- almost everything in the bottoms is closed. The river was to crest late last night. It is supposed to drop fast. He's hoping it gets out of here. They say if there is ice hanging on the side we'll have more water and there was ice on there this morning. We had 24 degree weather -- so look for some more water. We have three culverts to install on Happe Road and the way it looks, we'll never get them in.

RE: AGREEMENT WITH CORROON & BLACK RE CLAIMS SERVICE

Mr. Willner submitted a contract with Corroon & Black, the Claims Service for Vanderburgh County on our insurance. Mr. Riney advises it is exactly the same agreement we've had in the past.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract was approved, subject to verification by Attorney John that the contract is exactly the same as in the past. So ordered. (Mr. John will compare this contract with the previous contract subsequent to the meeting.)

RE: REQUEST RE ANNUAL CITIZENS-USI ROAD RUN

The meeting continued with President Willner reading the following request:

February 9, 1990

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

Gentlemen:

I am writing to request permission to use country roads for a road race that U.S.I. is planning for March 17, 1990.

The race is the 11th Annual Citizens-USI Run.

The Sheriff's Auxiliary, Civil Defense, and REACT personnel will provide traffic control. I have enclosed maps that outline the proposed course.

Thank you for your consideration.

Sincerely,

Bill Stegemoller
Cross Country Coach

Mr. Willner said the run starts at Burdette, the USI Campus, Schutte Road, Broadway, Nurrenbern, and back to the USI Campus. It doesn't include any of Darmstadt -- and he would think all of these roads are within the confines of the Commissioners. With the famous words "do not impede traffic", he entertains a motion for approval.

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

Mr. Willner asked Mr. Riney to tell Mr. Stegemoller when he advises of the approval, that they should be careful not to prohibit anyone from getting to their appointed destination.

RE: REQUESTS TO GO ON COUNCIL CALL

Mr. Jerry Riney submitted three requests to go on Council Call for additional appropriations, as follows:

Supplies - Acct.130-260 \$500.00
(The reason the money is needed in this account is that supplies were purchased and paid from this account for County Council and we are now asking that the money be replaced in this account. In other words, Council came and asked us to pay some bills they had that it was necessary to pay right away and they guaranteed they would replenish the money as long as we requested it.)

Repair to Buildings & Grounds \$10,000
(Acct. 131-355)
(At the end of the year, we requested that \$10,000 be encumbered in this account. At that time Council said they were going to need the money for other things and they asked us to come back for the \$10,000. Already we have bills way and above the \$2,500 allotted in this account and we'll probably spend \$10,000 more this year.)

CAPE S.M.I.L.E. Transportation \$ 5,333.00
(Acct. 130-423)
(CAPE had already requested an additional \$8,000 to extend the current contract through March, until we could obtain bids on a new contract. Councilman Taylor has requested we go ahead and ask for \$5,333.00 to carry us for the

next two months until such time as this contract can be readied and brought before the Commission.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the foregoing requests to go on Council Call were approved. So ordered.

RE: TRAVEL REQUEST - COUNCILMAN WILLIAM TAYLOR

Mr. Riney submitted a travel request from Councilman Taylor to attend the Indiana Black Legislative Caucus in Elkhart, IN on Saturday, February 24th. He would have been here tonight with regard to both the CAPE request and this, but he has the gout so bad he can hardly walk -- he was really in misery today.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the travel request was approved. So ordered.

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report from the County Treasurer for period ending January 31, 1990 was submitted.....report received and filed.

RE: NOTICE FROM CIVIL DEFENSE ADVISORY COUNCIL RE
EXECUTIVE SESSION

Mr. Willner read the following notice from Roger Lehman:

I have called an Executive Session for Thursday, February 22, 1990 at 10:30 a.m. in Room 301 in the Civic Center for the purpose of interviewing the final candidates for the position of Director of Civil Defense.

I would like each member of the Board to write one or two questions which reflect your most important concerns for this position. If you cannot attend the Executive Session, please get your questions to me prior to this meeting. I will have a final report for the Personnel Committee at their regular meeting on March 5, 1990.

/s/Roger Lehman
Building Commissioner

RE: PROCLAMATION OF TORNADO PREPAREDNESS WEEK

The meeting continued with President Willner introducing the following Proclamation for approval by the Board:

TORNADO PREPAREDNESS WEEK

WHEREAS: Tornados are the most violent natural disaster affecting the majority of the United States, resulting in numerous deaths and injuries, and vast destruction; and

WHEREAS: Vanderburgh County is located within the nation's "Tornado Belt", becoming a prime target of devastating tornado outbreaks particularly during the months of April, May, and June; and

WHEREAS: A statewide tornado warning exercise will be held on March 15, 1990 for the purpose of testing communications systems, equipment and procedures; and

WHEREAS:

During this week, the Civil Defense Preparedness Agency of Vanderburgh County is emphasizing its safety procedures involving tornado activity;

NOW

THEREFORE:

We, The Board of County Commissioners of Vanderburgh County do hereby proclaim March 11-17, 1990 as

"TORNADO PREPAREDNESS WEEK"

in Vanderburgh County and encourage all citizens to become aware of tornado danger signs, and to learn how to safeguard the lives of our families, friends and citizenry in the event of severe weather activity in our area.

/s/Robert Willner, President
/s/Richard J. Borries, V. President
/s/Carolyn McClintock, Member

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Board declared the week of March 11-17, 1990 as "Tornado Preparedness Week" and the Proclamation was executed. So ordered.

RE: OLD BUSINESS

President Willner entertained matters of Old Business to come before the Board.

Teamsters Union Contract: Mr. Willner said the contract between the Teamsters and the County is in final form and he entertained a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the contract was approved and signed following a unanimous affirmative roll call vote. So ordered.

RE: NEW BUSINESS

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

RE: SCHEDULED MEETINGS

Thurs.	Feb. 22	10:30 a.m.	Civil Defense Executive Session (Rm. 301)
Mon.	Feb. 26	2:00 p.m.	Central Dispatch (Rm. 303)
		2:30 p.m.	Commission Meeting
			Drainage Board Meeting

RE: READING OF BIDS - WATER SLIDES FOR BURDETTE PARK

Attorney John said two (2) bids were received, as follows:

Whitewater West Industries Ltd. (Westerville, OH) \$294,056.00
(Bid appears to be in order and includes signed Non-Collusion Affidavit, Bid Bond and Financial Statement)

Proslide Technology, Inc. (Canada) \$332,770.00
(Bid appears to be in order and includes signed Non-Collusion Affidavit, Bid Bond and Financial Statement)

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bids were referred to Mark Tuley for review and a recommendation next week.

RE: READING OF BIDS - REPLACEMENT OF BRIDGE #35 ON OUTER DARMSTADT RD.

Attorney John reported that five (5) bids were received, as follows:

CCC of Evansville, Inc.	\$125,625.32
(Everything appears to be in order; bid bond and financial statement included.)	
Deig Bros. Lumber & Construction	\$108,018.00
(Everything appears to be in order; bid bond and financial statement included.)	
Malone Bros., Inc. (Tell City, IN)	\$107,286.00
(Everything appears to be in order; bid bond included, but no Financial Statement with the bid)	
Southwest Engineering, Inc.	\$142,902.00
(Everything appears to be in order; bid bond and Financial Statement included)	
Sam Oxley & Company, Inc.	\$114,835.30
(Everything appears to be in order; bid bond and Financial Statement included)	

Attorney John said he would recommend this be referred to the County Engineer for his review and recommendation.

In response to query from the Board, Mr. Curtis said the Engineer's Estimate is \$119,674.00.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bids are to be taken under advisement and a recommendation made by Mr. Curtis at next week's meeting.

RE: CLAIMS

Mr. Willner said he has no claims for approval tonight.

RE: EMPLOYMENT CHANGES

County Clerk (Appointments)

Sylvia Loviscek	Dep. Clerk	\$5.00/Hr.	Eff: 1/29/90
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Circuit Court (Appointments)

Michael Williams	PTWR	\$5.00/Hr.	Eff: 1/29/90
Bill G. Danks	WR Guard	\$17,200/Yr.	Eff: 2/12/90

Circuit Court (Releases)

William Wallace	Law Clerk	\$17,050/Yr.	Eff: 2/2/90
Roy Tuley	PT Monitor	\$ 5.00/Hr.	Eff: 1/26/90
David Welman	WR Guard	\$17,200/Yr.	Eff: 2/9/90

Perry Township Assessor (Appointments)

Amelia Tornatta	Part Time	\$5.00/Hr.	Eff: 2/1/90
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Burdette Park (Appointments)

Greg Hallam	Rink D.J.	\$3.95/Hr.	Eff: 1/21/90
Rodney Baumgart	Rink D.J.	\$4.25/Hr.	Eff: 1/31/90
Angela Bosse	Rink Cashier	\$4.00/Hr.	Eff: 1/31/90

Burdette Park (Releases)

Gregory Hallam	Rink D.J.	\$3.70/Hr.	Eff: 1/31/90
Rodney Baumgart	Rink D.J.	\$3.95/Hr.	Eff: 1/31/90
Angela Bosse	Rink Cashier	\$3.75/Hr.	Eff: 1/31/90
Bruce Crider, Jr.	Rink Guard	\$3.50/Hr.	Eff: 1/31/90

IV-D Prosecutor (Appointments)

Theresa Hardesty	Secretary	\$4.50/Hr.	Eff: 2/12/90
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Voters Registration (Releases)

Terrance Bitz	Dep. Reg.	\$5.00/Hr.	Eff: 2/3/90
Wayne Kirk	Dep. Reg.	\$5.00/Hr.	Eff: 2/3/90

Auditorium (Appointments)

Donald Chambliss	Mtce.	\$10.58/Hr.	Eff: 1/1/90
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Auditorium (Releases)

Donald Chambliss		\$ 9.66/Hr.	Eff: 1/1/90
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There being no further business to come before the Board with the exception of the rezoning petitions, President Willner declared a 15 minute recess at 7:15 p.m., with the announcement that the meeting will reconvene at 7:30 p.m.

R E Z O N I N G S

The meeting continued with President Willner advising there are two Rezoning to be heard on First Reading tonight, as follows:

VC-1-90/Petitioner, Chris H. Buente (AG to C-4)

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, VC-1-90 was approved on 1st Reading for forwarding to the Area Plan Commission. So ordered.

VC-2-90/Petitioner, Duane A. Duvall (AG to C-4)

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, VC-2-90 was approved on 1st Reading for forwarding to the Area Plan Commission. So ordered.

Continuing, Mr. Willner said there are also two rezonings to be heard on 3rd Reading, as follows:

VC-25-90/Petitioner, Koester Contracting Corp., Inc. (AG to M-3)

There was a lengthy discussion concerning this petition, as the proposed use is for a state-of-the-art plant for the production of asphalt. Representatives of the equipment manufacturer presented a visual presentation of similar operations in other locations and offered several assurances to the remonstrators. There were several remonstrators present and various individuals offered comments. The majority of the remonstrators expressed concerns regarding what they felt would be increased truck traffic on Green River Road and other roads in residential/school areas. However, officials of Koester Contracting assured the residents that in order to be an economically profitable operation they also have to utilize the most economical routes, rather than traveling circuitous routes through residential neighborhoods to reach destinations. Signed petitions objecting to the proposed facility were submitted to the Board.

With the rezoning petition having been discussed pro and con and the various concerns of the residents addressed, upon motion made by Commissioner Borries and seconded by Commissioner McClintock and a unanimous roll call vote, the request for rezoning was approved. So ordered.

VC-26-90/Petitioner, AK-AR Investments (AG to C/0-2)

There was brief presentation concerning this rezoning petition by Attorney Marc Fine, who was representing the petitioner. There were no remonstrators present.

Following the presentation, during which time Attorney Fine responded to various queries from the Board, upon motion made by Commissioner McClintock and seconded by Commissioner Borries and a unanimous roll call vote, VC-26-89 was approved with acceptance of dedication of 30 ft. right-of-way. So ordered.

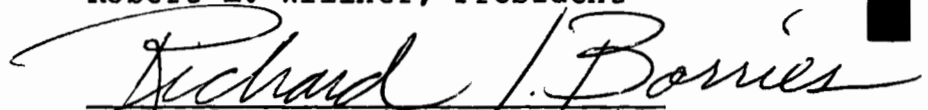
There being no further business to come before the Board, President Willner declared the meeting adjourned at 8:40 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Curt John, County Attorney
Sam Humphrey, County Auditor
Cletus Muensterman, County Highway Supt.
Greg Curtis, County Highway Engineer
Barbara Cunningham, APC
Virginia Worthwine, APC
Les Shively, Attorney
Maria Nix, Brookshire Neighborhood Assn.
Marc Fine, Attorney
Mark Tuley, Burdette Park Manager
Jerry Riney
Karen Hadfield
Charles & Geraldine Gass
Roger Klassy
Karen Allen
Mike Loos
Alan L. Smyth, Sr.
Bill Koester
Ron Smith
Ivan Wathen
Don Wathen
Alan L. Chamberlain
Vincent G. Light
Michelle Greenwell
Ann Johnson
Don and Martha Mosby
Jane Beverly
Carol Hutton
Loretta Ballard
Betty Sugg
Jack Marlen
Jerry Schmitts
David Garbelman
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSION MEETING
FEBRUARY 26, 1990

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MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 26, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, February 26, 1990 in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of minutes.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes of February 20th were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION FOR OPENING OF BIDS

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Attorney Miller was authorized to open the bids received on the Tandem Steel Wheel Roller for the County Highway Department. So ordered.

RE: AUTHORIZATION FOR OPENING OF ENGINEERING PROPOSALS

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Attorney Miller was authorized to open the engineering proposals received on three projects:

- 1) Green River Road from Morgan Avenue to Heckel Road
- 2) Lynch Road Extension from Burkhardt Road in Vanderburgh County to Telephone Road in Warrick County
- 3) Bridge #90 over Little Pigeon Creek on Petersburg Road

So ordered.

RE: AWARDING OF CONTRACT ON BRIDGE #35 ON OUTER DARMSTADT RD.

President Willner asked County Engineer Greg Curtis whether he is ready to make a recommendation with regard to contract for replacement of Bridge #35 on Outer Darmstadt Rd.

Mr. Curtis reported that the low bid received was from Malone Brothers in Tell City, Indiana in the amount of \$107,286.00. However, Malone Bros. did not include a financial statement and upon the recommendation of Attorney Curt John, the bid was rejected. (Information is noted on all the standard bid forms that a financial statement is to be included.)

The next lowest bid was from Deig Bros. Lumber & Construction in the amount of \$118,018.00 (approximately \$700-\$800 difference between the two lowest bids). It is Mr. Curtis' recommendation that the bid be awarded to Deig Bros.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract was awarded to Deig Bros. in the amount of \$118,018.00 So ordered.

Mr. Curtis asked if he can be authorized to give Deig notice to proceed as soon as we receive the Performance Bond? As soon as they get the materials in and the weather permits, he is certain Deig will begin the project.

The Board voiced no objections.

RE: AWARDING OF CONTRACT FOR SLIDES AT BURDETTE PARK

Mr. Tuley said they reviewed the two bids received last week and met with Jerry Schenk (the loss control representative for the County's insurance) and went through the bids. They are prepared today to recommend the contract be awarded to Whitewater West Industries, Ltd. of Westville, Ohio, the low bidder (\$294,056.00). They met the specifications and exceeded them in many areas. Besides the required bid bond and percent performance bond, they were the only bidder that had product liability insurance. The firm is highly recommended by Haralson Consultants and the World Waterpark Association.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract was awarded to Whitewater West Industries, Ltd. in the amount of \$294,056.00.

Attorney Miller requested that the motion be amended to include subject to agreement on payment terms. The payment terms they have proposed do not appear to him to be in accordance with our desires for adequate retainage. He wants about 10% of the entire cost retained and their payment proposal does not provide for that.

Commissioner McClintock amended her motion to this effect, with a second from Commissioner Borries. So ordered.

Mr. Tuley noted further amendments are needed. We want to do part of the work with the local work force. They faxed us a letter saying they were agreeing to let us deduct that via a change order at a later date if we so desire. It may or may not save us any money; but he will price this out for the Commissioners. Obviously, if we can save some money, we will do it ourselves.

Ms. McClintock said she will withdraw her original motion if Mr. Borries will withdraw his second.

Attorney Miller asked Mr. Tuley if he is saying that he is changing the terms of the acceptance so that a substantial amount of the labor they bid upon is going to be performed.....

Mr. Tuley said it would be best for Attorney Miller to read the letter Commissioner McClintock has. He just wants it noted in the record that they have agreed in essence and terminology that -- in our bids we had it separated; we priced out certain segments of them building the swimming pool and us building the pool. They priced that segment of the bid out and said that if at a later date we desire to execute that part of the bid, then they have agreed in terms already to allow us to do that.

Attorney Miller said, "Then we'll have to write it into the contract that we have the right to do that."

Mr. Tuley said, "Rather than signing the blank bid proposal form, I guess the Commissioners probably need to have your office draw up a contract to be executed."

Mr. Borries asked if we need a week on this?

Mr. Tuley said he thinks he probably needs to spend about fifteen minutes with Attorney Miller in his office -- just to have him put the contract together to send to them. In talking to them via phone on three different occasions since last Monday, none of this basically is a problem. If we wait another week, then we are just going to open the slide a week later and we're already into the season the way it stands now.

Attorney Miller said, "You have a letter here from them indicating they would be agreeable to adjusting the portion of their bid relating to labor in specific amounts with respect to specific aspects of the job and they give us permission to put that in our contract. But I think you can go ahead and approve it subject to the retainage agreement of 10% of the entire contract and subject to Whitewater executing a written agreement allowing local contractors or government employees to perform the portions of the work described in their letter to us of February 22, 1990."

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

Attorney Miller advised the Commissioners not to sign the bid document; rather, he will draft a contract for execution by the Board.

RE: LETTER RE RENEWAL PREMIUM & CLAIM ON LAW ENFORCEMENT
POLICY AND SUMMER DAY CAMP AT BURDETTE FOR THE
PHYSICALLY CHALLENGED - DENNIS FELDHAUS

Mr. Dennis Feldhaus of Helfrich Insurance Agency, Inc. was recognized and stated, "Mr. President and Commissioners, I would like to address the Summer Day Camp first if I may. I had written a letter to Mr. Riney on February 22nd, with copy to Mr. Mark Tuley, Burdette Park Manager, responding to a letter he had sent to me wanting my opinion of and the insurance company's blessings on a new program they're looking into at Burdette Park, that being a Summer Day Camp for the physically challenged. Subsequently, I have contacted the insurance carrier PENCO and have been advised that Lloyd's of London has no problem with this program as specified in that letter and I recommend that that program be carried out subject to your approval."

Mr. Tuley said Bill Bennett of Deaconess Hospital is here today should the Commissioners have any questions pertaining to this segment of the Day Camp. They've always had this at Camp Carson and we thought it would be nice for the children to offer this at Burdette Park.

Mr. Bill Bennett, representing Deaconess Hospital, said, "Basically what we are proposing is a Summer Day Camp for physically challenged children. It is not a new program. It is a program that we have done in the past at Camp Carson. I was approached by the Nursing Staff at the hospital to talk with Mark perhaps about moving that to Burdette Park, based on all the nice things that the hospital heard about the regular camp that we co-sponsored last summer. We met several times and tried to put together an outline of how this camp would be structured and I think you have that outline in front of you. The children in question are children our two specialty clinics see on a regular basis; that is, children with cystic fibrosis and diabetic children ranging in ages 7 to 16. The kids who would attend that camp would have to meet some eligibility requirements and the staff would have to insure that these children are healthy enough to attend the camp and they don't see that as a real problem. Eventually these kids can perform like other children; they just have some special needs in terms of medication breaks where they have to take certain medications and their pace is a little slower than your "normal" child. They can't be in the sun as much and they need a little more water. So from that standpoint we don't see a real problem. Insofar as the other kinds of activities (using the pool, participating in the sports programs that would be structured for them, miniature golf -- whatever else is put into the program) they are not going to have any problems with. We would like to utilize the regular counsellors who will be out there for the regular summer day camp and in a sense we would create two concurrent camps that first week (June

11 thru 15) with part of the staff directing the regular camp and the other part of the staff helping with the physically challenged. In addition to that, we would provide a full time registered nurse, a full time respiratory therapist, and a number of volunteer nurses and volunteer respiratory therapists out there at all times. In the past when this camp was held at Camp Carson, the week prior to the camp two of our physicians actually went out and spent an afternoon with the counsellors, kind of keying them in to some things they need to look for and some things to watch out for without any problems. They have agreed to do that again at Burdette -- if that is where the camp is held (Dr. Hahn and Dr. Michael, who are both pediatricians and part of the Medical Directors of these two clinics). As far as medications, etc., that would be the responsibilities of these kids' families or the hospital -- however that is set up prior to their going out to the camp. In most cases it would be medication that they already carry. We are hoping to be able to utilize the shuttle bus to help bring those kids out to the park -- just like we did with the regular camp last year and, hopefully, we can do again this summer."

Commissioner Willner said this is certainly exciting and we're glad to have Mr. Bennett. Camp Carson's loss is our gain, he guesses.

Mr. Bennett said he thinks so. He thinks this whole thing developed from the noted success of the regular camp last year and he thinks that one will continue to grow, as well, and he hopes the physically challenged camp will grow, as well.

Mr. Willner expressed appreciation to Mr. Bennett on behalf of the Board and asked that he pass this along to the Deaconess staff.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the summer camp for the physically challenged was approved. So ordered.

Renewal Premium: In continuing, Mr. Feldhaus said the second item on his agenda concerns the renewal premium involving the Law Enforcement Policy. It's an accidental death and dismemberment policy that the County provides for law enforcement personnel in the Vanderburgh County Sheriff's Department. Back in January he approached the Commissioners and they approved a renewal premium of \$1,702.00 for the renewal of the policy that was expiring. That policy was underwritten by Republic National Life. The policyholder was National Employer's Trust. It was a Trust Fund established that sponsoring law enforcement agencies became a part of it and we did. Subsequently, since the Board's approval of that premium he has been notified (and the County has been notified) that the Trust has gone defunct. The Trust Fund is no longer there. Therefore, the policyholder being National Employer's Trust and us being a participant in that trust were in a position to try to locate another market for accidental death and dismemberment, which we did. With the Hartford Insurance Company we were able to replace that coverage. It's a limit of \$10,000. The difference is that now it is an individual policy; it is no longer part of a group policy or a group Trust Fund. We are the policyholder directly with the Hartford Insurance Company. In so doing, we lost the benefit of some group premium rates, but the positive side was the fact that we are now able to provide the law enforcement people twenty-four hour coverage as opposed to just on-the-job-coverage. The difference in premium is \$724.00 annual and he is requesting the Board approve that additional premium so the coverage can be continued for law enforcement personnel.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the additional premium of \$724.00 was approved and the blue claim signed. So ordered.

RE: AREA PLAN - 1990 CENSUS & TRAVEL REQUEST

Mrs. Barbara Cunningham, Director of the Area Plan Commission said she has been working on the Census continually for the past five (5) years. She has been talking to a lot of City and County offices and others.

Commissioner Borries said he is very interested in the Census and he thinks she mentioned previously that we ought to do everything we can to increase the public's awareness in this. It's a painless thing and we surely need to count everything.

Mrs. Cunningham said it certainly is important to the community. It means \$175.00 per person for the next ten (10) years that will come back to the community. If those funds don't come back to the community, then for those established programs other means need to be done. She thinks we want to stress the confidentiality of the Census and the fact that it is a very important day. She knows the Commissioners will make an announcement when we get a little closer to March 23rd, the date the Census goes out.

Commissioner Willner said he thought there was some discussion of sending a bus down for the migratory farm workers or something.

Mrs. Cunningham said they will be counting the homeless.

Mr. Borries said they are going to be counted and he has some concerns, because he believes there are a lot of people who are concerned about jury duty -- or they think there is some kind of penalty being counted.

Mrs. Cunningham said, "The President can't even get the information, so it is confidential."

Mr. Borries asked, "Didn't you mention to me that if we had 8,000 more people...?"

Mrs. Cunningham said, "Approximately, I think it as 7,625 -- if we'd had that in 1980, we might not have lost a Congressman. So it really is important. Mr. Borries has been getting information for the School Corporation to work with the children and I think that is very, very important. He and I have talked about that -- to have the children get the message to the parents about how important it is. Repercussions of a family of four not counted -- the financial repercussions in addition to any others are just mind-boggling -- so we really need to make sure that everybody gets counted. And we are working on getting the information out and you are, too."

Travel Request: Mrs. Cunningham requested permission to travel on Saturday, March 3rd, to Louisville, KY to represent the State of Indiana in setting up a three state Planning Conference. She has been asked to help set the agenda and provide a packet of materials. She would like to take the County vehicle and it will be one day travel.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved. So ordered.

State Planning Board Meeting: Mrs. Cunningham said she received notice concerning another Plan Meeting today. This is the one she regularly attends in Indianapolis and it is also a one day meeting on March 16th. She would also like to use the County vehicle for this trip. Rather than writing another letter, could she also have permission to attend this meeting also?

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request was approved. So ordered.

RE: PURDUE ROAD SCHOOL - TRAVEL REQUEST

President Willner requested permission for the following to travel to the Purdue Road School on March 6, 7 and 8:

- 1) Two people from County Highway Department
- 2) Two people from the Engineering Department
- 3) Two Commissioners
- 4) The County Auditor

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL

President Willner said he has a request to go on Council Call for supplies for the Board of Review, at the request of the County Assessor.

Examination of Records	\$6,000
Office Supplies (Acct. 130-260)	<u>1,000</u>
Total	\$7,000

Commissioner Borries asked if this wasn't budgeted before?

Mr. Willner said the communication says they have a bill from the State Treasurer and State Board of Accounts in the amount of \$10,910.00 and there was only \$5,000 appropriated for 1990. We will be reimbursed, but the money has to be there.

Auditor Humphrey said we will not be reimbursed. If that is the case, he is not aware of it.

Mr. Willner said that is what the letter says.

Mr. Willner said we have to pay for the examination if it is done by the State Board of Accounts.

Mr. Humphrey agreed, saying we pay it. We pay it at the time of settlement every year. It's a normal thing. If we're reimbursed for this, he doesn't know anything about it.

It was suggested by Commissioner Borries that the Board delay this for one (1) week, and Mr. Riney will resolve questions prior to next week's meeting.

RE: OCCUPATIONAL MEDICAL PROGRAM

President Willner then called upon Commissioner McClintock. She said she has reviewed again the information provided to us by Welborn and St. Mary's and the letters sent by Dennis Feldhaus regarding medical programs for the County. As the Commissioners will probably remember from a meeting approximately a month ago, Mr. Feldhaus felt strongly about the benefits of such a program and urged us to get one in place as soon as possible.

In comparing the two programs, the cost between the two institutions is basically the same, with St. Mary's being lower for annual cost or ongoing cost and Welborn being slightly lower for the one time job profile cost. But when you look at "annual", St. Mary's is lower. Dennis had recommended in his letter that we go with the following portions of the program:

- 1) Pre-placement physicals for union employees. (There would be approximately six of those each year at a cost of \$672.00.
- 2) Annual health screenings for law enforcement and union employees, including the poison ivy shot and the cost for those is \$8,084.00.

- 3) A jobs profile at a cost of \$250.00
- 4) Emergency room and clinic visits for workmen's comp only. Our employees only would be required to use our chosen provider for work-related emergencies. For anything else, they would go to their normal physician. And that, in effect, is a wash -- because that is going to reduce our cost.

There are currently insufficient funds in the health insurance fund for this program and if we do pass it we will need to go on Council Call to fund basically the health screening portion of it. We still can use some money from the insurance fund for that, so we wouldn't need the entire \$8,000. After this review, she would recommend we go with Dennis' recommended program with the St. Mary's Medical Center as the provider. She would recommend St. Mary's for the following reasons:

First of all, the City is currently using St. Mary's and we have several joint departments and it would be ideal to use the same provider.

Secondly, St. Mary's is opening -- and this is new information that we didn't have at the time -- a North Side Location, which will give us better coverage. We will have locations North, West, and East, and with Welborn we are only covered on the North Side and Downtown.

Thirdly, we are currently using Welborn HMO and we just approved a program with Deaconess Hospital at Burdette Park. Therefore, this would give St. Mary's an opportunity to participate with the County.

Commissioner Willner entertained questions concerning the OccuMed Program. There being none, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, an Occupational Medical Program for Vanderburgh County Employees as outlined in previous discussion was approved. So ordered. (Mr. Borries said he did not wish to vote on this because a member of his family is an employee of that facility and he wishes to disclose that at this time.)

Commissioner McClintock asked if a motion is also needed to go on Council Call for the funds?

Mr. Willner said we will put this on next week's agenda.

RE: PROPOSAL RE TRANSPORTATION PROGRAM FOR THE ELDERLY & THE HANDICAPPED

President Willner submitted the above-mentioned proposal to Attorney Miller for his review and comments.

RE: FOOD CONCESSION AT BURDETTE PARK

Commissioner McClintock said that she and Mr. Tuley were discussing the food concession at Burdette Park and it occurs to her that it is going to be too late this year with everything else going on to even consider taking on the food concession. But she does think it appropriate to review our current contract and other potential providers to determine if there is another vendor in the community that might be interested in providing that service that we might be able to work with to improve the quality of our food service at Burdette Park. It is a service that we don't have to bid -- but clearly the easiest thing is to allow Mark to work with Tom Dorsey to go ahead and work up some kind of proposal form and either advertise or mail this to the

potential concessionaires in the area. It is something we do need to do fairly quickly so we have time to review it prior to the park opening.

Commissioner Borries said he would agree. He has some real concerns about start-up costs and liability costs, as well as any one of a number of situations that could occur if the County gets into the food business. As the old saying goes, behind any kind of complicated problem there is a simple solution -- and it is usually wrong. In this case, if we decided to get into the food business, he believes we would really be encountering a lot of difficulty. So he would agree with Commissioner McClintock and ask that perhaps the County Attorney or Tom Dorsey if we could get requests for proposals so we could study this at the next meeting -- that quickly -- because he thinks we are going to run into all kinds of difficulties the other way.

Ms. McClintock asked if he wants to put this on the agenda for next week and Mr. Borries agreed. Ms. McClintock said she doesn't think we could do it this summer anyway; but there is no reason to continue as we are. We'd have to go at least three years -- or no one new is going to want to make an investment in equipment, etc.

It was the consensus that this will be included on next week's agenda.

Mr. Borries asked that we work up a set of specifications for anyone wishing to bid on this for study by the Commissioners next week.

RE: APPOINTMENTS TO COMMUNITY CORRECTIONS ADVISORY BOARD

Mr. Harris Howerton was recognized and Mr. Willner said they are requesting that the following people be nominated to serve on the Community Corrections Advisory Board:

John Browning - Mental Health Administrator
William H. Miller - Lay person
Ron Adams - Lay Person

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the foregoing appointments were approved. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

Reading of Bids/Tandem Steel Wheeled Roller: Attorney Miller reported the following bids were received, all of which appear to be in order and all of which contain the proper bid bond:

Rudd Equipment Co.	\$46,956.00
Deeds Equipment Co.	\$39,967.00
Reid-Holcomb Co., Inc.	\$44,500.00
Brendeis Machinery & Supply Co.	\$41,628.00 ✓
Construction Machinery Corp.	\$40,154.25

Attorney Miller said the amounts given are totals that include delivery costs, transportation costs, and in some cases, employee training costs. There are variations in the products offered in terms of bells and whistles and things like that. He thinks the Commissioners should defer any decision and take the bids under advisement.

Commissioner Willner requested the bids be referred to the Purchasing Department and the County Highway Superintendent for their review and recommendation.

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

RE: ENGINEERING PROPOSALS TENDERED

With regard to the Engineering Proposals, Attorney Miller said all he has done is open them to assure himself of their adequacy. They are very thick proposals which include a lot of detail that needs to be examined. He will simply read the list of proposals submitted for each project.

Green River Rd. from Morgan Ave. to Heckel Rd.

Hazelet & Erdal (Jeffersonville, IN)
United Consulting Engineers (Indianapolis, IN)
Bernardin-Lochmueller (Evansville, IN)
Gove Associates, Inc. (Indianapolis, IN)
Veach, Nicholson, Griggs Associates (Evansville, IN)
Three I Engineering, Inc. (Evansville, IN)
Warrick Engineering, Inc. (Newburgh, IN)

Lynch Road Extension Project

Hazelet & Erdal (Jeffersonville, IN)
United Consulting Engineers (Indianapolis, IN)
Bernardin-Lochmueller (Evansville, IN)
MSE Engineering (Indianapolis, IN)
R. W. Armstrong & Associates (Indianapolis, IN)
Floyd E. Burroughs & Associates (Indianapolis, IN)
Gove Associates, Inc. (Indianapolis, IN)
Fink, Roberts & Petrie, Inc. (Indianapolis, IN)
Veach, Nicholson, Griggs Associates (Evansville, IN)
Three I Engineering, Inc. (Evansville, IN)
Warrick Engineering, Inc. (Newburgh, IN)

Bridge #90

United Consulting Engineers (Indianapolis, IN)
Hazelet & Erdal (Jeffersonville, IN)
Bernardin-Lochmueller & Associates (Evansville, IN)
Morley & Associates, Inc. (Evansville, IN)
MSE Engineering (Indianapolis, IN)
R. W. Armstrong & Associates, Inc. (Indianapolis, IN)
Warren T. Hobson & Associates, Inc. (Indianapolis, IN)
Fink, Roberts & Petrie, Inc. (Indianapolis, IN)
AECOM Engineers & Associates (Nashville, IN)
Floyd E. Burroughs & Associates (Indianapolis, IN)
Gove Associates, Inc. (Indianapolis, IN)
Warrick Engineering, Inc. (Newburgh, IN)
Craig & McKnight, Inc. (Indianapolis, IN)

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bids were referred to County Engineer Greg Curtis for his expertise and recommendation concerning three (3) final firms to be interviewed and notify the Commissioners as to the scheduled interview time. So ordered.

RE: REQUEST FOR PROPOSAL - TRANSPORTATION SERVICES FOR
ELDERLY & HANDICAPPED CITIZENS

Attorney Miller said he was provided with a copy of the subject proposal and it appears to him it is fine, with the exception that on first reading it is not clear to him whether or not the bidder is going to be able to cause any charge to be made directly payable by the users. He thinks our intention is that the users will not pay any fees -- that this is going to be a project with County funding only. He would suggest a sentence someplace in the request for proposal that makes it clear that the riders of this service are NOT to be charged. Other than that, he finds it adequate. He will add a sentence and give it back to the Commissioners.

RE: CONRAD BAKER FOUNDATION, INC. RE CUPOLA/OLD COURT HOUSE

Attorney Miller said he was advised earlier in the day concerning the condition, treatment, and apparent work being done on the cupola which was removed from the top of the Old Vanderburgh County Court House. There seems to be serious concern that one of the current contractors in whose possession this part of the building is is performing its work in a manner not adequate and satisfactory to the Conrad Baker Foundation. They have asked for the County's assistance (inasmuch as the County is the owner of the building) in obtaining possession of the cupola, stopping work on it before in their view any further damage is done -- if any damage has been done (and he is not in a position to say whether it has or it hasn't at this point). But they have requested through Mr. Willner and directly his office, through Mr. Schopmeyer who is on that Board, that the County subsidize legal action if necessary to obtain possession of the cupola and transfer it to another firm that they believe is more qualified to complete this work. He has no details of any significance to give the Board at this moment, except a serious concern has been expressed to him and they have asked for the County's assistance. He has reviewed the lease we have with the Conrad Baker Foundation, Inc. The lease makes it the responsibility of the Foundation to maintain the structure and bear all the expenses of that during the period of the lease. He indicated to Mr. Schopmeyer that based upon what concerns he expressed to him that he would recommend to the Board that they authorize the County Attorney to investigate this matter as soon as possible, make a decision as to whether or not a suit is necessary. He indicated demands had been made for this company to turn over the cupola and those demands have been refused. But apparently a decision needs to be made in rather short order, according to the Board members, if damage is to be avoided. He expressed to Mr. Schopmeyer that he would make that recommendation to the Board of Commissioners, based on the understanding that since this is not in total sum the County's responsibility (although the County is a proper party because of its ownership of the structure) that we would in all likelihood look to the Conrad Baker Foundation for a modification of some kind in the lease terms in order to reimburse the County for some or all of the expenses incurred in this effort should it become necessary. That is all he can tell the Commissioners at the present time. He doesn't believe we have the luxury of time, if what Mr. Schopmeyer reports to him is correct, to wait until next week to make this determination. Therefore, he needs some authority from the Commissioners, if they wish to give it, to proceed, make a judgment as to whether or not a Replevin suit or something like that needs to be filed and go forward with it -- if we believe it is in the interest of the County.

Commissioner Willner said Faye Gibson of the Old Court House Society is present and he asked if she wished to add or subtract to Attorney Miller's comments.

Ms. Gibson said that, basically, last Wednesday the full Board of Directors for the organization met and they had expert witnesses who came to the Board meeting and testified, along with herself, to the conclusions of two site inspections they have made with regard to progress to date on the cupola. They do feel that the work being done at this point is unsatisfactory. On three different occasions she requested that the firm stop work and release the cupola to them and a settlement could be worked out with regard to the work done to date. Mr. Lewis refused to do that and he is continuing to work. The experts who were with her last Wednesday morning when they reviewed the progress did say they feel it would have to be reviewed more carefully to see whether any damage had been done -- they think there is a possibility -- but not one that couldn't be righted, she supposes. Her frustration is that Mr. Lewis continues to work and has gone directly against their Board direction and they do feel they need some sort of stronger power to intervene for them.

Commissioner Borries said he became aware of this last week -- or whenever. He asked, "What has caused the change -- in your opinion and those who you say are experts in this situation to change your opinion about the person who is providing the service?"

Ms. Gibson said, "We need to clarify the difference between the firm and the person. When we contracted with Lewis, Inc., it was specifically for the talents of two sheet metal workers that were with the firm. Mr. Lewis himself is not a sheet metal expert -- he is more a pipefitter -- and there is a big difference. Fred Costello and Mark Riley have both left the employ of Lewis, Inc. Fred left as of January 5th. At that time, she started dealing directly with Mr. Lewis. Up to that point all dealings had been with Mr. Costello, the shop foreman, and everything had gone well and quality was there with the project. Upon Mr. Costello's departure Mr. Lewis became involved and several things started happening, such as the original contract amount changed. It was a "not-to-exceed" contract that was signed with the firm and all of a sudden that went from \$25,000 to \$39,000 -- an additional overrun cost of \$14,000. In discussing that with Mr. Lewis, he said the firm had run into things they had not anticipated. Yet, they had not discussed that with them or proceeded with any written work order changes and all of sudden they were being faced with another \$14,000. So, since January 5th, it has become an adversarial role of one form or another. The second key player (Mark Riley) because of problems (he felt he was in a compromising position, quite frankly, with the firm) actually left with no other job and walked out because of orders he was receiving from Mr. Lewis and how he handled the quality of work on the cupola. Upon his leaving, he immediately reported this to her. She doesn't feel there are any qualified sheet metal people left at Lewis, Inc. to finish the job. She is not saying that Mr. Lewis is not qualified in his own right with plumbing and heating and as a pipefitter; but the sheet metal work needed to finish the cupola -- she doesn't believe he is qualified.

Mr. Borries asked, "Then, in your opinion, you see that there has been a change order unauthorized by you or your Board as a result perhaps of this change of players?"

Ms. Gibson confirmed that this is correct.

Motion was made by Commissioner Borries that this Board terminate all agreements that it would have had with Lewis, Inc. regarding the cupola at the Old Court House. A second was provided by Commissioner McClintock.

Mr. Willner asked, "Can we give the County Attorney authority to deal with this during our absence within the next week?"

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Board authorized Attorney Miller to consider what legal action, if any, Vanderburgh County and the Old Court House Society should take in this matter. So ordered.

Ms. Gibson thanked the Board for their assistance.

RE: SETTLEMENT AGREEMENT - RICHARD BENNETT

Attorney Miller said his firm sent to the Commissioners a claim in the amount of \$1,200.00 and the Settlement Agreement in the case of Richard Bennett vs. Clarence Shepard. This amount was discussed in Executive Session and the settlement has been agreed to by Mr. Bennett's Counsel and he is requesting the Board approve the settlement amount and the claim.

In response to query from Commissioner Willner, Mr. Borries said this would probably come out of Judgments and Refunds.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim and Settlement Agreement were approved and signed. So ordered.

RE: ACQUISITION OF EASEMENTS - CARANZA DRIVE SEWER PROJECT

Attorney Miller said Jeff Harlan has been handling the acquisition of easements with regard to the Caranza Drive Sewer Project and he has advised him there is one final hold out in the person of one Kurt Schuster, who has been unwilling to agree to the granting of an easement and has instructed us to go ahead and file an eminent domain action in order to obtain the easement. It appears that his desire is for a larger culvert at a point in the project where the culvert will be required and that he would grant the easement in return for additional monies equal to an amount that would permit the culvert to be enlarged to a particular size that would satisfy him. That amount is \$2,100. Mr. Harlan of Bowers, Harrison, Kent & Miller, who is interested in getting the project completed, passed this information on to Attorney Miller as he was on his way out the door (he's been out of the office the past few days) or he would have more details for the Board. But he does know there is at least one person in this room who has an interest in this and he doesn't like this at all. The expenditure of the additional \$2,100 would, of course, cost each of the participants their share of that. On the other hand, it is going to cost them a certain amount of money in the form of the legal fees required to complete the condemnation. His guess is that the \$2,100 -- if Mr. Schuster chooses to hold out, is at least a wash and maybe a better deal for them -- he doesn't know at this point, because he doesn't know how much resistance he would put up. Based on what Jeff Harlan told him, Attorney Miller said it was his initial feeling to ask the Board to authorize them to make the proposal for the \$2,100 additional amount over and above the appraised amount that Vic Funke has recommended. However, there may be some opposition from the owners; it may be a matter of principle with you. It is not anything that makes any difference to him; he just needs to know which way to go and he doesn't know whether Bill Jeffers wants to make his feelings known.

Mr. Willner asked if Mr. Miller knows why we are furnishing a culvert in the first place?

Mr. Miller said he does not, except he assumes there is one in the plan that is smaller than Mr. Schuster has in mind.

Commissioner Willner called upon Bill Jeffers.

Mr. Jeffers said he resides at 6608 Kembell Drive. The property that he and his wife Brenda own is one of an unknown number of parcels that will be finally assessed for this project. He says "unknown", because no one has told them how many ways we will finally split this growing bill. They do, of course, appreciate all the efforts of the County Commissioners and Bowers, Harrison, Kent & Miller -- but, it is just getting to the point where they will be paying many times more per unit than what would be expected for a lot to pay in a subdivision for hooking onto a sanitary sewer. Therefore, he is objecting to the payment of \$2,100 to Mr. Schuster or the payment of any further amounts of money for any piece of property and he objects formally to the inclusion of payment for any of these that have been bought to date -- because he believes that the payment for these easements is just the property owner's way of collecting enough money to offset his cost of the sewer. He has no way to ask the Board for any money, because the easement for the sewer is on a piece of ground adjacent to his property -- so he won't be able to hold the County up for \$2,000. But he objects to anyone else holding the County up for \$2,000. Mr. Schuster apparently, from what Mr. Miller has said, wants a larger culvert that passes under a

easement or right of entry from Old State Road onto a piece of property that he does not own and he does not own the easement onto that property. He does not own the culvert. And it is Mr. Jeffers' understanding that the Supreme Court has ruled that compensation for rights-of-way and easements is based on loss of benefit to the owner of record. So if he wants \$2,100 for someone else's culvert, let him have someone else collect the \$2,100 and hand it to him. There are other things going on out in that neighborhood that have increased the cost to each and every one of the unknown number of parcels that will have to finally have to divide this cost, and he will probably be back to object to those too. He believes that the County may even be asked -- at least by him -- to absorb these costs as normal operating costs of the department; and he believes that provision can be found under the Barrett Law. He doesn't see anything in the estimate that was presented as a part of this project for rights-of-way or easements -- no dollar amount.

In conclusion, Mr. Jeffers thanked the Commissioners for their time.

Commissioner Willner queried the Board concerning their wishes.

Attorney Miller interjected, "I understand Bill's concerns about the cost of this project. However, the granting of the easement rights or the obtaining of easement rights involves the transfer of a property right. And there is something or other in our Constitution about not depriving people of their property without just compensation and that is what eminent domain proceedings are all about. And the cost of that kind of thing is part and parcel of this kind of project, whether it is on a piece of paper that gives cost estimates or not."

Commissioner Willner said, "If there is some concern about whether that is his culvert or not, maybe we best let the Judge decide." A motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Board authorized Attorney Miller to proceed with condemnation and not pay the \$2,100. So ordered.

Mr. Borries asked Mr. Jeffers if he is saying that this whole matter is taking place not on Mr. Schuster's property?

Attorney Miller said Mr. Jeffers is saying that the culvert that Mr. Schuster is wanting to install is not on his property.

Mr. Jeffers said, "The culvert that Mr. Schuster wants replaced with a larger culvert, he believes to be on a piece of property owned by Mr. Nellis or Mr. Brenner (Carolyn Brenner and her husband -- he can't recall his name). And he believes it is an easement that the Nellis's property used to use to come in from Old State Road before Kembell Drive was built. And the reason he believes Mr. Schuster wants the culvert replaced is that because during hard rains water pools back up in his garden. Also, Mr. Jeffers said that if the Commissioners hand Mr. Schuster \$2,100 for the express purpose of replacing the culvert with his own money -- and he puts a larger one in there -- and this additional water which for twenty years has pooled back in his yard is all of a sudden released downhill into Mr. Sievers and the other people who live across the street on Caranza -- if all that water rushes downhill all of sudden to an enlarged culvert, he believes we'd have another problem -- as a party to changing the drainage pattern in another area. But the bottom line is that he believes this situation has been dragged out for three or four years. He's heard that they have legal bills to pay that possibly precede the Resolution. And, again, he is opposed to anymore cost being spread out on 40 or 45 homes that has been a result in their paying twice as much for a sanitary sewer as they would had they bought a house across the street.

Commissioner Willner entertained questions.

Mr. Borries said it seems to him that there is a dispute and we need to determine whose property it is before we do anything on the culvert.

Attorney Miller said, "The culvert may or may not have anything to do with Mr. Schuster's problems. It certainly has nothing to do with the value of his easement. The only reason it is related to you today at all is because it could be a wash to the County and the homeowners -- ultimately the homeowners -- who are going to have to pay for this as between the cost of condemnation action and the cost of the settlement. But if it is your position that we simply proceed, we certainly are not going to pay him this \$2,100. We're going to wind up paying him only the value of his easement, which takes a condemnation."

RE: ALEXANDER AMBULANCE LAWSUIT COLLECTIONS

Attorney Miller submitted the following payments with regard to the Alexander Ambulance Lawsuit Collections:

Jerry & Jody Phillips	\$ 341.03
(payment in full)	
Thomas Jarvis	5.00
Danny Jenkins	28.71
(payment in full)	
James Woodruff	5.00
James Woodruff	5.00
Daniel McFarland	20.00
Robert Longest	20.00
	<hr/>
Total	\$ 424.74

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the checks were accepted, endorsed, and given to Joanne Matthews for deposit into the County General Fund. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said the Board has copies of his Weekly Work Reports and he will be glad to answer any questions the Commissioners may have.

Flood Waters: In response to query from the Board, Mr. Muensterman said the flood waters are down on Old Henderson Road today and Cypress-Dale. Old Henderson Road will be open tonight. They do have a problem with one box culvert and there is only one lane open, but they will finish working on it tomorrow. There was a wash-out in front of the culvert about 6 ft. deep and 30 in. wide. Otherwise, we didn't have as much trash on the road as usual. He called the School Corporation and told them they could send their busses down there tomorrow. South Weinbach is still closed and we always have trouble down there. People try to go through that gate. It cost us \$100 plus to repair it already this year and it's down again. He guesses they hook a chain to it and pull it over -- but nobody has been able to catch them. They also have most of the trash off Waterworks Road, and it should be open either this evening or tomorrow morning.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Brookshire Subdivision: Mr. Curtis said that last week Attorney Les Shively was representing the Brookshire Neighborhood Association (Sections 1 thru 4 of the Subdivision). Upon searching the minutes between the time of the last correspondence they had and that Mr. Shively had (which was in January 1987 and January 1, 1988, when these roads became a part of the City's

annexation) there is no mention in the Commission minutes of acceptance and unless these roads were just mentioned in passing when discussing something else, these roads were not brought up in any form.

Request for Approval of Road Construction Plans in Commercial Subdivision/Old Boonville Highway: Mr. Curtis said Commercial Subdivision is next to Eastside Industrial Park. It is a 22-lot subdivision. There is approximately 1,344 ft. of road that extends from there which includes the deceleration and acceleration on Old Boonville Highway. He has reviewed the plans and found no problems and would recommend approval.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the road construction plans were approved. So ordered.

Mr. Curtis noted the developer intends to proceed with the project on the basis of having it inspected as they move along, etc.

Request for Waiver of Sidewalks in Commercial Subdivision: Mr. Curtis said he also has a request for waiver of sidewalks in this subdivision. He really has no recommendation on this one way or the other.

Commissioner McClintock asked if this subdivision has already been before the Drainage Board?

Mr. Curtis said they had the plans in the latter part of last month -- the Drainage Board might have acted on them then. Most of the lots are under an acre. One is 2.8 acres.

Mr. Willner noted there will probably be no school busses back in this area -- it's industrial.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request for waiver of sidewalks was approved due to the industrial nature of the subdivision. So ordered.

Claims/Veach, Nicholson, Griggs Associates: The meeting continued with Mr. Curtis submitting three (3) claims to Veach, Nicholson with regard to Green River Road South. The agreement set forth different portions of that, so each of these is for a separate portion of the design for that project. The claims are in the following amounts: \$1,039.50; \$2,325.96; and \$657.66.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claims were approved for payment. So ordered.

Claim/Bernardin-Lochmueller & Associates: Claim in the amount of \$9,649.90 for USI Overpass.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered.

Claim/Deig Bros. Lumber & Construction: Final Claim on Bridge #13 in the amount of \$23,438.95. Mr. Curtis recommended the claim be approved.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved. So ordered.

Claim/Appraisal Company, Inc.: Claim in the amount of \$1,000.00 for services on the Carol Lant-Betty Davis property, as part of the Lynch Road Project. Mr. Curtis recommended approval.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered.

Commissioner Willner said he asked Mr. Curtis to look into that piece of property on Green River Rd./Lynch Road that the lady would like for the County to buy -- was that a Ms. Kixmiller?. Has he had an opportunity to look at that yet? She does want to sell her property and make a change and doesn't want to go through a hassle. So if there's a possibility we can help -- fine.

Mr. Curtis said he has not.

Mr. Willner asked that he do so and make a recommendation next week.

Trapp Road/Wooden Bridge: Mr. Dave Ellison of the Big Creek Drainage Association introduced himself and said it is his understanding that there is to be a wooden bridge built on Trapp Road. Is that true?

Mr. Willner acknowledged that this is true.

Mr. Ellison said he also understands it is to be a three-span bridge with a 32 ft. opening. Is that also correct?

It was confirmed that this is also correct.

Mr. Ellison said his concerns -- and those of some others here who also live on Barr Creek -- are not so much what they were before when they didn't want a wooden bridge, but the last time one of these was proposed was on Outer Darmstadt Road and the price reflection was \$50,000 the other way. Now he understands this is going to be \$50,000 cheaper than a concrete structure. Is that also correct?

Mr. Willner said it is possible.

Mr. Ellison said he can't figure that one out -- but, as a taxpayer, he was wondering. He feels uncomfortable with wooden bridges because of vandalism, etc., in burning those ditches. The Board doesn't feel this is a problem? How much heat will that bridge take? If they get a lot of trash, etc., on a bank and they start burning ditches out there -- will this cause a problem?

Mr. Curtis said he isn't sure how much heat they will take.

Mr. Ellison said maybe there is a communications problem or perhaps the Board doesn't feel they should contact farmers in the area so they could have some input on these projects. Again, they are not happy with the wooden bridge. They appreciate the bridge on Outer Darmstadt and they appreciate the County putting in bridges -- but they don't feel this wooden bridge is going to fit their needs.

Commissioner Willner noted that Mr. Ellison said he couldn't figure out the cost difference. The bridge on Outer Darmstadt Rd. is a covered bridge and the Trapp Rd. bridge isn't a covered bridge and that is the difference in cost.

Mr. Ellison said he's talked to several engineers in the Evansville area and they had concerns about the structure of a wooden bridge and the farmers have the same concerns.

RE: REQUEST TO RE-NAME BIG CYNTHIANA ROAD "RESURRECTION DRIVE"

Mr. Willner said he has the following letter from Resurrection Church, together with a signed petition, requesting a road name change. They are talking about a portion of a road which extends

from New Harmony Rd. or S. R. 65 across S.R. 66. That is the new section constructed by the Highway Department and given back to Vanderburgh County. They would like to call it "Resurrection Drive". They say the postal carriers indicated it is especially confusing for substitute carriers who are not familiar with the area to find out where some people live. Also, delivery trucks and emergency services are having difficulty locating addresses in the section near Bockelman's Restaurant. Highway 65 is also designated as Big Cynthiana Road. If "Resurrection Drive" would not be acceptable, perhaps it could be considered an extension of Red Bank Road. They ask that we advise if there is anything further they can do in the matter.

In continuing, Commissioner Willner requested that the record show that there were four (4) pages of signatures. He asked for the Commissioners' recommendations.

Commissioner Borries said Mr. Jerry Riney has also received some information and there may be someone in the audience who wishes to speak on this matter.

Mr. Russell Goebel of 4300 Goebel Drive introduced himself and said that when that road was put in, the road was already cut off. To him, it looks like it ought to be S.R. 65. There is a little problem with an address on there (the man doesn't want his address changed). He doesn't see where "Resurrection Drive" or Red Bank Road" either one would be suitable. You might as well go through Jennings Lane and call that Red Bank, because you're going straight out Red Bank and into Jennings Lane. The other problem is -- if they're going to change the name, it looks like they would change it to a road that they took over when the put Highway 65 through. When the Federal Government put that road in there before they turned it over to the State, it was supposed to be a non-access road. In other words, no drives were to be put out of it. And there have been two cuts -- so he is wondering why it is even up for a name change. Insofar as the signatures submitted, they came through as a Church group out there - and the people who live on the road were not even asked to sign the petition.

Mr. Borries asked how many people live on the road?

Mr. Goebel said one resident has an address on New Harmony Road (5500), but they are on the corner of the road and their mail box is actually put on the strip.

Mr. Borries asked if this is the section of road between Highway 65 (where the light is) and Old Boonville-New Harmony Road where it goes through?

Mr. Goebel said it is New Harmony Road.

Mr. Borries asked who built that?

Mr. Goebel said the Federal and State governments built that.

Mr. Willner said the State built it, but with Federal money. It then came back to us and he thinks we accepted it.

Mr. Borries asked if we get Federal or State gas allocation tax on this? If we do, what is it under -- Big Cynthiana Road?

Mr. Curtis said the State funds the roads and they give each road a number -- they could care less what the name of the road is; they just put a number on it and pay on that basis.

Mr. Borries said it seems to him that Bob has a letter from another person who lives on there and the residents who actually live on the road should have some say in the matter. What has caused this to be brought up?

Mr. Goebel said Resurrection just has an opening to get out on it from the back side of their school.

Mr. Willner said they have two openings.

Mr. Goebel said it seems to him that if a road was going to be named after something then the front of it ought to face the road.

Ms. McClintock asked, "And they want to name it after their church?"

Mr. Goebel said that is what they are requesting. In a way he doesn't have a lot of objection to it. But he feels the residents should have been approached before the church went this far. That change in address is rough -- because ever since they cut that strip in there -- he had a hard time for a long time getting his mail. And when they change drivers -- you run into a problem. But originally it was his road that came out on the Old New Harmony Road and when the State built it, they cut him off half way through that road and brought him out on it. So, in a way they covered the second half of that road up -- which originally was Goebel Drive.

Commissioner Willner said he also has correspondence from Michael Sanders of 4400 Big Cynthiana Road. Mr. Sanders says that his home is the only one with an address on this road. Also, on his wife's side of the family, this property has been in the Hermann family since 1849. Mr. Sanders requests that the road be left as it is or just plain Cynthiana Road. He has had this address for the past eight (8) years.

Mr. Goebel said, "These fences that have been put up there for limited access -- are they able to move them now? In other words, I'd like a written statement signed by the Commissioners -- because it should be State or Federal property to start with. If you can take them out, I want to move one."

Attorney Miller said, "If it's County right-of-way, you'd have to have permission to make a curb cut. It's County property now -- it doesn't belong to the State or Federal Government. That is what Resurrection had to go through. They had to get permission to do that. If you want to make a cut in there, you have to get permission to do it."

Mr. Goebel said he doesn't want to make a cut; he just wants to take a fence down that has been put across the front of the yard of the house on the corner. He's been told a couple of times he could take that fence down. The fence is on the County right-of-way.

Mr. Borries asked Mr. Goebel if he is saying that the Church has gone through and cut the fence?

Mr. Goebel said that is correct -- and so has Mike Sanders.

Commissioner McClintock asked, "Who gave them permission to do that?"

Mr. Willner said, "I would say no one."

Mr. Borries asked, "Then it is your understanding that they just cut through? They'd have to come before this Board."

Mr. Goebel said, "When Mike Sanders did it -- it came through this Board -- but nobody knew it. And that is where the Cynthiana address comes up on that road is through Mike Sanders. But I can see him not wanting to change that address."

Mr. Muensterman said the problem is that there are four (4) roads marked Big Cynthiana Road and the Post Office says they have problems. They get a new carrier in there and he doesn't know which Big Cynthiana Road goes where. One runs in front of Bockelman's, then the one they are talking about, and then across the highway in front of McDowell's photography place is Big Cynthiana Road and then Highway 65 -- and those four roads are divided by Highway 66.. So this makes four (4) roads named Big Cynthiana Road. If someone wants the name of one of those roads changed, he doesn't care.

Commissioner Willner said he would like additional information and Mr. Borries was asked to check this out.

RE: OLD BUSINESS

Mr. Willner entertained other matters of Old Business to come before the Board.

Lighting, etc. at Vanderburgh Auditorium: Commissioner McClintock said there had been some discussion concerning lighting, etc., at the Auditorium and she hasn't heard anything since January. Is there going to be a meeting on this?

Mr. Willner said he believes there has been some progress on that and this will be placed on next week's agenda.

Mr. Curtis said he is in the process of working up specifications on that and the sound system -- having it as a joint project. He believes it would save some money to have one contractor doing all the coordination. That way the contracts can be done at the same time and we'll not have things shut down.

Mr. Borries asked if we're also looking at ways to modify the seating so there will be increased seating capacity?

Mr. Curtis said he was supposed to meet with the Fire Marshall's office and he should be doing this within the next week.

RE: APPOINTMENT TO LEGAL AID SOCIETY BOARD OF DIRECTORS

Mr. Willner said he has a letter from the Legal Aid Society indicating that Commission appointee Gail Rollins of Bristol-Meyers resigned in the middle of her term because of business obligations. Mr. Gerald R. Elliott of Bristol-Meyers has agreed to become a Board Member and they would appreciate the Commission making this appointment as soon as possible. He will be serving until August 1, 1991.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Gerald R. Elliott was appointed to fill the unexpired term. So ordered.

RE: UPDATE OF COUNTY PARKING LOT BOARD

Commissioner Willner said the Commissioners need to update the County Parking Lot Board. Mr. Riney has been doing some work in this regard.

Mr. Borries said we've seen a lot of earth-shaking events during the past year -- the Berlin Wall coming down; the Soviet Union; the independence movement in Lithuania, Estonia, and Latvia. Yesterday the Nicaraguans elected a different group, ousting the Sandinistas. But he would want to say -- because Jerry Riney is bravely carrying on with this (having inherited it from his predecessor) that it truly will be a banner day -- another earth-shaking day in the world and the mid-west if we ever can resolve that situation, because it is just impossible. We always start out with the best of intentions to limit the number of

places out there and there is a limit to the number of places. But everybody kind of has another person or friend that he or she would like to help -- and it's just a tough one.

Commissioner McClintock suggested a guard.

Mr. Borries said, "A guard -- or end all parking tickets; just get here early in the morning and fight your way in.

Commissioner Willner said there are some things we're talking about doing and one of them is a small car parking lane, whereby each parking spot there now may increase by 4 inches. In doing so, we gain four (4) parking places -- and we've got 14 applications for those. . Nonetheless, this will be discussed further next week.

Auditor Humphrey asked if the Commissioners will be accepting bills for dents?

RE: SCHEDULED MEETINGS

Tues.	Feb. 27	8:00 a.m.	Data Processing Board (Rm. 303)
Wed.	Feb. 28	2:00 p.m.	Council Personnel Committee
		2:30 p.m.	Council Finance Committee
Thurs.	Mar. 2	1:30 p.m.	Central Dispatch (Rm. 301)

RE: ALEXANDER AMBULANCE SERVICE, INC. - MONTHLY REPORT

The monthly report from Alexander Ambulance Service, Inc. was submitted.....report received and filed.

RE: CLAIMS

Robert J. Folz/5227 Myrtlewood/Sarasota, FL: Claim in the amount of \$5,000 for an earnest downpayment for the purchase of property located at 319-321 Market Street, Evansville, IN. This constitutes the first phase of the purchase of that building.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved. So ordered.

RE: EMPLOYMENT CHANGES

County Highway (Appointments)

William V. Boring	Truck Driver	\$9.71/Hr.	Eff: 2/12/90
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County Highway (Releases)

William V. Boring	Laborer	\$9.42/Hr.	Eff: 2/9/90
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Cumulative Bridge Fund (Appointments)


Ronald S. Allega	Laborer	\$9.49/Hr.	Eff: 2/22/90
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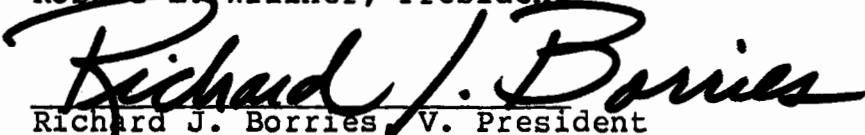
There being no further business to come before the Board, President Willner declared the meeting recessed at 4:26 p.m., with an announcement that the Drainage Board will meet following a five minute recess.

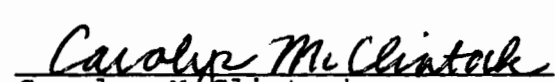
PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
David Miller, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Highway Engineer
Cletus Muensterman, County Highway Superintendent
William Jeffers, Chief Deputy Surveyor
Dennis Feldhaus, Helfrich Insurance Agency, Inc.
Susan Jeffries, Purchasing Department
David Ellison, Big Creek Drainage Assn.
Jim and Ronda Fleming
Darrell L. Rice, Soil Conservation Service
Tom Marshall, Rudd Equipment Company
Otis E. Cox, Floyd E. Burroughs & Associates
Floyd E. Burroughs, Floyd E. Burroughs & Associates
Russell Goebel
Bill Bennett
Jerry Riney
Margie Meeks
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 5, 1990

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MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 5, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 5, 1990 in the Commissioners Hearing Room, with President Robert Willner presiding. Since it was the first meeting of the month, the meeting was called to order by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Commissioner Willner entertained a motion concerning approval of the minutes of the Public Hearing re County Roads held on Monday, February 20, 1990.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AWARDING OF CONTRACT FOR TANDEM STEEL WHEELED ROLLER
- COUNTY HIGHWAY DEPARTMENT

Commissioner Willner asked Mr. Cletus Muensterman, County Highway Superintendent, for his recommendation.

Mr. Muensterman said the bid from Brandeis Machinery in the amount of \$42,628.00 is his recommendation. This was the third lowest bid. The lowest bid was from Deeds Equipment in Lawrence, Indiana and the bid from Construction Machine Co. in Louisville, KY was second lowest bid. Brandeis Machinery is an Evansville firm and they handle everything we need for the equipment -- and they have the fastest delivery (60 days).

Ms. McClintock asked if Mr. Muensterman can reiterate why he is recommending a vendor other than the low bidder.

Mr. Muensterman said he is recommending we accept the Brandeis bid because the product is home-owned and Cummins Diesel repair and parts are also here in the City.

Attorney John asked if this is a piece of equipment that would occasionally require maintenance.

Mr. Muensterman responded in the affirmative and said he feels the local company can supply such service in a more expedient manner than the out of town firms. The Ferguson and Dresser equipment are similar in nature -- but the availability of the equipment and the service makes the Brandeis bid the more acceptable of the three low bids. The low bid was \$39,967; the second lowest bid was \$40,154.25; and Brandeis' bid was \$41,628.00 -- so we're not talking about a big difference.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bid was awarded to Brandeis Machinery in the amount of \$41,628.00. So ordered.

RE: USI OVERPASS - BERNARDIN-LOCHMUELLER, INC.

Commissioner Willner said that Mr. Tom Bernardin of Bernardin-Lochmueller & Associates is back today with a change in design on the USI Overpass.

Mr. Bernardin said he will make this a brief presentation. He is reporting back to the Board to show them some refinements on one of the interchange alternatives, in particular -- the Diamond interchange. He has given each of the Commissioners a summary.

There have been some new developments since he last met with the Commissioners. They went up to the State Highway Department and spoke with the head of their environmental division regarding the schoolhouse, in particular, and what we would have to go through -- what sort of paperwork would be necessary -- to remove the schoolhouse and put it elsewhere. They checked the Registers. It is not on the State Historic Register. They spoke with the people in the State Historic Preservation offices and they felt that at this time they didn't require any paperwork be done. So, in essence, we have the green light to take that property as right-of-way. Whether the Commissioners wish to preserve the building or not will be up to them. But in any event, it enhances this alternative and makes it look much more favorable. That was one of the big stumbling blocks we had to this Diamond interchange alternative.

Commissioner Borries asked whether pictures would suffice as historic preservation?

Mr. Bernardin said they are not even requesting photographs.

Mr. Borries asked, "And that building is not currently in use?"

Mr. Bernardin confirmed that it is vacant. The last time he met with the Board, this was considered as one of the alternatives and one of the things brought up was the cost. The cost we had was at \$5.2 million previously. We were able to make some modifications and reduce the cost. Basically, the major change was to eliminate the construction of designated portion of roadway from the north ramp up to the existing Eickhoff Road. The thinking was that that could be constructed in a future Federal Aid project in the Eickhoff-Koressel Road project and get more Federal participation dollars. And what we are doing is putting in a temporary road connector to bring the road into Eickhoff Road just as quickly as possible -- with a minimal roadway -- two eleven foot (11 ft.) driving lanes with earthen shoulders -- and bring it down to grade as quickly as possible. The designated curve is a 20 mph curve; they're coming to a stop position and that would appropriate in that circumstance. There would be STOP signs at designated location. In addition, they will eliminate the traffic signal at the north ramp junction and will do STOP signs for now. If signals are needed later on, they can be put in with the Eickhoff-Koressel project. We would be cul-de-sacing off Eickhoff Road at the south end and Middle Mt. Vernon Road on the west end and on the east end.

Turning to Page 2, you will find the costs. The construction costs are now \$3,460,000 as an estimate, which is a reduction of \$440,000. Again, that is primarily due to the reduction and elimination of designated pavement and embankment. There is quite a bit of fill in designated area, so that eliminates a tremendous amount of dirt work and, of course, four lanes of pavement and shoulder work, as well.

With regard to right-of-way area, we previously had a home in the designated area which their right-of-way man had included. It will eventually be taken with the Eickhoff-Koressel project -- but he made sure to remove that at this time. So we're really down to three (3) homes being taken (that includes the schoolhouse, the home just west of it, and the farm smack dab in the middle of the interchange). Just two relocations -- since the schoolhouse is vacant. That reduces the right-of-way cost by \$40,000 -- to \$544,000 from what it was previously. There is a reduction of \$69,000 in engineering services -- to bring it to

\$648,000. They're using an estimate of 10% for the construction engineering; so when the construction cost went down that lowers the construction engineering costs -- for a net decrease of \$549,000 -- for a total project cost of \$4,652,000 -- which makes this the most economical alternative and the best value for our money.

Mr. Bernardin then entertained questions concerning the cost portion of the presentation.

Commissioner Willner asked if we've showed the new plan to USI?

Mr. Bernardin said they have not seen this. They have seen the previous alternatives and the Diamond interchange -- so he doesn't think this would be a major problem - it shouldn't be.

In continuing, Mr. Bernardin said the last page contains the Time Schedule. Again, it is the same series of events: the design, the right-of-way and construction we had previously; no change in the durations. Everything is moved up one month -- since we've really lost a month since the last time they were here (three weeks ago). Eleven months to complete design; right-of-way work will commence sometime around the first of August; and they look for a bid letting sometime between October and December of 1991, with completion by July of 1993 -- this is what they are estimating. Still three years and four months for the whole ball of wax. So today they would like an approval from the Commission to proceed with this proposed design. The time reduction is about one year -- when we were talking about going through all the hoops and paperwork for the schoolhouse. Really that is the primary reason the other alternatives were even considered in the first place, because they knew time was important and we were facing that roadblock so to speak with the paperwork on the schoolhouse.

Commissioner McClintock said it was her understanding that there was a group out on the west side that was interested in seeing the schoolhouse moved and raising funds to move the schoolhouse to either the USI property proper, moving it across the street, etc. How old is the school?

Commissioner Borries said it is about 100 years old and like all 100 year old structures it is eligible for the National Register of Historic Places. And that is the significance. He guesses it is like one of the old one-room school houses that used to predominate throughout Indiana and the midwest. But the encouraging thing here he thinks, with what Tom has been able to point out, is that it is not on the National Register of Historic Places. It is eligible -- but it is not on there -- and he thinks this is the major difference the State is pointing out. If it is on the National Register, then we have a lot of problems. He, too, had heard about moving the schoolhouse. He does think that if it were at the County's expense, there would have been any way of preserving that structure. If USI or the West Side Improvement Association wishes to raise funds and move it at their expense, he would be willing to consider that. There were also some alternatives looked at with regard to this, because they felt that was going to be a major obstacle in relation to this project. Now Tom's new information apparently is saying that even though it is eligible, at this point it does not present a major problem in relation to the planning we have to go through for this project.

Mr. Bernardin countered, that's right; they checked with the State people in the Highway Department and Historical Preservation office, as well, and it is not on either list and doesn't require any documentation insofar as they understand.

Mr. Lochmueller noted he found some new information and Dick Gantz (who is with Historic Preservation for the State of Indiana) has stated that we don't have to have any more paperwork. The Federal Highway in Washington, D. C. hasn't yet said that is okay; but what does that mean? That means that what additional paperwork that takes place could take place in a month or so --not the same time restrictions. He called last week to find out what Federal Highway in Washington, D.C. was saying. But the Local Division....

Mr. Borries interrupted, "My question would be, since we are locally biting the bullet here in financing this project because the State at some earlier time was unwilling to fund the project -- and we're doing so in the best interest of the students at USI -- we've resolved all of that -- in fact, we're not using State funds on this project -- I question why Mr. Gallivan at the State Highway would have any influence or any authority in this matter. He is not putting up the bucks."

Mr. Lochmueller said, "You have a very excellent point. The State Highway Department has made this statement -- that this is a local project; this is a project not being funded by Federal Highway; we're not trying to circumvent any regulations. So what do they have to say?"

Mr. Borries said, "I always have to ask this question and I never get the right answer from Mr. Gallivan. Put it in writing. Suddenly, where is this restriction? If it ain't on the register right now and the State says it doesn't have to be -- then I think we ought to be able to move forward here. If we keep delaying, all of a sudden something could happen."

Mr. Lochmueller said, "From that meeting I was totally satisfied; and I think you were, Bob, that we can move forward."

Mr. Borries said, "If we were seeking State funding for this project or if there were a Federal match involved in it, I would certainly have to listen a little more carefully to what Mr. Gallivan is saying here -- or at least get word from someone. But it seems to me with all your expertise you certainly know what the Federal regulations are and you have an engineering department that is thoroughly familiar with all the State and Federal Regulations and we're going to comply with all of those -- but they don't have anything to do with the funding on this."

Mr. Bernardin said that is correct.

Ms. McClintock said she will talk with the West Side Improvement Association and explain the County's position; we'll be happy to help, but not financially.

Mr. Borries said this is his feeling. What Bernardin-Lochmueller has been able to do is downsize what our original estimate was -- financially as well as in time - and he is very encouraged and likes what he sees there. There is no criticism of Mr. Gallivan; he is sure he is trying to do his job in the best way possible. But in this particular case he is not putting up any bucks and he would question his ability to call the shots in this.

Mr. Bernardin said his firm concurs with that assessment.

Commissioner Willner asked if a 5-lane bridge is planned and dual lane egress/ingress?

Mr. Bernardin confirmed that this is correct. They really haven't changed anything in this area from what was previously presented -- other than removal of the designated stoplight.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the USI Overpass Design as presented today by Bernardin-Lochmueller & Associates was approved. So ordered.

RE: REQUEST TO USE ROADS FOR RIVER CITY BIATHLON SERIES

Commissioner Willner said he has a letter from Shane Thread, Race Director for the above-mentioned. He is requesting permission to use County roads for this event. The first race would take place on April 28th on and around the USI Campus. The race would start at 9:00 a.m. and the second race would take place based out of the 4-H Center on July 21, with a 7:00 a.m. starting time. Entries will be limited to 200 for both races. He has been in contact with Sheriff's Reserve and has arranged to have the race covered by a \$2 million insurance policy (covered by one of the sponsors of the race, Sports Quarters).

Commissioner Willner said the Board would be able to approve the short race on April 28th, but not the event on July 21st for the portion of Boonville-New Harmony Rd. which lies within Darmstadt. Therefore, we need to so inform them.

Attorney John said that two meetings ago he was asked to come up with a proposed ordinance for controlling parades in Vanderburgh County. He has done so and the ordinance is very similar to the one Evansville uses. The definition of a parade is very difficult and he has defined it as "the assemblage of two or more people for the purpose of congregating or parading in public places or on public streets". That is subject to a broad interpretation and, in his opinion, this group would constitute parading. Under the proposed ordinance, it would just require that the applicant fill out a permit which would be designed and kept in the County Auditor's office and they would pay a fee subject to the Commissioners' approval and adoption. The permit would set out the name of the people who are going to be involved, the date and time of the parade, and the route specified. Twenty-four (24) hour notice must be given prior to a parade being held.

Commissioner Willner said he would think we would need a little more than twenty-four hour notice.

Attorney John said it puts the onus on them to obtain the permit at least 24 hours prior to holding the parade. The main purpose of this is to allow the County, if they think any additional steps should be taken, etc., -- but the Commissioners can change the time required. The City's fee is \$5.00.

Commissioner Borries said he has no problem with this. He believes Roger Steinkuhl of the Darmstadt Town Board initially brought this up. He would think the request before the Commissioners at this time could be approved, subject to whatever the Town of Darmstadt has to do with their part. The ordinance will have to be advertised anyway. He does think most of these events are worthwhile. It's different than if people were out doing things wrong or harmful to the community. He thinks they are all trying to do something that is healthy, etc., although he is sure it does pose an inconvenience to some people.

Attorney John said he thinks the main reason for the issuance of a permit is to put whatever units of government need to be put on notice so they can take any precautions regarding traffic or pedestrians that they deem necessary for safety reasons. It is not really to control who and who cannot have a parade. He pointed out that the subject ordinance is merely for the unincorporated areas of Vanderburgh County -- this does not control any assemblage within the Town of Darmstadt. They may want to adopt some of these or they may want us to add some additional regulations.

The Commissioners instructed Attorney John to send the proposed ordinance to the Town Board of Darmstadt to see if they have any input.

Commissioner Willner said the Board's immediate problem is that they cannot approve any portion of the race that lies within the Town of Darmstadt.

Commissioner Borries said perhaps we should advise them that they also have to go to the Town Board of Darmstadt.

Attorney John said that to be perfectly honest, he doesn't know of any authorizing ordinance right now that says people have to come before the Board of Commissioners. It was noted by Commissioner Borries that he thinks Attorney John is correct -- it's just been a practiced formality.

Commissioner Willner said what the organizers are construing is that when they ask permission and the Board grants it, then they construe it to mean they can block the roads and tell people cannot traverse or anything like that -- and that is not true. That is where the problem lies.

Attorney John said this ordinance also allows the Board to adopt regulations pertaining to parades, which includes whether or not there can be blockades, one lane traffic, or two lane traffic, or whatever. We could do that and change it on an occasional basis, depending upon need, without changing the ordinance. It authorizes the Board to adopt regulations and post them down in the Auditor's Office and include same on the permit, etc.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request for the River City Biathlon Series was approved and is to be forwarded to the Darmstadt Town Board for their approval. So ordered.

RE: REQUESTS TO GO ON COUNCIL CALL

President Willner said he has requests to go on Council Call as follows:

Acct. 130-328 Examination of Records	\$6,000.00
Acct. 130-260 Office Supplies	2,000.00

Mr. Riney noted that with regard to the \$2,000 amount, for the Board of Review, Jim Angermeier has a \$1,400 bill (which has not yet been purchased) and we have to request the money so he can follow through with the Board of Review for those supplies. The other portion was the furniture supply. County Council requested the Commissioners pay some more money out of their account for furniture that had been purchased and they will supplement it with the new request.

Acct. 130-376 Occu-Med	\$4,800.00
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Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the requests were approved. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL

Rick Higgins, Auditorium Manager, said Commissioner Willner asked him to obtain some quotes on improvements in the meeting rooms at the Auditorium to be completed for a convention they have brought into the City for the fall. He has four (4) estimates on carpets (roughly \$6,500). The ceiling tile will cost \$1,500. We have two rooms that look like an ocean that have to be replaced and then they can piece in the other rooms and paint would be \$250.00 -- with the total of \$8,250.00. He needs to go on Council call for these monies.

Mr. Willner said that the Association of Indiana Counties will hold their convention here in September and they are going to use the meeting rooms in the Auditorium rather than the hotel. We

had several requests to install some carpet and clean the rooms up a bit and this will take care of improvements in five (5) rooms. This is basically the whole upstairs in the Auditorium on the Gold Room side. If approved by Council, Mr. Higgins will have to coordinate with purchasing. However, we were just after a ballpark figure at the moment.

Mr. Willner noted Mr. Higgins hasn't included anything for the accordian doors and Mr. Higgins said he hasn't been able to get in touch with those people yet.

Mr. Willner said we need the whole ball of wax before we go on Council Call. There is one big room that has accordian sliding doors and several of the pleats are broken and the bottom is dragging. He'd think we roughly are talking about \$10,000. If Mr. Higgins can get those last figures, the Board can take action on this at their next meeting.

Ms. McClintock asked if there are chairs for these meeting rooms.

Mr. Higgins said there are. In fact, he just sent 134 red and white chairs that haven't been used since he's been at the Auditorium over to the Coliseum for storage. These are chairs similar to those you'd see in a Baskin-Robbins facility -- vinyl covered, solid red and solid white. They are very old -- probably purchased either when the building was built or maybe in the 70's -- but they are being stored at the Coliseum. However, he has enough stack chairs and tables the Auditorium uses for other events to use upstairs in these meeting rooms. He doesn't need any furnishings up there.

Ms. McClintock said if you have meeting rooms, other than tables and chairs you need things like chalkboards, easels, podiums, overhead projectors, etc.

Mr. Higgins said he wasn't asked to get quotes on furnishings. They have five (5) podiums (2 upright and 2 table) -- two portable chalkboards, a microphone -- and that's about it.

Ms. McClintock asked why the Association wants to use these meeting rooms?

Mr. Willner said he thinks the hotel charges for use of meeting rooms and County Council thought that for what the hotel would cost they could fix up the meeting rooms at the Auditorium.

Ms. McClintock said she doesn't disagree -- but she is saying that if we are going to spend \$20,000 and we need to buy other equipment to make those rooms workable -- she doesn't know how we can have meeting rooms and not have accommodations to make and serve coffee in the morning. Do we need to buy a big coffee urn, etc. that will make it nice? She thinks we need a complete list with prices.

Mr. Higgins said they very seldom rent these rooms out.

Ms. McClintock said she understands that -- there is nothing there now. But when they rent meeting rooms at Channel 9 for all day, they make coffee, they have to have chalkboards and all those kinds of things -- that is expected.

Commissioner Borries said he thinks Mr. Higgins needs to check and make a list of what we have and what we do not have. If someone needs a screen or overhead projector, maybe we can get one from the School Corporation. He doesn't know whether we want to get into it, but anymore VCR capabilities are desirable.

Ms. McClintock asked if they replaced the tan carpeting?

Mr. Higgins said we have not. It is finished; it is paid for; and we are stuck with it.

Ms. McClintock said there is no excuse for that. If we made our final payment, why did we make the final payment?

Mr. Higgins said he went on vacation in January and Wally Clements told him we'd specifically have the burgundy carpet. When he came back, we had the tan carpet, the bill has been paid, and Wally says he is sorry.

Ms. McClintock said she is, too -- but we've got to do something about it. We have a strip of tan carpeting right in the middle of all the grey and burgundy and it looks awful.

Mr. Higgins said when they didn't get the carpet back the way it was they had to do something about it. We do have some new tan doormats that highlights and enhances it. He doesn't think it looks too bad.

Mr. Borries said he doesn't like it. If it had to be a different color, at least we could have used something that would match.

Mr. Higgins said he called Wally Clements when he returned from vacation and he said to call Gary Lichtenberger. He did and Gary said he was sorry there was nothing he could do. He called Gary back and he wouldn't accept the call.

Ms. McClintock said it is her understanding they had to replace a portion of the carpet they did not know they would have to replace and there wasn't enough of that carpeting -- so they couldn't get either the gray or the burgundy to put in there -- so they put in the tan carpeting.

Mr. Higgins said they had no approval from him or anybody else to do that.

Ms. McClintock said she doesn't know whether we ought to go ahead and get it replaced and then talk to them -- or talk to them first.

Commissioner Borries said we might want to check to see if we have a Performance Bond. He thinks the key here is original specifications. If they couldn't find the exact carpet, it would seem they would have to provide something that at least matches and it seems someone (the manager or the Commissioners office) ought to be the one to approve any alternatives.

Attorney John asked whether the Commission is going to go ahead and replace the carpet -- whether or not it has to be done by someone else.

Ms. McClintock said she thinks it has to be replaced.

Mr. Higgins assured the Board that he met with Wally Clements and Lichtenberger prior to his vacation and specified the carpet had to be burgundy -- and apparently they slipped this in on us. He feels responsible. The question is what can we do and what are we going to do?

In conclusion, Mr. Higgins said he will provide the Board with a ballpark figure on furnishings for the upstairs rooms at next week's meeting.

RE: OLD PETERSBURG PLACE

Attorney John reported he had a call from Dan Durkee out on Christopher Drive in Old Petersburg Place. They were at the Commission Meeting in November or December regarding some drainage problems and he was inquiring as to the status. Attorney John assured him he would bring this to the Board's attention.

Commissioner McClintock said he should call Attorney Miller. There are people there who have disturbed the original drainage plan because they have installed a pipe. The Commissioners instructed him to write a letter concerning same, and Attorney Miller subsequently he thought he had a conflict, so he was going to ask Attorney John to do this.

Attorney John said he will check with Attorney Miller.

RE: PARADE ORDINANCE

Attorney John said he is sending the Parade Ordinance to the Town Board of Darmstadt for their input and the Commissioners will withhold any action pending what the Town Board of Darmstadt has to say.

RE: PROPOSAL RE FOOD SERVICE AT BURDETTE PARK

President Willner noted that Item #7 regarding food service at Burdette Park will be deferred until next week.

RE: BURDETTE REPORT - YEAR END REPORT

In viewing the year end Financial Report for Burdette Park, Commissioner Willner noted the following.

	<u>1989</u>	<u>1988</u>
Pool	\$207,317.79	\$199,284
Rink	52,986.79	33,404
Rentals	106,594.07	82,060
(This includes campground rental income)		
Miscellaneous	62,221.84	35,000
Total	\$429,120.49	350,073

The total deficit was \$189,939.30 and the year before it was \$229,104.00 -- so that is about \$38,000 better than the previous deficit.

Campground rentals amounted to \$16,983.65 against \$12,678.00 the previous year.

One of the things the park is looking into is City bus service. We think there are a lot of people who might come out to use the park to walk, watch, look and listen who have no way out there -- and possibly bus service can be made available.

Ms. McClintock said Mr. Tuley does know not to ask for any capital improvements -- we're done for a couple of years.

Deluxe Miniature Golf Course: Mr. Willner said he guesses the problem with the Deluxe Miniature Golf Course has worked itself out.

Ms. McClintock said she talked with Mr. McCormick and she told him we had to have copies of receipts of what he had made on investments before the Board can make any decision as to whether or not he has done enough out there. He told her he would have those for her by the time she gets back from the Purdue Road School.

Mr. Willner said he understands that Mr. McCormick does realize that it is his duty to finish the miniature golf course with the shrubs we wanted.

Ms. McClintock said he indicated he had spent all of his money. She asked him to let the Board look at what he has spent and they will make a determination as to whether or not this is reasonable. She will continue to communicate with Mr. McCormick and keep the Board up to date on the matter.

RE: COUNTY HIGHWAY

Mr. Muensterman said he had submitted his Weekly Work Reports.....reports received and filed. He asked if there are any suggestions or recommendations. There were none.

Flood Waters: It was noted by Mr. Muensterman that the flood waters have receded and he doesn't believe they did as much damage as in previous years. One culvert was really bad and come to find out, we don't need either one of them along Old Henderson Road. The farmers suggested we not even use them. Old Henderson Road was closed until 4:00 p.m. today and will be opened tonight and they will close it again tomorrow to get the other culvert knocked out. They've also been patching in a few places down there.

In discussing the bank, Mr. Willner said we have a designated placed we called the Corps of Engineers in several years ago to repair. That is just a small section -- and other than that, it is not our responsibility. But it usually takes them a year or two to get it in their budget and take care of the problem. The problem we had with the road washout -- we took care of ourselves.

RE: COUNTY ENGINEER - GREG CURTIS

Request for Approval of Roadway Construction Plans/Expressway Commercial Subdivision: This is a subdivision off Red Bank Road and Highway 62. Mr. Curtis pointed out the portion of Jones Road that the zoning agreement referred to. The section of road that the plans are for is an extension of University Drive to the west -- 722.14 ft. This will extend back to serve five (5) lots. There will also be a temporary turnaround at the end of that 721 ft. There is a road that will come in off Red Bank Road on the south side of designated lot which will eventually extend and circulate traffic in a horse shoe shape -- although that is not part of this project. But that is why the temporary turnaround. He has reviewed the plans. He would make the Commissioners aware that they are also asking that 275.31 ft. of Western Road be approved for extension -- which is the other short road discussed. In building this section of road they are asking that it be left open to either concrete or bituminous -- they will follow the standards for either. What he is really wanting to do is bid it both ways -- and whichever way it comes out cheaper, then that is what he is wanting to do. He doesn't see a particular problem with that. These are typical roadway sections. At the present time, either would meet our standards and it is his recommendation that the plans be approved.

Following brief exchange of comments, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, upon recommendation of the County Engineer the plans were approved as presented. So ordered.

Red Bank Rd./Highway 62 Intersection: As discussed with each of the Commissioners, Mr. Curtis said Jack Rogers, the developer of Expressway Commercial Subdivision, had asked what would need to be done at the intersection. However, with the entrance road he has (which is Western Drive) it is our wishes (Curtis and EUTS) in looking at the traffic patterns we have two lanes to the north instead of just one, so if a car is stopped trying to turn into Western Drive they will have room to get around and go ahead move north on Red Bank Road. He talked with Mr. Rogers about that and he is agreeable to paying for the curb necessary. He is

agreeable to paying for a curb on the east side of Red Bank Road running north from the State access control line (where the State's jurisdiction ends); on Red Bank Road to extend the second lane beyond their south entrance providing that we will go on and allow that lane to extend up to University Drive. It is Mr. Curtis' feeling that if we will go ahead and make that lane a right turn lane into University Drive it would greatly ease the flow of traffic in that area. And while he knows we have a number of other things we'd like to do, it would save us a considerable amount of funds with the low amount of bituminous if we would do that with our local forces -- to try to save money on that insofar as bituminous paving.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the agreement regarding the widening of the road on designated stretch of Red Bank Road and S. R. 62 with Jack Rogers was approved. So ordered.

Request for Waiver of Sidewalks in Expressway Commercial Subdivision: Mr. Curtis advised that Mr. Rogers has requested waiver of sidewalks in Expressway Commercial Subdivision in view of the fact that no other subdivisions in the area have required sidewalks. Mr. Curtis said he would like for the Board to very highly consider not waiving sidewalks there. Part of the rationale is that many of the other developments out there have been developed as a minor subdivision without lots and they have leased them and now have to go through the subdivision process. Therefore, in many cases they don't have them and we wish there were sidewalks out there. Mrs. Cunningham would like to see sidewalks in this location -- particularly with it being commercial, with a lot of pedestrian traffic in and out of the establishments.

Mr. Borries asked if this isn't just directly adjacent to the City Limits?

Mr. Curtis said, "Yes, to the west."

Mr. Borries said he thinks the Board usually considers a waiver if the location is a mile beyond the City Limits and this doesn't fall into that category. However, he doesn't know whether he needs sidewalks on both sides of the street, etc., and he thinks possibly Mr. Curtis should look at the plans as to where the sidewalks will be.

Mr. Curtis said he thinks this would depend upon where the establishments will locate. For instance, if they would take two lots, the sidewalk situation might be different than if they are located on one lot. He might suggest that the Board forward this with the comment that sidewalks will be required, but put this into the Site Review process as to where those are located.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request for waiver of sidewalks in Expressway Commercial Subdivision was denied. So ordered.

Claim/United Consulting Engineers: A claim for engineering services on the Columbia-Delaware Bridge #1-C in the amount of \$17,700 was submitted. Mr. Curtis recommended approval.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered.

Claim/United Consulting Engineers: A claim in the amount of \$3,750.00 for engineering services on the Franklin Street Bridge #4 over Pigeon Creek was submitted. Mr. Curtis recommended approval.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claim was approved for payment. So ordered.

Claim/United Consulting Engineers: A claim in the amount of \$505.00 for engineering services on Green River Road was submitted. Mr. Curtis recommended approval.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered.

Claim/Bernardin-Lochmueller & Associates: A claim in the amount of \$8,409.60 for construction engineering on Boonville-New Harmony Road was submitted. Mr. Curtis recommended approval.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

Acceptance of Check:

Mr. Curtis submitted a check in the amount of \$1,199 61 from the Indiana Department of Transportation as reimbursement on the Eickhoff Road Environmental Project. Mr. Curtis said he would request that this be accepted and deposited into the Local Road & Street account.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the check was accepted, endorsed, and given to Joanne Matthews for deposit into the aforementioned account. So ordered.

Claim/Deig Bros.: Mr. Curtis said that last week he put a claim through to Deig Bros. Lumber & Construction. The claim, itself, really doesn't need to be signed, but he wanted to run it through the meeting. The Auditor's office found an error in the claim which, in effect, reduced what the last claim should have been in the amount of \$600.00, which would make the claim that was approved last week for \$23,438.95 will, in effect, be \$22,838.95.

The bookkeeper at Deig Bros. also left off the final claim 1,312 l.f. of solvent line paint (\$459.20) and he would recommend that this claim be approved.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim in the amount of \$459.20 was approved for payment. So ordered.

Mr. Curtis said this concludes his report.

RE: OLD BUSINESS

Commissioner Willner entertained matters of Old Business to come before the Board at this time. There were none.

RE: NEW BUSINESS

Mr. Willner then entertained matters of New Business to come before the Board. There were none.

RE: SCHEDULED MEETINGS

Wed.	March 7	2:30 p.m.	Council Council Mtg. (Rm. 301)
		6:00 p.m.	Area Plan Commission (Rm. 301)
Thurs.	March 8	1:30 p.m.	Central Dispatch (Rm. 301)

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim in the amount of \$399.00 for legal services was submitted. Mr. Willner said he has reviewed the claim and finds it to be in order.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claim was approved for payment. So ordered.

RE: TRAVEL REQUEST - WILLIAM TAYLOR

President Willner said he has a travel request from William Taylor re travel on March 16, 1990 to Muncie, IN. The purpose of the trip is to meet with Job Study Consultants regarding the incorporation of all the Health Department employees into the County Employee system. A number of unique personnel situations must be resolved by the County Council prior to Budget Meetings, which will commence later this year.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the request was approved. So ordered.

RE: EMPLOYMENT CHANGES

Pigeon Assessor (Appointments)

David Fox	Assessor	\$26,068/Yr.	Eff: 3/5/90
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Pigeon Assessor (Releases)

Robert T. Dorsey	Assessor	\$25,943/Yr.	Eff: 2/19/90
(Deceased)			
David Fox	Chief Deputy	\$19,171/Yr.	Eff: 3/5/90

(Mr. Willner noted that the Precinct Committeemen in Pigeon Township had a meeting on Saturday and they did elect David Fox to fill the unexpired term of Robert Dorsey.)

Cumulative Bridge (Releases)

David A. Franklin	Supt.	\$20,217/Yr.	Eff: 3/2/90
Greg A. Baggett	Laborer	\$9.49/Hr.	Eff: 2/23/90

County Highway (Appointments)

David A. Franklin	Hwy. Eng. Asst.	\$19,171/Yr.	Eff: 3/5/90
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Sheriff (Jail) - (Appointments)

Jerrad Bailey	Corr. Off.	\$17,500/Yr.	Eff: 2/26/90
Tamara Lohr	Corr. Off.	\$17,000/Yr.	Eff: 3/16/90

Sheriff (Jail) - (Releases)

Paula Rodenberg	Corr. Off.	\$18,654/Yr.	Eff: 2/23/90
Jerrad Bailey	Corr. Off.	\$17,000/Yr.	Eff: 2/25/90

Pigeon Trustee (Releases)

Judith Stricker	Clerk	\$16,830/Yr.	Eff: 3/2/90
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Pigeon Trustee (Appointments)

Judith Stricker	Bond/Fine Clk.	\$15,900/Yr.	Eff: 3/5/90
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County Highway (Appointments)

James G. Georges	Laborer	\$9.42/Hr.	Eff: 2/26/90
Greg A. Baggett	Greaseman	\$9.72/Hr.	Eff: 2/26/90

County Highway (Releases)

James C. Georges Greaseman \$9.42/Hr. Eff: 2/23/90

Sheriff / Misd. (Appointments)

Kenneth J. Hipp Corr. Off. \$17,500/Yr. Eff: 2/26/90

Sheriff / Misd (Releases)

Kenneth J. Hipp Corr. Off. \$17,000/Yr. Eff: 2/25/90

Coroner (Appointments)

Richard A. Woods Chief Deputy \$29,901/Yr. Eff: 1/1/90

Coroner (Releases)

Richard A. Woods Chief Deputy \$26,901/Yr. Eff: 1/1/90

Circuit Court (Appointments)

Tony Behme PTWR \$5.00/Hr. Eff: 2/12/90

Circuit Court (Releases)

Bill G. Danks PTWR \$5.00/Hr. Eff: 2/11/90

Scott Graves PTWR \$5./0/Hr. Eff: 1/31/90

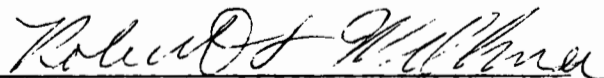
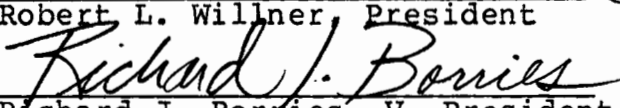
Dennis A. Vowels Pub. Defender \$11,561/Yr. Eff: 2/23/90

There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 4:05 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, V. President
Carolyn McClintock, Member
Curt John, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Hwy. Supt.
Tom Bernardin/Bernardin-Lochmueller
Keith Lochmueller/Bernardin-Lochmueller
Rick Higgins/Manager/Vanderburgh Auditorium
Jerry Riney
Margie Meeks
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, V. President

Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 12, 1990

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MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 12, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 12, 1990, in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of the Public Hearing re County Roads held on Monday, March 20, 1990, were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: BURDETTE PARK - MARK TULEY

Bid Specs/Food Concessionaire: Mr. Tuley submitted a set of Bid Specs for the Food Concessionaire at Burdette Park.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bid specs were approved for advertisement on March 16 and 23, with bid opening scheduled on Monday, April 2, 1990 at 2:30 p.m., with the inclusion of amendment to Section 8 (b) "Successful bidder shall sign Agreement with the Board that the initial terms of this Agreement shall be three (3) years with additional one (1) year increment up to a maximum of five (5) years, pursuant to agreement of both the Board and Concessionaire." So ordered. (Subsequently advertised on March 23 and 30, with bid opening scheduled on April 2, 1990.)

RE: TRANSPORTATION SERVICES FOR THE ELDERLY AND HANDICAPPED

A Request for Proposals for Transportation Services for the Elderly and Handicapped was submitted.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Request for Proposals is to be advertised on March 16 and 23, 1990, with the proposals being publicly opened on Monday, April 2, 1990 at 2:30 p.m.

RE: AREA PLAN COMMISSION - ANNUAL REPORT

Mrs. Barbara Cunningham, Director of the Area Plan Commission presented a copy of the APC Annual Report to the Board....report received and filed.

RE: 1990 CENSUS

Ms. Cunningham presented a copy of a letter to be sent to each employee regarding the 1990 Census (no copy given to the Legal Secretary.)

RE: RESOLUTION OF THE MARTIN LUTHER KING, JR. STEERING COMMITTEE OF THE CITY OF EVANSVILLE, INDIANA REQUESTING APPROVAL FOR THE RE-NAMING OF VANDERBURGH AUDITORIUM

Ms. Brenda Murry, Chairperson for the Martin Luther King, Jr. Steering Committee of the City of Evansville, introduced herself and presented the following Resolution:

WHEREAS, The Martin Luther King, Jr. Steering Committee is desirous of finding a feasible site/facility in recognition of the

March

contributions of former civil rights leader and Nobel Peace Prize winner, Dr. Martin Luther King, Jr.; and

WHEREAS,

The Committee is requesting that a prominent site/facility be considered to bear the name of Martin Luther King, Jr.; and

WHEREAS,

The site/facility will be in a visible location whereby the citizenry and visitors to our City can recognize the respect that is being paid to a human being who stood for justice, dignity, racial equality and freedom for all mankind.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

That the County Commissioners adopt an ordinance whereby establishing the Vanderburgh Auditorium in honor of Martin Luther King, Jr. and whereby the building would be re-named as the Martin Luther King, Jr. Auditorium.

Adopted this 7th day of March, 1990.

/s/ Brenda Murry, Chairperson

ATTEST:

Bobby Gold, Secretary

Mr. Sidney Taylor, President of the local National Association for the Advancement of Colored People (N.A.A.C.P.) approached the podium and said they would also like to go on record in support of the Black Leadership Conference's resolution that the Auditorium be re-named the Martin Luther King Center. They know that the Commissioners will be under pressure from other people NOT to change this, but they hope they know in their conscience that it is right.

Ms. Inez Vick, President of the Bellemeade-Bayard Park Neighborhood Association introduced herself and said the Officers and Board of the Association voted at their February meeting to support the re-naming of the Auditorium in honor of Dr. Martin Luther King, Jr., for the following reasons:

- 1) Because the building has no name, we feel that a permanent building such as the Auditorium will not adversely affect the agency.
- 2) We feel that the Auditorium is a valuable asset to the citizens of Evansville and that public financing will become available and the City and County will work together to make needed improvements.
- 3) The Auditorium is the home of the Philharmonic Orchestra and many other activities. We visualize in the future many multi-cultural programs representing many diverse groups.
- 4) Lastly, we feel that re-naming the Auditorium in honor of Dr. Martin Luther King will be a tribute to his commitment to freedom, justice, and opportunity for all. The tributes to Dr. King are varied; a park in Israel

~~February~~ 12, 1990*March*

and churches in Hungary bear his name. His bust is displayed in the Georgia Capitol and there is a Martin Luther King, Jr. General Hospital in Los Angeles; an expressway in Memphis; the MLK Bridge carries travelers across the Mississippi River from St. Louis; a huge likeness of the Nobel Peace Prize winner adorns the area in front of the San Bernadino, California City Hall; a statue is on the Boston University Campus (his alma mater); a statue is a Washington, D. C. cathedral.

Throughout the world there are streets and other thoroughfares, schools, libraries, hospitals, community centers, public housing developments and social service centers that bear the name and stamp of the Civil Rights Leader. The Association is asking the City and the County Commissioners to take the lead in Southern Indiana and name the Auditorium in honor of this outstanding American, Dr. Martin Luther King. Thank you.

Mr. Clark Field, Human Relations Specialist for the Human Relations Commission for the City and County said he wishes to speak in favor of the resolution. He doesn't have a prepared statement. What has been said which is very much to the point. Cities throughout the world have already taken this step and it has been twenty-two years since Dr. King died and he has surely withstood the test of time. His words, his example, are becoming more and more meaningful and more and more popular in the world today as we look to non-violence to settle our disputes. He is a national and an international hero to many. He thinks it is time we in Evansville take that step and give him merited recognition. He thinks that especially today do the youth need heroes. We're always talking about what the young should do and shouldn't do and he thinks the positive image of a person like Dr. King can be very helpful to them as they struggle with the pressures of today. Therefore, he would urge the Commissioners to get in step. It's been almost twenty-two years and he thinks it is time we, in Evansville moved.

Mr. Jerry Sutton of USI, a Minority Advisor, said he is glad to have an opportunity to speak today. He also speaks as a concerned citizen of Vanderburgh County. He thinks we should throw our support behind the re-naming of the Vanderburgh Auditorium in recognition of Dr. Martin Luther King. Not merely as a statement for his name or his accomplishments -- not to just re-name a structure, but to re-name him for what he stood for and what this County represents. He thinks we would all agree that our County does represent a diverse number of interests and by re-naming the Vanderburgh Auditorium in honor of Dr. King, he thinks that would be a statement on our part that we do recognize diverse interests. It establishes our commitment and our continuing effort to assure the civil rights of all. Just by re-naming the Auditorium does not do all; but it is a step in the right direction --by saying that we do have a commitment. It is a tribute to the area of gain in civil rights. Many committees and individuals in Vanderburgh County were very active in the Civil Rights movement. They would hope that the civil rights movements and the gains that were represented during the Civil Rights movement are not dead. They would hope that those gains are still alive today. And, by re-naming the Vanderburgh Auditorium in honor of Dr. Martin Luther King is a proud tribute not to just the black citizenry, not the white citizenry, but the citizenry of the entire county. Thank you.

Commissioner Willner asked if the other Commissioners wish to take this matter under advisement or do they have comments.

Commissioner McClintock said what that, clearly as Mr. Field and the others have said, the re-naming of a facility, a road, or whatever in Vanderburgh County or the City of Evansville after Dr. Martin Luther King is long past due. She feels (as she is sure the other Commissioners feel) like the Board would like to

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work on an appropriate tribute. When she was contacted by the media following the initial meeting of the Black Coalition Subcommittee, she indicated some concerns -- very honestly -- with the report about the Auditorium. Last week those concerns not only continued, but multiplied. She and Bobby Gold had a conversation about the Auditorium. She would like for a committee or the sub-committee to continue with a representative of the county (one of the Commissioners) to study it -- look at what can be done -- and come back to the Commission at a later date. She doesn't know when the Board will be able to hear it again.

Commissioner Borries said he certainly wants to endorse Ms. McClintock's comments and point out that it has been mentioned that the Auditorium facility does not have a name. And it has been said to him that Judge Henry Vanderburgh is who the facility is named after -- it's not the "Vanderburgh County" Auditorium but the "Vanderburgh" Auditorium. He does believe that the ideals that Dr. King espouses are something we all must consider and he would like to take this under advisement. He does appreciate the sincerity with which what has been said here today was said.

In response to comment from the audience, Mr. Borries explained that the individual for whom the Auditorium is named was Judge Henry Vanderburgh.

Ms. Murry asked that the Commissioners proceed to see what can be done. She is sure we could go on and study and study and study.

Commissioner Willner expressed appreciation to the various individuals in the audience pertaining to this matter and said their attendance is appreciated. He said he will be in touch with the individual Commissioners and whenever they feel they are ready to make a decision -- then he will certainly call for same in a public meeting and will keep one or all of the individuals apprized. He cannot say whether it will be one week or two -- but he certainly won't forget to contact one or more individuals.

Mr. Sidney Taylor of the N.A.A.C.P. said, "Commissioners, the problem is, before this came up we didn't hear anything about the Auditorium needing all of these repairs. I've been passing by there and noted repairs taking place -- new air conditioning, an elevator for handicapped, etc. --so evidently the Commissioners have a plan to keep updating and repairing the Auditorium -- because he doesn't think they are planning on selling it or they would have sold it to Bob Green for the Executive Inn. So he doesn't think re-naming it should be a problem.

Mr. Willner then thanked the group again for coming down.

Ms. McClintock asked Bobby Gold when the Black Coalition will be meeting again -- so one or more of the Commissioners can have an opportunity to attend.

Mr. Gold said he will let the Commissioners know.

RE: REQUEST TO USE COUNTY ROADS - EVANSVILLE BICYCLE CLUB

Commissioner Willner recognized Mr. Keith Weyer of the Evansville Bicycle Club. They are requesting permission to utilize County roads for a bicycle run. This is the ninth year for this event. They are expecting in the neighborhood of 800 cyclists from at least five to seven different states.

Mr. Willner said the Vanderburgh County Board of Commissioners cannot give the Evansville Bicycle Club permission to utilize roads running through the Town of Darmstadt and they must deal directly with the Darmstadt Town Board in order to obtain permission to use their roads. If Mr. Weyer would want to

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withdraw that portion of the route, then the Commissioners can probably handle the request for the portion of roads under their jurisdiction. For the Darmstadt portion, Mr. Weyer will need to contact Mr. Roger Steinkuhl on St. Joe Avenue.

Mr. Borries asked what would happen if, for any reason, the Town Board of Darmstadt would not grant the request.

Mr. Willner said the race would have to start at a site other than the 4-H Center. He noted that the Armstrong Recreation Center sits on Baseline Road and Highway 65. If they did have to re-route, they could come down Bromm Road and cut out the Town of Darmstadt.

Mr. Weyer said he has not yet contacted the Town Board of Darmstadt but plans to do so. He noted that his organization does do a lot of things other organizations do not do with regard to avoiding traffic problems. They do not plan to have 800 cyclists leaving the 4-H Center at one time -- the run is spread out. They have members of the Sheriff's reserve handling traffic.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request to use County roads in the unincorporated area was approved. So ordered.

RE: VANDEBURGH AUDITORIUM

Mr. Rick Higgins said the Commissioners had asked him to return with cost estimates for furniture, chairs, for meeting rooms at the Auditorium and it will cost \$9,440.00 to furnish these rooms.

Ms. McClintock asked who is going to make the final selection regarding carpeting on this, paint color, etc.?

Mr. Higgins responded, "Ourselves".

Ms. McClintock said she doesn't like that idea. She is not a decorator.

Mr. Higgins confirmed that he is not either.

Ms. McClintock said she is glad he said that. When she goes to decorate her home, she doesn't pretend to know what she is doing -- so she has someone who is a decorator do that. She was wondering if we could find someone who might want to volunteer their time to work with no matter who the low bidder ends up being -- with regard to painting colors, carpeting, and all of that -- because it won't take that long. She has a couple of individuals in mind.

Ms. McClintock said she left the room for a few minutes. Was the carpeting that has to be replaced discussed?

Mr. Higgins said it was not.

Ms. McClintock said she talked to the contractor (Lichtenberger) last week and it is her understanding that they couldn't get the right grade carpeting in the burgundy color and they were advised by the Consultant to go ahead and install the tan carpet to match the elevator. It occurs to her that we should try to find the same type burgundy carpeting that was installed. There should be records at the Auditorium as to when this was done -- it seems to him it was done around 1986. This was when we did renovations to the lobby, including the walls, etc. She said she will get the decorator over there and have them look at this, also.

Mr. Higgins said he does need permission to go on Council Call so we will have the money to make the improvements.

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 Upon motion made by Commissioner Borries and seconded by
 Commissioner McClintock, permission was granted for Mr. Higgins to
 go on Council Call for the following:

Carpet	\$6,500.00	
Ceiling Tile	\$1,500.00	
Paint	<u>250.00</u>	
Sub Total	\$8,250.00	
Furnishings	<u>9,440.00</u>	(per recommendations of volunteer Betty Buck)
Total	\$17,690.00	

Commissioner Willner said he was under the impression we had
 chairs -- are they not good enough?

Mr. Higgins said they are a little out of style and outdated .

Mr. Willner then asked if anyone ever asks for chalkboards?

Mr. Higgins said they do have some requests for chalkboards.

Ms. McClintock advised Mr. Higgins she will be in touch.

RE: REQUEST FOR REMOVAL OF STOP SIGNS ON SCHLENSKER ROAD
 & MCCUTCHAN ROAD

It was noted by Commissioner Willner that he has a request and a
 Petition with 21 signatures to remove the STOP signs on
 Schlensker Road and McCutchan Rd. While the Schlensker Road
 Bridge was being repaired, a school bus driver requested we
 install STOP signs because he couldn't see very well. Now that
 the bridge is there, they want the signs to come down. There is
 one STOP sign on McCutchan Road at each end and one on Schlensker
 Road on each side.

Upon motion made by Commissioner McClintock and seconded by
 Commissioner Borries, the Commission will take this under
 advisement; ask the County Highway Superintendent to go out and
 take a look and give the Board his expert opinion and get back to
 the Board on March 26th with a recommendation. So ordered.

(Mr. Willner asked that the record show that the request and
 petition was given to County Engineer Greg Curtis.

RE: COUNTY ATTORNEY - CEDRIC HUSTACE

Construction Contract/Waterslides at Burdette Park: Attorney
 Hustace advised that the Board awarded a contract for waterslides
 to Whitewater West Industries, Ltd. of Westville, Ohio. His
 office has prepared a contract and have gone over same with Mark
 Tuley and the contractor. They are satisfied that this contract
 is appropriate, subject to any minor modifications that might
 have to be negotiated. Therefore, he submits the contract to the
 Board of Commissioners at this time.

Upon motion made by Commissioner McClintock and seconded by
 Commissioner Willner the contract was approved. So ordered.

RE: ALEXANDER AMBULANCE LAWSUIT COLLECTIONS

Mr. Hustace then submitted a Summary Schedule with regard to the
 Alexander Ambulance Lawsuit Collections and the following
 payments:

Lori Karges	\$124.50
Thomas Yates (Yeates)	10.00
Clarence Quick	83.79

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Sandra Morton	15.00
Della Kokomo	100.53
Walter Wells, Sr.	50.25
Clay Volkmann	108.69
Thomas Jarvis	5.00
James Woodruff	5.00
James Woodruff	5.00
Chris Hunt	5.00
Thomas Jarvis	5.00

Total \$517.76

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the checks were accepted, endorsed, and given to Joanne Matthews for deposit into the County General Fund. So ordered.

Commissioner Willner said that possibly we need to make a change with regard to these lawsuit collections. It is costing the County more in legal fees than we are collecting and sometime in the near future we need to take a look at this and make a change -- whether we use a Collection Agency or one of the girls in bookkeeping or whatever.

Commissioner Borries said he does commend the Attorneys for their diligence in doing this. He is not sure what we agreed to initially in this contractual arrangement with Alexander Ambulance -- if it was ever meant for the Attorneys to have to do this. He supposes he felt it should have been provided -- meaning Alexander Ambulance should do it. But it turned out that was not the case. But it seems to him that it is not solely the County's responsibility to collect these monies. In the future if we are to resolve these accounts, he supposes we will have to have some kind of budgetary line item for collecting -- he feels it needs to be done.

Commissioner Willner said the Board can think about and it can come back on the agenda in a couple of weeks.

RE: APPROVAL OF NEW COUNTY PARKING LOT COMMITTEE

President Willner requested approval of the new County Parking Lot Committee, as follows:

Robert Steele
Jerry Riney
Judge Dietsch
Mark Owen
Carolyn McClintock

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the foregoing list was approved. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he was sorry he didn't get his report in until today...and he distributed same.

Claim/Cletus Muensterman: A claim in the amount of \$13.25 for 13 gal. of gasoline for the Purdue Road School was submitted.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claim was approved. So ordered.

(Commissioner McClintock exited the meeting.)

RE: COUNTY ENGINEER - GREG CURTIS

Council Call Requests: Mr. Curtis submitted to go on Council Call for the following:

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County Highway	Bituminous Materials	\$500,000.00
	Contractual Services	\$500,000.00
Cumulative Bridge	Contractual Services	\$ 25,000.00
	Rental Equipment	\$ 25,000.00

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the requests were approved. So ordered.

Caranza-Kembell Sewer Project: Mr. Curtis said this project will be proceeding as soon as possible.

Claim/Deig Bros. Lumber & Construction: A claim in the amount of \$32,625.00 on Bridge #35 on Outer Darmstadt Road was submitted and Mr. Curtis recommended approval.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claim was approved. So ordered.

Claim/Bernardin-Lochmueller & Associates: Claims in the amount of \$1,633.13 with regard to Bridge Inspection and \$3,646.53 for work on the Boonville-New Harmony Extension were submitted. Mr. Curtis recommended approval.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the claims were approved. So ordered.

Claim/United Consulting Engineers: A claim in the amount of \$48,720.00 with regard to work done on the Union Township Access Project was submitted. Mr. Curtis recommended approval.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claim was approved. So ordered.

Claim/Greg Curtis: A claim in the amount of \$21.29 for gas to/from Lafayette, Indiana was submitted.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the claim was approved. So ordered.

Auditorium Plans: It was noted by Mr. Curtis that due to the work proposed with regard to sound and lighting at the Vanderburgh Auditorium, he has spoken with Rick Higgins and Evansville Blue Print concerning reproducing copies of Auditorium Plans. Evansville Blue Print can do the work and has given him a cost estimate of \$768.16 to make the copies and, basically, they will require two (2) hours of labor on the part of three or four individuals to make the copies at \$50.00 per hour. He would like to have this done.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the request was approved. So ordered.

Charge for Blue Line Prints: Mr. Curtis said he would like to request that a Resolution be drawn up allowing the County to charge for blue line prints. He has had several people come into his office who need copies for purposes of utility information, etc., and because he is not allowed to give away copies he has referred them to the City Engineer, who can charge for the prints.. He (Curtis) can perform the same service -- but for a charge -- except he has no authorization to do so..

The City is presently charging \$3.00 and \$4.00, for 24" x 36" and 30" x 30" copies, respectively.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the request was approved. So ordered. Commissioner Borries said Mr. Curtis can ask Attorney John to draw up a Resolution to be submitted for approval by the Board.. (He can obtain a copy of the City's Resolution as a model.)

Guard Rails: Commissioner Willner noted that many problems have been experienced with guard rails. They have decided now that the best way to put up guard rail is to use steel guard rails and wooden posts, Many states have already put that into practice -- and one of them is Kentucky.

~~February~~ 12, 1990*March*RE: REQUEST TO GO ON COUNCIL CALL - COUNTY COMMISSIONERS

President Willner said he has a request to go on Council Call as follows: The Executive Assistant to the County Commissioners has worked for the County twenty (20) years and is considered being a COMOT Class 6, Step 5; when, in fact, she should be in a Step 6 classification. Her salary is \$21,079 and should be \$21,711 this year.

Upon a motion made by Commissioner Borries and seconded by Commissioner Willner, the request was approved.

RE: TRAVEL REQUEST - COUNTY CORONER

The following travel request from the County Coroner was presented by Commissioner Willner:

Dear President Willner,

I'm requesting permission to attend the Indiana Coroner's Association Conference, April 11 - 13, 1990 to be held in Indianapolis, Indiana.

This Conference is mandatory per State Law.

If you have any questions regarding this matter, please don't hesitate to call me.

Sincerely

/s/ Charles R. Althaus,
Coroner

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the request was approved. So ordered.

RE: DISABILITIES AWARENESS MONTH

The meeting proceeded with Commissioner reading the following letter:

Mr. Robert Willner
County Commissioner
Room 305, Civic Center
1 N.W. 7th Street
Evansville, IN 47708

Dear Mr. Willner:

The Governor's Planning Council on Developmental Disabilities has declared March as Disabilities Awareness Month. As part of the celebration, a community Awareness Expo is going to be held March 31st at the North Park Arcade. It will begin at p.m. and run until 5 p.m.

CAPABLE, along with Easter Seals, Evansville ARC, United Cerebral Palsy, Normal Life, Concerned Parents of the Handicapped, and Goodwill Industries sincerely hope your schedule will permit you to attend.

The disabled community would greatly appreciate your participation. Thank you for your consideration to this matter.

Sincerely,

/s/ Steven W. Sublett
Chairperson

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p.s. Please extend this invitation to the other Commissioners, as well.

President Willner requested that the Commissioners note this event on their calendars.

RE: COUNTY CLERK - MONTHLY REPORT

The Monthly Report from the Clerk of the Circuit Court for period ending February 28, 1990 was submitted.....report received and filed.

RE: ACKNOWLEDGMENT ON ATEK AGREEMENT

Mr. Willner said he has an acknowledgment on an ATEK agreement to be signed. He requested that the record reflect that said agreement was given to the County Attorney for his expertise, recommendation, and acknowledgment.

RE: JOINT AGREEMENT RE DATA PROCESSING SERVICES

Mr. Willner said he has an Agreement to be entered into between the City and the County for the provision of data processing services recorded in miscellaneous Drawer 1, Card 8489 in the office of the Vanderburgh County Recorder. This agreement concerns percentage allocations re utilization of the data processing system.

In response to query from Commissioner Borries, Auditor Humphrey advised that for purposes of budgetary consideration, the allocation re utilization should probably be reviewed in April so that the allocations can be finalized by ordinance or resolution, or whatever, for the June budget process.

Commissioner Borries said he believes the Board needs additional information -- is this a periodic review?

President Willner requested that the record reflect that the Agreement was being referred to the County Attorney for his review and recommendation and County Auditor Humphrey is to check the utilization figures and the execution of the agreement can be deferred for one (1) week.

RE: AREA PLAN COMMISSION - UPDATED MAPS

Mrs. Barbara Cunningham, Director of the Area Plan Commission, said that for a reasonable price (\$7.00 for map with street index and \$6.00 for one without) the APC has available a brand new map of the City and the County -- completely updated; they have all the streets, reference information, the street index, etc.

Commissioner Willner asked if the APC has an ordinance permitting them to sell the maps? Does the Statute give them this power?

Mrs. Cunningham said they have been doing it for years -- and the money goes into the General Fund.

Commissioner Willner said he simply wants to know if the Statute gives the APC authority to do this. The reason he asks, the County Engineer is starting to do the same thing -- and he is questioning whether we have to have an ordinance in order for him to charge.

Mrs. Cunningham said they have authority to charge for permits etc. in their ordinance.

~~February~~ 12, 1990RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claims in the amount of \$371.00 on the Caranza Drive Sewer Project and \$4,457.54 for legal services rendered and costs advanced were submitted for approval.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the claims were approved for payment. So ordered.

RE: SCHEDULED MEETINGS

Tues.	March 13	8:00 a.m.	Data Processing Board (Rm. 303)
		9:30 a.m.	Subdivision Review Board (Rm. 303)
Thurs.	March 15	10:00 a.m.	EUTS Technical Committee (Rm. 303)
	March 15	4:00 p.m.	Board of Zoning Appeals (Rm. 301)
	March 11-17		TORNADO PREPAREDNESS WEEK

RE: OLD BUSINESS

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

RE: NEW BUSINESS

President Willner then entertained matters of New Business to come before the Board. There were none.

RE: EMPLOYMENT CHANGESCounty Auditor (Releases)

Kristie Joest	Part Time	\$5.00/Hr.	Eff: 3/9/90
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There being no further business to come before the Board, President Willner declared the meeting recessed at 4:15 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Cedric Hustace, representing the County Attorney
Sam Humphrey, County Auditor
Cletus Muensterman, County Highway Superintendent
Greg Curtis, County Engineer
Barbara Cunningham, Area Plan Commission
Mark Tuley, Manager/Burdette Park
Rick Higgins Manager/Vanderburgh Auditorium
Keith Weyer
Martin V. Staab
Brenda Murry
Sidney Taylor
Inez Vick
Bobby Gold
Royce Sutton
Estelle Moss
Bobby Ogburn
Tim Lang
Ken Holder

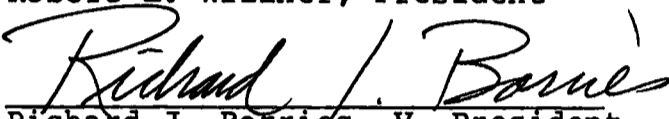
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Bridgett Wilson
Billy Stewart
Jerry Riney
Margie Meeks
Mike Moade
News Media
Others (Unidentified)

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McIntock, Member

MINUTES
COUNTY COMMISSION MEETING
MARCH 19, 1990

The Vanderburgh County Board of Commissioners met in session at 6:30 p.m. on Monday, March 19, 1990 in the Commissioners Hearing Room, with President Robert Willner presiding. (Commissioner McClintock was absent.)

RE: APPROVAL OF MINUTES

President Willner called the meeting to order and said he has two sets of minutes to be approved this evening. On February 12, 1990 there was a Joint Executive Session of the Board of Commissioners and the County Council.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Mr. Willner noted he also has the minutes of the Commission Meeting held on March 5, 1990 for approval.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the minutes were approved as engrossed y the County Auditor and reading of same waived. So ordered.

RE: REQUEST FOR EXTENSION ON CABLE CONTRACT FOR COMPUTERS

Mr. Art Gann was recognized and said he comes before the Commissioners tonight, representing the Data Processing Board who, at their last regular meeting, voted to request a seven (7) day extension for the Intelligent Data Systems people. They've been installing cables throughout the three building complex here and have experienced a couple of difficulties in the Courts area. They are in session so much it is hard for the people to get in and run the cables -- so it has put them a little bit behind. Also, we have requested a couple of cabling changes after the contract was let and they they have stopped their normal rotation to take care of these little spot fires for us. Therefore, we're requesting that their contract be extended for seven (7) days to allow them to fullfill the terms of the contract. (This will be seven calendar days and five working days; they do not feel they will have any problems meeting that obligation within that time frame.)

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the request was granted. So ordered.

Commissioner Borries asked that Mr. Gann give an update.

Mr. Gann said we are pretty much moving right along on schedule. The finance offer was installed this afternoon on the large system. We are well into the process in the Public Safety area right now. In fact, we plan on trying to go live at the end of May and that will give some relief to the Courts area, since we currently share the same system. The network is live in certain areas now. The Police Department is currently running off the network in the training room. We asked that they go ahead and do that first so they could utilize it in preparing some of their files for the Dispatch Center. It is his understanding that two systems will be connected together in the network so they can do backups from either location. All of the cables are now run and

they are going back around and installing the receptacles on the ends of the cables. There are a few that aren't yet run -- Karen's in the Commissioners' office and there are several in the Courts area that need to be finished. However, most of the hardware is already on site and they fully expect to have the hardware start being delivered by the end of this month and subsequently installed around the buildings and start the training cycle. They have been meeting with several of the different vendors involved, so it is still an aggressive schedule -- but we're still on schedule. He will be coming back to the Commissioners for another RFP on the conversion, as discussed previously -- probably in the June/July time frame to pick up the tax package, real estate, voter's registration, and a few other areas that are going to be conversions to the new system. Everything seems to be going relatively well and they're continually meeting with all the vendors to try to work out all the little problems that will naturally come up in this type of complex installation. They're rather pleased at this point.

RE: AMENDMENT TO DATA PROCESSING AGREEMENT

Mr. Gann said he believes the next item on the agenda is the percentage fluctuation. He understands the Commissioners had some questions at their last meeting concerning the time frame for the adjustment of that.

Commissioner Willner said the Board has heard from their County Attorney and he said the agreement contained in the Resolution passed by the County Commissioners on January 8, 1990 and the County Council on January 22, 1990 the percentage will be computed by the Facilities Management in April for purposes of developing the budget for the following calendar year -- and it is his opinion that this is the only time that may be amended to reflect those changes. He doesn't know what that opinion means right off hand, but it says, "Therefore, the review of the applicable percentages will be made once a year in April". Whether that means the Commissioners should go ahead and sign it -- he's not sure. He then asked Attorney John if he has read that opinion.

Commissioner Borries asked, "Doesn't that clarify -- wasn't it said before that they didn't have a time in there?"

Mr. Gann said, "Under the Pulse contract -- Pulse was the one who performed this particular operation before they left. Under the Pulse contract it was stipulated upon request they would run it. Under the SCT contract we negotiated in there that on April 1st they will provide both governmental bodies with the formula percentages and then it was up to the governmental bodies to negotiate whether they wanted to have this agreement signed and modify those percentages or not."

Mr. Borries said the original agreement language and said he thinks the Board just had questions as to what was meant by "time to time".

Mr. Gann said he talked with Kevin Winterheimer about that and, again, that particular discussion meant that over the course of the contract with SCT the County Government and City Government will be reviewing these percentages. There is no mandate that they modify these percentages; it is only mandated that SCT provide that information to both governmental bodies in April during the budget process. And if they modify it, they must modify it according to an agreement such as this before SCT will modify their invoice procedure. This is based on 1989 figures.

Mr. Willner noted they want it for 1990 and we cannot do it until April of this year for 1991, and therein lies the problem.

Mr. Gann said this formula was computed last year -- before Pulse left -- and it was postponed because that was also the time that we were negotiating all the contracts -- and it was felt at that time -- again his understanding was, that they felt that might put the entire project in jeopardy if the percentages were attempted to be shifted while we were negotiating all the purchases of the hardware and software. So those percentages remain the same (66% and 34%) during that whole process. That process is done and the City is now coming and requesting this to be adjusted to what the figures were last year so that the maintenance contract and the facilities management would be properly adjusted based on usage.

Attorney John commented, "In any event it would probably take an additional appropriation which would require Council approval."

Mr. Willner said he has requested that. He talked with Council and they said if it was the Commissioners' decision to honor this agreement this year we should go ahead and use our regular money and if it runs out they would talk about replacing it at the end of the year.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the agreement was approved for the year 1990. So ordered.

RE: CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT

Mr. Gann said the last item he has for the Board concerns a Confidentiality and Non-Disclosure Agreement which was negotiated primarily between SCT (our Facilities Manager) and ATEK (the provider for our hardware and Court software). They have been battling at this for a long time and they finally reached agreement (after some gentle nudging) and it was their opinion (and ours, too) that the representative from the Board of Commissioners and the President of the Board of Public Works need to sign this document, which reflects that the City and County recognize that SCT is our agent and that ATEK is our vendor and they have negotiated a Non-Disclosure Act between themselves. It is his understanding that this is something that is relatively normal in a business such as this. It is merely acknowledging that we are aware that this agreement exists. There are no financial repercussions on this to his knowledge. This document was provided to Mr. Riney, who sent it over to Attorney Miller's office. He believes Mr. Miller returned a response and he had a response returned by Kevin Winterheimer on behalf of the City.

Following a quick review of the responses by Attorney John, upon motion made by Commissioner Borries and seconded by Commissioner Willner, the Confidentiality and Non-Disclosure Agreement was executed. So ordered.

Mr. Gann said he would reiterate that if the Commissioners have questions or concerns at all about this implementation as to what we are doing or the current status, the Data Processing Board considers it a responsibility on their part to make sure the Commissioners are comfortable and well informed. If they will contact either him or Roger Elliott at any time, they will be more than happy to sit down and let them know exactly what is going on and provide copies of whatever they might need to feel comfortable.

Commissioner Borries expressed appreciation to Mr. Gann for attempting to keep the Board informed, as the pace will probably pick up a bit in the next few months.

RE: SETTLEMENT AGREEMENT & MUTUAL GENERAL RELEASE
RE DISPUTE BETWEEN OLD COURT HOUSE PRESERVATION
SOCIETY & CISCO, INC. D/B/A/ LEWIS INDUSTRIAL MECHANICAL,
INC.

Attorney John said that Tom Massey of David Miller's office sent the above-mentioned documents, which pertain to the agreement reached by their office with Mr. Lewis at the hearing. It has been signed by John Cox as President of the Old Court House Preservation Society and now requires the Commissioners' signatures.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the agreement and release were signed. So ordered. Commissioner Borries noted this concerns the cupola at the Old Court House which disagreement, at this point, has been remedied and we hope the repair of the cupola will go forward.

RE: PARADE ORDINANCE

Attorney John said that at the last Commission Meeting he attended he submitted a proposed Parade Ordinance and there had been a request for a bikathon out on the Darmstadt area and on the West Side. He sent a letter to Mr. Thread stating they had the authority in the County and informed him he should contact Mr. Steinkuhl in Darmstadt. He also sent a copy of the ordinance to Mr. Steinkuhl asking for any input. He has not heard back from him yet. Are the Commissioners intending to go ahead and adopt that ordinance or make some changes or corrections -- or are they still reviewing same?

Commissioner Borries said he thought we were going ahead with it.

Commissioner Willner said he is not sure whether we really need it. Maybe it is something that needs to be in the files just in case. He doesn't really see any need for it now -- but just to be on the safe side...

Attorney John said he did inform that individual that it did not include any areas within the corporate limits of Darmstadt. So, hopefully, they contacted them.

Mr. Willner requested that Attorney John give the Board more time on this. He's read it through once, but wants to read it again. Did Attorney John have a sample ordinance he copied that after?

Attorney John said it is mirrored after the City's. He had originally worked on the City Parade Ordinance when he was with the Board of Public Safety.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he had submitted his Weekly Reports and entertained questions.....report received and filed.

Shortage of Rock: It was noted by Mr. Muensterman that we are running short on rock, so he guesses he will have to request more money next week. Council cut us short this year so he guesses he will request additional money for rock for roads next week. Other than that, they've been pulling shoulders, getting ready to pave as soon as the weather straightens out. They were about ready to go when this 20 some odd degree weather came along. In response to query from Commissioner Willner, Mr. Muensterman said they did not have any calls and had no trucks out last night. They did have problems over on Diamond Avenue at Pigeon Creek Bridge -- but that was State Highway. In response to query from Commissioner Willner concerning the location of the four car accident, Mr. Muensterman said it happened on Diamond Avenue. Bill Higgs said they were all walking around out there, so he guesses they didn't get hurt.

In response to query from Commissioner Borries concerning Union Township, Mr. Muensterman said the river is down and they have patched down through there and the roads are drivable. Next week

he thinks they will be installing one of the culverts on Happe Road. He thinks there are three more culverts that have to go in on Happe Road.

RE: COUNTY ENGINEER

It was noted by Commissioner Willner that County Engineer Greg Curtis is not present this evening. He did, however, leave a report, together with the following letter:

Dear Commissioners:

After a thorough review of the Consultant's proposal received for each of the projects, I would recommend we interview the following firms for each listed job.

- A. Lynch Road Extension
 - 1. Bernardin, Lochmueller & Associates, Inc.
 - 2. Hazelit & Erdal, Inc.
 - 3. United Consulting Engineers, Inc.
- B. Green River Road Construction Engineering
 - 1. Bernardin, Lochmueller & Associates, Inc.
 - 2. United Consulting Engineers, Inc.
 - 3. Veach, Nicholson, Griggs Associates, Inc.
- C. Old Petersburg Road, Bridge #90
 - 1. Floyd E. Burroughs & Associates, Inc.
 - 2. R. W. Armstrong & Associates, Inc.
 - 3. Veach, Nicholson, Griggs Associates, Inc.

I will get a copy of each appropriate proposal to you early next week. If you have any questions please contact me as soon as possible. Thank you.

Respectfully,

Gregory W. Curtis, P.E.
Vanderburgh County Engineer

Mr. Willner said the times for those interviews have been set and the schedule is available in the Commissioners' office.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN RYAN COMMERCIAL SUBDIVISION

Commissioner Willner noted that Mr. Sam Biggerstaff has requested that this item be deferred one (1) week.

RE: TRAVEL REQUESTS

President Willner noted he has travel requests from the County Treasurer, Al Folz (Knight Township Assessor), and Harry Tornatta, Perry Township Assessor.

County Treasurer: The request from the County Treasurer concerns the District Meeting of the Indiana Counties Treasurer's Association. His lodging and meals will be paid for by the Association, since he is Secretary of the Association. He will fly to South Bend and fly back from Indianapolis. The only expense the County will be out will be the air fare, the first week (\$159.00). The second week he will travel by car to Bloomington, thence to Nashville, Indiana, and then on to Terre Haute for the third and final meeting. For the second week he will be asking to be reimbursed for his actual mileage. A copy of the complete itinerary is attached.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the request was approved. So ordered.

Perry Assessor: A request for Mr. Harry Tornatta and his Chief Deputy, Glen Koob, to travel to Indianapolis, IN. This is a Seminar on Fair Market Values. This would be one (1) night's lodging and \$30.00 registration fee for each and mileage for the driver.

Knight Assessor Al Folz has the same request.

Auditor Humphrey noted he may also submit a request to attend the same meeting, but he first wants to check with the State.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the requests were approved. So ordered.

Commissioner Willner

It was noted by Auditor Humphrey that the next reassessment is due in 1993.

Commissioner Willner said we won't even have the appeals from this reassessment finished by then.

Auditor Humphrey noted the law has changed to have the reassessment every four (4) years and the Fair Market Values may be updated every year. Most states have Fair Market Value, as he understands it.

Mr. Willner said Mr. Folz's letter says he has enough money in his budget to cover this travel and he doesn't understand that.

Mr. Riney said some of them had travel in their budget before they found out it was all going to be in the Commissioners' budget and they just left it in.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the travel requests were approved. Commissioner Borries said that in view of our track record in this County we need as much information as we can get -- so he surely supports increased knowledge. So ordered.

Auditor Humphrey offered comments with regard to the reassessment, but they were completely inaudible.

RE: REQUEST FOR OVERTIME - COUNTY AUDITOR

President Willner said he has a request from Mr. Humphrey for overtime for purposes of exemption verification. Mr. Humphrey had talked with him on Friday and he asked that he get a letter to the Commissioners requesting approval to work the part time personnel on weekends, because regular office crew also works, but they are going on compensatory time.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the request was approved for available office personnel to complete the exemption verifications. So ordered.

RE: ALEXANDER AMBULANCE SERVICE COLLECTIONS

President Willner said the Board is studying ways to improve our Alexander Ambulance Service Collections. He understands that David Miller will have a review of this either next week or the week after.

RE: CIVIL DEFENSE ADVISORY BOARD/APPOINTMENT OF CIVIL DEFENSE DIRECTOR

The meeting continued with President Willner reading the following letter:

TO: COUNTY COMMISSIONERS

FROM: CHAIRMAN, CIVIL DEFENSE ADVISORY BOARD,
ROGER LEHMAN

RE: CIVIL DEFENSE DIRECTOR, SHERMAN GREER

The Personnel Committee of the Civil Defense Advisory Board chaired by Jack Danks, Director of the Board of Public Works, has spent many hours paring an initial list of 40 applicants to the current one person recommended for the position of Director of Evansville-Vanderburgh County Civil Defense.

The Committees primary objectives were to find someone who is 1) Professional 2) able to communiante (teaching and training) 3) able to work with all units of government (local, state and federal) 4) experienced in emergency (stressful) situations and 5) able to bring a positive, high energy personality to the Director's position.

We had many excellent candidates mostly from law enforcement, fire and emergency medical backgrounds. We feel that Mr. Greer fully meets our criteria and is
b est qualified of the applicants for the position.

He will start work March 26, 1990. Mr. Greer will be relocating to Vanderburgh County from Posey County as soon as his family finds a house.

Mr. Willner said he believes this was on the news earlier this evening (the City must have released that).

RE: OLD BUSINESS

Hiring of Andy Easley: It was noted by Mr. Willner that Andy Easley will work twenty (20) hours per month at \$20.00 per hour for the next nine (9) months, beginning April 1, 1990. Duties will be assigned to the County Highway Engineer's office at the direction of the Vanderburgh County Commissioners. Transfer funds for the proper salary, social security, and health insurance has been done by the Vanderburgh County Council.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the hiring of Mr. Easley was approved by the Board of Commissioners, with indication from Mr. Borries that he would want to add that in discussing this matter earlier that the duties that are going to be assigned by the County Engineer's office at the direction of the Board of Commissioners -- he would want to emphasize that in no case would it involve any work that Mr. Easley have done in any kind of capacity as an engineer or surveyor in his private practice. In other words, he will not be passing review of anything that has to do with any work that he has done in his private capacity. So ordered.

Mr. Willner said this has been approved through County Attorney David Miller with Mr. Easley and has been agreed to.

1990 Census: Mr. Borries said the Census forms will be mailed this Friday (March 23rd) and he thinks we're now seeing wider reporting via the media. But they will be mailed this week and the actual count for the Census is to be taken on Sunday, April 1st.

RE: NEW BUSINESS

Mr. Willner entertained matters of New Business, but there were none.

RE: SCHEDULED MEETINGS

Thursday March 22 4:00 p.m. E.U.T.S. (Room 307)

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim in the amount of \$9,494.50 was submitted. Mr. Willner said he has reviewed the claim and finds it to be in order.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Mr. Willner said he thinks we need to find a way to curb some of our legal expense, but he doesn't know how to do it.

RE: EMPLOYMENT CHANGES

Cumulative Bridge (Appointments)

William Morpew Supt. \$20,217/Yr. Eff: 3/5/90

Sheriff's Department (Appointments)

James Basham Deputy \$25,070/Yr. Eff: 3/12/90

Sheriff's Department (Releases)

James Basham Deputy \$24,070/Yr. Eff: 3/11/90

Pigeon Township Trustee (Appointments)

Eugene Griffin Clerk \$12,000/Yr. Eff: 3/6/90

Perry Township Assessor (Releases)

Amelia Tornatta Part Time \$ 5.00/Hr. Eff: 3/9/90

Auditor's Office (Appointments)

Michele Barnett Part Time \$ 5.00/Hr. Eff: 3/16/90

County Assessor (Appointments)

Kristie Joest Part Time \$ 5.00/Hr. Eff: 3/12/90

Circuit Court (Appointments)

Sara Vessels Ant. Monitr. \$5.00/Hr. Eff: 3/5/90

David D. Kiely Law Clerk \$16,239/Yr. Eff: 3/12/90

County Clerk (Appointments)

Robin Mastison Juv. Clerk \$13,028/Yr. Eff: 1/1/90

County Clerk (Releases)

Robin Mastison Juv. Clerk \$12,461/Yr. Eff: 1/1/90
(change due to Job Study)

Election Office (Appointments)

Mary Lee Bassmeier Dep. Clerk \$5.00/Hr. Eff:

Frederick A. Frank Dep. Clerk \$6.00/Hr. Eff:

Commissioner Willner asked who signed the status form and Mr. Borries said it is stamped Betty Knight Smith by Roberta Matlock.

He said he doesn't understand that either. Mr. Willner said that he, personally, would want Betty Knight Smith to sign the form. He thinks we're going to have some problems in that office and the Board had better find out what is going on. He thinks the Department Head needs to sign the form. Mr. Borries said he thinks Alberta Matlock is the Department Head right now; but Mr. Willner said he doesn't think so -- but he is not sure who it is going to be. Who appointed Alberta Matlock department head? Mr. Borries said he thought Betty Knight Smith did. Mr. Willner said he doesn't think so -- and he needs some clarification. The Commissioners decided to hold the employee status form until questions could be resolved.

At 7:20 p.m., Mr. Willner requested the record show that the Board will have a ten minute recess prior to reconvening to hear the rezoning petitions.

RE: REZONING PETITIONS

At 7:30 p.m., the Board of Commissioners reconvened to hear rezoning petitions. President Willner noted there are four (4) rezonings to be heard this evening.

VC-3-90/Petitioner, Hillary H. Nalley: There being no one present to speak concerning this rezoning, upon motion made by Commissioner Borries and seconded by Commissioner Willner, VC-3-90 was approved on 1st Reading for forwarding to the Area Plan Commission for 2d Reading. So ordered.

VC-4-90/Petitioner, Robert Woodward: There being no one present to speak concerning this rezoning, upon motion made by Commissioner Borries and seconded by Commissioner Willner, VC-4-90 was approved on 1st Reading for forwarding to the Area Plan Commission for 2nd Reading. So ordered.

VC-1-90/Petitioner, Chris H. Buente: Mr. Willner said the request is from AG to C-4. The premises affected are on the north side of the Lloyd Expressway. Present land use is farming and proposed land use is commercial.

Attorney Steve Weitzel was present to represent the petitioner and he said Mr. Chris Buente is also present, as well as Mr. Jim McKinney and Judy Rueger of Regency Associates, who are joint venture partners with Mr. Buente in this development. Mr. Jim Morley, the project engineer, is also here to address any questions the Board might have concerning drainage or any other sorts of questions that lawyers can't answer with respect to the development.

As pointed out, the property is located at the northwest corner of I-16t and Lloyd Expressway. It is a 116-1/2 acre parcel in two tracts -- the larger parcel being a rectangular parcel which fronts along Lloyd Expressway and a small triangular parcel contiguous at the northeast corner of the rectangular parcel and it fronts principally along I-164. As indicated, the purpose of the rezoning is to change the classification from its current agricultural classification to a C-4 classification to permit the development of what is commonly known as the Cross Pointe Commerce Center. In the packets are materials which describe the concept for this development. It will suffice to say that the intention of the developers is to create a campus-like setting for commercial office buildings and attendant commercial development. Should the Board have any particular questions, he would defer those to either Ms. Rueger, Mr. McKinney or Mr. Buente.

In response to query from Mr. Borries concerning the parcel east of the Nurrnebern Ditch, Mr. McKinney said they control this property under a long term option.

Attorney Weitzel said that Charter Medical Development, which was an approximate 8 acre tract did appear before the Board of Zoning Appeals. (Mrs. Behme of Area Plan offered a comment, but it was inaudible since she wasn't speaking from a microphone. However, audible was her statement that the subdivision portion of this will be heard at the April meeting.)

Mr. Willner entertained further questions.

Mr. Borries asked, "In regard to your drainage plan, you say that Mr. Morley is present to speak to that?"

Mr. Weitzel confirmed that this is correct.

Mr. Morley said the detailed drainage analysis has been completed and submitted to Mr. Bill Jeffers of the Surveyor's office. He will be bringing it forward to the Drainage Board. But, briefly, the project is on flat land and the drainage concepts are to provide a series of lakes and detention on site for all of this. They recognize the limiting factors that they have to deal with in the capacity of the Nurrenbern Ditch and they are providing for on site drainage. The particular plan the Commissioners see, they will notice several of these lakes shown in detail on that plan. There are five retainage lakes designed not only for retainage, but they include significant landscaping. Mr. Jeffers has all the computations and the Commissioners will be receiving those for the front portion (the portion south of the SIGECO gas line easement, which is that portion coming to the Board as a subdivision plat).

Mr. Willner entertained further questions.

There being no further questions and no remonstrators to speak either for or against the petition, upon motion made by Commissioner Borries and seconded by Commissioner Willner, VC-1-90 was approved on 3rd Reading following a unanimous roll call vote. So ordered.

VC-2-90/Petitioner, Duane A. Duvall: The requested rezoning is from AG to C-4. The premises affected are on the West side of Burkhardt Road, exactly 2,232 ft. north of the Lloyd Expressway on Burkhardt Rd. The common known address is 610 N. Burkhardt Road. The present land use is residential single family and proposed land use is for the parking of commercial vehicles and residence.

Mr. Duvall identified himself and said he resides at 610 N. Burkhardt Road. He subsequently submitted a drawing of the area being discussed. He said there is another gentleman next door to him who is also trying to become C-4 zoning (he is also agricultural now) and he is renting to Evansville Scale Company, who has held a business there for ten years (this is to the south of Mr. Duvall's property). Mr. Duvall said he received a letter today (like the one he had to give out to all his neighbors) and there is a lot C-4 zoning around him, but right now there is none right beside him.

In response to query from Commissioner Borries as to why he needs a C-4 zoning, Mr. Duvall said he has a custom chrome shop and he has delivery trucks, a 28 ft. trailer, and a Diesel pick-up that pulls it and he was wanting to park it in the back yard and guard it on weekends. In response to query concerning the fence being constructed, Mr. Duvall said it is to block the trailer so it can't be seen from the street.

Mr. Borries asked why Mr. Duvall can't park the trailer where the business is?

Mr. Duvall said insurance won't cover it. They said they would cover it up to 72 hours and then it wouldn't be covered after that.

Mr. Borries asked if Mr. Duvall intends to do any electroplating at this address and Mr. Duvall responded negatively. He said that would require an M-2 zoning. The only use for the requested rezoning would be to permit him to store his vehicles.

Mr. Borries said Mr. Duvall is only going to be gone 48 hours over a weekend. If the insurance will cover the vehicles for 72 hours, why would Mr. Duvall need to rezone for a C-4?

Mr. Duvall said he wouldn't want to have to park the business's trucks overnight really -- more than on weekends -- with chrome in them and antique car parts that have not yet been chromed, etc., and a lot of racing parts to be polished.

Mr. Borries asked if Mr. Duvall has any sewer system on this property?

Mr. Duvall said he has septic tanks.

Mr. Borries asked if that is a problem on C-4 zoning?

Ms. Behme said not as long as it is residential. He would have to submit plans for any commercial use. A septic permit is now given for residential use.

Mr. Borries asked what happens if it goes to C-4?

Ms. Behme said he would have to apply to the Health Department.

Mr. Duvall said the doctor's office three doors from him (the radiation lab or whatever) has a 4 inch drain that goes down toward Harper's Transmission Service -- about a quarter mile or so and then they have a field bed for their solids. It's like a private line they had to run. If they get too big, they probably will have to run a bigger line.

Mr. Willner asked if Mr. Duvall fenced all of this in on the south side and Mr. Duvall responded affirmatively. The fence is designated by x's on the drawing he submitted this evening. The fencing stops at the barn in the back. Continuing, Mr. Duvall said they are going to run Virginia Street on through to Burkhardt Rd., but they haven't completed from Executive Manor on -- behind Lee's Inn and in front of Lee's Inn and behind Toyota. They are working on the pipeline and pulling the dirt away -- getting ready for the concrete.

Mr. Willner asked if there are any remonstrators to this rezoning?

Attorney Les Shively approached the microphone and said he represents Sater Enterprises and others, owners of property adjacent to the subject property. First of all, he would like to orient the Commissioners to the area with use of actual aerial photographs. The subject property is being sought to be rezoned is designated dark area. The Staff Field Report completed shows that all the property that surrounds the subject property is zoned agricultural. There are no C-4's in the area. In fact, the only three commercial zonings at all are C-1 and CO-2. One was for the Ecology Clinic, an office facility, and those types of operations. The concern they have is this. When people have sought a blanket rezoning -- and most of those rezonings have been for a lower classification -- this is for the highest commercial zoning short of a light industrial that you can have. This is a blanket C-4. No development and use plan has been submitted, which has pretty much been required in every other rezoning. Also, he would note that it seems rather inappropriate to give a blanket C-4 to solve this gentleman's problem which seems to be properly solved at his business location (where he assumes he is properly zoned) and if his

understanding of insurance is correct, if he would have a properly secure facility he wouldn't have this problem. When we give a C-4 like this to take care of an isolated problem, because he chooses not to develop his business location to properly embrace his total operation, when he sells this property it is a blanket C-4 with no conditions and it is totally out of sync with that area. There is absolutely no C-4 in that area. Now, the other problem (mentioned by Mr. Borries) concerns the sanitary sewer. There is no sanitary sewer. And although this residential use is grandfathered in, if he was building a home there today, the 1.13 acres would not meet current health code requirements, much less meet the current commercial health code requirements. So you can't even meet that. This is not appropriate zoning and he would call the Board's attention to the very comprehensive comments that staff has made. Once again he would reiterate that the only rezonings in this area have been for CO-2 and C-1 for the cancer center, a craft shop, and office building. No C-4's have been approved in this area. And even the C-1 and CO-2's have been approved with limitations and conditions to use the words of the Plan Commission "to provide for orderly development". They believe this is inappropriate rezoning and contrary to the map which Mr. Duvall has prepared, the aerial photo properly shows how the area is laid out, what uses are presently there -- the two top photos show the front and rear view of Mr. Duvall's property. He also doesn't believe the fence is in compliance with the current code -- it exceeds the height. (Ms. Behme confirmed that this is correct.) The area is agricultural, residential and three quasi-commercial exceptions, which are compatible with the agricultural and residential uses in the area.

Ms. Peggy Pressley and Mr. James Weickel of Sater Enterprises are also with him this evening. The foregoing reflect their concerns and, here again, they do not think a rezoning of this magnitude -- especially when the Board has been so careful to see this area developed properly -- should be granted to solve this gentleman's problem at his business location -- because for some reason he hasn't provided the adequate facilities at that location to meet the proper insurance coverage. Therefore, they would request that the Board deny this particular application for the rezoning for those reasons.

Mr. Randy Heimann of 614 N Burkhardt Rd. (next door to Mr. Duvall) said he doesn't really mind the truck and trailer being parked there, he just doesn't want to see a C-4 zoning there because of the other businesses that could go in there -- he lives right next door and he doesn't want to see a C-4 class business that could go in there -- C-4 covers 60 some odd businesses and he wouldn't like to see the majority of those right next door to him.

Attorney Shively said a C-4 would allow an automobile repair, specialized service, aluminum can collection, a welding shop, storage warehouse, construction equipment sales and service, industrial equipment -- which he thinks is totally out of sync with the area. Also, he would note that the Plan Commission did recommend a denial of this particular petition -- if this has not already been noted in the minutes.

Mr. Willner asked Mr. Duvall if he would like to comment on the remonstrations and he declined.

There being no further remonstrants, Mr. Borries said some concerns have been raised this evening and he believes he is going to need more information prior to voting on this rezoning petition. This area is developing rapidly and this is probably an understatement, because there are probably few areas in Evansville which you could say are developing as rapidly as this one. And, as mentioned by Messrs. Duvall and Shively earlier, there is going to be a petition immediately to the south of this

one next month. The pattern of commercial development has been set here. Along Burkhardt, however, probably at least until you would get to Oak Grove Road, there has not been any C-4 developed -- so he would have some concerns about that. If he has to vote on it tonight, he would have to vote "No". He thinks he would want more information and perhaps Mr. Duvall might want to comply with some of that. Could we have a 30 day extension on this?

Ms. Behme said we have 90 days to have it come before the Plan Commission.

Mr. Borries said if Mr. Duvall would wish to provide any kind of site plan or use group, he would be interested in seeing that -- and perhaps study what uses are in the C-4 area and perhaps eliminate some which would be inappropriate or not compatible with this area. He also has some concerns about the sewage and the drainage.

Ms. Behme said if Mr. Borries is talking about a Use Commitment, then it will have to go back to the Area Plan Commission and then come back to the Commissioners.

Mr. Borries said he is not sure that as a neighbor or in the future insofar as vehicle storage and that sort of thing -- that he would see that as appropriate. He would want to see Mr. Duvall say what he wants to do -- and if it is vehicle storage, he would not find that acceptable at this point. And if the fence is not in compliance, Mr. Duvall needs to make some changes in that fence.

Ms. Behme said that is correct. The maximum height for a residential fence in the rear and side yard is 6 ft. If it is zoned commercial (C-4 for instance) he can have an 8 ft. fence. She believes the current fence is 10 ft. high. (Mr. Duvall said it is 8 ft.).

Mr. Borries said he guesses the concern he has here is he doesn't know what kind of plan we have for sanitary-storm sewers for this area.

Ms. Behme said we can get a report from the Sewer Department.

Mr. Willner said he thinks they have a pump station right behind Mr. Duvall's property -- to the west -- do they not?

Mr. Duvall said he is not sure.

Ms. Behme reiterated she can get a report from the Sewer Department.

Mr. Borries said he would like a report on the sewage situation and what plans we have in that area. He wants further information on the fence and also he has to give more consideration in relation to a Use Commitment in the C-4. He believes it will go commercial in the future, but he is not sure that all forms of commercial use are appropriate for this area. Therefore, at this time he would request a 30-day postponement of this request.


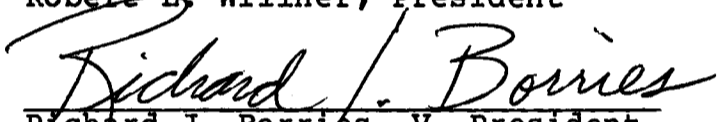
Upon motion made by Commissioner Borries and seconded by Commissioner Willner and following a roll call vote, any action on VC-2-90 was postponed until Monday, April 16, 1990. So ordered.

There being no further business to come before the Board, President Willner declared the meeting recessed at 8:15 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
(Carolyn McClintock - Absent)
Curt John, County Attorney
Sam Humphrey, County Auditor
Cletus Muensterman, County Highway Supt.
Jim McKinney, Regency Associates
Judy Ruegert, Regency Associates
Charles E. Buente
Stephan Weitzel, Attorney
Jim Morley, Morley & Associates
Les Shively, Attorney
Randy Heimann
Mrs. Peggy Pressley/Sater Enterprizes
James eickel/Sater Enterprizes
Duane Duvall
Jerry Riney
Others (Unidentified)
Margie Meeks
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, V. President

Carolyn McClintock, Member

COVER

T R A N S C R I P T

OF

SPECIAL MEETING RE COUNTY EMPLOYEES

(EMPLOYEE ATTENDANCE REPORTS, ETC.)

THURSDAY - MARCH 22, 1990

Minutes Taken and
Transcribed by:

Joanne A. Matthews

SPECIAL MEETING RE COUNTY EMPLOYEES
EMPLOYEE ATTENDANCE RECORDS

THURSDAY - MARCH 22, 1990
2:00 P.M.

A Special Meeting concerning County Personnel, Employee Attendance Reports, Payroll Schedule and Voucher, etc., was held in the Commissioners Hearing Room at 2:00 p.m. on Thursday, March 22, 1990, with Commission President Robert L. Willner presiding. A complete list of attendees who signed in for the meeting is attached hereto.

Commissioner Willner called the meeting to order and said the Commissioners wrote an Ordinance a couple of months ago (which was passed) that said this County would adhere to a forty (40) hour work week, along with County Council's ordinance. We would like to put the finishing touches to the two ordinances for this forty hour work week and for the verification of the hours worked by everybody employed by Vanderburgh County with one exception; that is the exception of the elected officeholders, who will not come under this ordinance. But everybody else who is an employee of Vanderburgh County will come under this ordinance. We will have some passouts from time to time and Attorney Curt John will explain the procedures that have been worked out and at the end of his presentation if you have any questions we will try to answer each and every one of them. Mr. John, if you would like to start you may do so. And, Alan (Kissinger) if you want to jump in at any time please do so.

Attorney Kissinger said he may have some questions, but he certainly didn't prepare any comments

Attorney Curt John said, "I was asked today to kind of bring you up to date on what has been taking place in County Government with the Council and the Commissioners and what legislation they have enacted regarding the work hours of County Employees. On January 3rd (I believe) the County Commissioners adopted an ordinance establishing a 40 hour work week for the employees. Included in that ordinance was the hours that each office was to be open -- those hours being from 8:00 a.m. to 5:00 p.m. Monday through Friday. To assist in assuring that the employees work the requested forty (40) hours, the County Council in this year's Salary Ordinance equated an hourly rate to each salary, thereby requiring officeholders and department heads to submit not only the number of days worked by each employee, but how many hours per day those employees worked.

There are basically two (2) classes of employees, one being an EXEMPT employee (which is set out in the Salary Ordinance). It is my understanding that those employees may work more than forty (40) hours or, in some instances, end up working less than forty (40) hours. But the majority of employees that we are concerned with here are those who are required to work forty (40) hours per week and those are NON-EXEMPT employees. The other employees who would not be included in this would be an ELECTED COUNTY OFFICIAL, as Mr. Willner stated.

My main purpose here today is to show you how the payroll is going to work. They are now requesting that not only the officeholder or department head certify the work schedule of the employee, but that the employee must sign a certification as to the number of hours he/she worked. Holding up an Employee Attendance Report, Attorney John asked if the meeting attendees have copies of this form? (Auditor Humphrey and the meeting attendees responded in the affirmative.)

Continuing, Attorney John said, "This is a report to be filled out EACH payroll period by EACH employee of Vanderburgh County. As you can see, it has the days set out there. EACH DAY WORKED is to be itemized by the employee as to the number of hours worked that particular day and at the end of the pay period it is to be signed by the COUNTY EMPLOYEE. As you can see at the bottom that is a verified signature and it states 'Under the penalties of perjury I hereby certify this attendance report is correct'. Again, this is to be signed by the EMPLOYEE and verified by the officeholder or department head. These will be compiled by the Department head in what is called the Payroll Voucher. I am sure that anybody who submits payrolls is familiar with this; it is a compilation of all the employees within that department and the remuneration they are entitled to during that pay period.

One problem which arose early was an employee verifying in advance the number of hours they had worked during that pay period. For that reason we have kind of shifted our verification that we'll be using on this particular form back a week. To give you an example (has this particular letter been passed out?). If you will go to the letter from the County Commissioners, to give you an example -- the next pay period or date of pay will be April 6th. What we are asking is that EACH EMPLOYEE and DEPARTMENT HEAD for that April 6th payroll verify the working hours between March 17th and March 30th. So that verification will be for actual hours worked -- not in anticipation of how many hours you will work in the week immediately preceding the date of pay.

I've been informed by some of the department heads that they would like to be able to keep a record themselves of what they have turned in -- and one form that Sam (Humphrey) has and uses is an Employee Service Record. Referring to the Employee Attendance Report, Mr. John said this can be a very cumbersome record if you are keeping one of these for each employee for each pay period -- that is 26 per employee per year -- and for the County it will be approximately 20,000 payroll records each year. On the Employee Service Record you can maintain a record for each employee for a two year period -- and this can be for the employer's records -- they don't have to get them certified or verified -- it's merely a bookkeeping procedure they are entitled to do if they want to. These record forms are available from Sam Humphrey in the Auditor's office.

The main reason we are requesting the Employee Attendance Report is that the new schedule has been set up to pay individuals on an hourly rate -- that being forty (40) hours per week. This is a certification from that employee that they worked the number of hours as set out in the County ordinances as adopted by the Council and the Commissioners. This verification is what will be used by the County Auditor's office for those pays and any falsification of these records could possibly end up in criminal prosecution for submitting improper number of hours worked and requesting pay for actual hours not worked by the employee. Bob, do you have anything else you would like for me to add at this time?

Mr. Willner said, "I think that basically that pretty well covers it. Let me ask Alan if he wants to add or subtract from it. (Mr. Kissinger indicated he had nothing to say.)

Mr. Willner continued, "Let me just touch a bit on why we have had to take I guess what some would call drastic measures. We have had instances where our secretary has been called by people on the outside saying that some of our employees who were supposed to be working here today were employed other places. That is the truth. We are not detectives and we did not try to say this was true or false. But we did have calls. And it is

getting so rampant throughout County Government that we had to do something. So if you know somebody -- an employee of Vanderburgh County -- who was doing this -- then I want you to blame him for the process we're going through here today. Don't blame the County Council and don't blame the County Commissioners. Blame the person who has been doing this for a number of years -- and it needs to be stopped. And I don't want anybody to say the Commissioners or the Council are trying to do this to put a hardship on anybody. That is not the case at all. We just need to get a handle on County employees and that is what we are attempting to do. This is our second meeting and we must have had a hundred meetings with the Council and the attorneys -- and we decided on this procedure -- and I guess we are going to see it through.

When this piece of paper (E.A.R.) is turned in to the County Auditor, with the employee's signature and the employer's signature and it is through in the Auditor's office -- it is going to come to the office of the County Commissioners and the County Council where it will be a permanent record that can go back "X" number of years and see what was going in that office with that person. A year or so ago, when we had some problems with what was going on in the County, the State Board of Accounts would come in and try to straighten some of it up. And the comment that they had to me was that not only was it one officeholder but a number of them -- and they thought that the process the Courts would have to go through would not be enforceable because the County did not have a proven Personnel Policy and did not give the employees direction enough to bring this to a halt. So we are doing that now -- and I need your cooperation and your help and we will try to get this problem stopped. Alan?

Attorney Alan Kissinger said, "I really don't have anything to add except that as far as the County Salary Ordinance is concerned, employees are supposed to be paid on the basis of 2,080 hours per year (8 hours per day, 52 weeks per year) and in that 8 hours, according to the Fair Labor Standards Act, the government employer is required to give some kind of lunch break -- and a minimum lunch break is one half hour. I think everybody probably received the letter that went out a couple of weeks ago setting out the pertinent sections of the Personnel Policy and the Salary Ordinance and examples of how that might be used in various offices that have hours that don't necessarily -- or have work schedules -- that don't necessarily adapt well to an 8 to 5 situation and how you can work that out. Basically, it is the County's position that they cannot pay an employee for hours worked less than the forty (40) hours per week unless there is some unusual circumstance such as vacation, holiday, illness, or something of that sort. I'd be happy to answer any questions in reference to the letter that went out or in reference to what Commissioner Willner has said today."

Mr. Willner said, "At this time we will throw it open to questions and answers. (Are we taping this, Joanne? Ms. Matthews confirmed that the session is being taped.)" Sam, sorry, would you like to say something first?"

Auditor Humphrey said, "This Employee Service Record is available in my office and the State Board of Accounts has strongly suggested that each office maintain these. These can be a duplicate of the Employee Attendance Record for your office and it holds two years of work for each office. We have them in our office now -- so they are available."

Mr. Willner said: "Along with that, Sam, I guess I might also say that this Employee Attendance Record form was initiated by the Council and they sent it to the State and the State Board of Accounts has approved this form for use in Vanderburgh County. So

all the paperwork has been approved by all the people needing to do so. The Sheriff said he made sure nobody brought a gun in -- so let's start with the questions."

Sue Ann Hartig: Is there any legal significance in the applicable statute to breaks? I know there is a lot of variance -- an office giving a 15 minute break in the morning or afternoon or adding that to the half hour lunch hour and that kind of thing?

Alan Kissinger: "I don't know that we have. There are certain jobs in which I think it is OSHA, as a matter of fact, that requires that breaks be taken. But most of those are what would be termed hazardous jobs. Generally, clerical jobs do not fit within that category. You know, the County could establish a policy to establish breaks, but they have not done so. And it is our interpretation that we are not required to do so. We are, however, required to break up an eight (8) hour work period with some kind of lunch break a minimum of one half hour."

Mr. Willner: "I think your immediate supervisor, whoever that be, or anybody else (a department head) can use his own discretion as far as I am concerned with regard to breaks."

Ms. McClintock: "You bring up an interesting point. One of the reasons that we had to legislate this is because of problems we were having in giving department heads the discretion to choose lunch hours, closing times, and that kind of thing. And I've had several calls on that particular issue. If that gets to be to the point where people are -- it's my understanding that people are leaving -- they take a 15 minute break and they don't time their break until they get to where they are taking their break -- and then they walk back to their offices. They're gone for a half hour in the morning and a half hour in the afternoon. As Alan has said, as the Federal law states, you can grant those breaks -- but you don't have to. And we wouldn't want to be in the position where we'd have to say no breaks -- or only 15 minute breaks or whatever. So, hopefully, everyone will use their head."

Charles Althaus: Mr. President, I have a question. Last June the State Board of Accounts came to us (Coroner's office) for our time sheets and, not knowing anything about a time sheet at that particular time, I asked some questions on our part time help. So I still need an answer. They went up to the State (Councilman Owen's office was involved) -- for instance, I have two part time people and what we call on-duty people. Since that time I've made out a form of my own and this shows you a little bit of what we're doing. Here's a man who had 62 on-call hours and he worked 14. How am I to record this with the Commissioners?

Mr. Willner: In the same way you have shown it on your sheet of paper. He is an EXEMPT employee and does not have to necessarily work 40 hours per week. He might work 20 hours one week and 60 hours the next. He's an EXEMPT employee and you need to list that exactly as you did on your own form and that would be exact.

Rick Woods: Do the EXEMPT employees still have to turn in a time card?

Mr. Willner: Absolutely, we want to know what hours you are working. You are going to get paid whether you work 10 hours this week and 100 next week -- you will get the same thing. But we want to know that.

Jack Waldroup: Our union employees have a time clock. Do we also have to fill one of these out, too?

Mr. Willner: Yes, absolutely.

Bill Jeffers: Did I understand you to say that EXEMPT employees will be paid regardless of whether they work 10 hours one week and 20 the next?

Ms. McClintock: That's not right -- they can't do that; not with the compensatory time policy set up.

Mr. Willner: They get compensatory time for all overtime.

A. Kissinger: An EXEMPT employee, if we all have the same understanding, is an employee who does not accumulate overtime or compensatory time. That individual is expected to work 2,080 hours per year.

Susan Kirk: What if you take work home with you? In other words, you have to stay at the office -- you cannot take it with you?

Mr. Willner: You can take it with you -- but I think you still need to be here 40 hours.

S. Kirk: No, I mean -- if you've already worked 40 hours and then you take work home with you?

A. Kissinger: If we're talking about EXEMPT employees, then yes. Of course, if we're talking about NON-EXEMPT employees, then I think that would have to be arranged in advance with the employer, because we would be required to credit them either with overtime or compensatory time.

Mr. Willner: That is correct.

Jim Fravel: Where is the dividing line on an EXEMPT employee versus a NON-EXEMPT employee?

Mr. Willner: The County Council has done that for you.

Attorney John: All you need to do is look at the Salary Ordinance, as well -- the back two sheets.

Mr. Willner: We don't think this is going to be a hardship on anybody. All we have to do is have an employee look at his time sheet and sign his name that he has worked that many hours, and the employee sign it. That's giving you a whole week's time to do that. So we don't think we're being hard on anybody. The union employees have already held back a week. And we would not have to do all this extra if we could get everybody in the County to hold back a week. But we thought it would present a hardship on somebody to do that and we chose not to do that at this time. But that is an alternative to doing what we are doing here -- to hold out one week's salary for each County employee. That might come later on.

Connie Sisco: Is there going to be a change in the way the payroll voucher looks?

Mr. Willner: Absolutely none.

Auditor Humphrey: In addition to your payroll voucher you will include an attendance report for each employee.

Curt Wortman: Is that going to require more employees now to process all that paperwork?

Mr. Willner: Absolutely not. Absolutely not.

Betty K. Smith: Mr. Chairman, I've got fifty (50) employees and our work load (and you can ask any Judge in that Court Room) is heavy. Now when you add this paperwork....now, we have a time clock like Sam Humphrey has -- but if you have to take time

to fill out all of these, I have to agree with him (Curt Wortman) -- if you've got two or three employees that might be all right, it's not hard. But if you've got fifty employees it's going to take a lot of extra time. I understand what you are saying -- my girls work until 5:00 p.m. anyway and they get a 15 minute break. I don't allow them to take things home because those are Court records and if their house burns, they're gone. So when you say "take home" we're taking out of the Clerk's office over there public records -- and I guess I've got a problem with that. So there is going to be a heavier work load -- and it might not affect somebody with three or four employees, but when it's 25, 30, or 40, or 50 employees -- it does affect the workload.

Ms. McClintock: Why can't each employee fill out his/her own attendance record? All we're asking the elected official or department head to do is sign it to verify it.

Ms. Smith: If they can fill out their own -- that's fine.

Ms. McClintock: That's what they should do. They have to sign it.

Mr. Willner: They certainly can -- they certainly can.

C. Sisco: Isn't that how it's supposed to be done -- the employee is supposed to fill it out?

Ms. McClintock: That's what I'd do if I were a department head.

Mr. Willner: It's up to you, Betty; whichever way you want it done. But your signature is going to be on there, also. We discussed time clocks, Betty.

Ms. Smith: I have one.

Mr. Willner: That's fine; but if you don't stand there and watch everybody punch in you don't know whether someone has punched somebody in that didn't work -- so we chose not to do that. Any other questions?

Mark Tuley: Our union people and part time people are also on the time clock. Do you want those cards turned in, also?

Mr. Willner: Not the time cards; we don't want the time cards. We want the Employee Attendance Record with two signatures on it.

Cindy Mayo: I have a question. We've been asked on the compensatory time -- on the 240 hours -- this is to be accumulated before overtime is paid? Is that to be accumulated within a one (1) year period -- or does that carry over?

A. Kissinger: Compensatory time can carry over.

Ms. Mayo: But would the 240 hours end at the end of the year?

A. Kissinger: No, not necessarily. And although I'm a little bit off base here because I'm not speaking for the Council now -- it's really up to the Commissioners as how they want to arrange that. If the Commissioners say to pay overtime, then you can pay overtime. The point is, once you have accumulated 240 hours of compensatory time, you must pay overtime. It can carry over; but as a practical matter, department heads and supervisors shouldn't allow it to, because otherwise what you are going to do is end up with people (especially like people in Betty's office with a lot of employees) -- you're going to end up with people being paid for their compensatory time for weeks before the date of their retirement.

Mr. Willner: That is one reason why these forms will eventually wind up in the Commission and the Council offices. We hope to fill these out and when somebody has too many hours of compensatory time or too many times of overtime, there might be a justification for the Council to add an employee. So that is one of the reasons we're going to need this information. Along with that, I guess, before you can pay an employee overtime -- you MUST have the approval of the County Commissioners to do so. All of the overtime money is now in our budget (except the County Highway Department -- I think with union employees it is not that way -- but all the rest are). YOU may administer your compensatory time off yourself, but we want this sheet so we will know about it. Any other questions?

Judge Lockyear: Am I to understand that if my three (3) employees don't file one of these by the next pay period they are not going to be paid?

Mr. Willner: No, the next pay period they will be paid. But the following pay period they will not -- that is correct. Two weeks from tomorrow they will be paid -- but the following week is when we want this.

E. Lannert: How far back can you go with your compensatory time? Are you starting from now -- or does what you've accumulated over the past year count?

Mr. Willner: I don't know. We have to start now.

A. Kissinger: This compensatory time we're dealing with now -- we're talking about compensatory time -- if an individual leaves County employment -- retires or for whatever reason -- we're talking about compensatory time for which you are required to pay that individual -- either in money or in time off -- and that started accumulating as of January 1st of this year.

E. Lannert: Then anything you've accumulated over the years is not included.

A. Kissinger: Well, that is the prevailing interpretation; although, quite frankly, no one has authorized me to give you that ruling. So I don't know.

L. Townsend: Is compensatory time one day for one day?

A. Kissinger: No, compensatory time is 1-1/2 hours for 1 hour.

L. Townsend: Okay - time for time.

Mr. Willner: I don't know -- explain that. You're giving one hour compensatory time for one hour worked? You cannot do that. You have to give 1-1/2 hours compensatory time for 1 hour worked.

L. Townsend: That is what we are doing. But it's 1-1/2 hours for 1 hour -- since the first of the year. But we have no place on this form to put what they have accumulated to this point. So on the sheet we would turn in compensatory time used, it will not show on the form that they have it to use. What do we do? There's a place to show that they use it -- but no place to show that they have it to use.

A. Kissinger: Basically, what you are saying is that if an individual has accumulated compensatory time prior to January 1st of this year --

L. Townsend: No, I'm talking about since January 1st of this year? How do we turn that in insofar as making it legal? They have this time accumulated, but nothing on a legal form as to what we have noted in our office.

A. Kissinger: It says "Overtime compensation leave earned" and about five spaces down it says "Compensatory Leave Used".

L. Townsend: But where do I put what they have since January 1st?

Ms. McClintock: Every employee that has compensatory time that has been accumulated since January 1 and March 16, 1990 ought to put in the 'Comments' section 1/1/90 to 3/16/90 -- the number of hours -- and then that can get credited in the Auditor's office and from then on they can just carry it forward.

Auditor Humphrey: What they are saying is that we don't have that record in our office. And Evelyn brought up the point that during Reassessment her office and a number of the Township Assessor's offices had to work many hours overtime for which they don't have credit now. It was carried in the office. Is that correct, Evelyn? What you're saying is the hours accumulated since January 1st and what I am saying is that many of these hours that these people had that they worked on reassessment problems occurred prior to January 1 and last year.

Mr. Willner: You can't go back retroactive to the ordinance. I'm not going to say they're lost -- but we cannot tell you what to do with them.

M. Tuley: If a person is on sick leave or vacation -- do they sign before they leave -- or just the employer sign?

Mr. Willner: I would have them fill it out and sign it before they go on vacation. If you agree with it, you sign it.

Auditor Humphrey: Bob, if I'm right, in our office we have those accumulated hours recorded, don't we? On one of the these Employee Record Cards (our office and the Treasurer's office both have them.)

Mr. Willner: The Employee Attendance Record has a place to record vacation time and sick time.

S. Humphrey: Incidentally, to help the officeholders -- on our new computer personnel system we will have these listed on the checks when we get the system. You will have accumulated sick time, comp time, etc. It will be printed right on the face of the check.

C. Sisco: But we will need to include that information on the first Employee Attendance Records we complete.

S. Humphrey: We don't have that capability at this point. We have tried to address this problem before and our present computer system was unable to accommodate it.

Cindy Mayo: Sam, we can't have time accumulated -- we will have whatever time is used in our system. But we don't have anyplace to store how many days you have coming. But on your check stub there will be a place to show accumulated time used for that year.

S. Humphrey: On the new checks?

C Mayo: Yes. It just tells your accumulated sick time, vacation, comp time - what you've used during that pay period. But we don't have a place to store what you had to start with. And then it will accumulate and show what you've used for the whole year.

Unknown: For those who have sick leave left from last year -- what happens to that? Do we put that on the form, too?

Mr. Willner: I would put it on there, yes.

G. Koob: It was the understanding in previous years that any vacation time you had left over, personal days, sick leave, or whatever -- that they weren't carried forward. Are they going to be from now on?

Mr. Willner: Sick days only.

S. Humphrey: Sick days only. Vacation time could never be accumulated.

G. Koob: Sick days can be carried over from year to year?

Mr. Willner: To a certain number -- 60 days.

A. Kissinger: You can accumulate up to 60 days in the Sick Leave Bank -- like for an extended illness.

Ms. McClintock: Are there any other questions?

S. Hartig: Since we stay open until 5:00 p.m. I have a safety concern. We only have four (4) employees in our office. If two of us Attorneys are in the Courts, we had one gal who had to go to the doctor every day for five (5) weeks and we ended up with one (1) person alone in that office. I have a real safety concern when we are down at the end of the hallway and they will not turn the hallway lights on -- even after 4:00 p.m., and there aren't many people left around the building, because everyone is not staying until 5:00 p.m.

Mr. Willner: I can't help you -- I don't know what to tell you.

Ms. Hartig: Can you tell them to turn the lights on? That would help.

Ms. McClintock: We can do that.

Mr. Willner: This is not a choice of the County Commissioners.

S. Hartig: I'm not arguing with that -- I just want the lights turned on.

Mr. Willner: We'll talk to the Building Authority and see what we can do.

Paul Bitz: According to the letter you sent out, as long as the office was maintained from 8:00 a.m. to 5:00 p.m., how you staff it was the business of the officeholder or department head, as long the employees put in the forty (40) hours. Now, if we're going to have the Gestapo going around to the different offices saying two of Bitz's office don't say; two in Lockyear's office don't say -- that's a lot of crap. You know, we're all here to work together. It's just too bad that some department heads weren't talked to about this before we had this problem.

Mr. Willner: Oh, I think it was discussed with them for a long time -- but it didn't help.

C. Sisco: Alan, I'd like a copy of that letter you sent out, because I did not receive one.

A. Kissinger: Oh, you didn't. Margie, you didn't send these out?

M. Meeks: The Auditor's office sent out those letters.

Ms. McClintock: Well, Paul, you raised a good point. Because each Department Head has the discretion to work those employees forty (40) hours within that 8:00 a.m. to 5:00 p.m. time frame,

there will be variances in peoples' workday. So just because you see somebody leaving at 4:30 p.m., they may have come to work at 7:30 a.m. or they may have taken a half hour for lunch -- or whatever.

Mr. Bitz: Each Department Head and Officholder has the confidence -- or they wouldn't be officeholders or department heads if they didn't know how to administer their office.

Mr. Willner: I want to thank all of you for coming down. I want to thank you for bearing with us in a very difficult assignment. I asked our County Attorney if I couldn't put all of this off until after my trial and he said no. But that's the way it goes. And we will work with you any way we can.

Commissioner Willner declared the meeting recessed at 2:50 p.m.


Robert L. Willner, President


Carolyn McLintock, Member

(Note: Richard J. Borries was absent)

HSECRETARY: Joanne A. Matthews

Attachment: Copy of Sign In sheet

IMPORTANT MEETING CONCERNING COUNTY PERSONNEL

THURSDAY, MARCH 22, 1990

2:00 P.M.

	NAME	POSITION	OFFICE REPRESENTED
1	Bob Stealy	County Recorder	Recorder
2	Dwain Turk	Board Member	Voters Reg
3	Paul Bitz	Board Member	" "
4	Gene Worland	County Court Clerk	C. Clerk
5	Lee C. Gabel		SHADY
6	Betty Knight Smith	Co. Clerk	
7	Greg Smith	Co. Eng	ENGINEERING
8	Pat Callahan	Asst. Eng	Const. Hwy
9	Betty Hermann	County Council	
10	Cliff Muenster	Supt. Vand Co Hwy	County Hwy
11	Sandra Millard	Executive Adm.	Prosecutor
12	Jayne Bland	Chief Sp. Treasurer	Treasurer
13	Karen D. Jost	PAROLE CLERK	Auditor's
14	Cindy Mayo	Chief Dep	Auditor
15	Jack O'Wade	CEO	Comp
16	Bruce Burch	Chief Dep.	Comp.
17	Linda Sumner	Court Reporter	Circuit
18	John Bunch	Adm. Probation	Adm. W.
19	Monica Kelly	Judge Vand Sup Ct	Self
20	Shirley Reeder	Knight Twp Chief Deputy	Chief Kn
21	Al Ford	Assessor	Knight Twp
22	Leslie Townsend	W/measure	
23	Rosemary Norbury	Adm. Assistant	Legis. Court
24	John F. Ford	Vand Co Sheriff's Dep	
25	Richard E. Hendrix	"	"
26	Richard E. Hendrix	" Auditor	Third Addition
27	Leslie Townsend	" " "	"
28	Leslie Townsend	" " "	"
29	Janet Stacks	Chief Deputy	Center Township
30	Mike Green	Service	
31	Joyce Moers	Bookkeeper	Burdette
32	Mark Tuley	Manager	Burdette
33	Lawrence Roberts	Chief Deputy	Scott Twp
34	Evelyn Laxert	Chief Deputy	C. Assessor
35	Zeeva Hardin	Office Manager	" "
36	Glen Kook	Chief Deputy	Perry Twp.

2:00 P.M.

[illegible]

Board of Commissioners

OF THE
COUNTY OF VANDERBURGH
305 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

ROBERT L. WILLNER
RICHARD J. "RICK" BORRIES
Carolyn McClintock

TEL. (812) 426-9241

TO: All Officeholders and Department Heads
FROM: Board of Commissioners
DATE: March 22, 1990
RE: Employee Attendance Report - Certification
Payroll Schedule and Voucher

In order to conform with the Ordinance governing requirements outlined by the Vanderburgh County Commissioners and confirmed by the Vanderburgh Common Council, the following procedures are ordered to comply with applicable ordinances and the U. S. Fair Labor Standards Act.

To avoid the hardship of withholding a week's pay in order to meet the certification requirements of actual hours worked, the following procedure will be implemented.

Employee Certification of actual hours worked, the Employee Attendance Report (E.A.R.), will be submitted each pay period along with the Payroll Schedule and Voucher (P.S.V.). However, the Employee Attendance Report (E.A.R.) will always be one (1) week in arrears. The following example illustrates the procedure.

<u>E.A.R.</u>	<u>P.S.V.</u>
1. Commencing Week 3-17 to 3-30	Payroll of 4-6
2. Second Week 3-31 to 4-13	" " 4-20
3. Third Week 4-14 to 4-27	" " 5-4

The Payroll Schedule and Voucher are to be submitted to the Auditor's office as usual but, accompanied by the Employee Attendance Report for each employee.

The Employee Attendance Report (E.A.R.) must be signed by both the employee and the Elected Officeholder or the Department Head.


Robert L. Willner, President

RW:jm



VANDERBURGH COUNTY, INDIANA
EMPLOYEE ATTENDANCE REPORT

Authorized by State Board of Accounts

Name of employee (First, middle, last):	Bi-weekly payroll ending Saturday, _____, 19____
Department:	Division / Section / Unit:

☐ Exempt Employee ☐ Non Exempt Employee

Instructions:

1. This form must be completed by each county employee, except where the use of alternative attendance reports has been approved by the State Board of Accounts.

2. Under fixed schedule, check the type of fixed schedule. Under days, enter the number of hours worked per day (rounded to nearest quarter hour).

3. If you worked on a holiday, enter twice, once on Holidays' line and once on either Overtime-compensatory leave earned line or Overtime-payable line.

4. No payroll warrant will be issued without a properly completed and signed Attendance Report.

Fixed Schedule	<input type="checkbox"/> 8 hour day / 40 hour week	<input type="checkbox"/> _____ hour day / _____ hour week														
	SUN	MON	TUE	WED	THUR	FRI	SAT	SUN	MON	TUE	WED	THUR	FRI	SAT	TOTAL	
															Regular	Overtime
Regular time worked																
Overtime-compensatory leave earned (hours)																
Overtime payable (hours)																
Vacation leave																
Sick leave																
Personal leave																
Compensatory leave used																
Other leave (Specify below)																
Time lost																
Holiday (enter "8" on all legal holidays)																

Comments:

Under the penalties of perjury, I hereby certify this attendance report is correct.	
Signature of employee (claimant):	Date signed:
Approved by (Department Head):	Date signed:

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 26, 1990

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MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 26, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 26, 1990, in the Commissioners Hearing Room, with Commissioner Robert Willner presiding.

The meeting was called to order by Commissioner Robert Willner.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes of March 12, 1990 and Commissioner McClintock made a motion and seconded by Commissioner Borries, the Special Meeting of March 22, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Commissioner McClintock requested the Board add to the agenda a Mr. Albert McDowell. He is present and wants to discuss a problem he has on Strawberry Hill Drive.

RE: SAM BIGGERSTAFF - REQUEST FOR WAIVER OF SIDEWALKS IN RYAN
COMMERCIAL SUBDIVISION

Sam Biggerstaff pointed out that none of the area surrounding his planned subdivision has sidewalks and was simply requesting the same for his subdivision.

Commissioner Willner asked if the location of Ryan Commercial Subdivision was between Vogel Road (north) and Green River Road. Commissioner McClintock questioned the size of the lots in the subdivision, and was told the smallest is 100 and the largest is 250. Mr. Biggerstaff explained that they had made them that way so they could sell parts of them. Commissioner McClintock asked Mr. Biggerstaff if he had any visualization as to what was going to go in out there and Mr. Biggerstaff stated that it would be commercial businesses with their own parking areas. There will be no parking along the road. Commissioner McClintock asked when the sidewalk deal was adopted because as she pointed out, the Board, just two weeks ago, heard one on the west side that wanted it waived but was denied because it was located within a mile of the City. The comparable properties that were adjacent had no sidewalks because they were constructed before the sidewalk ordinance was enacted. Commissioner Borries agreed there was an ordinance in the Area Plan Commission & asked to have a week to investigate the ordinance and Commissioner McClintock agreed stating that she just wanted to be consistent. Commissioner Willner requested the record show the Board of Commissioners will take this matter under advisement for a period of one week. Commissioner McClintock requested that this matter be referred to the County Engineer for his advise.

RE: GENE HOON - BORROW PIT ON FUQUAY ROAD

Commissioner Willner introduced Mr. Gene Hoon (7962 Elma Kay Drive) who was to speak on the borrow pit on Fuquay Road. Mr. Hoon stated that this borrow pit is the most hazardous and has been there for about two years. It's damaged the water but it's a hole out there that has no retainer. It is strictly a residential area with children. If you go 10 feet off the road, he stated you would be at the bottom of the pit. There was no zoning and they not only took farm ground in but also brought a subdivision in that was already plotted. To give the Board

what kind of fill they are using, he showed the Commissioners some pictures of trash that has been dumped off in there. Mr. Hoon stated that these are the second set of prints and he has been to the City and the State and he is now up before the Commissioners trying to get something done about this pit. He has a son that lives on Spry Road and asked the Commissioners how they would like to have coffee made out of that water every morning. He put a well in four years ago and it is in bad shape and will stain fixtures and said you better have a taste for it because it's very fragile (the water system) out there and they came in and dumped trash in the hole. They were told to move it and they moved it and then they dig a hole and dump in it. He pointed out the pictures to the Commissioners again. There is a storm sewer that runs down the side of it out of the Peach Tree subdivision. The sewers are bad over in that subdivision and when it comes to the surface, the raw sewage, they wash it down a storm sewer. He has called but has not gotten anywhere. He would like for it to be filled in.

Commissioner McClintock asked who owned the property and Mr. Hoon stated that Traylor Brothers owned it. He said there is 19 acres there.

Commissioner Willner questioned if the pictures Mr. Hoon showed them were the same pictures that the Commissioners have seen before and Mr. Hoon stated they weren't. Mr. Hoon stated they have abandoned their tax base out there, and stated there was a long list of them in the newspaper. He further stated that they went too far and are now into the sand of the water and he is concerned what they are going to do for water. He stated the value of the property has gone down because of the hole and it is currently taken 8 months to a year to sell a house where it used to take only a week to 10 days. Basically, the property has been devaluated and it's also made it dangerous for the kids who live in the vicinity because all kids like water. There is no way to keep the kids out unless you install a chicken wire fence.

Commissioner McClintock asked if Mr. Hoon had been before the Commission before to which Mr. Hoon stated he had several years ago.

Commissioner McClintock asked if the research had been done at that point and Mr. Hoon stated there has not been any research done on this. The most response he has had is "good luck". He stated the borrowing pits should be full of water but said they will never fill up because of the sandy bottoms. It keeps washing off and again states he is concerned about their water. They can't get the City to take any action. Commissioner Willner stated that (in answer to Mr. Hoon's questions) the

Commissioners had written several letters. Commissioner Borries stated they had discussed this matter last summer and at the time, he called Traylor Brothers twice and the calls were not returned. He also wrote a letter to Traylor Brothers, but the only documentation he could find is through some correspondence that the Area Plan Commission provided him with that was a letter from the project superintendent (Michael Jaspers) written in 1988 where he addresses this to the Indiana Department of Highways as says, "Regarding our borrow pit plans in section 203.08 of the 1985 Standards Specifications. The Gehlhausen north and south borrow pits and the Wilhelmus east and west borrow pits all border the right-of-way. Traylor Brothers, Inc. is proposing 15 to 1 back slopes along the right-of-way line, which divides the state property with our borrow pits. The 15 to 1 back slopes would begin with the right-of-way line and continue for 100 feet, then a 2 to 1 slope would begin. We trust this matter meets with your approval. If you have any questions regarding this matter, please do not hesitate to call me." That was from Michael Jaspers and then it says, "Reviewed and approved as submitted. Elliott Sturgeon PE on 7/5/88" Commissioner Borries is assuming that Mr. Sturgeon is with the Indiana Department of Highways. Then, there is a memo, attached to the letter, that talks about contracts B16325 and R17204, borrow pit erosion control plan. "The borrow pit of Traylor Brothers, Inc. intends to utilize to construct the two mentioned and they talk about Gehlhausen north and south parcels and Wilhelmus east and west, the Gehlhausen property which Traylor Brothers is purchased is located on both sides of I-164 at approximately (and then tells the station line) says "Traylor Brothers does not anticipate any erosion control problems with these four parcels of land. Erosion control problems will be minimal since excess water will only run into the borrow pit area. Water that accumulates in the Wilhelmus borrow pits will be used to wet the grade and help control dust. The

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Gehlhausen borrow pits soil consists of well drained sand, so they do not expect water to accumulate. In the event excess water run off does become a problem, we will take all necessity to minimize any erosion problems it may cause. If necessary, straw bails, sumps, bourns of temporary diversion channels will be used to prevent siltation from leaving the borrow pit areas." Mr. Hoon stated that there was approximately a 2 to 1 ratio (out two feet and down one). Commissioner Borries stated that he did believe that the borrow pits are unsafe and wanted to assure Mr. Hoon that the Commissioners have made inquiries. The message that the Commissioners are hearing is that this is a State and Federal Highway project and that the Commissioners have expressed some interest but they have not received any satisfaction. He gave Mr. Hoon a name, not only Mr. Sturgeons, but he also gave the name of the Federal Highway Engineer, and he asks Mr. Hoon to call him, if he hasn't already done so. Mr. Hoon stated he has called the State and everytime he asked if he could record the conversation, they hung up. Commissioner Borries asked Mr. Hoon if he has talked with Lee Gallavan specially and Mr. Hoon stated that he had not. Commissioner Borries read into the record. This man is the area Field Engineer for the Federal Highway and Commissioner Borries assured Mr. Hoon that the Commissioner's office will also write him, but he urges Mr. Hoon to speak to Mr. L. Gallavan because it is a State Federal Highway matter and they have tried to do this and he wants to assure Mr. Hoon they aren't getting anywhere either. Lee Gallavan is the Area Field Engineer for the Federal Highway Administration. He is the Federal Highway Engineer for this district. His address is 575 North Pennsylvania Street, Indianapolis, IN 46204. His area code number is 317-226-7493. Commissioner Borries again assured Mr. Hoon the Board will pursue this matter.

Commissioner Willner asked the attorney his opinion and Mr. David Miller stated he thought what Mr. Hoon is looking for here is some governmental body to take up his cause and to solve or help him solve this neighborhood problem. Mr. Miller's reaction to this the last time and his reaction to this after Commissioner Borries had looked into it further, is that Vanderburgh County and the County Commissioners have a limited amount of power. There are limits on what they can do as a body and what they can do, within the context of Mr. Hoon's problem, is they can make an effort to see to it that the roads are safe. Consideration can be given to putting up a guard rail up along an area that is immediately adjacent to a very steep incline or drop off the roadway. They can try to keep the roadway clear of debris and they can rely on the County Police to catch people that are dumping into these holes improperly, but if the County were to take any legal action of any sort, they would be thrown out of court because the County has no legal standing to pursue this matter. There are three alternatives, that Mr. Miller sees available to Mr. Hoon and his group to get to the bottom of this the quickest. Mr. Miller believes it is possible, from the pictures he has seen, that it could be contended that there is an open dump of some sort being maintained out there. That whether or not Traylor Brothers likes it or whether or not they condone it, there are people who are using this hole and maybe it's Traylor Brothers, he doesn't have any idea. In any event, there is a possibility that they are involuntarily allowing the maintenance of an open dump. If that is true, then it seems to Mr. Miller that Mr. Hoon's group has two possible enforcement agencies that do have the power to assist Mr. Hoon in their capacity as governmental entities. The first one maybe the Area Plan Commission, if there is a zoning violation going on. The second one would be the Indiana Department of Environmental Management. The Indiana Department of Environmental Management has control over open dumps and over landfills. If Mr. Hoon could show in effect that there is a landfill being conducted, then they have the power through the Attorney General's office to stop it. Finally, the third alternative is that if Mr. Hoon and his neighbors are convinced enough, Mr. Miller believes he has a private right of action for the maintenance of a common nuisance and Mr. Hoon could get that enjoined and then get a court to require the owners to take the proper steps to protect the children and protect the neighborhood and protect the water, if then be able to show (it's a proof problem) that the water is the result of what's going on there. Mr. Miller pointed out that he lives not far

from the sight and he agrees with Mr. Hoon about the problem. What Mr. 4
Miller is trying to do is to give Mr. Hoon the benefit of the Board of
Commissioner's legal counsel but telling him that this Body has only
certain powers that the State of Indiana gives it. It would be Mr.
Miller's recommendation that if Mr. Hoon has contacted the Department of
Environmental Management and they are not able to help Mr. Hoon, then
the Federal Engineer, who's name Commissioner Borries gave to Mr. Hoon,
is his last step before he files some sort of common nuisance suit.
Mr. Hoon stated the man got a rezoning from R-2 to R-3 and what the
first thing the City asked Mr. Hoon was to pay his taxes. He is asking
what good the system of our government where you can have one person
that's got the almighty dollar. He thinks that's what they are bucking,
the man that has got money. He still thinks the system will find a way
to solve the problem out there. He has had an attorney tell him that he
could fill it up with \$100 bills faster than it would go through court
and in between time, someone gets hurt.

Mr. Miller explained if Mr. Hoon can not get help from a governmental
entity, then all he can tell Mr. Hoon is that's what the courts are for
and he doesn't agree with anybody who says that you would be able to
fill this thing up with \$100 bills by the time that you got it to court.
Our system is better than that.

Mr. Hoon asked the attorney if he knew what the value of the land is and
said they have taken about a quarter of a million dollars worth of dirt.
Dirt is very expensive and it's getting to the point where it is almost
as expensive a concrete. That's all they are asking is for it to be
filled up.

Commissioner Willner asked Mr. Hoon if he was saying that Traylor
Brothers does not pay taxes on this piece of ground. Mr. Hoon stated
they have got a list where they just abandoned property. He wants to
ask the Commissioners who is going to pick the slack up, every tax
payer. Commissioner Willner again asked Mr. Hoon if Mr. Traylor has
paid taxes on this piece of property and for how long. Mr. Hoon said he
knew they were in the paper with delinquent taxes. Commissioner Willner
asked if this piece of property was included and Mr. Hoon stated it was
all down the highway. So, he is saying that if he doesn't pay his
taxes, the property reverts back to Vanderburgh County. Mr. Hoon was
asked if he knew the tax code and Mr. Hoon stated that he was a plumber
by trade and had no idea of those things. Commissioner Willner pointed
out that he must know something or he wouldn't be telling him this.
Commissioner Willner went on to say that what he is saying is today on
the agenda, they have 60 parcels of surplus property where the taxes
haven't been paid. He then asked Mr. Hoon if the property was one of
those and Mr. Hoon stated he did know but he said he would say it is
there. Commissioner Willner asked if there were any others in the
audience who wished to speak on this matter.

Whatemans Wedding stated he lives in the neighborhood that Mr. Hoon was
talking about. He pointed out that there is a lot of children living in
that neighborhood and for years they have always been able to run loose
because it is out in the country. Assuming that this thing is not going
to fill up with water, and he had just heard that for the first time
today, the sand from the walls keep falling down and it's going to be
eroding into the County and the City streets or under the streets.
There is going to be quick sand in the bottom of that pit because all
the sand coming down there. His question is if a child should fall into
that and die or someone run off into one of those pits from an accident,
he wanted to know who would be the party responsible.

Mr. Miller stated it would appear to him that the answer to the question
would be the owner of the property, if the property is being maintained
as a dangerous or nuisance type of location. There is a concept in
personal injury law (he doesn't practice personal law, but he knows
enough about it) called attractive nuisance. An attractive nuisance is
a condition that is maintained on property that is dangerous but would,
by its very nature, attract the attention of children and people of other
than mature judgement, and if a child is injured in the course of using
an attractive nuisance, even though that child is very careless in doing
so, the owner is exposed to grave risk of liability. Now, of course,
that doesn't bring back a child or bring back a child's ruined limb or
something like that if the accident is that kind of serious accident,
but there is substantial liability there for the owner. There maybe

liability on the part of those who are responsible for the design and maintenance of the roadway that caused the nuisance to exist but, it seems to him that Mr. Wedding's question really begs the question and that is, what do you do to get this thing fixed. What Mr. Miller is telling him is, he lives very close to there, he knows what he is talking about and he thinks the neighbors out there need to take some private action and he does not agree with whoever Mr. Hoon consulted with if what he was advised was that it will take so long that you might as well not do it. That's a defeatist attitude and he doesn't think our system works that way. Mr. Wedding stated not only is it ugly and inconvenient but it's still an accident waiting to happen.

Mr. Miller agreed.

Commissioner Willner wanted to pursue with the attorney (David Miller) some questions. If the owner of that property is planning to abandon it and not pay the taxes and it reverts back to the County, he wanted to know if the County would have some recourse. Mr. Miller stated that if that situation develops, he wouldn't want to see the County accept that property in it's current condition and he thinks the County would have some recourse to require the owner to put it in a condition that (he's talking off the top of his head and said he would need to look at some books) but he would not want to see the County take that property on tax forfeiture without knowing exactly what the County is getting because then it does become the County's problem and that is not the idea behind building these highways.

Commissioner Willner stated he could truthfully say that it does bother him and if that's what is going on, he will do everything in his power to get that stopped. He will see if that piece of property is on the tax roll. There is still three of them out there. He then asked where the others were and Commissioner Borries explained that there is a couple on the northern leg of I-164. There are at least four parcels of property, he doesn't know how many pits, but there is a Gehlhausen north and south and a Wilhelmus east west.

Someone from the audience (not identified) said there is 19 acres.

Commissioner Borries continued reading from the letter: "Gehlhausen north & south borrow pits and the Wilhelmus east and west borrow pits."

Commissioner Willner stated that Traylor Brothers owns all three borrow pits.

David Mark Oliver, 7508 Ridgeway Avenue: He stated that was located approximately one block from the borrow pit in question. He wants to take a stand as a parent of one of those children in the area. He also wanted to state there are as many other parents who have children in that area that could not be here because they work. He explained that he had to take off work to make this meeting. He doesn't approve of the borrow pit and stands in support of anything that can be done to remove it.

Betty Jarboe pointed out to Commissioner Willner that under the zoning code, the Area Plan Commission should be sent out there to inspect this. They had illegal dumping out on 62 and once this happens, you take these people to court and you can not dump anything like wood or anything like that. She said it could be concrete and can be bricks but stated that people couldn't dump things like what is shown in the pictures, presented to the Commissioners, anyplace in the County without a legal dump permit from the State of Indiana and also have the property zoning. She would suggest they contact the Area Plan Commission and ask them to send an inspector out there because this part of it can be handled, the dumping under the County's present code.

Several people were talking from the audience but could not be heard as they did not come up to the microphone.

Sam Flannery, 7800 Pollack Avenue. He stated he has called the Health Department of Vanderburgh County 15 times. He lives on the corner of Pollack and Fuquay and the borrow pit starts on his property line. He was under the impression they couldn't start digging within at least 15-20 feet from a property line, but they are directly on the property line. When he called the Health Department they would send out someone to check and they would find the trash and they call Traylor Brothers. Traylor Brothers sometimes would come out and they picked it up and put it in a truck, then after the Health Department left, directly behind his house, they have dug additional pits, other than the ones in the pictures, approximately 10 to 12 foot deep. They are dumping tires,

wood, cans, plastic bags, and bring a bulldozer right behind them and cover the hole up. Again, he lives at the corner of Pollack and Fuquay and he invites the Commissioners to come to his house and he will show them where there are large pieces of plastic that are washing out of the bank. He explains that the Health Department will come out and talk to Traylor Brothers and may even give them a citation but as soon as the Health Department leaves, Traylor Brothers digs a hole 10 to 12 foot deep, dumps it in and then takes their bulldozer and covers it up, then it's gone. He said you could come out and look at it today and there will be no trash there. When Mr. McCloskey was out there a week ago this past Sunday and he showed Mr. McCloskey some excess tar that Traylor Brothers had brought and dumped. There was enough to fill half a pickup truck load of it. He went back there the next day and it was gone but the bulldozer was sitting there. He stated he just couldn't go out on 19 acres of land and point to where they just dumped, but some of the holes he knows the location.

Commissioner McClintock stated she would like to see the Commissioner's office assist the group in pursuing their problem with both the State and Federal government in addition to asking them to do the same. She thinks they need to determine what the tax code is for this piece of property and it's zoning so the Commissioners know if they are paying taxes and if it is zoned for an illegal dump. Also, she wants letters written to Lee Gallavan, who is with Federal Highway, indicating the Commissioners concern. Also, she knows the Congressman has already been out there, but she wants to send letters to Senators Coats and Luger, in addition to notifying the Indiana Department of Environment Management and the Federal EPA about the problem and request that they do water testing of the water in the pit and soil testing in the soil that surrounds the pit and they will be able to determine what kinds of materials have been put in the area and what effect it may have on the water.

Commissioner Willner agrees and stated the Commissioners office will pursue that. Commissioner Borries feels it is a serious problem and the Board needs to pursue it. He further pointed out that there is nothing more effective than a lot of citizens writing to this man (Lee Gallavan) because he is the person (or at least his office) and is in charge of inspecting this particular highway since it is a Federal highway and mostly federal funding.

Betty Knight Smith stated since this property is not located on a State or a Federal right-of-way. That is in Vanderburgh County and it is private property. She doesn't know what the Feds would have any control over it and it looks like to her that the Commissioners or if it's in the City, the City. She again pointed out that this is private property and not Federal property.

Commissioner Willner explained the Federal Government had to approve that and Commissioner Borries agreed adding that they have to approve all the specifications for a borrow pit because if it's impacting... Betty Knight Smith interrupted saying that if it's in Vanderburgh County doesn't the County have to approve the extent of it because it is within the County. Commissioner Willner answered that this County did not approve that and he can tell her right now.

Commissioner Willner stated, by reading the letter, Traylor Brothers said it was perfectly legal for them to do that, if he understood the letter correctly. Commissioner Borries point out if the zoning is correct and that's where Attorney Miller has said the Board needs to pursue if there is an open dump being maintained there and if there is any kind of right of action for maintaining any kind of a common nuisance out there or anything that has to do with effecting drainage. If they are zoned properly, that's one matter, if they are doing other things then that's what the Commissioners need to pursue.

Mr. Mosby asked when the property was rezoned because he didn't see any ads or anything.

Commissioner McClintock stated that the Commissioners don't know what it is zoned presently and that's one of the things they will check out. Commissioner Willner stated all three of these pits are in the County. He then thanked everyone for coming down and told them the Commissioners will pursue this to the best of their ability.

RE: ROSE ZIGENFUS - EUTS - FEDERAL AID APPLICATION FOR ROADS, RAILROADS 7
AND BRIDGE PROJECTS

Rose Zigenfus stated it was that time again for them to submit the Federal Aid Applications to the Indiana Department of Transportation. On the program this year, they are looking for several road projects to be funded as well as railroad and bridges and she read them to the Board.

Fiscal Year FY91:

Green River Road - Construction funds for the 1st phase

Lynch Road - Right-of-way funds - phase 1

Boonville-New Harmony Road - 3R project - extends from the I-164 project west - construction funds

Columbia/Delaware Street Bridge - construction funds

Franklin Street Bridge - construction funds

Orchard Road Bridge

Mill Road R.R. Project - between St. Joe & Kratzville Road - Highway protection project with automatic signals and gates

Boonville-New Harmony Road - Contrail - between Highway 57 & Green River Rd.

Burkhardt Road (Southern) - Between Morgan and Highway 62 and Oak Grove

Mt. Pleasant - Between Highway 41 and Old State Road

Peerless Road - at CSX - Between Hogue Road and Upper Mt. Vernon Rd.

Red Bank Road - at CSX - Between Upper Mt. Vernon & Minister Lane

She asks the Commissioners to accept the above and sign off on the applications.

Commissioner Willner thought Mrs. Zigenfus submitted a good list and also thinks all the railroads she mentioned now have flashing lights and they are talking about gates and automatic signals. The one on Mt. Pleasant Road also has a signal but will now have automatic gates.

Commissioner Borries had asked earlier for the status on the North Green River project and now again asks for an update. Mrs. Zigenfus stated the Federal Application they are submitting is for Green River North

(South is solely a local project) and it's her understanding they are still looking for construction dollars, fiscal year 1991, and through

Greg's report at the technical meeting, the County is looking for appraisers and design approval at this time. There was also some discussion on the amount of right-of-way that the County is needing to acquire in that section. County Engineer, Greg Curtis, stated there are 18 parcels and are all temporary except for Theater Drive.

Commissioner Borries made a motion to approve the list and was seconded by Commissioner McClintock. So ordered.

RE: PROPOSED AMENDMENT TO COUNTY PERSONNEL POLICY REGARDING CIVILIAN
JAILERS - FOR REVIEW

Commissioner Willner wanted the record to show accepting the Proposed Amendment to County Personnel Policy regarding Civilian Jailers for review.

RE: BETTY KNIGHT SMITH - ELECTION OFFICE

Betty Knight Smith passed out a packet to all Commissioners to follow along with what she is reading to them. She is appearing before the Commissioners to discuss the composition of the Election Board and some of its procedures. She thinks the office is going through a difficult period organizing its staff. People have been added as Deputy Commissioners, yet the official minutes do not reflect their appointments, their responsibilities, their duties or their salaries. She has no objections to the appointments of these Deputy Commissioners, individuals designated by the respective party chairman, but she does ask that the Election Board follow the legal provisions for these appointments as set forth in the Indiana Code. The newspapers indicated that she, as County Clerk, is somehow in conflict with the bipartisan Election Board. She is not, in fact, as she indicated in her letter as

of March 19, 1990, to Chairmans, Al Harding and Suzanne Crouch (with copies forwarded to the Commissioners, Paul Black, Joseph Harrison and also the County Commissioners and the County Council) that she is a strong supporter of the bipartisan board. She has given each of the Commissioners a copy of the letter regarding some misleading accounts that she read in the local newspapers. She would like to say, at this time, that she does not have any ill feelings toward anyone associated with the office. Personality conflicts are also not issues in this matter. She has a great deal of respect for both Mr. Harding and Mrs. Crouch and she respects the legal skills and talents of Mr. Black and Mr. Harrison. What the issue is, in this instance, is a simple matter. The Indiana Code specifies that the County Chairman shall designate the Deputy Election Commissioners and that such Deputy Commissioners may assist the Election Board in carrying out the duties in accordance with the rules adopted by the Board, Burn Statute 3-6-5-22, was two provisions that she believes that no one would question, but the code now establishes in 3-6-5-23, states "A County Election Board may appoint, at its pleasure, all clerks, custodians and other employees that are necessary to the execution of its powers. The County Election Board may determine the ranks, duties and salaries of these appointees." While Mr. Harding and Mr. Black and Mr. Harrison have indicated that these procedures were followed in the Board meeting of March 9, 1990, the official minutes do not reflect that any individuals were formally designated by the Chairman nor were they officially appointed by the Board. She points out the Commissioners have received a copy of those minutes in front of them. The Evansville Press article, in fact, indicates confusion regarding the duties of the Deputy Commissioners, as well as their perspective salaries of \$3,000.00 each. Mr. Harrison is reported to have said that he did not attend any meeting indicating salaries, the Evansville Press. She wants to add if there was any such meeting, she was not invited. At the present time, Mr. Bitts, County Registration Officer, maintains that he and Susan Kirk were authorized by the Election Board to run the Election Office. Mr. Bitts has certainly indicated, by his actions to the staff, that he has such authority. Yet, there is nothing in the minutes to indicate that Mr. Bitts has those responsibilities. She only asks that if Mr. Black and Mr. Harrison and Mr. Harding want Mr. Bitts and Susie Kirk to run the Election Office, that they need to make such authorization legal and have the minutes reflect that Paul Bitts and Susie Kirk appointments, their duties and responsibilities and their designated salaries. If the Board does not comply with her request, she would then request the County Commissioners to appoint a County Attorney, preferably not Mr. Miller. She has nothing against him but he works for the same law firm and he is also the County Chairman's cousin, to her knowledge. She would appreciate it if the Commissioners would appoint her an attorney or special council to proceed with a speedy answer to her questions. The Commissioners have a copy of the minutes and also have copies of letters that has been sent for them to send out. One of the letters was given to Mrs. Smith's Deputy in regard to the mail going out of the Election Office, all communications are to be reviewed by Susie Kirk and Paul Bitts and they are to be signed as it shows in the letter with signatures of Mr. Bitts and Ms. Kirk included. Mr. Bitts went to the Election Office and moved furniture and was also going to move Mrs. Smith's desk out. She states this can be checked through Mr. Jerry Riney because she had talked to him at the time. She has the appointments and the Commissioners have copies of them. She again states she needs some legal council. She reiterates she has nothing against Mr. Miller but she would prefer that the Commissioners give her an attorney that doesn't work for the same law firm or is not a relative. She thinks she needs an attorney right now. She points out she is an elected to that office and that is her duty. Mr. Miller pointed out (just for the record) that Mrs. Smith thinks he is related to Al Harding and he assures Mrs. Smith that he is not related in any way to him and never have been. Mrs. Smith stated she was told that and still points out that Mr. Miller does work for the same law firm and she doesn't have anything against Mr. Miller but she still wants an attorney that isn't controlled by the firm. Commissioner McClintock apologizes as she has been out of town a couple of times during the month and she hasn't followed all of this. So, she

is going to need to read the minutes and the information pertaining to this matter. 9

Commissioner Borries pointed out the Commissioners do have another attorney, Curt John, and he would be happy to suggest that Mr. John work with Mrs. Smith in this matter. He adds that this is the first time he has seen this.

Commissioner McClintock asked Mrs. Smith who had told who to send the letters out with both Mr. Bitts and Ms. Kirk's signatures on them and Mrs. Smith indicated Mr. Bitts had given the instructions. Mrs. Smith also pointed out the letters are not going out as Mr. Bitts has requested but are going out with only Mrs. Smith signature on them.

Commissioner McClintock inquired if Alberta Mattlock was still working in the Election Office to which Mrs. Smith confirmed. Commissioner McClintock also asked about the salary for Mr. Bitts and Mrs. Kirk and if they were currently receiving pay for this duty. Mrs. Smith explained that there is an ordinance that is supposed to be heard on the 28th if they are going to increase their salaries \$3,000.00. If they increase that salary, since its Election Board duties, it should go in the Election budget because each Election Board members gets \$700.00 per year (\$300 for the spring and \$400 for the fall) but on a non-election year there is no budget. She has got to know how she stands. She has people in the office working that she did not hire. She has no problems with them but needs to know who hired them, who sent them up there and who signs the payroll. If she has no jurisdiction over it then she can't sign the payroll. Right now she feels she is in limbo. She knows what the law says.

Commissioner Willner pointed out (last week in the Commissioners meeting - Commissioner McClintock was not present) he did pull two pick slips from Voters Registration and the Election Office. He is not sure what is transpiring in the office but he says what was supposed to happen was Lee Stuckey was hired by Susan Kirk to solicit polling places for the Election for voting places. Susan Kirk signed the pick slip. This is not the Voters Registration nor is it the Election Boards duty. He points out these duties belong to the County Commissioners. He adds that Margie Meeks has done this duty for the last ten years, free of charge. He pulled the pink slip. If he was to send someone out to do this job, nobody could have done it better than Lee Stuckey, but he further states the pink slip was not proper so he pulled it. Lee Stuckey has done his job and is now done. The job was already done before the pink slip came through. Commissioner McClintock inquired if Mr. Stuckey will not be paid because his pink slip was pulled and Commissioner Willner said he would not get paid unless the Commissioners decide to do something. He would hate to think Mr. Stuckey would not get paid but pointed out this was a possibility. Commissioner McClintock stated she thought it was a distinct possibility and she would not sign the pink slip. Secondly, Commissioner Willner has a pink slip signed by Alberta Mattlock and co-signed by Betty Knight Smith to hire Mary Lee Bassmeier and Fred Frank. The things he has against it; one pink slip was for a Deputy Clerk for \$5.00/hr and the other was for Deputy Clerk for \$6.00/hr. He pulled the slips but he didn't think Betty Knight Smith's name was on it last week when he pulled them, just Alberta Mattlock, and that's why he pulled that one. There is some question by the Commissioners that they need to do the pink slips today in regard to the Election Office and the Voters Registration. It seemed to him like there was some problem with Betty requesting some money, then the County Chairman decided to do it this way and it looks like they are hiring another person and going in ten different directions and there needs to be someone put a halt to this and come up with some solutions.

Commissioner McClintock agreed the situation needs to be clarified and they need to get a unified direction with the election coming up so soon. Commissioner Borries thought the Board needed to defer the matter. The Board does have another attorney, Curt John, and they need to ask him to review this matter and he also wants to have time to review the minutes of the meeting and make sure that whatever discussions have been made were done properly and the minutes reflect that.

Commissioner Willner asked if Mary Lee Bassmeier and Fred Frank were working in the office and Mrs. Smith stated they were now working. Mrs.

Smith explained the reason that Mr. Frank is being paid \$6.00 an hour is 10 because he was moving all the machines and its hard physical labor. The office has three more employees but Commissioner Willner pointed out they have not received the pink slips for them. Mrs. Smith stated there are three employees working in the Election Office that don't have pink slips for them. She did not hire them. She insists if the Election Board hired them that they should have told her but they didn't. Commissioner Willner thinks the Commissioners should sit down with the Election Board, the two County Chairmans and the attorney to straighten this matter out. Mrs. Smith stated the two employees mentioned above have been working in the office for quite a while and the other three employees without pink slips have already gotten a paycheck. The other employees have gotten their hours documented in the office. There isn't any pink slips on them because they don't know how it all came about. Commissioner McClintock (not that she has anything against Mr. Stuckey) but a paycheck, until the Commissioners know why he was hired... Sam Humphrey interrupted but he could not be heard enough to type... Commissioner Willner stated the pink slips were going to be held because he doesn't know.

Sam Humphrey pointed out if somebody signed a voucher without proper authorization, then they are on the hook, no matter who they are. Commissioner Willner wanted to say that the polling places were a special interest because there were 28 new precincts which did not have a precinct committeeman or a vice-committeeman that they could go to and get their voting places and their approval of such places. So, it would have put a hardship on Margie to actually go out to these 28 precincts and find somebody because there was no one in the field. He had a couple of calls that Lee Stuckey has gotten these done. So, he has done his work and very well, but the proper person did not authorize that work to be done and that should have been Commissioner Willner.

RE: PROPOSED AMENDMENT TO COUNTY PERSONNEL POLICY REGARDING CIVILIAN JAILERS - FOR REVIEW

Commissioner Willner read a correspondence from Curt John, County Attorney, that reads (in part): "I have for your review a proposed amendment to the County Personnel Policy regarding civilian jailers. This amendment would subject civilian jailers to the same set of standards currently applied to the other County Employees. If this is the desire of the Board of Commissioners, I recommend adoption of this amendment. The procedure would be the same as any other County ordinance and if you have any questions, please feel free to call me."

Commissioner Willner reads from the Amendment to the Ordinance: "Be it ordained by the Board of County Commissioners of Vanderburgh County that the Vanderburgh County employees Personnel Policy Section 1-6 is hereby amended by adding Section 1-64 Civilian Jailers and shall be incorporated with Vanderburgh County Employee Personnel Policy as follows: Section 1.64 Civilian Jailers, County Employees who are employed as Civilian Jailers as hereby included as County Employees for the purpose of this Personnel Policy and shall be subject to its provisions herein. Passed by this Board of County Commissioners" Commissioner Willner then asked Attorney David Miller if he had seen the amendment and also asked the other commissioners if they would want to take it under advisement for a period of one week. Commissioner McClintock questioned why the Civilian Jailers were the only ones being added and not the rest of the department and Commissioner Willner explained the rest of the Sheriff's department are under the Sheriff's merit program. Mr. David Miller explained its because of a big long Federal trial about this very thing and this was the attorney's recommendation at the time that the trail was concluded and Civilian Jailers not being covered by the merit statute needs to be clearly acknowledged as County Employees. They are anyway and its his opinion they have been covered forever by the County Employment Policy. In any event, this just clarifies it. Commissioner McClintock would like to see changed, and this could be done at the same time, the unlimited sick leave policies that are determined by the Sheriff of Vanderburgh County. Commissioner Willner

pointed out that the amendment will do that. She is talking about sheriffs and not just deputies, and she argued that the amendment will not do that. The deputies will still operate under the Sheriff's policy. The Sheriff's Policy currently says that he can grant unlimited sick leave to any deputy and now anyone in the department up to a year and she doesn't think this is right. This is paid sick leave. Mr. Miller did not know if this can be covered by the County's Personnel Policy given their coverage by the Merit Board. Mr. Miller thinks there is a conflict of jurisdiction there and before they make an effort to include that in the County's Employee Policy, he thinks they need to look at the statutory power of the Merit Board and the Sheriff in that regard. Commissioner Willner was under the impression that was true and they had no jurisdiction over the actual law enforcement. Mr. Miller thought this was working with apples and oranges. Commissioner McClintock stated she was not saying it has to be part of the County Personnel Policy. Commissioner Willner interrupted to say they need to ask their Board to change their policy and Commissioner McClintock agreed, but at the same time the Commissioners are amending the County's Policy and they are thinking about this she does not want it to be lost in the shuffle. She again states she thinks this is blatantly unfair to the other County Employees. Mr. Miller's inclination would be to tell the Commissioners that the Board of Commissioners probably does not have jurisdiction over those law enforcement personnel because of the Merit System. Commissioner McClintock asked Mr. Miller to find out and Mr. Miller stated he would and if that's correct then what the Commissioners would want to do is to direct a letter to the Sheriff's Merit Board expressing the Commissioners displeasure with that policy and asking that it be addressed. Commissioner McClintock agreed this was the way to go. Commissioner Borries also agreed and thinks if the other Commissioners want a week to review but he is prepared to act at least on this part of the Civilian Jailers today. Commissioner Willner pointed out it needs to be advertised so, he suggests they vote to pass it on and then advertise. Commissioner Borries made a motion to advertise the ordinance on 1st reading (must be advertised twice) on Monday, April 2nd and be considered for final reading on Monday, April 16, 1990 and was seconded by Commissioner McClintock. So ordered.

RE: ALEXANDER AMBULANCE LAWSUIT COLLECTIONS (Con't from 3/12/90)

Commissioner Willner asked Mr. Miller for his thoughts on this. Mr. Miller has been out of the city for business for 10 days and came back on the weekend and was surprised to see a headline in Sunday's newspaper about our collection efforts and the cost to the County. He recalled there was a lengthy discussion by this Board in late 1987 or early 1988 regarding the advisability of pursuing these very substantial unpaid accounts that were being tendered to the County by Alexander and his recollection is (and it has been confirmed today in a earlier discussion with Mr. Willner) that it was our feeling that even though the collection efforts may not yield a positive cash flow for the County, they would have the effect of sending a message to those people who are the users of this service, that the County will not stand idly by and follow those who take advantage of the County's services to not bear their responsibilities when and if the can. The figures that were carried in the newspaper were not exactly accurate. He has attempted, just this morning, in the absence of his paralegal who does a great deal of this work, the records indicate that this collection effort was initiated in early 1988, approximately March of 1988. So, we are not at a two year anniversary of the effort. By the time that we get these accounts from Alexander, it is his understanding that they have already been submitted to and worked by a collection agency and therefore, what is provided to us is the worst of the worst in terms of difficulty in collecting. We have, from the beginning, engaged a paralegal, rather than using an attorney and charging attorney's rates, whose sole responsibility is collection work, not only for the County but for numerous clients of his office. That has held down the cost to the County of initiating these actions and pursuing them and keeping the accounting going. When an attorney is engaged in work on these

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accounts, he or she will bring numerous of them to court at the same time. They may have as many as ten, fifteen, or twenty of these all set for the same day. So, an attorney is not coming over here just on one of these cases at a time. He knows they are dealing with a very difficult situation but, they are doing it in order to send that message. In the 24 month period that has elapsed since they have initiated this effort, his records show that \$7,510.00 has been collected. A total of \$12,058.00 has been spent. That means it is costing the County \$2,274.00 a year over the last two years to send the message that this County will not tolerate the abuse of the ambulance service. The \$2,274.00 however, is not truly reflective because what you have to understand is that in addition to the monies that he has collected, they have on file hundreds of judgements against hundreds of users of this service who have not paid. Those judgements are of record in the Clerk's office in Vanderburgh County. When those people who have those judgements against them attempt to borrow money for a house, or attempt to sell their house with clear title, those judgements will be discovered by those doing the title work and those judgements will have to be paid at that time and the County will benefit in that way. In addition, it is his judgement that if the County did not make some sort of continuing effort to pursue these accounts, it would send a message to this community that there is really no necessity to pay this bill because the County won't make you pay it. Now, there has been a suggestion that these matters be referred to collection agencies and that collection agencies are only paid for what they collect. That's true and if that is the judgement of Commissioners, then he would have no objection to that because his office has plenty to do without running around after folks who don't pay ambulance bills, however, in making that discussion, the Commissioners need to know that they are making a discussion to engage on behalf of the County an organization whose payment depends upon its success in collecting these accounts. There are many good and reputable collection agencies out there and there are many collection agencies out there who do not fit that description. There are collection agencies who do not care and do not care to hear about the financial circumstances that these people who don't pay their bills are working under. There are numerous accounts that are allowed by his office, based on their judgement of humanitarian need, to either pay \$5.00 a week or to not pay at all for a period of time but still they take the judgment hoping that their economic circumstances will someday permit payment. If the Commissioners engage a collection agency, then the Commissioners are saying to that collection agency "you do what you will with these citizens in order for the County to get their money." As he said, he doesn't have any objection to either course. Both courses were discussed two years ago when this was initiated. It is clear to him that the County has had a distinct amount of success in achieving in what they had set out to achieve, on the other hand, there is to his mind and implication in the news reports that there is some sort of effort on the part of his office to make work and he can assure the media that he doesn't need to make work. He has everything that he can handle and if the Commissioners want this to continue, he will continue it. Its a judgment call on the Commissioner's part. At this point, in terms of cash flow, its costing the County about \$2,250.00 a year to do this in the way they are now doing it. He is far from being disappointed in this effort and he is satisfied that it is being handled in a very professional and to the extent that they can, in a very humane way and until the Commissioners tell him to stop, he intends to keep doing it exactly that way. Commissioner Willner stated that at least the feeling of the Commissioners two years ago were the same but they need to make a discussion again. He doesn't care if the other Commissioners need a week or two to decide if there are some alternatives. He did ask Mr. Miller if the County could tack on the attorney's fees, or the paralegal fees onto the judgement and Mr. Miller told Commissioner Willner that he could not. The court cost are already on there and the attorney fees could not be. Mr. Miller thought this was a matter that is reserved for the State legislature. He does not believe a County Ordinance requiring payment of attorney's fees would be valid. He thinks it would have to be a State Statute. Commissioner McClintock felt the Commissioners should look at what the alternatives are. After two years and having an

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opportunity to review the system and how it has worked and what kind of money the County has collected compared to what kind of money the County has spent. It's her understanding that the City of Evansville is using the Credit Bureau of Evansville for this exact same program for Alexander Ambulance. Mr. Miller stated these accounts have been through that process with the Credit Bureau before his office ever gets them. Commissioner McClintock's indication, from the Manager of the Credit Bureau who contacted her this morning, is that they then pursue for the City. They keep them and continue. She was also told, for the amount of \$7,510.00 collected, the County would have spent approximately \$1,100.00 based on what they are doing for the City in the same costs. She was contacted this afternoon by a gentleman with RC Systems, who is in Madisonville, but they apparently have several accounts (over a hundred) in Evansville. It's a national system. Their cost is 29% and so their cost would have been about \$2,500.00 on the current amount that we have collected. So, she thinks the Commissioners need to look at those two alternatives. There are some advantages and disadvantages to each. She indicated to Mr. RC Systems that he should sent Commissioner Willner, as President of the Commission, introducing himself and his product and the Commissioners would be discussing this matter in the meeting today and that she didn't know where it would go from there. Commissioner Borries wanted to explore the alternatives. However, he has some concerns about the collection ratio. He wants some documentation on anything in terms of percentages that is done by the credit bureau above and beyond what we are doing in the County. He has some ongoing concerns about this whole series. It seems to him that several years ago it was rushed into, there was a effort by the ALS group wanting to call anyone unamerican or whatever if they did not engage a situation into this services and engage the County into the service. The County has provided the service and they receive quarterly bills from Alexander, of which he had some concerns early on, because thanks to the attorney's work, they were able to identify where to separate that in no case does he believe that any County money should be spent on any form of advertising in relation to helping a particular firm that happens to be engaged in a County subsidy in providing this service. He thinks they have separate accounting systems, he is not sure how they are doing it, but there is some kind of separate accounting systems that says that whatever advertising they are doing through local media or through other channels of weekly periodicals or whatever, that is not in fact County money being spent. He hopes this is correct because he does not believe, at the taxpayers expense, that this Board should be advertising for any kind of private firm service and he has some concerns ongoing. He hopes the Commissioners can again ask for some documentation from Alexander Ambulance Service to provide to make sure that the County is not, in anyway, subsidizing a private advertising campaign for this firm. The other question that Commissioner Borries has is who sets the rates. The Commissioners come up with a budget plan every year that is submitted by Alexander but who sets the rates. If it's the taxpayers money, and the County's money, who sets the rates. He then asked Commissioner McClintock if she knew and she thought it was Alexander. To which Commissioner Borries questioned how Alexander set the rates and how they documented this. Mr. Miller's impression was that those rates are set based on medical insurance industry standards and it may be a function of something like a consortium of Blue Cross/Blue Shield and other major medical insurers saying what they will pay for ambulance service and then there is a range surrounding that number in which the ambulance service comes down with a rate. Commissioner Borries stated that every year you can almost bank on it, when the Commissioners get the budget request from this group, it will go up 5%. He doesn't know if the fee goes up 5% and he doesn't know what the current fee is. Mr. Miller explained there is a basic fee then it depends on what materials they use. There is a great big schedule in the contract that specifies what the charge is for using this device and what the charge is for using that shot and so forth. He is saying that he thinks all of that is set based upon medical insurance guidelines. That's his impression. Commissioner Borries has some concerns that he wants addressed by Alexander because there must be a fee schedule that they operate under and if the Commissioners are to make intelligent decisions on this or

any process involved in this, he is assuming that there must be three steps that even go before collection; First, Alexander tries to do all they can in relation to recoup expenses. Second, if they fail, then it goes to the Evansville Credit Bureau. Then, if they fail, Mr. Miller's office gets it as a last resort. Mr. Miller stated that when they get it they have found that they have not been informed on a regular basis whether an individual is deceased and they have not been informed when Alexander has received bankruptcy notices on behalf of these people. If they had current information like that it would cut down on a number of the suits. He wants to emphasize that the cooperation that they get from Alexander is very good. There are many occasions on which they have received accounts for collection which have been in the names of people who are no longer with us and if they are with us, in some cases, they have notified Alexander, long since, that they were discharged in bankruptcy. So, he has had a number of experiences like that and needs to be avoided in the future. Commissioner Borries thinks the Board needs to explore that as well. His point is raising the aspect of the collection procedure, of the whole aspect of fees, the aspect of the advertising, that there is an equally clear responsibility upon any private firm that is working with public tax dollars, that they must provide the same kind of documentation that any public entity must provide in relation to how they are using public dollars. He believes strongly about that and if the Commissioners are going to talk to the taxpayers to the tune of a quarter of a million dollars, and that's public money, then it ought to be made a matter of public record exactly how all this takes place. It needs to be very clear to such people as this Board, who has to pass decisions on this, year after year in regard to this. Privatization, for those firms that are going to do that, there needs to be clear notice that that's public tax dollars and they need to be publicly accountable to the taxpayers for how that money is being spent. Commissioner Borries made a motion to have Alexander submit documentation as to exactly what the procedure is in relation to their advertising expenses, how they set the rates, and this Board would consider all the alternatives in relation to recouping expenses and those fees that are not being collected at the next regular Commissioners meeting on April 9th and the motion was seconded by Commissioner McClintock. So ordered.

Commissioner Willner stated he got a couple of phone calls and was shocked at the price of some of the bills. He had a call from a lady that said two paramedics came to her house probably 5 miles from Deaconess Hospital and her bill was \$457.00. She said that's why they are not getting paid because they are exorbitant. They had charged her mileage, emergency, and she said yes it was an emergency and that you don't call them unless it is an emergency. But, they have a charge for that and it goes right down. The basic run was \$300.00 and the rest was all add ons. She said it was a 5 mile run so that meant 10 miles for the ambulance and said it was less than an hour and she thought it was exorbitant. Commissioner Willner agreed with her. Commissioner Borries pointed out the whole purpose of the subsidy is that Alexander is not making money and that this is to subsidize that. He questions what would happen if there was an emergency and they had to run 15 consecutive runs in one day, would they come back to the County for more. He states he doesn't quite understand the whole theory - If the County is going to do a subsidy and they are trying to privatize the service, then he thinks they have to have an understanding how far the deficit runs. Commissioner Willner pointed out they could only go by last years performance.

RE: ALBERT MCDOWELL - 529 STRAWBERRY HILL

Albert McDowell has had a ongoing problem since last July. He had just purchased the property and there is a easement right-of-way between his house and the neighbor that lives on the north side. The storm sewer that runs through there has been caving in to the point where his 5 year old son stepped on it and it caved in underneath him. Mr. Muensterman had come out to look at it and they put barricades up but they disappeared. He called and was told it is a private property. His neighbor (his neighbor couldn't be here because he is taking a Fire

Chief's exam) said that after legal council they are going to be responsible for taking care of this problem. In the event they have to take care of it and repair or replacement of this, they wish to have the easement removed and make it private property then. This is a storm drainage for about two thirds of the Old State Subdivision and they have come to two courses of action depending on what the finance situation is going to be. The first one is go ahead and repair it properly. Dig up and replace the seams and fix the seams, or coming in past the road right-of-way and then plug it. They are concerned about the safety of their kids. Last fall, he had 13 children playing in his backyard. All he needs is for one of them to get hurt and he would loose his home and everything else. It's just a problem that had arose; they were of the understanding, along with Mr. Miller, that this was part of the drainage system and it would be part of the County's responsibility. His legal council, this last summer, also thought this was the County's responsibility. It has been termed as the grand canyon. He just wants the Commissioners to do something. He would like a determination of what's got to be done. If they are going have to repair it, then they want it to belong to them so that they can control it. He doesn't want to go in and repair it and then someone say its still County easement and they pay taxes.

Commissioner Willner asked how long Mr. McDowell had owned his home and Mr. McDowell responded he had just purchased it this past May.

Commissioner Willner stated the Commissioners have went through this 5 or 6 times now and it's probably getting pretty old. There is a storm drainage, electrical and sanitary sewer in that easement. Mr. McDowell agreed with this and explained that it meets with the second easement and runs across the back, which is also for storm drainage.

Commissioner Willner explained the Commissioners have asked the contractor, the developer, and the financial institutions to alleviate that problem and its not going to get done and he thinks Mr. McDowell is really at the wrong Board. He explains that they are talking about private property and not County property or an easement dedicated to the County. It's an easement dedicated to the property owners and it is Mr. McDowell's responsibility, along with his neighbors to do what they wish in order to alleviate his problem. The County has looked at it and the County attorney has been there, and also the County Engineer and the Drainage Board has been there and it just melts down to the fact that its private property. The law forbids this Board from spending any dollars on private property. Commissioner McClintock pointed out that Mr. McDowell's attorney tells him that this is not private property. Mr. McDowell interrupted saying that it is an easement is what he was told. Commissioner Willner asked why there wasn't documentation that it was...

Commissioner McClintock stated that Mr. McDowell wanted to sue the County and asked Commissioner Willner if he wanted him to sue the County orMr. McDowell interrupted to say his attorney did recommend that he go to court and he and his neighbor said no that they wanted to try other aspects first. He then asked what the purpose of the easement was on his property and Commissioner Willner answered the easement is dedicated to the people to furnish a means of getting electricity to the homes, or getting sanitary sewers and getting storm drainage from the homes. That's what it is there for. It's the same as your driveway; a means for him to get from the public road into his garage. It doesn't belong to the County. It belongs to him, and this is the same thing, only this belongs to a group of people to get those services to the homes. Mr. McDowell wanted to clarify that it was up to him and the rest of the homeowners in the subdivision to take care of that, and Commissioner Willner stated that was correct. Commissioner McClintock asked what his attorney told him. Mr. McDowell stated he was told, at this point, it should be taken to court and let the courts decide exactly who is responsible. Mr. Muensterman went down there and looked at it and your attorney said he thought this was incorrect and that this was County property. Mr. McDowell's attorney (from the law firm of Guthrie May) understood that it was accepted by the County for maintenance. When Commissioner Willner asked if his attorney could produce the document, Mr. McDowell stated he did not know if Guthrie May was still around and the last time he talked to him, he didn't get a return phone call. Several people stated the corporation is still here,

but Guthrie May is gone and Commissioner McClintock stated that Gina Warren is the President of the corporation now. Mr. Miller asked if Mr. McDowell or his council or anyone connected with the development of the subdivision has a document indicating that Vanderburgh County accepted a particular easement or sewer line for maintenance, then that will be the first one that he, in almost 11 years as County Attorney, will have seen. This situation arises, unfortunately, at least once every year where a storm drainage system in a subdivision, that is sometimes 3 years old and sometimes 20 years old, begins to require some maintenance. Commissioner Willner is right, all of those easements are easements created in the subdivision plat at the time of the initial development of the subdivision. They are there for the mutual benefit of all of the owners of that subdivision and he doesn't believe Mr. McDowell will find anywhere in any record any acceptance of responsibility by the County or by any other governmental organization to maintain that storm drainage system. If this Body or the Drainage Board got into the business of doing that on a wholesale basis, he would guess that the tax rates in this community would increase by about 15-20% because they're all over the place. The County simply does not have the responsibility and has never accepted the responsibility and Mr. Miller doesn't think that Mr. McDowell's council, unless he has a certificate or some sort of acceptance, will be able to find any support of the law. Mr. McDowell stated when the County Assistant Engineer came out, he said if it was big enough for them to go into that they would repair it. Mr. Miller is not aware of this. Mr. McDowell couldn't understand how that would be private property if it's above or beyond the ground. Mr. Miller was not able to speak to what somebody may have said, all he is telling Mr. McDowell is a matter of law. The County is not permitted to spend its money on the improvement of private property and the County's responsibility begins where the public drains begin and if Mr. McDowell's is a public drain then it's the County's responsibility and the County should meet it. However, it appears, at least preliminarily, that this is a private easement and that being the case and Mr. Miller has advised the Commission that the County cannot step in on those situations. Mr. McDowell stated that is what he wanted to know and what he wanted to hear. That's the reason why he is here. Commissioner Willner apologized to Mr. McDowell that he had to hear this from the Commissioners and that's its a shame that he had to learn this after he bought his house.

RE: REQUEST TO ADVERTISE FOR SALE OF COUNTY OWNED SURPLUS PROPERTY (60 PARCELS)

Commissioner Willner stated this is probably the biggest group of property the Board has had in a long time. Commissioner Borries made a motion to advertise the properties for sale and Commissioner McClintock. So ordered.

RE: AGREEMENT WITH ATEK INFORMATION SERVICES TO BE SIGNED

Commissioner Willner submitted an agreement to be signed with ATEK and also a letter from Bower, Harris, Kent & Miller which said that the non-disclosure agreement refers to the master agreement and this is in satisfactory form and the signature of the County is requested. The City also needs to sign the agreement. The master agreement and related documents are also returned here. Mr. Miller has seen the document and finds everything to be in order. Commissioner Borries made a motion to sign the agreement and was seconded by Commissioner McClintock. So ordered.

RE: EXPANSION PLAN FOR THE BURDETTE WATER SLIDE - ATTORNEY MILLER

Mr. David Miller submitted the construction fund track for the expansion of the Burdette Park water slide. Approximately a month ago, a letter of agreement was submitted to the County by White Water Industries and it was very unsatisfactory. The attorney has since drafted and obtained

the signature of White Water Inds. and they drafted a contract satisfactory to White Water and the County. He is proposing this for the Commissioners signature, at this time. Commissioner McClintock asked if this takes into account excluding some of those areas that can be constructed locally and Mr. Miller stated it was. This contract is one that has been worked on extensively by Mr. Tuley, who has worked closely with Mr. Jeff Harlan of his office, to get this contract in a form satisfactory and he did understand that this was a concern of the Commissioners and was taken into consideration. Commissioner Borries made a motion that this contract be signed between Burdette Park and the White Water Ind. and was seconded by Commissioner McClintock. So ordered.

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RE: MIKE MOADE - TRANSIENT MERCHANT PROBLEM

Mike Moade has been working on this for quite a while and states it's the season again for transient merchants. The Auditor's office is finalizing the information they need to have in the office for their permits. Commissioner McClintock and he met with the Sheriff's Department today, and are getting ID cards made up. The Sheriff will be responsible for any enforcement outside the City limits and the Evansville Police Department will be responsible for inside the City limits. The tentative date for the enforcement of this will be April 16, 1990, if everything comes together. The purpose of the ordinance is to (1) prevent people from coming into Vanderburgh County and doing business and taking money out of the County from businesses that pay taxes and (2) to protect the citizens from people that would come in and sell them bad products and they leave town and there is no way to get a hold of them.

RE: CLETUS MUENSTERMAN - COUNTY HIGHWAY SUPERINTENDENT

Mr. Muensterman submitted a report of work performed. Commissioner McClintock asked if the County does anymore cleanup on Waterworks Road from the flood. Mr. Muensterman stated the Garage usually doesn't after the flood but they go by and pick up. Commissioner McClintock thought it still looks pretty bad and the wood part didn't bother her as much as the tires, which she saw this morning when she drove by. Mr. Muensterman's crew had picked up 15 tires last week and said that can be a problem. He isn't sure what the County can do about it. Commissioner McClintock is under the impression the more tires that are left out there the more they will be encouraged to dump. Mr. Muensterman suggested something be done to the tire companies that are leaving these to come in and pick these tires up and sell them for seconds. That's what they are doing. He found that out this week. Raben's, Reis, and all of them. There is a guy on Broadway Avenue that is selling tires for seconds. These guys just pick up a whole load and what they can't sell they dump. They picked up 20 tires in the last week on outer Broadway near the County line. It's just getting to be terrible to keep up with and the dumps are not going to take the tires anymore and he is concerned what the County is going to do with them when they do pick them up. Commissioner Borries pointed out the County can have the tuffest anti-litter law in the world but the problem is catching them and enforcement. He is not sure the County has the manpower to do that. He asks Mr. Muensterman to still try to keep the tires picked up because litter like that is contagious. Surely, there ought to be some definitive statement from the tire companies. Mr. Muensterman explained the steel belted tires are not recyclable and that's what most of the tires are now. Used to be they could recycle the regular tires. He reiterates its not that they dump a load in one area. It looks like they throw them off a pick up truck one at a time, about every 10 to 15 feet. It's a job just picking them up. They have been taking them to the landfill, so far, but doesn't know how long they will accept them.

RE: GREG CURTIS - COUNTY HIGHWAY ENGINEER

not record portion of this because of changing tapes) Scot Davis, of his 18 office, got with Curt John because they had put the old documents into the computer and revised them as such and it's his understanding they need to proceed with this. They need to have a public hearing and a first reading, etc. They concern a portion of road as well, but the main reason for vacating them is the bridge and maintaining the bridge when it isn't needed. Mr. Curt John has already reviewed these and marked up the changes and the Engineer's office made the changes. Commissioner Borries made a motion to advertise the first reading of the vacating and was seconded by Commissioner McClintock. So order. The public meeting will be on April 16, 1990. Two weeks ago, the Commissioners gave him a petition from some people wanting a stop sign removed on Schlensker Road at McCutchan. He would concur with their concern that the stop sign can be removed on Schensker because it is more the thru road at that location. He has not spoken to the County Attorneys to have it drawn up into ordinance form, to put it into a stop ordinance, but he is making that recommendation. He would also recommend the County put up a warning sign on McCutchan, that the thru traffic no longer stops. There have been some problems (sometimes) in the past when they have changed the signing at intersections. Commissioner McClintock made a motion to instruct the County Attorney to write an ordinance to remove the stop signs on Schensker Road at the intersection of McCutchan Road and to place warning signs on McCutchan Road and was seconded by Commissioner Borries. So ordered. Greg Curtis stated that at the present time the ordinance says that only traffic on Schensker stops and the Engineer is wanted just the opposite.

REQUEST TO TRAVEL

Greg Curtis is also requesting permission for Gary Kercher to travel to West Lafayette for the Storm Water Drainage Conference on April 4th & 5th. The conference fee is \$20.00, two nights lodging at the Purdue Memorial Union on Campus is \$45.00 a night or \$90.00, 2 days per diem \$44.00. Transportation, he is willing to drive his own car or drive a county car at approximately \$20.00 in gas if he drives a county car and approximately 400 miles which would be \$100.00 in mileage if he drives his own car. For a total of either \$174 or \$254. The conference is being conducted by Herpick, which is for a local highway engineers and would be very beneficial in more urban areas for designing culvert structures and so forth. Commissioner McClintock made a motion to approve the request for travel and was seconded by Commissioner Borries who included his preference for a county car so the bill will only be for \$174.00. So ordered.

Mr. Curtis also requested permission for Scott Davis to use his (Greg's) county car to travel to Vincennes this Thursday for an informational session on right-of-way acquisition at the INDOT District Office that's being put on by the local assistants division for local government agencies. The appointed buyer on Green River Road, Mr. Francis Martin, has requested that if he could ride with someone from Mr. Curtis' office if they were going. Mr. Curtis would like to request the Commissioner's action on this. Commissioner Borries made a motion to grant the request and was seconded by Commissioner McClintock. So ordered.

CLAIMS

Mr. Curtis submitted a claim from Bernardin, Lochmueller & Associates for the USI overpass project in the amount of \$13,006.50 and he recommends the claim be allowed. Commissioner McClintock made a motion to accept the claim and was seconded by Commissioner Borries. So ordered.

OLD SCHOOL BUILDING - USI OVERPASS PROJECT

Commissioner Willner passed along a suggestion that he and Mr. Curtis at least talk to the owner of record of that school as he has informed the Commissioner's office that he has felt that he has been left out of the process and that he might be willing to compromise. The ability to talk to him directly and both Commissioners Borries and McClintock agreed. To his knowledge, no one has spoken with the owner up till now. He then asked Mr. Curtis to contact the gentleman to set up a meeting.

AMTRAK

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Commissioner Borries suggests that the Board should go on record as strongly endorsing the proposal to bring the Amtrak rail lines through Evansville. If Mr. Curtis' office could get together the certain federal officials that the County needs to talk with or to write, he would like to go on record at this time to say this Board will write every letter possible, and if necessary, go see the various federal officials if that would be more effective in order to get the Amtrak lines through Evansville and Vanderburgh County. He thinks its very, very important that this area of Indiana be considered in that proposal and would want this Board to consider writing letters on behalf of that proposal. Commissioner Willner concurred with that and at the next meeting of the Association of County Commissioners, he will ask the blessing of the State group to let the southwest district do the same as Commissioner Borries proposed. Commissioner Borries made a motion to write Federal Transport Officials, Federal Department of Transportation and whoever possible in relation to strongly endorsing the proposal to bring Amtrak services through Vanderburgh County and Evansville, Indiana and was seconded by Commissioner McClintock. So ordered.

CABLE UPDATE

Commissioner McClintock stated the session she went to in Washington, D.C., the last day was on cable service and Congress is considering, right now, changing the way cable is provided in this country and it's a very important change for us because it would take local control over re-authorizing cable companies from the County Commissioners and give it to the FCC on a national basis. Cable services biggest problem right now, nationally, is customer service and customers are really getting upset about their service. If we take their last local contact away and give it to the FCC they are going to have no way to control it at all. The other thing is that all the fees go to the FCC. It is much better for program producers and providers but if they would just make that change back where we don't loose the local control. So, the Commissioners need to get a letter to... She has got all stuff in the office. She has the summary for Indiana and all the other cities. She suggested to have Michael Moade draft a letter. The stand of the National Association of Counties on the changes and send it to the senators and our representatives. Commissioner Borries made a motion to send out letters regarding the above mentioned letters to indicate the Commissioners pleasure with most of it but displeasure with those two points and was seconded by Commissioner McClintock. So ordered.

ALCOHOL & DRUG ABUSE REPORT - COMMISSIONER MCCLINTOCK

Commissioner McClintock submitted information on the local drug problem and stated they can pay \$55.00 and get all kinds of information on working with other groups on the alcohol and drug abuse programs. So, that is something the Commissioners need to look at.

REPORT - COMMISSIONER MCCLINTOCK (MISCELLEANOUS)

Commissioner McClintock also submitted information on the new Moving America, New Directions, New Opportunities from the new transportation secretary. She is sure the other commissioners would want to read that.

Commissioner McClintock also gave the other Commissioners the information the 102st Congress and a brochure.

HIGHWAY TO INDIANAPOLIS & GRANT INFORMATION - COMMISSIONER MCCLINTOCK

Commissioner Willner asked Commissioner McClintock if she also had some information on the highway to Indianapolis. She stated that both Senator Lugar and Coats are going to send letters to each of the County Commissioners along the route encouraging their participation in this process because they both say that's the only way this road is ever going to get built. The other thing that she had worked out with Lugar's office is we will begin to receive... They have a staff person in there office that goes through all the federal grants every month and writes a short synopsis of what the grants are and who they are from and who can apply. What she did for February is marked some and sent one to the School Corporation on grants for drug programs for schools and those will go out from all three commissioners to various agencies

throughout town that may be interested in applying for some of those grants, along with the instructions. Karen said she would do those each month. 20

RE: REQUEST TO TRAVEL:

SAM HUMPHREY - COUNTY AUDITOR
JUDGE RICHARD YOUNG
BOB STEELE - COUNTY RECORDER

Sam Humphrey submitted a request to travel to Indianapolis on Thursday, March 29, 1990 to attend a Fair Market Value seminar sponsored by the Indiana Property Tax Board and is from 9-3. Registration fee is \$30.00 and one night hotel room plus transportation, and per diem. Commissioner Borries made a motion to approve the request to travel and was seconded by Commissioner McClintock. So ordered.

Judge Richard Young submitted a request to travel on April 20 - a seminar on Dealing with Sex Offenders, Indiana Judicial Center. April 26 & 27, 1990 IBSA Spring Meeting, South Bend, Indiana. Commissioner McClintock made a motion to approve the above travel request and was seconded by Commissioner Borries. So ordered.

Bob Steele, County Recorder, submitted a request to travel to Indianapolis to attend a conference of all County Recorders called by the State Board of Accounts on Monday & Tuesday, April 23rd and 24th at the Omni North. Commissioner Borries made a motion to approve the request to travel and was seconded by Commissioner McClintock. So ordered.

RE: LETTER FROM STATE TREASURER ON SEMINARS BEING HELD ON NEW PROGRAM BEING DEVELOPED

Commissioner Willner accepted a letter from the State Treasurer on seminars being held on the new program being developed. Commissioner Borries stated this is the new program on the new bond bank. This is about acquiring bond and the property reassessment and cash flows and there is a seminar April 10th in Evansville at the Executive Inn and it is at 1:00-2:30 p.m. There is a card to fill out if anyone would like to go. Anyone wishing to do so may talk to Margie Meeks.

RE: CENSUS RETURN

Commissioner Willner stated the Commissioners office has sent out a letter to all employees and asked them to return the census forms promptly to the Census Bureau. There was just a bit of confusion as something in the newspaper said that the census had to be mailed in a special mailbox and it does not. The census form can be dropped into any mailbox within the postal service.

RE: OLD BUSINESS

It has come to Commissioner McClintock's attention that the Civil Defence Board has refuse to seat the Commissioner's appointment. As you know, the Commissioners asked the ALS consultum to appoint who they felt was the most qualified emergency medical person in Vanderburgh County to sit on that Board to represent our community's interest and they have refused to seat him. They don't really have a reason, or one that Commissioner McClintock thinks is legitimate. They had indicated, at one point, that they needed to go back and change, because it was an additional position, but then we use the position to keep the number the same and what they really need to just do is they want to keep an aviation specialist on there in case they ever need an aviation person, if we ever need to fly out. Then, we can go back and add that position. That's the excuse that they are using. At this point, they are making no movement to, even if they feel they need to do that, get it done anywhere. It appears to be a turf and professional jealousy kind of problem. Commissioner McClintock thinks that the Commissioners need to

do something about it because in the mean time this Civil Defense Advisory Board, we were very concerned about the qualifications of the individuals on that Board, of the Board as a whole, and that's why the Commissioners had wanted such a strong professional person to help select this director and that person has already been hired. Mr. Miller thought the Commissioners needs to insist that their appointment be seated. Commissioner Willner asked Mr. Miller to draft a letter to see that this is done. It is Commissioner McClintock's understanding that the Central Dispatch Board has released specifications for the new Central Dispatch system. She has had many calls from all kinds of people about this new system. There is a great deal of concern on the part of the volunteer fire department, sheriff and police, both personnel and volunteers (reserves), etc. She was asked to look at the specifications, which she feels she is not qualified to look at, you have to be a technical radio engineer to know what you are looking at in those specifications and so she has asked a qualified person, who does this for a living, to look at the specifications and determine whether they think the system will work in Vanderburgh County. In the mean time, and thus far this individual has indicated to Commissioner McClintock, that he has some serious concerns about the ability of this system to function. What she would like to know is what, at this point, if anything, can the County do. She asked if it up to the separate Central Dispatch Board to just sign this contract for the 4 1/2 million dollars and also does it come back to the Commissioners. Commissioner Borries is serving on the Board along with Mark Owen and Commissioner Borries stated that Board, at least the members of the Board, will have the final responsibility for adopting any kind of system that is going to be used. They can enter into that contract. Commissioner McClintock had spoken to Mark Owen on Friday, she knew that Commissioner Borries was a representative, but she couldn't call him because that's against the law, and she has some interest in that Board conducting a public hearing to hear from all these various groups that have been calling her and to be sure that they have to opportunity to air their concerns before the 4 1/2 million dollars are spent. If they are not willing to do so, she doesn't know why they wouldn't be but if they would not be willing to conduct such a hearing, she would have some interest in the County Commissioners conducting a public hearing. Commissioner Borries is not sure there have been any public hearing discussed and he thinks the Board could be charged with that responsibility but he wants to say, and he knows the Commissioner has very good intentions on this. There are certain groups that because they are going to have to make an investment and buy new equipment and are concerned about that investment and raising funds. He understands that because everyone has budgets but they are also concerned about the safety of the citizens of the entire county and that includes the residents of the City of Evansville and he would encourage Commissioner McClintock to contact the members of the Board, especially the Fire Chief and members of the City Police Department and they can tell you not only the age of their equipment but also some of the ...Commissioner McClintock interrupted to say she knows something needs to be done. He knows of no meeting that has been held, at least he has not been in any meeting that has been held in any kind of violation or secrecy of any open door law. So, he know that the society of professional journalist have said that as long as the discussions are going to be made at the Board level, they can live with that and they understand that and he would endorse that and in fact made a motion to do that and can request this but he would assure Commissioner McClintock that those who have called you have their presence at all meetings that he knows of. There have been members of the media and television there. The only meetings that he has attended have been public meetings. So, he will forward Commissioner McClintock's request and they will consider it but he would want to say that all of the information that has been moving in relation to this request in a very complicated set of specifications has been done through a public process and there have been members of the media present and their objections should have been duly noted and considered and they will be further. He will forward the request to see if there is some additional information or some new information that they are not aware of. Commissioner McClintock thinks the public that she has talked to are frustrated and they feel they are listened to and felt the Board

was saying that they didn't know what they were talking about because 22
only their expert knows (not the individual board members) and they are
going to follow that individual's recommendations. All she is saying is
in going to someone who has no axe to grind, doesn't have to buy any
equipment, and it will not cost this individual anymore money, look her
straight in the eye and said that he has serious concerns about ability
of this system to work. When someone says that to her, she wants to
have an open discussion about it. Commissioner Borries had no problem
with that and he hopes those concerns can be specific in relation as to
why he/she doesn't believe that this system will work. He thinks that
will be very effective information the Board would want. He does know
that there are some groups that are upset because they are going to have
to buy some new equipment and he is upset because they are going to have
to buy new equipment but states that things don't stay the same. If the
department can't operate on the same old equipment that they have done
for years and years, so at some point they are going to have to resolve
that. He hears what Commissioner McClintock is saying and he will relay
that onto that Board. Mark Owen is the President and Commissioner
McClintock should write a letter to him stating her concerns. Mr.
Miller believes that this Commission will have to finally approve
whatever contract is recommended because this Board is the only
contracting authority in Vanderburgh County that he knows of, unless
there are special statutory provisions to the contract. So, any
contract for the purchase of this equipment that is ultimately settled
upon will have to pass the muster of this Board. Commissioner Willner
is bothered because last year they went through a process where they
added 13 new deputies to the roster of the Vanderburgh County Sheriff's
Department, that is enough to bother him. Now, comes the Central
Dispatch and they tell him that the Sheriff and the policemen who have
been operating the radio equipment will no revert back to the regular
Sheriff's Department and they are going to hire some more people for the
radio and he disagrees very strongly with this. They need to, somehow,
not let that happen. It is just adding insult to injury at a time when
the County is shrinking in size.

RE: NEW BUSINESS

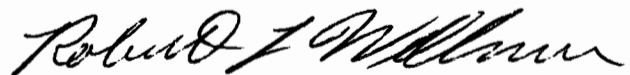
There was no new business to be heard.

RE: MEETINGS SCHEDULED

Tuesday, March 27 - Data Processing Board - 8:00 a.m. Room 303
Wednesday, March 28 - County Council Personnel Committee 2 p.m. Room 303
- County Council Finance Comm. 2:30p.m. Room 303

There being no further business before the Board, the meeting was
adjourned at 5:10 p.m.

Minutes transcribed by: Karen Hadfield



Robert L. Willner, President



Richard Borries, Vice-President



Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 2, 1990

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MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 4, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 2, 1990 in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order and formally opened by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

President Willner said there are no minutes ready for approval at this time.

RE: AUTHORIZATION TO OPEN BIDS

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Attorney Curt John was authorized to open bids received concerning the following:

- 1) Food Concessions at Burdette Park
- 2) Transportation Services for the Elderly and Handicapped
- 3) Two (2) Diesel Trucks for the County Highway Department

RE: POOR RELIEF APPEALS

Knight Township/Larry Cissna: President Willner asked if applicant Larry Cissna is present.

Mr. Cissna approached the podium, introduced himself, and said he resides at 1818 Pueblo Pass in Evansville, Indiana. Marveline Prince of Legal Services also introduced herself.

Mr. Cissna said he had asked for rent assistance and had been denied same. He rents his living quarters on Pueblo Pass at \$390.00 per month. He lives with his wife and two children (ages 9 and 13). Neither he nor his wife currently are working. He has been laid off for four (4) months from C-Tech and J. H. Rudolph & Co. He most recently worked for C-Tech, who is working on the I-164 project. They cannot do their work on this project until such time as Industrial Contractors finishes their work and moves. He has been seeking other employment. He is not eligible for Unemployment Compensation at this time as he does not have enough quarters' work. He has lived at his current address about twenty (20) days. In response to query from Commissioner Borries, Mr. Cissna said he previously applied for utility assistance with the Trustee's office.

Ms. Prince said he sought Trustee Assistance last week and they gave him \$100.00 toward his utility bill. His mother paid \$130.00 toward his utilities and C.A.P.E. paid \$195.00 toward his utilities. They moved into the apartment on March 20th and his mother (who resides in Ft. Branch, Indiana) paid \$130.00 for two weeks' rent (one half of the \$390). She just had throat surgery and is unemployed, so she can give them no more help. She also paid a \$250.00 deposit to the landlord for the apartment. The Knight Township Trustee states they have not lived there for thirty (30) days and, therefore, they will not pay their rent. But the State Statute also says that if someone is in distress and in jeopardy of losing shelter or what have you, then they

should be assisted. They have not been there 30 days, but they are going to lose their shelter if they do not pay their rent by April 5th.

Mr. Borries said he is not certain what Ms. Prince is talking about when she talked about seeking help with utilities. It sounds as though there were several agencies that assisted with payments. What was that for?

Ms. Prince said they had a shut-off notice from a previous address (3712 Frisse Avenue). They had to pay the old bill before they could get the utilities transferred to their name at the new address. So the utility bill was taken care of through his mother C.A.P.E., and the Trustee last week. The problem now is rent. Mrs. Cissna has an appointment with Catholic Charities tomorrow, who will pay no more than \$40.00 for the rent, so we're probably looking at \$350.00.

Mr. Borries asked why they moved out of the residence on Frisse Avenue.

Ms. Prince said they had been living with relatives for four or five months. They then moved to the Pueblo Pass address. Prior to that, they lived with his mother and her mother and dad. He expected to be back to work on March 15th. They subsequently informed him he will not be back to work for at least another month. He is only asking for one month's help. When he called them a week and half ago they have told him he will be back to work in a month or two (this is installing guard rail on I-164).

Mrs. Emarie West, Chief Deputy of the Knight Township Trustee's office, said that on March 27th the Cissnas came in asking for assistance with the SIGECO bill discussed (from the address of 3723 Frisse Avenue) and it was a bad debt notice of where they've left their utilities before they moved out and were not able to pay on those. The total bill was \$295.56 and the Trustee did pay \$100.00 on that account. That got the utilities turned on in their name at the Pueblo Pass address. The landlord had given them "x" number of days to do so when they moved in --or they would have the utilities turned off. So this was taken care of. They also inquired about shelter assistance. The guidelines of the Knight Trustee in Section B clearly state that the Trustee does not assist with the first thirty (30) days rent or deposit. She has a copy of the signed lease and the lease was dated March 21st. There was a \$250.00 deposit and \$138.38 prorated for the month of March. As of April 1, the rent is due. According to the lease they are given (5) days to present the money to the landlord. In speaking with the apartment management, she clearly understood that management is wanting the money. They are not interested in pledges, vouchers, or anything else other than the money -- because of the length of time the Cissnas have lived there. (This is Citizen's Management, who takes care of the Indian Woods buildings.) On March 30th, Larry and Carol came to the Trustee asking for a letter of denial and were given same, stating why the Trustee could not assist them. Ms. West then entertained questions.

Ms. McClintock said that according to their guidelines, the Knight Township Trustee could pick up the rent as of April 21st.

Ms. West said, "If the landlord is willing to accept that -- because they would have to wait for that payment. If the payment were in to them by the end of that particular month, then the payment would actually go to them between the 12th and 15th of the following month. It would be May, if they are asking for April rent."

Mr. Willner asked if there is someplace cheaper than \$390.00 to \$400.00 per month plus utilities?

Ms. West said she believes there is. Water is included; however, SIGECO is not. She would also point out that according to their guidelines they have a set figure of rent assistance they pay, depending upon whether utilities are or are not included. In this case their payment would be \$133.00, with water included. That way, if a client chooses to go out and live in a \$200 apartment they are getting the same dollar amount of rent assistance as the one who chooses to live in a higher rental complex. If they can afford that difference, then fine. But the management at Indian Woods was under the impression they would not have this problem and the way it was explained to her -- if the Cissnas had been established there over a period of months and had become unemployed, laid off, no income, they would be glad to try to work with them. But as it is right now from the conversations she has had with them, they want their money.

Ms. McClintock asked with whom Ms. West is dealing at Citizen's Management?

Ms. West responded, "Mickey Crider and Jackie (she doesn't know her last name) and Ron McCoy is the property manager."

Mr. Borries said he knows that Trustees under this arrangement provide for temporary assistance. Is there any length of time -- since Mr. Cissna's situation is uncertain, there is not an unlimited amount of time or funds...

Ms. West said, "As long as they would be income eligible and comply with their guidelines and the landlord was willing to accept the payment -- then there would be assistance on a month-to-month basis. But it is the first 30 days we are having the problem with."

Mr. Borries asked, "But even after that, you would not be able to provide the entire amount, right?"

Ms. West responded, "That is correct."

Ms. McClintock asked, "You were not approached until after the applicant had moved into this apartment?"

Ms. West said they were in the apartment when they made application on March 27th -- they had been there six days. And initially they came to them because of the problem with SIGECO. They had to get the utilities out of Indian Wood's name and into their name or Indian Woods was going to have the utilities shut off.

Ms. Prince said she doesn't think the issue here is whether or not Citizens will take the voucher. The issue is that someone is about to lose their shelter and the State Statute supersedes the Trustee's guidelines. According to the Statute, if someone is about to lose their shelter the Trustee should help them. They have their own standards as to how much they will pay per month and that sort of thing; but no one statute is that outlined -- and she thinks the Trustee does have the discretion to make some policies of their own. But she would assume the State Statute supersedes standards.

Mr. Borries said the Commissioners' role is to determine if the Trustee has followed his/her guidelines and in that case, if the person's rights have been violated by the Trustee then....

Ms. Prince interjected, "They are in violation when they don't pay someone's rent."

Mr. Borries said, "I don't see that -- in terms of the 30 day period."

Ms. Prince said, "That is something they put in their own standards; it is not in the Statute."

Mr. Willner asked, "Does the Statute say they can write their own standards."

Ms. Prince responded, "Yes; but when it goes against the Statute -- it is not any good. I understand they have budgets and they are limited in their funds they can disperse, but these people are only asking for temporary help - they are not asking you to pay their rent every month."

Ms. McClintock said part of the problem she has is that clearly there was no income.

Ms. Prince asked, "Why did she let them rent the apartment? They didn't lie to her. I think the landlord knew that when she leased the apartment to them."

Ms. McClintock continued, "What I was going to ask -- how did you think you were going to pay this rent?"

Mr. Cissna responded, "I thought I was going back to work that same month. I have been helped by both parents and I cannot be helped anymore. My mother has gone through a bad surgery and she is now out of work and she can't help anymore. My wife's mom and dad are on disability and they can't help anymore. All I am asking for is a month's help -- that's it. Why should I get evicted from the place that I'm used to living the way I live? I want to work -- I'm not a deadbeat. I'm only asking for help."

Ms. McClintock asked why the Commissioners don't ask Citizen's Management to apply the \$250.00 downpayment to this month's rent and then Mr. Cissna would have to replenish that downpayment once he begins working -- and put that back in their bank. Indian Woods has \$380.00 of these people's money, whether or not the rent was prorated for March. The \$250.00 is still hanging out there. Mr. Cissna has been told by C-Tech that he definitely will be called back to work.

Mr. Borries asked if Mr. Cissna can get that in writing.

Mr. Cissna responded that he had put a union steward on it -- and one of the business agents is sitting back here somewhere.

Ms. McClintock said she just read in the paper last week that they are going to open that May 1st.

Mr. Cissna said they got behind because of the weather. He's been with C-Tech since Day 1 that they came to town.

Motion was made by Commissioner McClintock that County Attorney Curt John contact Indian Woods and Citizen's Management and request that they use the \$250.00 they have as a deposit toward the rent in April and, knowing how persuasive Curt is and they do that, that will give us a stay through April 20th by her calculation and if Mr. Cissna isn't called back to work by that date, we can deal further. If they say "No", then the Commissioners will be back in touch this week -- because she knows they have to know something by April 5th. A second to the motion was made by Commissioner Borries. So ordered.

Pigeon Township/ Douglas Matthews: The meeting proceeded with Commissioner Willner calling on Douglas Matthews, who introduced himself and said he resides at 1004 N.2nd Street. He said that on Friday, March 23rd. he went to the Pigeon Trustee's office to ask for assistance with food because about a week to a week and a half prior to that he had some cataract surgery and he drew his last check the Friday after cataract surgery and he was out of money and needed to get some food in his house for his wife and himself until tomorrow (April 3rd) at which time he gets his Social Security check. They turned him down and the lady who waited on him was very rude when she did.

Mr. Willner asked if Mr. Matthews owns the property at 1004 N. 2nd Street?

Mr. Matthews said he rents. Both he and his wife work at the Blind Association. The problem is that when she works she usually draws checks between \$15.00 and \$50.00 per week, because it is piece-rated work and their standards there are very hard to make rate. When he is working he makes \$107.00 per week, but he expects to be off at least another four (4) weeks. He has letters from the Blind Association stating he has been off since March 12th on an unpaid medical leave; he has letters from his eye doctor; and also statements from the Social Security office stating how much he makes per month. He also has his rent receipt and his telephone bill. He pays \$220.00 per month for rent, including utilities; his phone bill is approximately \$127.00 per month and he is one month behind on that. He also has cable television; but he was going to let that bill go this month and catch it up next month so he could have some food in his house -- and the reason he is here is because the Trustee denied him some food assistance. His cable bill is \$33.71. He has a student loan, but he is pretty sure that is on medical deferment right now. But if they didn't receive the form that is \$61.60 per month and he has a jewelry store payment. He talked with them and they will be glad to hold off until he gets back to work. He went to Ivy-Tech, where he became a Certified Maintenance Industrial Technician and he has his Associate's Degree. Right now it is hard to find a job in that field. He graduated in 1987. Currently his total income is what his wife makes per week, plus his Social Security (\$406.00 pr month). The Trustee told him their guidelines are \$400.00 per month for two people. First, he thinks their guideline is a little low for two people; and he also heard they took into consideration what you made thirty (30) days ago. At the time he walked into the Trustee's office, he only had enough money for bus fare.

Mr. Willner asked if Mr. Matthews would say that his wife's income averages \$30.00 per week?

Mr. Matthews said he would say it averages \$30 to \$40 per week.

Mr. Willner said this means the Matthews' income is approximately \$546.00 per month.

Mr. Matthews said that is correct approximately; but when he is working it is over that. Nonetheless, he is not working right now. The last day he worked was March 8th and he received his last paycheck on March 16th (he thinks). He is on Social Security because of disability with his eyesight. Being on Social Security he is able to work and can make up to \$93.40 per year before it touches his Social Security.

Mr. Borries said, "On this cable, I won't get into any discussion at this time as to your right to have it -- that's really not the issue. But as you may have heard during the other applicant's appeal, it is the role of the Commissioners to determine if the Trustee is following his/her guidelines. That cable amount is considerably more than the basic cable; do you have other features on it?"

Mr. Matthews said, "Yes; but at the time I got it I was working and I am willing to hold off on paying that bill. I am going to pay it after I get back to work -- because that will give me extra money to get more food in my house."

Mr. Borries asked, "Is your medical bill for surgery being paid or provided for through any kind of health insurance or health care?"

Mr. Matthews said he has his Medicare; all he has on that is hospitalization coverage. The Division of Vocational Rehab over on Michigan Avenue is going to pick up the rest of it. He is not on the Blind Association's insurance yet. He is what they call a temporary employee. They will not talk about permanent status until after he gets back to work. His medical is being taken care of however.

Ms. Nancy Walters, investigator for the Pigeon Trustee's office introduced herself said Mr. Matthews was in the office on March 23rd and asked for a straight food order. She ran a budget on him and his Social Security Disability was \$406.00 per month. He received three (3) pays in March (March 2nd, March 9th, and March 16th at \$106.00 per week) and that totaled \$318.00. For him this makes a total of \$724.00 for the month of March. She did not include his wife's income, which he said was \$15.00 to \$50.00 per week. But with his income alone he was over income, because for two people in the household the income limit is \$400.00. She wasn't rude to him; as a matter of fact, they were talking while he was in her booth. They were talking about his surgery and carrying on a conversation -- so she doesn't know why he would say she was rude. She offered to give him a referral to the Food Bank before he left and he said 'No, that's okay'.

Mr. Borries asked if that is still an option for Mr. Matthews?

Ms. Walters said that would be left up to the Information Referral at the Food Bank, because the Trustee has to call them and give them the information --name, address, Social Security Number, and whether there is any income in the household. If they say it is okay for him to go, they give him a referral to go.

Ms. McClintock asked if Ms. Walters didn't know she could refer him for sure --she just offered to make that contact?

Ms. Walters said that is correct and at that time he did not choose to do that.

In response to query from Ms. McClintock, Ms. Walters said after Mr. Matthews told her he had cable television she didn't complete a budget for the Matthews, because this is also in the guidelines.

Ms. McClintock said she comes up with about \$341.32 expenditures not counting the jewelry store payment that he normally makes each month. Does that sound about right? (Student Loan - \$60.61, \$33.71 for cable; \$27.00 for phone; \$220.00 for rent and utilities).

Mr. Willner asked if the Matthews have received food stamps in the past?

Ms. Walters said they haven't applied for food stamps, but with their income she imagines they are over income.

Mr. Matthews said he called the Food Stamp office just before he went into his surgery and they said he would be over income.

Ms. Walters said their income level is higher than the Pigeon Trustee's income level.

Mr. Willner commented, "At the present time. But since he laid off -- tomorrow, the next day, or next week -- he will be eligible -- is that correct?"

Ms. Walter responded, "No, he won't be, because he is receiving \$406.00 pr month on disability and the income limit is \$400.00. And his wife is working. But even if they are a little bit over income, we do help them some. But they can't have cable

television. In running a budget on them, their budget can be high. But anyone can have a bill -- anyone can have a lot of bills; but what we go by is the income level in the household and we use a 30 day income, because that is a month."

Mr. Willner said, "The \$106.00 you included won't be coming in.

Ms. Walter said, "That is right -- not until he goes back to work."

Mr. Willner asked, "When you drop that, what is his income?"

Ms. Walters replied, "\$406.00 Social Security; and he said that Mrs. Matthews makes about \$30.00 to \$40.00 per week. So if she makes \$40.00 per week, that would add \$160.00 to the \$406.00."

Mr. Matthews said, "No offense to the lady -- but I don't care what she says; she did not offer to notify the Food Banks. I had to go to Catholic Charities that afternoon and they sent me to the St. Vincent DuPau Food Pantry over on Elliott Street. She did not offer."

Ms. McClintock asked, "What happened at the Food Pantry?"

Mr. Matthews replied that he got some canned goods and stuff which has been tiding them over.

Ms. McClintock asked, "Can you go back to the Food Pantry?"

Mr. Matthews said, "Yes, this month. From what I understand, you are only allowed to use the Food Pantry once a month for three months."

Ms. McClintock asked when Mr. Matthews can return to work?

Mr. Matthews responded, "Hopefully, within three or four weeks from now."

Mr. Willner asked if Mr. Matthews said that his wife works at the Blind Association? Does she have disability income for her impairment?

Mrs. Matthews said the only check she gets is at work.

Mr. Willner asked, "Might she be eligible?"

Mr. Matthews said, "No, once you get married, for the woman the S.S.I would disappear because the Social Security office thinks the man ought to work and all this other stuff. I know that for a fact, because it happened to my sister."

Ms. McClintock asked, "You know that for a fact -- not just because it happened to your sister?"

Mr. Matthews said that is correct.

Ms. McClintock then asked, "Mr. Matthews, what is the problem going back to the Food Bank?"

Mr. Matthews said, "Oh, there is nothing wrong with going back to the Food Bank. The main reason I went to the Trustee's office was to get some perishables to go with the stuff you get at the Food Bank. My wife and myself cannot drink powdered milk -- it makes me gag. And that is the main reason I went to the Trustee's office -- to get meats and perishables."

Mr. Willner said, "I kind of agree with that.

Ms. McClintock asked, "When do you get your next Social Security check?"

Mr. Matthews said he should get it tomorrow.

Mr. Willner asked, "Are you behind in your rent?"

Mr. Matthews said, "No, I am not; just my phone bill."

Mr. Willner said we need to get him to the Food Bank or the Food Pantry and for him to get rid of the cable, right?

Mr. Borries said, "Again, if our role is to review the guidelines -- I'm not able to determine where the Trustee has violated his rights by denying him due to any situation that he is entitled to. I sympathize with him and I hope there would be some other alternatives, as pointed out, to return to the Food Bank perhaps for one month until he is once again working -- to forego the cable services in an effort. I sympathize with his plight at this time; but I can't find any grounds wherein the Trustee has violated his rights."

Mr. Matthews commented, "As stated, I talked to the Cable company and they told me I can forego my bill this month or until I get back to work --so there is no problem with the cable -- I've already made arrangements with them. The main reason I did it was so I'd have a little extra money to have meat, etc., in the house until I can get back to work."

Mr. Borries said, "I think you're acting sincerely; it's a traumatic situation, a terrible situation you are in - and, again, our role is not only to be sympathetic but to look at it objectively to see if the Trustee and his/her Board have violated your rights in any way in denying you assistance if you are entitled to it. But personally, from the grounds we have reviewed at this time I can't find that basis. I would encourage you to go to the Food Bank and use their services since you are entitled to do that -- certainly to get through this crisis."

Mr. Willner asked if Mr. Commissioner will make that in the form of a motion and Mr. Borries responded affirmatively, with a second from Commissioner McClintock. So ordered.

Mr. Willner instructed Mr. Matthews that if he encounters further difficulties, to please keep in touch. He then thanked Mr. Matthews for appearing today.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN RYAN COMMERCIAL SUBDIVISION

The meeting continued with President Willner asking if Mr. Sam Biggerstaff is in the audience. There was no response and Commissioner Willner said this item will be deferred.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN EXPRESSWAY COMMERCIAL SUBDIVISION

Mr. Robert Jarrett approached the podium and introduced himself and Mr. Jack Rogers. He said they are real estate developers and builders here in the City and some in Kentucky. For the past two years they have been parceling together land at Red Bank Road and Highway 62. They now have a little under 30 acres purchased in their names and they have cleared the property, done extensive grading, had extensive contact with the State Highway Commission and it is all properly zoned. They have one parcel that is in for zoning soon and they are going to extend University Drive and try to clear up some of the traffic that is generating out in the area of the University Shopping Center. They're going to have theirs go almost right into dead center, turn, and come back out again. People can come in and drive out. Having done it before, he believes the code says you have to have sidewalks in subdivisions - residential as well as commercial. Hopefully,

this will be a large shopping center. You see them in every major city as you drive through town. They now have a 24 hour Convenience Center going up on the front (they are out of Tell City and they have two in Newburgh). They are doing this in a Planned Development and it is very expensively slower -- but they are trying to do it in an orderly manner. They wanted to be sure they were getting quality -- the building is built out of stone and granite. Next is a bank and they have already purchased an acre. So they'd like to get the sidewalks waived. It is not necessary to have them, because it will all be a mass of black-top, where there will be free standing buildings similar to Eastland Place. There are no curbs. You only sell or lease the business. The spot for their building, associated sidewalks, landscaping -- and then the rest of it is common area parking. Jack, being more in realtor work, has handled much of this and it is the best way for the passengers, customers, etc., in every way. They'd like to get the sidewalks lifted off there so they can put in 6" standing curbs, which is what Morley & Associates tells them, paved streets, and sewers, drainage and everything. That is it in brief and he thanks the Commissioners for letting them come before the Board with regard to this.

Following further brief comments, discussion, and a review of the plan, President Willner entertained a motion.

Mr. Rogers stated that they agree with the Commissioners that for safety's sake, that the north-south sidewalk along Red Bank Road is a very good plan. There is presently no sidewalk on the east side of the road. This would at least form a path for people to get safely from the library, for instance, if they are going to cross Highway 62. They would have some sidewalk to do that and they would certainly be willing to do that.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the sidewalks in Expressway Commercial Division were waived in the interior of the subdivision, with the understanding that the developers will place a sidewalk as presented on the property line along Red Bank Road. So ordered.

Mr. Rogers said, "For a point of clarification here, if you would -- Expressway Commercial is just north of University Drive and I would like to encourage your expression for the balance of the property that we are subdividing west of Red Bank Road there -- south of University Drive on both sides of University Drive. In other words, not only north of University Drive, but also south of University Drive."

Ms. McClintock asked, "Then when I say Expressway Commercial, then I am not including the whole development?"

Mr. Rogers confirmed that this is correct.

Ms. McClintock amended her motion to include the entire development being developed by the Rogers-Jarrett Development Group along Red Bank Road, with a second from Commissioner Borries. So ordered.

RE: READING OF BIDS - CURT JOHN

The meeting proceeded with President Willner asking Attorney John to read the bids received.

Food Concession/Burdette Park: Attorney John said only one (1) bid was received and it was from Lady Day, Inc. of Evansville, Indiana. The bid would appear to be in order. The bid was in the amount of \$45,981.00 (including a 21% of the gross sales return to the County). There may be other provisions, but he did not go through the entire bid. He is not familiar with the specifications, etc., so he is certain the Board would like for the bid to be reviewed by Mr. Tuley.

Commissioner Willner said he needs to talk with Mr. Tuley, because the season is upon us and we need to do this fairly quickly.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bid was referred to the Burdette Park staff for their review and recommendation at the April 9th Commission Meeting. So ordered.

Transportation for the Elderly & Handicapped: Mr. John said only one (1) proposal was received and that was from C.A.P.E. The proposal basically set forth the price for the services. He did not see the bid bond, non-collusion affidavit or some of the other things you normally see in a bid. The proposal covers a three (3) year period from June 1990 through May 1991 for \$41,875.00; June 1991 through May 1992, \$42,875; and June 1992 through May 1993 was \$43,875 for a total of \$128,625.00.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bid is to be taken under advisement for a period of one (1) week. The bid was given to Mr. Jerry Riney.

Two 1990 Diesel Trucks for County Highway Department: Attorney John said three (3) bids and one notice from a prospective bidder were received. The prospective bidder was Indiana Truck Equipment Company in Indianapolis. They did not submit a bid; but they did submit a letter stating they would like to remain on the list of bidders.

The second response was from D Patrick of Evansville and the bid appears to be in order. Total bid price was \$110,499.00.

The third response was from Nix Motor Sales, Inc. of Poseyville, IN d/b/a/ Gorman Chevrolet. It was also in order and was in the amount of \$114,515.89. He would bring to the Board's attention the fact that they sent a Certified Check as their bond in excess of \$5,700. If they are not the successful bidder, he thinks the check should be returned as soon as possible.

The last response was from Evansville Truck Center. The bid appears to be in order and their bid was in the amount of \$113,911.00.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bids were referred to the County Highway Department for their review and recommendation at next week's meeting. So ordered.

RE: REPORT ON ELECTION BOARD MEETING

Attorney John said he just went to the Election Board Meeting and had submitted the request that all future appointments be made with the signature of two or more Board Members and this had been directed to his attention to give to them. It is actually a Voter's Registration appointment of Mr. Stuckey for the polling survey. That was not the appropriate form for this particular item. He would request that either the Commissioners instruct him to talk to Voter's Registration in an effort to resolve it or order them up here for a possible resolution.

President Willner said he has already talked to Voter's Registration and they know they should not have done this. He talked to County Council and they know they should not have done this. But they did and Mr. Stuckey did his work in fine fashion, has the job completed, and he would like to go ahead and pay him -- whatever form Attorney John wants to do it in. If he wants to have Council transfer that to the Commissioners' budget, fine. But he would like to go ahead and pay him.

Ms. McClintock asked whose budget it is out of now?

Mr. Willner said, "Voter's Registration -- \$300.00."

Ms. McClintock said, "Just leave it there."

Mr. Borries asked if Mr. Willner is saying the services were performed and he did do the job?

Ms. McClintock said, "They called me, as well, and apparently felt they were authorized to do that."

Mr. Willner entertained a motion.

Mr. Borries said he is just going to sign it as he always does.

RE: CIVIL DEFENSE ADVISORY BOARD

Commissioner McClintock said she received a letter (as did the other Commissioners) from Roger Lehman, Chairman of the Civil Defense Advisory Board, and he is basically saying the City Council has passed a City Ordinance allowing the ALS appointment and then the County has to pass the same ordinance. He said it is his understanding that the City Council wanted one of the positions to be a voting member of ALS to avoid a possible conflict of interest with persons who may have contracts with the City. "I would suggest that a Conference Committee come to some mutually satisfactory agreement so that we can get the Board established and filled". It sounds like a fine idea to her. There can only be one Commissioner on the Committee and she thinks either Curt or David should be there to hear what is agreed to so the ordinance can be drafted the same way the City ordinance is going to be drafted. She doesn't care who wants to sit and argue with them.

Commissioner Borries said he doesn't think there is any argument. Are they saying the argument could be that the person who is an ALS appointment would have some potential conflicts because he/she would be providing the services via contract to the County?

Ms. McClintock responded, "Well, yes; so therefore they think the fifth person should be a voting member of the ALS Board and that's fine if they want to do that. Once this is passed the Commissioners are going to have to appoint someone else. ALS actually has to appoint a voting member of their Board. That is not who the Consortium wanted to appoint originally, but they'll just have to go back and appoint somebody. Am I making any sense? Our appointment was that ALS would appoint someone, because they are the people who are now Emergency Medicine -- and then that person did not get seated. So the City is saying the reason they didn't seat them was that the person is not a voting member of the Board. The person is also employed by somebody who provides ambulance service to both the City and the County. We just need to get it done and go back to ALS and tell them to appoint somebody who is a voting member of the Board.

Mr. Borries asked if the original discussion on this wasn't a person who really did not have anything to do with providing the service? Right? This person was ALS trained and had sat on a State agency? Am I correct?

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he had submitted his weekly report and asked if the Board had any questions.

Ms. McClintock asked why we removed the guard rail from Roberts Stadium?

Mr. Muensterman said we received it for nothing -- and we can always use guard rail. The City is installing new guard rail and did not want the old guard rail.

Tires Along Highways/County Roads: Mr. Muensterman read the following letter:

Vanderburgh County Highway Department

Thank you for your prompt attention to my complaint about tires along Broadway Avenue and the Posey County line. These tires had been dropped there several months earlier and I guess no one had called our attention to them. All it took was two days after I called. Thank you for your help. We appreciate your cooperation.

/s/Linda Goebel

Mr. Muensterman said there are two tires in the field on Waterworks Road, but they are on private property. But they did pick up one alongside the road, as well as some other items, when the Board asked him to go by there the other day.

RE: COUNTY ENGINEER - GREG CURTIS

Travel Request: Mr. Curtis requested permission for himself and Scott Davis to travel to the Local Government Property Acquisitions Seminar in Indianapolis being put on by the Department of Transportation in coordination with the Indianapolis Airport Authority. The fees would be \$40.00 each or \$80.00 per diem for two people; lodging for one (1) night at \$64.90. He would like to go up on Monday evening since the Seminar starts at 8:30 a.m. on Tuesday. This is approximately a 350 mile trip and he would like to use a County vehicle. If not, he would request mileage.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the request was approved and Mr. Curtis was instructed to go ahead with the County vehicle, as he thinks it would be cheaper than mileage.

Bid for Hot Asphalt: It was noted by Mr. Curtis that we have never accepted a bid for hot asphalt picked up at a plant. We could go ahead and talk with the bidders on the City's bid list and make sure that they are willing to honor their bid prices. However, he thinks we might possibly get a more competitive price were we to re-bid it for two reasons. First, there is a little more competition now than there was when the original bids were taken by the City. The other reason would be that the City does not buy the large quantity picked up at the plant that we do and we very likely would get a better price because of the quantity we purchase. He would request that we ask Purchasing to re-bid these items.

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

Request to go on Council Call: Mr. Curtis said the County Council has requested that bituminous materials be appropriated in the Local Road and Street account. Thus, he needs to request to go on Council Call for \$500,000 for bituminous materials in the Local Road and Street Fund.

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

In response to query from Commissioner Borries as to how we look energy wise, Mr. Curtis said that he thinks outside the increased competition this year, he thinks the price would remain constant

or somewhat lower this year. He is not sure how much. The City's contract prices went down and their F.O.B. price stayed about the same. But as he said, they don't buy the quantity we do, so our price should also go down.

RE: BURDETTE PARK - FINANCIAL REPORT

President Willner submitted a Financial Report from Burdette Park for the first two months of the new year.....report received and filed.

RE: LETTER FROM DAVID M. GRIFFITH & ASSOCIATES

Mr. Willner read the following letter:

TO: Indiana County Auditors
FROM: Thomas B. Carawan
DATE : March 29, 1990
SUBJECT: Indirect Cost Reimbursement

Enclosed are year-to-date summaries (March) of reimbursements forwarded to you by the Indiana Department of Public Welfare. These reimbursements were for administrative costs your county incurred for Federally mandated programs. Some of the monthly amounts may be different from what you actually received, due primarily to adjustments and federal participation percentage changes. We are reviewing each monthly payment to insure your reimbursement is correct.

Please call if you have any questions concerning these reimbursements.

Mr. Willner said the programs include ADC (Aid for Dependent Children, AFDC (Support), Food Stamps, Medicaid, Crippled Children, Food Stamp Fraud, Adoption Assistance and Foster Care. The Grand Total reimbursed was \$18,345.54.

RE: TRAVEL REQUEST - WILLIAM TAYLOR, COUNCILMAN

Mr. Willner said he has a late request letter from Councilman William Taylor as follows:

I am requesting permission to travel to Indianapolis on April 4 and 5. The reason is to review the current State Statute that requires Counties to incorporate Health Departments into County Government. I will also be conducting research on the new State Statute to determine exactly how it will affect Vanderburgh County's financial and personnel needs in the immediate future.

/s/William Taylor, Chairman
Personnel & Administration Committee

Commissioner Willner said he had a meeting with the Welfare Department and the County Council Attorney, and he has appointed Attorney Curt John, along with Council's Attorney, along with two members of the Health Board (Sam Elder and the President of their Board) to get together and work out the details of that. As soon as they are comfortable, there will be another meeting.

Commissioner Borries moved that the request be granted. He said he thinks we do need to get this resolved. He understands Councilman Taylor's request. He thinks what is going on is that this will be a part of the Job Study and, like it or not, it is going to have to be done.

Mr. Willner said the Job Study people were also at the meeting and have already started to work.

Commissioner McClintock asked why we can't get a copy of the current State Statute and review it with our Attorneys in Vanderburgh County?

Mr. Willner said that is what they did at the meeting.

Ms. McClintock asked, "Then why is Mr. Taylor going to Indianapolis two days to do that?"

Mr. Willner said he doesn't know and the letter doesn't say who he is going to review it with.

Ms. McClintock said she is not going to vote for it and she is not going to second it either. It doesn't say whether he is going to a meeting or what. Her other concern is -- she sees some of this as an Administrative function and an overblending -- we have one group working on it.

It was the consensus of the Board that Mr. Riney should see if Mr. Taylor is in one of the other meetings and ask him to come to the Commission Meeting to resolve questions concerning his request.

RE: SCHEDULED MEETINGS

Mon.	April 2	3:00 p.m.	Election Board Meeting (303)
Wed.	April 4	6:00 p.m.	Area Plan Meeting (301)
Thurs.	April 5	5:30 p.m.	Board of Zoning Appeals - Landfill (301)

RE: ELECTION BOARD OVERVIEW

Attorney John said the meeting is not over, so he can't be complete -- but he will be fairly close with regard to the action of the Election Board at today's meeting.

"As you all probably read, they adopted a Resolution that the two members of the Board of Voter's Registration (Ms. Kirk and Mr. Bitz) be Co-Managers of the Election Office. They also made a Resolution that all employees hired in the future be hired on a bi-partisan basis. Today they adopted by a 2 to 1 vote a Table of Organization and Proposed Guidelines on how appointments are to be made, duties of the Co-Chairmen, authority by agreement of the Co-Chairmen on correspondence and documents, representatives of the Office of the Circuit Court Clerk, duties of the Office Manager and Bi-Partisan Employees, and Office Manager (representative of the Circuit Court Clerk). Those have been adopted. I informed the Board that any future appointment is to be made by a majority of those members -- in other words, at least two of the members of the Election Board are to sign any appointment slips, and if there are any requests for additional funds or requests to go in front of the Council, they are to present them to the County Commissioners first for their review and approval for submission to the Council, and they have agreed to so do those in the future. The meeting is still going on -- and things may have changed."

Commissioner Willner thanked Attorney John for his report.

RE: CLAIMS

It was noted by President Willner that he has no claims to present for approval at this time.

RE: ALEXANDER AMBULANCE CLAIMS

Auditor Humphrey said that the Board was reviewing Alexander Ambulance claims last week. He has in his possession two (2) claims -- the exact same distance, one from the Protestant Home to St. Mary's and one from St. Mary's to the Protestant Home. One claim is from Comaier in the amount of \$25.00 and one from Alexander Ambulance in the amount of \$108.00. This is quite a difference. They are identical claims in every respect -- just transportation across the street. (These claims were for transportation for his mother.)

Commissioner McClintock asked if the Commissioners all received a copy of the letter Loretta Townsend sent all the ambulance agencies?

Mr. Willner said he did not --

Ms. McClintock said Mrs. Townsend called the office last week and said she was laying in bed thinking about this and she realized that we don't have any record of what the base charges are and what these different ambulance services are charging for mileage and how they determine that mileage. Weights & Measures checks all the taxi cabs, etc., so she has requested all that information and this will be good for us to have -- what their base charges are, what their mileage charges are, etc.

Commissioner Borries said he, too, will try to draft some questions. He doesn't have the opportunity to watch a lot of television, but it seemed that one evening this past week when he was watching television he must have seen a commercial for the ALS provider five or six times -- just over and over -- and it seems the media is being inundated. He guesses his concern is -- he is not fully sure what the \$39.00 fee does for subscribers. Suppose everybody in the County enlisted in the program for \$39.00, what would that do to the County's fee? Would it go up or down? He doesn't have any problems with anyone advertising; but, again, in terms of this privatization he thinks we get into a different ballgame when it is a private firm wanting to use and using taxpayer dollars here. He thinks he needs some clarification exactly what our subsidy goes for. This is what he'd like to see. If they are operating at a deficit and they want to make a profit by subscribing everybody in the County for a \$39.00 enrollment fee, would there be any need for the County subsidy? He doesn't have any problem with everybody subscribing if they conceivably could, then we wouldn't have any subsidy.

Ms. McClintock said that is a good point. Could we write them a letter and ask them to break it down?

Commissioner Willner asked if Commissioner Borries recalls when they appeared here requesting permission to implement this program? They appeared before the City Council and the County Commissioners. If you will go back and pull those minutes, they said that if a substantial number (whatever that means) of people would apply our cost would go down. He thinks that at some point in time Commissioner Borries' point is well taken and we can request that information. He believes we need a year's experience, however.

It was noted by Commissioner Borries that this is a re-enrollment -- it has been a year.

The Commissioners subsequently agreed it would then be in order to request information from Alexander then --how much money they took in, etc.

Commissioner Borries said Attorney John may want to discuss this with Attorney Miller, as he helped draft that initial agreement.

Attorney John agreed to talk with Attorney Miller and report back to the Commissioners.

Commissioner Willner said one of the collection agencies left some literature for the Commissioners' perusal and the financial end or collection end of this will be discussed at next week's meeting.

RE: EMPLOYMENT CHANGES

Burdette Park (Appointments)

Klint Willis	Rink Guard	\$4.00/Hr.	Eff:	3/14/90
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Burdette Park (Releases)

Klint Willis	Rink Guard	\$3.50/Hr.	Eff:	3/14/90
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Voter's Registration (Appointments)

Lee R. Stuckey	Polling Survey	\$5.00/Hr.	Eff:	3/12/90
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Armstrong Assessor (Appointments)

Jane E. Krohn	Part Time	\$5.00/Hr.	Eff:	3/10/90
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Auditor (Appointments)

Dena Goad	Part Time	\$5.00/Hr.	Eff:	3/12/90
Carolyn Sue Reimann	Part Time	\$5.00/Hr.	Eff:	3/12/90
Jeanette Rueger	Part Time	\$5.00/Hr.	Eff:	3/12/90
Virginia Wallace	Part Time	\$5.00/Hr.	Eff:	3/12/90
Martha Schenk	Part Time	\$5.00/Hr.	Eff:	3/12/90

Auditor (Releases)

Dena Goad	Part Time	\$5.00/Hr.	Eff:	3/12/90
Carolyn Sue Reimann	Part Time	\$5.00/Hr.	Eff:	3/12/90
Jeanette Rueger	Part Time	\$5.00/Hr.	Eff:	3/12/90
Virginia Wallace	Part Time	\$5.00/Hr.	Eff:	3/12/90
Martha Schenk	Part Time	\$5.00/Hr.	Eff:	3/12/90

*To change Acct. numbers from 101-199 to 249-102-199.

Circuit Court (Appointments)

Beverly K. Harris	Public Defender	\$22,812/Yr.	Eff:	4/2/90
Dennis A. Vowels	Public Defender	\$22,812/Yr.	Eff:	3/26/90
Sharon A. Davine	Part Time	\$5.00/Hr.	Eff:	3/19/90

Circuit Court (Releases)

Terry A. White	Public Defender	\$22,812/Yr.	Eff:	3/30/90
Dennis A. Vowels	Public Defender	\$11,561/Yr.	Eff:	3/23/90

RE: TRAVEL REQUEST - WILLIAM TAYLOR

Mr. Riney returned to the meeting and advised that Councilman Taylor is not in the Council office, although he was earlier.

Ms. McClintock said these travel requests never, never say who he is meeting with, how much it is going to cost, the number of nights -- is he going the night before and staying three nights, how he is getting there, etc., etc.

Commissioner Borries said perhaps the Board can ask for a report. He is not interested in wasting

Ms. McClintock said the Commissioners could give Mr. Taylor a copy of what Mr. Curtis just submitted -- where he was going, how many nights, etc., etc.

Commissioner Willner said the Board has until tomorrow to get in touch with Councilman Taylor.

There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 4:02 p.m.

* * * * *

The Vanderburgh County Board of Commissioners re-convened at 4:45 p.m.

RE: TRAVEL REQUEST - COUNCILMAN WM. TAYLOR

Councilman William Taylor had been located and entered the meeting to discuss his travel request.

Commissioner Willner said Mr. Taylor had requested permission to travel to Indianapolis and the Board would like some clarification.

Mr. Taylor said when the Council was going through the Health Department's budget last week, they have a number of Federal programs -- that the money in those Federal programs is like 70% administration. Those figures are not reflected in our General Fund and the City's General Fund, so their program -- even though it might be a program that is vital to them, when we get ready to put their budget together it won't reflect in either the City's or County's General Fund -- because they are Federal dollars they won't show up in a printout when the State gets theirs. But the program is still there and I don't think the Council is going to be willing to fund a bunch of 70% new programs. There is a formula that the State uses to come up with our rate for the changeover -- that is what we've got to get, that formula, so that when the Finance and Personnel Committee can put salaries and everything together we have 100% participation of all the programs. Now, there will be some totally Federally funded programs that the Council probably won't keep on, because that would make our contribution 100% above what the State is going to give us to move into this program -- and I want to go for information for the Consultants. They'd like to do it -- but it would be quite a bit more expensive for them to go up there and do it than it would be for me.

Commissioner McClintock asked, "What, exactly, are you going up there to do? You are driving to Indianapolis to pick up this document?"

Mr. Taylor responded, "No, I am going to sit there with them and they are going to explain it to me."

Ms. McClintock asked, "Who's 'them'?"

Mr. Taylor responded, "The Legislative Library -- the people who interpret the Statutes after they're written and become law."

Ms. McClintock asked, "Why can't our Attorney do that?"

Mr. Taylor asked, "Are you going to pry your Attorney to go up there and do it? Why would we need the Attorney? We're the ones who put the budget together."

Ms. McClintock asked, "No; why can't you get the information in Evansville and have people in Evansville interpret it?"

Attorney John commented, "Bill, it sounds as though your request is to go to the Health Department or something to determine what kind of programs are administered through there rather than an interpretation of the law."

Mr. Taylor said, "No, it doesn't have anything to do with the law."

Attorney John said, "That's what it sounds like -- that you're going up to the Law Library and have someone interpret the law. We could do that here. It sounds like you're wanting an explanation of what Federal programs they have right now, how they are funded, etc."

Ms. McClintock asked, "The people in the Health Department don't know that"

Mr. Taylor said, "From the City standpoint they know it. You see, the City funded all of them and they just dealt with the match and then they sent us a match and we paid our 22% and that was it. Now when it comes over to our side, there are Federal programs that were 100% Federal programs that we're not going to take up. The Council has already said they are not going to accept all of those 100% programs. It has nothing to do with legal..."

Ms. McClintock interrupted, "Now wait a minute - let me get this straight. You are going to go up and interpret for us what programs the Health Department is going to have?"

Mr. Taylor said, "No, no. What is going to happen is -- I don't know what programs...."

Ms. McClintock interrupted, "It sounds like an Administrative deal."

Mr. Taylor said, "It is an Administrative deal, because it deals with strictly the money. That's all I'm concerned with - the money."

Ms. McClintock said, "No, we get confused about this all the time. You guys (the Council) decide what you are going to fund. You're not supposed to decide what you are going to fund. We (the Commissioners) are supposed to recommend to you and then you make the decision."

Mr. Taylor asked, "Do you want to wait until the last minute and then you go up there and try to have to figure it out? All I'm dealing with is the financial part of it; I don't give a damn whether you take the program or don't. All I'm saying is we're going to come in here with a budget that we have to put together in July that has to reflect as many programs in the Health Department as the Council can do within our levy."

Ms. McClintock commented, "That the Council wants to fund."

Mr. Taylor said, "No, not wants to -- can -- money. They have a formula they use."

Ms. McClintock stated, "You are going to pick and choose between programs."

Mr. Taylor said, "I would venture to say that with your Federal programs that will happen, because some of those Federal programs would be extremely expensive for us to take on. I'd like to see all of them come over, but I'm being realistic."

Ms. McClintock said, "And I guess I'm getting nowhere -- and I never will with this Council; but the selection of the programs or the recommendations is an Administrative function and the Council is the fiscal body."

Mr. Taylor said, "No, wait a minute. I guess the thing where we really missed the boat -- what happens at a budget session is that everyone comes to Council and says, 'Here's Line 123-34; we're requesting X amount of dollars for that and in this particular case the State is going to give us X amount of dollars or a rate for the Health Department to come over. That rate will not reflect all the Federal programs they have simply because the Federal programs...'"

Ms. McClintock interrupted, "Bill, I understand what you are saying. But what I am questioning is, when I was in the Parks Department (I hate to say that all the time) I used to put together (as Administrator) a Parks Department Budget. A Council person would never have gone up to Indianapolis to interpret that. He would have left that to those people who work in those departments, who are most familiar with those programs -- to bring back information and prepare a budget for Council to review."

Mr. Taylor said, "As far as money they are going to spend for supplies and as far as where they are going to put everything and that type of thing -- that is true. That is strictly going to be up to them. But the programs which mean people (which means salaries) -- that is something we're going to -- actually what could happen is we could come in here with them having a budget (and this is just a number) of \$3 million and only have a tax levy of a budget for \$2 million. Now, does that mean you're going to take an additional million out of the General Fund to run that program?"

Auditor Humphrey commented, "You're not going to be able to do that."

Councilman Taylor said, "I know you're not. You're going to have to do all that before the program comes in."

Mr. Borries said, "Bill, you're going to bring all this information back. I guess my motion had been to approve the request -- you're going to meet with State Health Department officials?"

Mr. Taylor said, "No. There is a formula within the Statute that says you get X amount of dollars per whatever. I'm not going to be coming back here with recommendations about programs. That is not what I'm going to do."

Ms. McClintock interjected, "Auditor Humphrey said he has a copy of this downstairs in his office."

Mr. Willner interrupted, "We had a meeting last week between the Health Department, the Council, the Commissioners. The Council was represented by Attorney Alan Kissinger and the County was represented by myself. We appointed a Committee of Alan Kissinger, Curt John, Sam Elder, and the Health Board and they are to completely come back with their recommendation and their ideas to the Commissioners and the Council as to how the new law affects Vanderburgh County. That has been given to them. If you want some input, that is fine."

Mr. Taylor said, "I am not dealing with the law or how they come over -- or what have you. The thing is the dollars -- the dollars -- dealing with the personnel only. It is the 70% dollars that are Federal monies that will not reflect with the State because they are Federal monies."

Ms. McClintock interrupted, "Okay; let's get down to the nitty gritty. When are you going? How much are you going to spend? How are you getting there?"

Mr. Taylor responded, "I thought I'd go Wednesday and thought I'd fly up. No, I'm not either. I was going to drive up Wednesday after the Council Meeting and spend Wednesday night and be back here Thursday. I'll be in there when they open up Thursday morning. So that will be just the hotel, one day's per diem, and mileage."

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the request was approved, with the understanding that Mr. Taylor will share the information when he returns. So ordered.

RE: ELECTION OFFICE - PAY RATE

Attorney John said there is one question he would perhaps refer to the County Auditor to resolve. He was present when the motion was made in the Election Office meeting that all employees be paid at the rate of \$6.00 per hour, which is within their Salary Ordinance -- there's no problem there. The only question is that one employee was appointed on January 29th, one February 28th, one February 26th -- and he is wondering whether this was meant to be retroactive, since he's sure they have received pay to date -- or whether it is effective as of today.

Councilman Taylor said he doesn't think it can be retroactive, as they just okayed the ordinance to change the rate of pay in the Finance Meeting last week and it won't be signed by the full Council until this coming Wednesday.

Commissioner Borries asked, "What about Sylvia Lovecik though -- a clerk at \$6.00 per hour effective 1/29/90."

Mr. Taylor said one person who was moving a lot of stuff was paid \$6.00 per hour.

Attorney John interjected, "Some of them were hired at \$5.00 per hour prior to this and that is what they were getting paid. The motion today was that they be paid \$6.00 per hour. I can assume that it is \$6.00 as of today and anything prior to that was at the standard rate of either \$4.00 or \$5.00."

Commissioner Borries said the effective date may be the date they were hired at \$5.00 per hour.

Following further comments among the Commissioners, it was noted by President Willner that these employee status change forms will be held for one week.

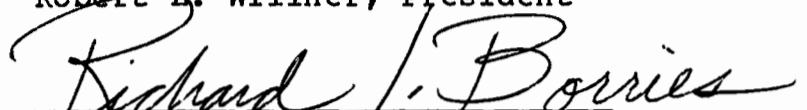
There being no further business to come before the Board, President Willner declared the meeting adjourned at 5:15 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Curt John, County Attorney
Sam Humphrey, County Auditor
Cletus Muensterman, County Highway Supt.
Greg Curtis, County Highway Engineer
Larry Cissna
Emarie West, Chief Deputy/Knight Trustee's Office
Marvaline Prince
Mr. & Mrs. Douglas Matthews
Nancy Walters, Investigator/Pigeon Trustee's Office
Robert Jarrett
Jack Rogers
Jerry Riney
Margie Meeks

Others (Unidentified)
News Media


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McGlintock, Member

MINUTES
COUNTY COMMISSIONERS
APRIL 9, 1990

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MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 9, 1990

The Vanderburgh County Commissioners met in session at 2:30 p.m. on Monday, April 9, 1990 in the Commissioners Hearing Room with President Robert L. Willner presiding.

RE: APPROVAL OF MINUTES

President Willner called the meeting to order and welcomed all attendees. He subsequently entertained a motion concerning approval of the minutes of February 12th and April 2nd.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of February 12th were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of April 2nd were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: RESOLUTION REQUESTING RE-NAMING OF VANDERBURGH COUNTY AUDITORIUM/MARTIN LUTHER KING STEERING COMMITTEE, ETC.

It was noted by Mr. Willner that the foregoing Resolution was discussed on February 22nd. He asked if there is a spokesperson in the audience to address this matter. If so, if everyone will step to the microphone, state their name and address, and talk into the microphone it will be helpful, as the meeting is being recorded.

Brenda Murray, Chairperson of the Martin Luther King, Jr. Steering Committee, 83 Brentwood Circle, Evansville, approached the podium. She said, "Once again we are before the Commissioners asking you to please give full consideration and not make this a political issue and vote your conscience to re-name the Vanderburgh Auditorium in honor of Martin Luther King, Jr. We have done some extensive research and we came up with information that the Auditorium was not named or dedicated after anyone in particular. It appears to have been that being it is in Vanderburgh County, Vanderburgh Auditorium would be the proper name to give it at that particular time. We also were able to get some information which Mrs. Inez Vick will present to you in terms of who Judge Henry Vanderburgh was. I don't think at this time it was favorable to know that we had a former Judge that we have a building we're honoring with public funds who was an ex-slave owner. I think it is very important for us to know that. Also, I would like to present to you some petition signatures and also a letter from the Mayor and other letters of endorsement and support that I will be presenting to you for the record. Thank you."

Mrs. Inez Vick introduced herself and said she is representing the Bellemeade-Bayard Park Neighborhood Association. "At our last meeting there was a question about who Judge Henry Vanderburgh was. I've done extensive research in Indianapolis, Indiana Central Library and come up with these facts:

- 1) Our problem started when one of the Commissioners stated that the Auditorium was named after Judge Henry Vanderburgh. Further research shows that one day in 1790

a new law was put to a test by two slaves -- husband and wife -- who belonged to Judge Henry Vanderburgh. These slaves went to Judge George Turner. They pointed out that the Northwest ordinance said there was to be no slavery in the Northwest Territory. They asked Judge Turner to set them free. Judge Turner agreed with them. He told Judge Vanderburgh he was a friend of slaves. Judge Vanderburgh was very angry. He immediately hired some men to kidnap the two slaves. "This is a violent outrage against the law", Judge Turner said. He felt that Vanderburgh had no right to be a Judge anymore. He asked Governor Sinclair to punish Judge Vanderburgh. However, Governor Sinclair refused. He thought that Vanderburgh was right. After a while, Judge Turner gave up his losing battle against slavery in Indiana. Soon after he left the Territory. Judge Turner strongly believed the Northwest ordinance should end slavery north of the Ohio River. He was one of the few important people who felt this way. Most Judges ruled in favor of slavery. The new laws being passed also favored slave holders in Indiana."

Ms. Vick said the source is from The Freedom Road, History of Black People in Indiana. And it was written by F. Clifford (and her real name was Ethel Rosenberg) and John McDowell. Thank you."

Mr. Sidney Taylor approached the podium and said he is representing the NAACP Evansville Branch. His residence is 2671 Effingham Drive, Evansville, IN 47715. "I stand here today for the second time in about six weeks asking the Commissioners to re-name the Vanderburgh Auditorium in honor of Dr. Martin Luther King, Jr. I think that it is appropriate. It is the least costly way to demonstrate the naming of something (a monument or a building) for Dr. Martin Luther King. The Mayor, the highest officeholder in Vanderburgh County has endorsed the Auditorium. If the Mayor endorses the Auditorium, I don't see why the three Commissioners would have that much opposition to the Auditorium. The people who rent the Auditorium -- it shouldn't make a difference to them. All they should be worried about is whether the facility is appropriate for the function they are renting it for. So I will close in saying that if the Commissioners are truly representing the City of Evansville, Vanderburgh County, and are elected in the State of Indiana, they should move forward and get this over with so Evansville won't be one of those "has-been" cities that is always following up the rear. Thank you."

Ms. Estella Moss approached the podium and said, "I just want to briefly state -- you sit and you think and you look -- and I've lived in Evansville since 1942 -- and I want to say I've watched so many names go up on buildings, the highways -- and I can't envision why it is so hard for a leader like Dr. Martin Luther King that we have to go through so many changes to get one building named after one man. And you don't hear all the noise. I can remember I was among those when Congressman Winfield K. Denton's building was named and all the others. And most of the time we just see names going up. You don't see all this battle just to get this done. And I would just like for you really to search your hearts and your conscience, because Dr. King fought for all people -- not just black people -- but all people, and if I were you, I would be proud to say 'Yes' to have that building named after Dr. Martin Luther King. Thank you."

Brenda Murray again approached the podium and said, "For the record, I think it very important -- even though I've handed you the petition and letters of endorsement, etc. -- but I'd like to go on record to name some of the endorsements due to the fact they represent a large body of people. Of course, our first letter is from the Honorable Mayor Frank McDonald; United Mine Workers of America, Bellemeade-Bayard Park Neighborhood

Association, Central Labor Council of Southern Indiana, the Chauffeur's, Teamsters, and Helpers Local Union 215, Human Relations Commission (City of Evansville and Vanderburgh County), Southwest Indiana National Organization of Women, the Erie Homes Resident Council, the Evansville Black Coalition, and the Local 808 International Union of Electronic-Electrical Workers. Again, we are appealing to you to please consider this. This would be a very important move for the City of Evansville, not only in the naming but to recognize what it means to foster good race relations throughout our city. Thank you."

Commissioner Willner then asked if anyone else at all wishes to speak on the subject.

Commissioner McClintock said, "I think throughout the discussions I have made my position very, very clear and I don't feel the need to reiterate that. I still do not feel that this building is an appropriate tribute to Dr. King. I feel very strongly that something should be done, but with the the current condition of the building I do not feel this is an appropriate tribute."

Commissioner Borries said, "I want to thank those persons who spoke today. I think they did an excellent job. I certainly appreciate your dignity and kindness today in what you had to say. And, certainly, Mrs. Vick's scholarly presentation here is very, very good and if Judge Vanderburgh was in that position I'd have to say to him today were he alive that he was wrong. So were Jefferson, Washington, and many others of that time. And fortunately for our community we are way beyond that. I suppose that under our system I believe everybody must have their say and I thank you for coming today. I do believe that if Dr. King were alive today that he would be concerned with jobs, equal opportunity, freedom, dignity and not necessarily with buildings that happen to be twenty-five years old. Under our system I would respectfully disagree with perhaps what the Mayor has outlined. I don't know that the City has done during the past few decades in a situation that perhaps should have been addressed some time ago. I am committed to working toward finding a fitting memorial to Dr. King and I would like to suggest that perhaps a member of this Board, a member of the County Council (another unit of local government), a member of the Mayor's office (another unit of local government), a member of the City Council, and also a member of the Evansville-Vanderburgh School Board meet with your group in a way in which we can begin to explore alternatives and perhaps move forward to find a fitting memorial for Dr. King. I am committed to those goals and I thank you very much for coming today."

President Willner asked if the Board is ready for a vote today? "We told the group at the February 22nd meeting that we would deal with this and let our feelings be known. I would certainly go along with both of the other Commissioners and if the vote is against re-naming the Auditorium, that we research and continue to work with this group through the problem, may I have a motion?"

Motion was made by Commissioner McClintock to approve the re-naming of Vanderburgh Auditorium after Dr. Martin Luther King, Jr., with a second from Commissioner Borries.

Commissioner Willner then asked for a roll call vote: Commissioner McClintock - no; Commissioner Borries - no; and Commissioner Willner - no. President Willner said the motion is unanimously defeated.

President Willner then entertained a motion to put into effect the forming of a Committee to work toward finding a suitable tribute to Dr. King.

Motion to this effect was made by Commissioner Borries, with a second from Commissioner McClintock. So ordered. (It was noted by Commissioner Borries that the members of the Committee to be contacted should be as heretofore mentioned -- to work with the coalition of members here today to move forward and study the alternatives for a fitting tribute to Dr. Martin Luther King, Jr.)

In addressing the group, President Willner said he would hope that the Committee could work with them. He thinks it probably comes as no surprise that all three of the Commissioners were against re-naming the Auditorium. There are various reasons for that. However, they have all promised today that they will work with the group in finding a suitable tribute. He would hope that they could work with the group and.....

The representative from USI asked if the Commissioners would like to offer some suggestions as to some suitable buildings or facilities the group might also want to look at in terms of a memorial in recognition of Dr. King?

Mr. Willner responded that he thinks that would be the first order of business for the newly formed committee to do that. This will need some thought and the Commissioners probably would not want to make any suggestions at this time.

Ms. Murray commented, "This is an elected body, right? You have petitions in front of you and you have a body of people in front of you and there was a survey done by the Evansville newspaper or Research Systems that was perhaps done not in our community per se -- but you've been elected by the people and the people have spoken today -- and you just keep that in mind - since you are here to serve us. You have not done that today."

Mr. Sidney Taylor commented, "Yes, and also, you were asking if what the group was presenting was representative of the community. They did bring adequate support for that particular proposal that they had initiated. They had various members of the community supporting this particular proposal; they had petitions to support that fact. I respect your judgment; I respect your decision. But, also, in terms of what the group has done -- in terms of what the group has come up with -- I feel that they did come up with a fair representation of the community and what the community was asking for."

The Commissioners again thanked the attendees for their comments and turned to other business.

RE: AWARDING OF CONTRACT FOR FOOD CONCESSIONS - BURDETTE PARK

Mr. Mark Tuley, Manager of Burdette Park, said the Commissioners are aware that we received one (1) bid last week for the Food Concessions of the Aquatic Center and the Skating Rink at Burdette. One of the reasons he feels we only received one bid is the fact that, on purpose, the specs designed (which were subsequently approved by the Board of Commissioners) were very, very rigid. They felt like one of the areas where improvement was definitely needed was the food service at Burdette. They hired a Consultant earlier in the year and set the specs up according to his recommendations and they feel like the food is a big part of the total entertainment experience. People come out there to spend the day and they want a wide variety of good food available. In the bid we received from Lady Day (who has a restaurant down on the walkway and also runs the concessions at the Zoo) are several letters of recommendation -- one from the Zoo, financial institutions, and several other people. They have doubled the revenue out at the Zoo since they have taken over out there. They provide a very good menu. Their Financial Statements seem to be in very good order and they have met or exceeded the bid in every aspect. Therefore, it is his recommendation to the Board that this bid be accepted.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bid from Lady Day for Food Concessions at Burdette Park was accepted. So ordered.

Mr. Tuley said he gave a copy of the bid specs to Attorney David Miller and he assumes he will need to draw up a contract between the Commissioners and Lady Day.

RE: REQUEST TO GO ON COUNCIL CALL - BURDETTE PARK

Mr. Tuley requested permission to go on May Council Call for the following appropriations:

In talking about the new attractions at Burdette Park, one of the things stressed by the Harralson report last December was that if we indeed decided to go ahead and put in the new attractions and try to turn Burdette into a regional facility, we needed to market it as such a facility. He recommended we have a total advertising budget alone for the Aquatic Center of \$50,000 and a total park budget of approximately \$130,000. At that time, Mr. Tuley had Modern Marketing (Pete Dooley) work up a marketing program in regards to Mr. Harralson's recommendations. The Commissioners have that in front of them today. The last page pretty well indicates where the majority of this money will be going. We had a budget of \$50,000 at the beginning of the year and they've spent about \$10,000, leaving \$40,000. But as you review the proposed budget, you will note this is the most aggressive campaign they've ever tried to undertake. There is \$30,000 for television; \$23,420 for radio; \$4,500 newspaper and then there is outdoor advertising. He goes through the report and explains why he is doing different things. With the local ADI, they have found that television is probably going to be the most effective tool that we have to reach out farther. Therefore, they would like to commit the biggest part of the budget to television. He has talked to Pete on several occasions and they will be shooting several commercials, one kind of following MacDonald's footsteps and targeting children for the new children's play area at the pool and they will be doing one for the all-around family. Mr. Tuley then entertained questions from the Board.

The other item is \$145,423 for motor vehicles and they are requesting \$20,000 to buy a new 71 inch cut tractor to replace a 1982 mower they purchased. The balance of the money would be used to trade in a 1985 Ford 1-ton dump truck for a 1990 model. That truck needs to be replaced.

Ms. McClintock asked what markets we are expanding into with the advertising and promotion budget?

Mr. Tuley said they found last year when they began to run some creative T-V spots they started picking up quite a bit of business out of Southern Illinois, Western Kentucky, Southeastern Indiana, etc. He thinks Burdette has about all the traffic they can stand on weekends, but there is a lot of room for growth during the week and he thinks this is going to help establish that. They are also in the process of updating and doing a new brochure that is very, very slick. It looks like some of the brochures they saw down at the other amusement parks while they were down in Florida and he thinks the Commissioners will be impressed with that. They've had a new logo developed.

Ms. McClintock asked Mr. Dooley if they are using traditional commercial -- Channels 7, 14, and 25?

Mr. Dooley added, "And Channel 44." Mr. Dooley offered other comments but he was speaking from his seat and the tape was inaudible.

Ms. McClintock asked who is going to do the production?

Mr. Dooley said they will probably have Gilmore do it, but we'll have a special director come in and we'll have all sorts of professional talent. In other words, the T-V will be directed toward the overall umbrella of the ADI and the radio will concern itself with special promotions, such as dances, pool parties, and that sort of thing, and a more flexible media to take care of the special promotions -- where the production isn't so high. And then the newspapers are a back-up in the entertainment sections and that sort of thing. In fact, we're already getting a lot of response with regard to the Day Camp as a result of the newspapers. He said he would also like to point out that there are a great number of manufacturing firms, organizations, hospitals, etc., who have company picnics in the ADI and the new brochure is designed to go after corporate business -- which can bring a lot of revenue to the park in a matter of one day. If we can fill the park with enough of those sort of days during the summer, it will take care of the whole program.

Ms. McClintock asked, "We've never done any direct mail, have we?"

Mr. Dooley again attempted to speak from his seat, but was urged by Mr. Jerry Riney to come to the podium -- since the meeting is being taped.

In response, Mr. Dooley said, "No, because unless you can target it, it is not very effective cost-wise. Direct mail to the general public is terribly expensive."

Ms. McClintock said, "I was thinking more about businesses."

Mr. Dooley said, "We are developing a new program which has a brochure, a folder, and insert sheets outlining all the features that we can offer a corporation at a picnic or party, including helping them with catering and that sort of thing -- things the park would not normally offer on a day-to-day basis. But we are prepared to go that far to get a company in here, because of the many, many hundreds of dollars it brings in each day -- thousands of dollars sometimes. So we do have a program of reaching those people and sending them a complete presentation brochure with a letter from Mark that says, 'If you want more information, give us a call and we'll invite you out to be our guest and look around, bring your family one weekend and try the place out -- with the hope they will go back and tell their personnel manager or the picnic committee (which many corporations have -- at least they did when I worked for them) and these people will be impressed enough to go back and say, 'Why don't we have it at Burdette?' And I think Mark will back me up that some of the big corporations around here that have come to us were a little amazed at what they saw out at Burdette and a lot of them are having their company picnics with us. And we hope to find all these other corporations in the ADI -- and he has no idea how many there are -- but if we can get all of those in here it will be a banner year just in corporate picnics. And yes, that is our direct mail approach."

Mr. Tuley commented, "To give you an idea, Caroline, several years ago the pavilion, for example, was open about every other weekend. Last year, with the exception of two dates, that pavilion was sold out. It looks like it is going to sell out again this year. I think back in 1984 we were averaging probably about 40 company functions out at Burdette. Last year we had 137 -- so obviously, that area is really growing. And, as addressed by Pete earlier, that's an area of a very high return for us."

Ms. McClintock asked, "Currently in the budget you have \$38,425.35?"

Mr. Tuley responded in the affirmative, saying he knew it was close to \$40,000.

Ms. McClintock asked, "So we're asking for an additional \$50,000? You have the other \$40,000?"

Mr. Tuley again confirmed that this is correct.

Mr. Willner entertained further questions. There being none, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Tuley was authorized to go on Council Call to request \$50,000 for advertising and \$20,000 for motor vehicles.

So ordered.

Golf Course: Mr. Willer noted that Mr. Tuley has had the feeling the our entrepreneur is not going to try to landscape the golf course according to the specifications -- as agreed to. Mr. Willner said he thinks that at the end of the season last year we asked him before he opens the golf course this year that he comply with that. He thinks he is a little hesitant to do so. He thinks the question is whether we should turn it over to our County Attorney or struggle with it one more year?

Mr. Tuley said he is doing some work out there. He met with him last week and his feeling was that at this time he basically gave him two proposals -- and he doesn't know whether these were cast in concrete, so he doesn't know how much flexibility there is -- be he thinks one of those was the fact that he did not have the revenue right now to complete the project. He basically wanted to re-negotiate with you -- that he would go out and re-finance his golf course if the Commissioners would give him more years. Or, we could finish it to our liking on our own. Maybe a letter from Attorney Miller setting up a meeting with Mr. Hoon, Mr. Tuley and himself would be good and they could address the issue that way. That might take care of it. Obviously we have a written contract with those people and he shouldn't think it would be too hard to enforce.

Mr. Willner said he thinks Mr. Hoon has a very good beginning. In the fall of last year the County did re-negotiate with him and at that time he was under the impression Mr. Hoon would take care of this before opening season and he is a little disappointed. The facility can be a beautiful facility if we just finish it up.

Ms. McClintock said she had a discussion with Mr. Hoon at the Commissioners' request and we don't want to run anybody out of business or cause somebody to file bankruptcy when they are trying to provide a service for us. Mr. Hoon indicated he had all this information, all the money he had spent and how it exceeded the budget. But we can't just let him hang there. She thinks we ought to set up a meeting with Mr. Hoon, Mr. Tuley, and the County Attorney and look at where we've been. We may decide that he has indeed fulfilled his requirements because he has spent "x" number of dollars -- and maybe we will want to buy some of the landscaping. But she thinks we need to know before we open the season.

Mr. Tuley said he believes Mr. Hoon told Ms. McClintock also that he basically has gone over what he bid that he would spend -- he has already put in more money than anticipated. Mr. Tuley said he thinks everything Mr. Hoon has tried to do so far has been done first class. He thinks he just probably underestimated some of his cost -- he doesn't know whether this was the architect's fault or whose fault it was. But he thinks this is what happened. In any event, he thinks Mr. Hoon does want to do what is right and does want to work with the County.

Mr. Borries said he agrees with Ms. McClintock and he thinks we need to be very clear on who is going to do what and how many more dollars are involved in this.

Mr. Tuley said the last thing Mr. Hoon told him was that his estimate now to finish the course are probably somewhere in the neighborhood of \$12,000 to \$15,000 in materials, plus labor to do all the work -- that is what it will take to finish it. He will be glad to set up a meeting with him at Mr. Hoon's convenience.

Mr. Willner requested that Mr. Tuley do so and report back to the Board at the next meeting Attorney Miller can attend.

RE: C.A.P.E. TRANSPORTATION FOR THE ELDERLY & HANDICAPPED

Commissioner Willner noted transportation for the elderly and handicapped was supposed to have been discussed today, but the Commissioners have been unable to locate the contract. This matter will be deferred until next week.

RE: AWARDING OF CONTRACT FOR TWO (2) 1990 DIESEL TRUCKS

President Willner asked Mr. Muensterman if he has a recommendation with regard to the purchase of two (2) 1990 diesel trucks for the County.

Mr. Muensterman said bids for two (2) 1990 diesel trucks with hydraulic system, dump bodies and snowplow were received. It is recommended that the contract be awarded to the low bidder, D. Patrick Ford at a total price of \$110,499.00.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bid was awarded to D. Patrick Ford, as recommended. So ordered.

RE: PRESENTATION BY INTELENET COMMUNICATIONS

Mr. Chuck Schaefer said he is with Intelenet Communications, the Commission which handles telecommunication services within the state. They were set up by the General Assembly in 1986 and contracted with GTE to lay a state-wide fibre network throughout the state and they immediately put on the university and colleges voice network/data network. They are a non-profit state agency out of Indianapolis that coordinates telecommunications services for different state agencies, all the universities and colleges, County governments, municipalities, educational service centers and also school corporations. What they have been doing over the last six to eight months (because he has been talking with Mr. Riney since January) is now starting to get out and work with the various counties through their state network to identify the potential savings and services that they provide just in Indiana. They actually purchase top grade, high quality telecommunications services from either GTE, AT&T, MCI, U. S. Sprint -- whatever is available at that time -- and they then re-distribute it back. They purchase it through the purchasing power of the State, and then provide it back to the different entities that use it. His reason for being here today is to briefly tell the Commissioners who they are. He has also been in contact with Mr. Humphrey in the Auditor's department to obtain the Commission's approval to get an okay to start working with him to identify the telecommunication needs for Vanderburgh County. They are now starting to get out to the different counties. They have already worked with Knox County, Posey County, Allen County (up by Ft. Wayne) is communicating over the service. All of the State agencies that are down in this area use their network out of Indianapolis. What he'd like to do is start working with the Auditor's department, reviewing what we've been doing over the last several months and identify the cost savings. They base their pricing on the actual tariffs that the telephone companies

have to charge. Because they are a State agency by their legislative directive, they immediately start with 20% to 30% less than those tariffs. Again, they are a non-profit agency. He is down here to talk with the Commissioners to obtain their approval to work with Mr. Humphrey in the Auditor's department. Their service, basically for review, doesn't cost a thing. They are a state agency and they do it for nothing -- it is free. He will present back to the Commissioners at a later date information with regard to potential cost savings of being on the network. All of the Indiana calls, the number of calls back to Indianapolis -- they have identified for Posey County over a 50% savings and he is working with that in order to go over and present it to their Commissioners during their next Commission meeting -- to actually switch on the network.

Mr. Willner said if Mr. Schaefer is talking about a savings, he has come to the right place. The Commissioners welcome that with open arms. He asked that Mr. Schaefer work with Sam Humphrey and he, in turn, will keep the Commission informed as to what is available to us.

Auditor Humphrey said, "For the record, I've told Mr. Schaefer that that was handled through the Commissioners' office and to contact Jerry Riney -- as I really don't know what the communications systems are that do come in here. But I do know that all major universities and governments are now using them and it does save them money. My question initially was, could they network with KLF -- and he told me 'yes'."

Mr. Schaefer confirmed that this is correct -- they do this for other agencies. All the universities and colleges in this area are using it and the all the data lines of the Department of Corrections are linked on that -- it's been on there for two and a half years.

Commissioner Willner entertained questions. There were none. Mr. Willner expressed appreciation to Mr. Schaefer for his presentation and Mr. Schaefer said he will be back before the Board to show them what the potential savings are and discuss the next step after that.

RE: I. C. SYSTEMS - MIKE WYATT

The meeting continued with President Willner introducing Mr. Mike Wyatt of I. C. Systems, who is endorsed by the American Ambulance Association.

Mr. Wyatt said he is with I.C. Systems, which is endorsed by the American Ambulance Association. Basically, they are a collection agency out of St. Paul, Minnesota. They're the only company in the business that is nationwide. They are licensed and bonded in all 50 states, and they're the only company in the business that can affect a person's credit nationwide. He left some information with the Commissioners previously. Mr. Wyatt said he is with the District office in Madisonville, KY; basically, he handles Western Kentucky and Southern Indiana. As can be seen by the diversity of the companies on the endorsement list, they handle every aspect of the community. They have about 1,500 physicians in Indiana; approximately 1,200 dentists; Marian County Health Association; the Indiana Hospital Association; Indiana Car Dealerships; Indiana pharmacists. One hundred twenty (120) associations endorse them, so they must be doing something right. Mr. Wyatt then directed the Commissioners' attention to the money collected for the Davis County Ambulance Service, noting the date shown is when they came with I. C. Systems.

The third page of the information contains the names of ambulance services they have which are pretty close to Vanderburgh County. In the last two years they have been adding a lot of ambulance services from around the nation -- so he guesses everybody has the same problem we have. As of January 1, they have collected \$2-1/2 million for the ambulance association. As mentioned,

I.C. Systems is out of St. Paul, Minnesota and, again, they are the only ones in the business that are nationwide and can affect a person's credit -- and that is the big plus they have going for them. If a person moves out of state, that is no problem to them. Of course, local agencies are fine for what they do. They just don't have the clout or the expertise that I. C. Systems has. They have been in business for fifty (50) years and the program the County would probably use would cost the County approximately \$0.53 to \$0.55 a client. What we basically do is buy up front "X" number of clients they would collect for. They do not harass; they do not beat on doors; they are very ethical. And the effectiveness of the credit blockage -- if it doesn't get them in three (3) months, unless they are totally bankrupt, they will have to pay before they can get credit for anything down the road - VISAs, any type of bank loan, car loan -- anything whatsoever. And the commission, as the Board may already know -- anything over \$50.00 is 29%, which is 10% to 15% lower than most agencies. If the County so desires, they can collect the commission on top of the bill. There is a formula they throw into the computer and if someone owes us \$500, they can put the formula to it and will collect their commission from them and give the County a check for \$500.00. Mr. Wyatt reiterated that they are licensed and bonded in all fifty (50) states and the main thing is the credit blockage. He knows he keeps harping on this -- but no one else in the industry does it. They have several banks for whom they also collect, as well as the Indiana Trial Lawyers.

Mr. Wyatt then entertained questions or comments.

Mr. Willner said Mr. Wyatt stopped by the Commission office last week. He doesn't believe the Commissioners have enough input to make a decision today. They do, however, appreciate Mr. Wyatt's presentation.

Mr. Borries said the news media reported that what the Commissioners have been trying to do is send a message that people must pay for this service -- that this is not something that is a total government subsidy. He does have some questions which he would want perhaps the County Attorney to look into regarding this ambulance service that the County subsidizes. But what do you do with the people who are in a desperate situation who, as was reported at least in one segment of the media, pay \$5.00 or \$10.00 per week? Do you work through that kind of thing with them?

Mr. Wyatt said I. C. Systems welcomes payments. The last page of the information provided shows typical clients -- the age factor, etc. And on two or three it is noted "payments". One gentleman owed \$700.00 and he is making \$50.00 per month payments. They go down to \$5.00 per month -- according to whatever they can work out. If the County has someone in a situation that you feel you don't even want I.C. to contact -- on everything they send out, they straight from the County; so if we screen the individuals and feel they shouldn't be contacted then, of course, I. C. Systems never receives the information. They send out approximately two (2) letters and make two (2) phone calls per month. Each letter is very, very clear as to what the situation is. They tell them they welcome payments and anything they can do -- they give them a toll free number to call and speak to the one person who handles only their account -- and anything they can do is to the client's advantage.

Mr. Willner again thanked Mr. Wyatt and said there is another company that wants to talk to the Commissioners next week. They will be making a decision a week or two after that.

RE: ALEXANDER AMBULANCE LAWSUIT COLLECTIONS - DAVID MILLER

President Willner called upon County Attorney David Miller, who said he didn't really view this as his agenda item. He thinks it came on the agenda because the discussion at the last meeting he attended two weeks ago centered on whether or not it would be in the County's interest to retain an agency rather than the County Attorney's office to attempt to collect these accounts. He indicated to the Commissioners that it certainly made no difference to him how they wished to approach it. He just believes there are a number of factors they need to take into account when they make the decision. As long as this agenda item is up, however, he has in the last couple of weeks had Mary Gidcombe (who is the associate in his office who has most recently had direct responsibility for these matters) and their paralegal take a look at the situation carefully. Over a period of time they have been dealing with and trying to sort out a number of problems that arose -- and continue to arise -- with the Alexander collections that the Commissioners need to be aware of -- no matter which way they decide to go in terms of continuing to collect these accounts.

He thinks it important to make the point that the Commissioners, in his opinion, must take some step (as they have for the last two years) to send the message to the community that these accounts will not be forgotten -- that some substantial effort will be made to collect them. The obvious reason for that is, if the message gets out that they are not going to press for collection, then the number of unpaid accounts will grow and, therefore, the County's subsidy will grow. And to the extent that the message is clear that the users of this service are going to be expected to pay, and when they don't pay they are going to be pursued -- to the extent we send this message, the Commission will save the County substantial amounts of money.

Now, having said that, it is important he has found over the last two years to realize that many, many of the people who use this service find themselves in very desperate circumstances. People who use ambulances customarily are sick or they are hurt. And when you are sick or hurt, you are not working. And when you are not working, you have no money. Many of these people who we are having experience with in this collection effort we have found to be in very, very difficult circumstances and we go ahead and take a Judgment if, and when, we can find them. We investigate their circumstances to the extent we are able to do so and if we conclude that they are other than intentional deadbeats, then we have been very careful to treat them, hopefully, as citizens of this County who are in difficult circumstances, rather than as deadbeats.

"I think I was misinterpreted by at least one member of the credit collection community here because of remarks I made at the last meeting. I did not, in any sense, speak to derogate the collection agencies who work in this community -- certainly not in a general sense. There are fine people who work very hard to legitimately collect due and owing amounts. And most of the collection agency work that I know of in this town is done in a very professional way. There are, however, down sides to governmental entities, such as ourselves, engaging collection agencies. The assumption is that by the time an account has reached a collection agency, the Commissioners (or someone on their behalf) has had the opportunity to screen these accounts and make some sort of determination about the difficulty of a person's circumstances or who we think ought to be pursued and who we think ought not to be pursued because of special circumstances. That clearly is not the case. Those accounts are handled completely by Alexander Ambulance; they are not looked at by the Commissioners or by the County Attorneys, or by anyone on behalf of the Commissioners until Alexander has made a collection effort itself and then made a collection effort through a local

credit collection agency, he believes -- and only then does Alexander Ambulance send to us a list such as the list that he received a few days ago containing seventeen or eighteen (17 or 18) names. It gives the date of the service and the amount that remains due and owing and that is essentially what we get -- a copy of the invoice. In the past two years we have slowly learned that Alexander is sending accounts to us of people who are deceased and they are not identifying the fact that they are deceased. If we knew they were deceased, we could search probate files throughout this County and other counties and file claims in estates. But we are not favored with that information. They are sending us accounts of people who have taken bankruptcy and been discharged in bankruptcy and they have received those bankruptcy notices, because that is required under bankruptcy law. Yet, when we get the accounts they don't indicate that there is a bankruptcy involved; they don't attach a copy of the Notice of Bankruptcy; and so we have sued people who have been discharged in bankruptcy, even though that information was available to Alexander. Alexander is sending us accounts that appear instead of listing the correct address of the victim that they transported -- they sometimes list the address of an accident -- where an accident occurred. And apparently no significant effort was ever made to locate an adequate address and that kind of work has been left to us. And Alexander, from time to time, has sent us for collection accounts that they have sent us in the past and these people got sued twice. Then when we realized that Alexander was doing that, we began having to check all of our existing files against all of the new names in order to cross-check to make sure a second suit is not filed. Now, those kinds of things are somewhat an explanation of the expense you are incurring. They are somewhat an explanation of why you need to think about which way you want to do this -- and, finally, they are intended to serve as an enlightenment that the people with whom we have contracted to provide these ambulance services appear not to be organized in a way that effectively results in good collection practice. It doesn't make any difference whether there would be an agency handling the matter or his office. So he hopes now that at least to the extent it bears any weight, his position here is clear. First, it certainly is not his intention to derogate collection agencies, in general -- because that is not a fair interpretation of what he said. Secondly, the Commissioners need to think about the relationship that this body has with the public in making that decision. And, thirdly, they need to be sure that the message continues to be sent that these bills will be pursued. At this point he has 167 open files. They were sent approximately over 100 new files -- opened by Alexander in January. That process has been worked on heavily in February and March. Alexander, on April 6th, sent him 17 or 18 more. Given the current status of this matter, he has not initiated any action on these 17 or 18 and he will be subject to the Commission's direction on whether or not he should. But they do need to make a decision soon. And he urges the County to go forward with collections.

President Willner said the Commission certainly will do this and he thanked Attorney Miller for his comments.

RE: ACCEPTANCE OF CHECKS - ALEXANDER LAWSUIT COLLECTIONS

The meeting continued with Attorney Miller submitting the following checks (Alexander Ambulance Lawsuit collections) for acceptance:

Thomas Jarvis	\$ 5.00
James Woodruff	5.00
William Burris	150.35
James Woodruff	5.00
Bernard Bartholome	13.14
Chris Hunt	5.00
James Woodruff	5.00

Stacy Kemper	10.00
Elizabeth Boyle	10.00
Thomas Jarvis	5.00
James Woodruff	5.00

Total	\$218.49
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Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the checks were accepted, endorsed, and given to Joanne Matthews for deposit into the County General Fund. So ordered.

RE: NOTICE OF LAWSUIT - LANT/DAVIS

It was noted by Attorney Miller that we received Notice of Lawsuit this week filed on behalf of Mrs. Carol Lant and Betty Davis in connection with the refusal to resolve a Green River Road property. We are proceeding to defend. Mr. Miller said they've sent notice of that action to the County's insurance agency. He does not believe there is any insurance coverage that covers that type of potential liability, so his office is pursuing the defense and if an insurance company does assume responsibility, then it will be turned over to them. That is the sum of his remarks. At some point, he does need some direction from the Commissioners on those Alexander accounts that are newly delivered.

Commissioner Willner asked Mr. Borries if he cared to make any remarks concerning the Ambulance Service.

Commissioner Borries said he would like some research or information -- as we move toward that inevitable budget time -- about Alexander's system. He added a sixth question or point he would make. Maybe we can put this together in a letter and avoid having to have David Miller be involved. But if Alexander Ambulance Service could directly do this -- he'd like to know how the fees are set by Alexander Ambulance? Who sets those? How are they set? Are they set by the ALS Consortium. Secondly, he'd like to know how does Alexander determine the amount of subsidy needed? He thinks it has been pointed out and reported earlier that it seems kind of ironic that every year it goes up 5% and that, strangely enough, is just about what is put into the budget every year at budget time. So he'd like more information as to exactly how that subsidy is determined. And, while it may be hypothetical, but it seems there has been an overload of advertising, of which he would not subscribe to in any case through taxpayer dollars being hopefully not spent on any situation through advertising. But it seems like in this advertising blitz to sign up for ambulance service -- he is wondering if every county family subscribed to the \$39.00 fee, what would the county subsidy go for? Theoretically, if every county family signed up for the Alexander Ambulance Service fee, what would the subsidy go for? He would like to know how the flat fee that they request every year (it's just an "X" amount of dollars) -- how does that address the deficit that they say they have? He would like to know if Alexander Ambulance Service, Inc. runs a deficit every year, how do they stay in business? He'd like some information on that. Do they stay in business through these subsidies? And, again, that gets back to a previous question.

And, finally, he would like to know what Alexander Ambulance Service collection practices (as described here) are. If we have those on file; how they go for those.

All of the foregoing would be questions to which I'd want to know the answers to in order for us to budget effectively for 1991. And these are some questions I'll try to put into a memo and perhaps, with your permission, write to Alexander Ambulance Service and seek information concerning those questions.

Commissioner Willner asked that Commissioner Borries please do so.

RE: TRANSIENT MERCHANTS ORDINANCE

Commissioner McClintock said she has a question for the County Attorney. It is her understanding that after all the rigmarole and getting the Transient Merchants Ordinance passed that the City Police have indicated they refuse to enforce that ordinance.

Attorney Miller said he doesn't have any information on that.

Commissioner McClintock said what she is asking is, "Is there anything we can do to help out area local businesses and taxpayers that requested that we pass this ordinance so that we could eliminate this problem in Vanderburgh County?" It was her understanding that the reason they wanted the County to pass it is because then both City and County Police could enforce it.

Attorney Miller said, "That is true."

Ms. McClintock asked, "Can the City Police enforce a County ordinance?"

Attorney Miller responded, "Yes. The answer to that question is yes."

Commissioner Willner interrupted, "It is their duty."

Attorney Miller continued, "The City Police enforce City ordinances, County ordinances, and State Statutes -- and as far as I am concerned, as Bob said, have a duty to enforce all valid statutes which carry any type of criminal sanction with them. Now, is there anything -- I guess the second part of your question is, 'Is there anything that we can do?' I'll be happy to talk to the Police Chief about it and see -- and maybe the City Attorney. I don't know if it has come to his attention that this is the position. But I will talk to him about it. In addition to that, is there anything that we, as a body here, can do? We are, in effect, doing what we can by asking our County Auditor to carefully require all of the people to apply for transient merchant permission, to register in the required way, post the required bonds, etc., and I can't tell you the number of very conscientious calls I've had from Joanne Matthews on the staff over there regarding how to administer this ordinance from an administrative standpoint. I think Joanne would confirm that it is a constant battle. And it has become much more intense since this ordinance was passed because the ordinance is much more restrictive and much more difficult to get around. But if anyone becomes aware of a violation that is ongoing of this Transient Merchants Ordinance, I believe that short of the assistance of our law enforcement agencies here in the City, there is a vehicle -- if it can be caught in time -- whereby the Prosecutor's office could become involved and my office could become involved and seek to shut somebody down who is operating in violation of the Transient Merchants ordinance. Those are extreme actions to take, but I believe in some circumstances that would be warranted. For instance, I know that a couple of years ago there was an affair going on at the Green Convention Center wherein I don't know how many -- but I will say in excess of twenty-five or thirty merchants -- were peddling goods of substantial price and disappeared from this community within a very short period of time with a lot of people's money and never, never, never were heard from again. If that kind of situation arises, I've asked Joanne if she becomes aware of it to call me if nobody else will do anything, and I will get permission from you and initiate something. But the Police are the first line of defense."

Ms. McClintock asked, "Will you then contact the Police Chief?

Attorney Miller said, "Absolutely, yes -- I will do that."

Commissioner Borries commented, "I didn't have my Deputy hat on last night -- so I didn't stop. But there was an individual in a van in about the 2500 or 2600 block of Covert Avenue selling Elvis paintings, and some other kind of little merchandise -- I don't what the items were -- but they were all enveloped in plastic. There were two people there and it occurred to me -- or I wondered -- if I should stop and ask the guy if he had a permit. So we must be moving toward that season. It was on an abandoned liquor store lot near Southern Indiana Tire -- if you know where that it. It used to be a liquor store and is now a vacant structure and he had a van and was kind of in the parking lot. And that's the kind of people we're wanting to regulate. I was a little unsure of my own power there -- and I thought he might throw something at me. But it did occur to me to stop and ask him if he had a permit."

Commissioner Willner entertained further questions. There were none.

RE: REQUEST FOR PERMISSION TO ADVERTISE FOR SUB-COMPACT
CAR FOR CIRCUIT COURT

Ms. Susan Jeffries of the Purchasing Department said she is present to request permission to advertise for a sub-compact car for Circuit Court to be advertised on April 12 and 19 and the bid opening on April 30th.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the request was approved.

Mr. Willner asked if this is a trade in?

Ms. Jeffries said she doesn't think so.

Mr. Willner asked if this is a new vehicle? How come we're adding a vehicle to the fleet?

Ms. Jeffries said she thinks they have the funding available. She doesn't know whether they are replacing a vehicle or if this is an additional vehicle.

Mr. Willner requested that Ms. Jeffries determine whether there is a trade in involved? If they're going to give an old vehicle to the County, etc., etc.

Ms. Jeffries subsequently entered the meeting and advised the Commissioners that upon checking with Circuit Court she was informed that they have received a grant for a new employee to do house checking on the drunk drivers. This will be a vehicle for him. It's through the alcohol program. So, it's a new employee and a new vehicle -- not a replacement vehicle.

RE: REQUEST TO ADVERTISE FOR BIDS FOR HOT MIX ASPHALT
FOR THE COUNTY ENGINEER'S OFFICE

Continuing, Ms. Jeffries said she is also requesting permission to advertise for bids for hot mix asphalt for the County Engineer's office and advertise for this on April 12 and 19, 1990, with bid opening on April 30, 1990.

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

RE: POOR RELIEF APPEAL- MR. LARRY CISSNA/KNIGHT TWP.

Reporting to the Commissioners concerning poor relief applicant, Mr. Larry Cissna, Ms. Marvaline Prince of Legal Services said, "Citizen's did not accept the deposit to be transferred toward the rent. In fact, they are in the process of having the family evicted. She thinks Mr. Trimble (the Attorney) is going to handle it for Citizen's Realty. He's with the law firm of Jewell-Trimble, etc.

Mr. Willner said, "I understand they were consulted. I didn't know, however, that Citizen's had turned it down."

Ms. Prince said, "Mr. John never could get a response from them; they never would call him back -- so I talked to him this morning and he said since they are initiating this action, he assumes they are not going to want to transfer the deposit for rent.

Ms. McClintock said she called the Bromms (the owners of Indian Woods) and neither Allen or Charlie have called her back.

Ms. Prince said, "In fact, they want them out tomorrow --but if they initiate action through the Courts, they can't just put them out tomorrow unless they change the locks and lock them out. It was tacked up on their door to be gone by tomorrow."

Ms. McClintock asked, "Are they eligible? The deal was they couldn't pay the rent because they have to be thirty (30) days in arrears.

Ms. Prince said, "If they initiate an eviction notice, they will probably be in Court the end of this week or the first of next week. And the Judge will probably order them to leave because they owe the rent. Then he will give them some time to leave probably -- but I can't anticipate what that will be. So it's just kind of like...."

Ms. McClintock said, "She is not going to be able to tell them anything, because that is the same person that told everybody else 'no'."

Mr. Willner asked that the investigator just have a seat and the Board will get back to this matter.

RE: REQUEST FOR WAIVER OF SIDEWALKS/RYAN COMMERCIAL PARK

Mr. Sam Biggerstaff was present for purposes of requesting waiver of sidewalks in Ryan Commercial Park. He said there are no sidewalks in the area. Vogel Road, Green River Road, etc., have been sitting to the west of them for a year with no sidewalks. There are no sidewalks where Sam's Wholesale outfit is. With this commercial and industrial plat, he feels sidewalks are not really needed and it's hurting people when the County asks for them.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the waiver of sidewalks in Ryan Commercial Park was approved. So ordered.

RE: POOR RELIEF APPEAL

Commissioner Borries said he had put in a telephone call to Mr. Ron McCoy, the manager of Indian Woods, but he was not there. He talked to a Sherri, who apparently is his secretary. There were some eviction notices that were issued and he said he thought Mr. Cissna had two options going for him here; one was that Sea Tech would call him back; secondly, that at some point this month (around April 20th) he would be eligible for aid from the Trustees --so if they could work with us to use that deposit. She said she has put a stop to this eviction notice until Wednesday morning and she will ask Mr. McCoy to call me. He also told her that Ms. Prince wants him to call her back.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said the Commissioners had received copies of his Weekly Reports and asked if there were questions concerning same.

Cleaning of Lot/528 South Emmons: Mr. Muensterman said they should finish cleaning the lot at 528 S. Emmons, which the Commissioners are supposed to auction off one of these days.

Operation City Beautiful: Mr. Muensterman said that last Tuesday he attended a City-County Operation City Beautiful and it was brought up about having a meeting with the Sheriff and the Police Department to push this trash dumping on the roads, along the roads, and also the losing of loose material from trucks. So they're going to have a special meeting with the Police and the Sheriff's Department. He commented that he thought the Sheriff's Department was doing a lousy job. For one reason -- and they know it -- one of the men called for the Sheriff and it took them one hour and fifteen minutes to get from one end of the town to the other. He was on the east side of town and had to go all the way to the west side. He thought they had different sections they ran.

Ms. McClintock asked, "This was for dumping?"

Mr. Muensterman responded that it was.

Ms. McClintock asked, "Why would they have to run from one side of town to the other?"

Mr. Muensterman said because they called for the closest car.

Ms. McClintock asked, "And the closest car was on the other side of town?"

Mr. Muensterman said, "Yes; how many they have out in the evening I do not know."

Ms. McClintock said, "We're in trouble; no wonder there are so many robberies."

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Request to go on Council Call: Mr. Curtis said he is requesting to go on Council Call for funds for railroad improvements. Each of these were funded last year, with the exception of a Mt. Pleasant railroad crossing. However, we at this time do not have a claim nor do we have a signed agreement. Therefore, he was unable to encumber the money. He doesn't know when these claims will come or when we will be billed for them by the Department of Transportation, but this will allow us to have the funds available so that when we are billed -- if it is this year we will be able to pay those claims.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, permission was given to go on Council Call in Local Roads & Streets in the amount of \$44,000 for the various railroad crossings. So ordered.

Claims/Veach, Nicholson, Griggs: A claim in the amount of \$4,000 for Survey Contract on the Fulton/Fifth Avenue Bridge #67 and a claim in the amount of \$1,004.62 for contractual services on Orchard Road Bridge #158 were submitted. Also, claim in the amount of \$4,230.00 for work on the Fulton Avenue/Fifth Avenue Bridge #67.

Claims/United Consulting Engineers: A claim in the amount of \$14,700 for work on the Columnia/Delaware Street Bridge #1C. Claim in the amount of \$8,120.00 for work on Union Township Access Project; a claim in the amount of \$2,500.00 for work on Franklin Street Bridge #4; and a claim in the amount of \$14,505.00 for work on Green River Road North.

Claim/Bernardin, Lochmueller & Associates: A claim in the amount of \$13,078.50 for the USI Overpass. Also, claim in the amount of \$11,354.80 for work on Lynch Road Extension from Oak Hill Rd. to Burkhardt Road.

Claim/Southwest Engineering, Inc.: A claim in the amount of \$4,108.50 for work on St. Joe & Allen's Lane intersection improvement project.

Mr. Curtis said it is his recommendation that all of the foregoing claims be allowed.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries all of the claims were approved for payment. So ordered.

RE: SELECTION OF CONSULTANTS ON THREE (3) PROJECTS

Mr. Curtis said that each of the Commissioners has a copy of a letter. He would like to recommend that the following firms be hired for services on the following projects:

- | | |
|--|--|
| 1) <u>Green River Road Construction</u>
<u>Engineering Services:</u> | United Consulting
Engineering, Inc. |
| 2) <u>Lynch Road Preliminary</u>
<u>Engineering Services</u> | Bernardin, Lochmueller
& Associates, Inc. |
| 3) <u>Old Petersburg Road Bridge</u>
<u>Replacement/Preliminary</u>
<u>Engineering</u> | Veach, Nicholson,
Griggs & Associates |

Mr. Curtis said he would recommend that we select those respective consultants. With regard to the Old Petersburg Road Bridge Replacement, we will not be proceeding with that project until such time as the Environmental Statement is completed.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, authorization was given to go with the three aforementioned firms, as recommended by Mr. Curtis. So ordered.

Mr. Curtis said that for the record he would note that we have a letter from the Warrick County Commissioners recommending Bernardin-Lochmueller & Associations for that joint Lynch Road project.

Trapp Road Bridge #20: Mr. Curtis said that American Timber Bridge & Culvert, the design people they have working on the bridge on Trapp Road, have done the hydraulic analysis and the existing opening on that bridge is 672 sq. ft. Their hydraulic analysis has determined that 548 sq. ft. are what is actually required due to the calculations, which would be two 16 ft. end spans and a 28 ft. center span. However, due to the problems we've had in the area, he would recommend that we go with 736 sq. ft., which will be slightly less than what we originally anticipated (which would be two 18 ft. spans and one 32 ft. center span). He just wanted to make the Commissioners aware of this, as it is different from what we initially spoke of. However, the

hydraulic analysis of the bridge and stream indicated that what we had was a little over-sized. We'd originally had two (2) 26 ft. spans, with the 32 ft. rather than the two (2) 18 ft. spans.

Encroachment underneath the Columbia/Delaware Expressway Bridge:
Mr. Curtis said he has a letter from United Consulting Engineers, Inc. which was faxed to him -- and he wanted to make the Commissioners aware of same. We have an encroachment underneath the Columbia/Delaware Expressway Bridge which is going to have to be addressed before that project can proceed. He has spoken with John Gugin in EUTS and are working on that. At this point in time he doesn't know how long a delay that is going to cause -- but there will be some delay in the project.

RE: REQUEST FOR SURVEYS TO BE DONE BY COUNTY SURVEYOR'S OFFICE

Mr. Curtis said that a couple of months ago he sent a letter to the County Surveyor's office requesting their assistance in doing some surveys for some in-house design projects that his office is going to be working on. Mr. Jeffers of the County Surveyor's office has indicated to him that at this time they don't have the sufficient manpower or time -- or he doesn't recall exactly how he said that -- but, anyway, they are going to be unable to perform those surveys due to their present workload. Mr. Curtis said he guesses his question to the Commissioners is, "How do you wish me to proceed? The projects involved are the Boonville-New Harmony Road 3-R Project. On Volkman Road we have a very large twin pipe structure that flows almost full, which we were going to combine with another small structure that also needs to be replaced into one bridge. It is starting to take the road out and it is imperative that we get that project moving. We also had Bridge #34 on Outer Darmstadt Road (or Mosquito Road, as some refer to it) that we'd asked them to do the survey on, as well as the bridge on Old Petersburg Road (he believes it is Bridge #75 over Schlensker Ditch). If the Commissioners would like for the County Engineer's office to do those surveys, that won't necessarily be a problem. The only problem is that it will delay the work, because he would have to send out sufficient crews to perform those surveys and some of them will take two or three days. The Boonville-New Harmony Road survey will take several days -- possibly a weeks. But most of the bridge surveys will take two (2) to three (3) days. He just wanted to make the Commissioners aware of that and ask their advice as how to proceed. They're presently working on Red Bank Road. Anything they do on the surveys mentioned -- they will have to drop what they are working on to do them.

Mr. Willner asked that Mr. Curtis give the Commissioners a week.

Mr. Borries said perhaps the Commissioners could ask for some kind of written schedule from the Surveyor's office, as to which ones they might be able to help on.

Mr. Curtis said he wrote a letter from Bob Willner as President of the Commission to Mr. Brenner -- and that was what precipitated Mr. Jeffers' response -- or, his response precipitated the letter -- and asked that we be notified by the end of March in writing -- and they have not responded in writing.

Commissioner Borries said that perhaps we need to ask one more time.

Attorney Miller asked, "The Surveyor's office is refusing to perform surveying work that is requested by this Commission? Is that what I am hearing?"

Ms. McClintock said, "That is what it sounds like."

Mr. Willner said, "That is exactly right."

Attorney Miller asked, "Would you give me a week? Can I have a copy of the letters?"

Mr. Willner said, "Yes."

Mr. Curtis said, "Yes, I will get that information for you."

Mr. Willner entertained further questions of Mr. Curtis. There were none.

RE: REQUEST FROM EVANSVILLE SYMPHONIC BAND TO USE
THE COLISEUM AS RAIN SITE FOR SUMMER CONCERT SERIES

The meeting continued with Commissioner Willner reading the following letter:

Robert Willner, President
Board of County Commissioners
Civic Center, Room 305
1 N.W. Seventh Street
Evansville, IN 47708

Dear Mr. Willner:

The Evansville Symphonic Band requests the use of the Coliseum as a rain site for our summer series of "Old Fashioned Band Concerts in the Park". The concerts are scheduled to be presented in Mesker Music Theatre on June 3 and 17 at 7:30 p.m., and on the riverfront esplanade July 4th at 8:00 p.m.

The concerts are presented free and open to the public and are sponsored by the Department of Parks and Recreation, the Mesker Trust Fund, and local corporations and business.

Free band concerts in the park -- designed as family entertainment -- are a strong Evansville tradition. It is our sincere hope that these concerts enhance the cultural and educational aspect of our community. The use of the Coliseum insures these concerts will take place in the event inclement weather makes outside performance impossible.

We enjoyed very much performing in the Coliseum during the 1989 summer series when rain made a Mesker concert impossible. Approximately 1200 people came to the Coliseum at last minute notice and enjoyed a concert that otherwise would not have been performed.

Please give this proposal prime consideration.

Thank you.

Sincerely,

James H. Chandler

Mr. Willner said he does not think it is up to the Board of Commissioners to either approve or deny this request. Rather, it is up to the Veteran's Council.

Ms. McClintock said the Commissioners approved it last year - but we can send the request to the Veteran's Council and let them approve it.

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

RE: ACCEPTANCE OF CHECK

A check from Falcon Cable (Capital) T. V. in the amount of \$601.88 was submitted for franchise fees in the amount of 3% of the gross revenues for period of August thru December 1989..

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the check was accepted, endorsed, and given to Joanne Matthews to be quietused into the County General Fund. So ordered.

RE: INDIANA BOND BANK - WORKSHOPS

President Willner read the following letter from Marjorie H. O'Laughlin of the Indiana Bond Bank into the record:

Dear Prospective Borrower:

With the close of 1989, property reassessment in the State of Indiana has been substantially completed, but at this date many counties are behind schedule for mailing of tax statements. As a result, those counties may have no funds for advance tax draws and several will experience settlements beyond the usual date of June 30. For local units of government (units), late settlement can cause cash flow shortfalls. In some cases, funds will not be available to make debt service payments or lease rental payments typically due on July 1.

As Chairman of the Indiana Bond Bank (I.B.B.), I have been working closely with the staff and our team of professionals to develop a program which will provide assistance to those counties that will receive late property tax distributions due to the reassessment. The 1990 Indiana General Assembly passed emergency legislation to enable local units to streamline the process necessary to issue tax warrants in conjunction with this program.

The program will allow participating units to borrow from the I.B.B. at attractive rates (currently estimated to be 6%).

Free workshops will be held around the state in order to provide additional details. If you think your county is behind schedule and your unit may experience cash flow difficulties, we invite you to attend one of the workshops. They will be held at various locations throughout the state and a schedule is enclosed with this letter. To indicate your attendance, complete the information on the enclosed postcard and return it to the I.B.B. or call 317-237-2828.

Very truly yours,

/s/ Marjorie H. O'Laughlin
Treasurer of State
Chairman of Board

Mr. Willner said this will be forwarded to County Auditor Sam Humphrey for his expertise. The seminar is going to be held at 1:00 p.m. on April 10, 1990 at the Executive Inn.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

The monthly report from the Clerk of the Circuit Court for period ending March 30, 1990 was submitted.....report received and filed.

RE: REQUEST TO GO ON COUNCIL CALL

Commissioner Willner said he has a request to go on Council call with regard to appropriation for the Johnson Control contract price (\$6,140.00) plus \$200.00 additional as compensation for overtime work as required. Total price shall be paid in installment payments. Each monthly payment shall be made by the 30th of each month in the sum of \$528.33. This is for the contract with Johnson Control at the Vanderburgh Auditorium.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the request was approved. So ordered.

RE: INSTALLATION OF AIR CONDITIONING AT THE COLISEUM

It was noted by Commissioner Willner that the Veteran's Council is looking in the next couple of months to consider installing air conditioning in the Coliseum. He had a meeting with them and they said they would bring their plans back to the Commissioners prior to installation. They anticipate having enough money to do this on their own and want approval from this Board. He told them to bring their plans, along with information on the dollars they are going to spend, and present to the Board.

RE: FOLZ PROPERTY NEAR COLISEUM

Mr. Willner said the Folz property has been purchased and the three (3) months period we gave them to move their belongings has started and they are in the process of moving. He understands they had a sale there commencing yesterday.

Raben Tire is moving on with purchase of that building.

The cupola at the Courthouse is finished and discussion is in progress concerning installing it early on Easter Sunday morning.

RE: ROAD ORDINANCE

Commissioner McClintock queried Commissioner Willner concerning the road ordinance.

Mr. Willner said the road ordinance was defeated in County Council by a 4-3 vote. This was very disappointing. Neither he nor either of the other two Commissioners knew that vote was going to be taken.

Ms. McClintock said she was at the meeting, but had to leave. Are the Commissioners going back to Council?

Mr. Willner said he asked the President of the County Council to put it back on the agenda. He's been contacted by several businesses who wish to speak to the Council. He hasn't talked to Jim Lindenschmidt, so he doesn't know yet whether it is on the agenda for next month -- but he will so determine.

Commissioner Borries asked if Ms. McClintock will share what he heard from Senators Lugar and Coates' offices pertaining to that.

Ms. McClintock said when she went to their offices in Washington two or three weeks ago, they indicated to her that the way we are proceeding is exactly what we needed to do -- and that was the only way that road is ever going to get done. She said she would be happy to speak to Council at greater length concerning their recommendations.

President Willner said he would request that Commissioner McClintock speak to the Republican members of the County Council. They both voted "no".

Ms. McClintock said she knew one of them would.

Mr. Willner said that along with that, two (2) Democrats also did the same thing. But he hasn't been able to talk to either one at all about the situation and he feels that economically and development-wise that road is probably the single most important economic development program for Vanderburgh County in the next decade and we need to stay on top of that. He will do whatever is within his power to change that vote. There will be some private businesses that do want to speak at that time. They have some very persuasive statistics about the north-south transportation of Vanderburgh County and Evansville. They are very interesting. And when you compare our east-west to our north-south, it really opens the eyes as to what is going on with our road program.

RE: PROBLEMS EXPERIENCED AT VANDERBURGH AUDITORIUM -
PHILHARMONIC ORCHESTRA

Ms. McClintock said she received a call this morning from Jim Palermo, who is the Manager of the Philharmonic. He said that on Sunday, when they were getting ready to start their Philharmonic Concert, they had to delay the start of that because there were (in his words) literally thousands of termites coming out of the carpeting in the lobby and the runway. They had to move the seats, get big vacuums out to try to vacuum these things up -- he said he's never seen anything like it in his entire life. We need to immediately find out what is going on over there with Rick. Did Rick call you today?

Mr. Riney said he did not; he's been off today because he worked all weekend. He did, however, call Mr. Riney the other day and the company that termites it last year (and he has the name of the company) -- there was a contract signed with them to come there monthly and do this work. He and Rick will get together on this..

Mr. Willner said this is not a new problem with the Auditorium. Evidently, when the Auditorium was built there were some open wells in that vicinity. But evidently (he wouldn't want to cast any aspersions) the wood and trash from the scaffolding, etc. was dumped down those wells and left to rot and they are causing our termite problems.

Mr. Riney said that one of those wells caved in last year, as a matter of fact.

Mr. Willner said the Commissioners are well aware of the problem and there is nothing that can be done permanently -- you just have to work with the problem and take care of them as best you can.

Ms. McClintock said the other problem the Philharmonic had at the Auditorium concerned a Craft Show. She doesn't know whether they ended up with more booths than they were supposed to or whatever, but they were taking up three quarters of the lobby. According to our contract with the Philharmonic, they are supposed to have half of the lobby. They refused to move and she thinks perhaps we need to set up a meeting with Jim, Jerry or one of the Commissioners, and Rick to sit down and talk, as there are some other minor problems that need to be worked out.

Mr. Willner said they can meet at any time.

Ms. McClintock requested that Mr. Riney set up the meeting and call her.

RE: HOUSE ENROLLED ACT 1240/SOLID WASTE MANAGEMENT

Commissioner Borries said that last week he was sent a copy of House Enrolled Act 1240. Maybe the other Commissioners received a copy of said Act before the vote by the Board of Zoning Appeals. Nonetheless, this Act was passed by the General Assembly just this past session. In the interest of time, what he would like to do today is ask that, with the Board's permission, that this bill be turned over to the County Attorney's office to quickly research and get back to the Board with an ordinance, because what we must do -- according to this ordinance on Page 14 under Chapter 2 -- is Solid Waste Management Districts on or before July 1, 1991 -- each County must, by ordinance of the County Executive, join with one or more counties in establishing a Solid Waste Management District, which includes and designates the entire area of all the acting counties or designate itself as the County Solid Waste Management District. It goes on to say that, "Except as provided here, the members are this way:

- . Two members appointed by the County Executive from its membership.
- . One member appointed by the County Fiscal Body from the membership of the Fiscal Body
- . One Member who is the Executive of the Municipality having the largest population in the County
- . One Member of the Legislative Body of that Municipality with the largest population in the County
- . One Member who is the Executive of the City or an Incorporated Town
- . One additional member appointed by the County Executive from its membership

Mr. Borries said it appears to him that all three Commissioners are on it. He would like to refer this to the County Attorney. Now that some decision has been made by the Board of Zoning Appeals, he thinks it is going to be very important for the Board of Commissioners to be on top of this situation. They're going to have to monitor it. It looks as though all three Commissioners are going to have the joy of being on this for a while. In any event, he would request premission to refer this to the County Attorney and ask him to come back to the Board with an ordinance and advice as what the Board should do.

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

RE: SCHEDULED MEETINGS

Tues.	April 10	8:00 a.m.	Data Processing Board (303)
		9:30 p.m.	Subdivision Review Board (303)
Thurs.	April 12	10:00 a.m.	EUTS Technical Committee (303)
		4:00 p.m.	EUTS Policy Committee (307)

RE: HOLIDAY CLOSING

President Willner announced that all County offices will be closed on Friday, April 13, 1990 in observance of Good Friday.

RE: CLAIMS

Mr. Willner said there are no further claims to be considered for approval.

RE: EMPLOYMENT CHANGES

County Commissioners (Appointments)

Andy Easley	P/T Engineer	\$20.00/Hr.	Eff: 4/1/90
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Election Office (Appointments)

Nancy Kleiman	Election Clerk	\$5.00/Hr.	Eff: 3/19/90
Donald Cassidy	Election Clerk	\$6.00/Hr.	Eff: 3/21/90
John Lee Jones	Election Clerk	\$6.00/Hr.	Eff: 4/2/90
C. Randolph, Jr.	Election Clerk	\$6.00/Hr.	Eff: 4/2/90
Sylvia Loviscek	Election Clerk	\$5.00/Hr.	Eff: 1/29/90
M. L. Bassmeier	Election Clerk	\$5.00/Hr.	Eff: 2/28/90
F. A. Frank	Election Clerk	\$6.00/Hr.	Eff: 2/26/90
Doris Cato	Election Clerk	\$5.00/Hr.	Eff: 3/19/90

County Auditor Humphrey said those pay rates need to be checked, because he thinks \$5.00 per hour is the limit.

Auditor (Appointments)

Lisa Tieken	Posting Clerk	\$13,679/Yr.	Eff: 4/18/90
Nancy Dale	Posting Clerk	\$13,679/Yr.	Eff: 4/24/90
Virginia Wallace	Posting Clerk	\$13,679/Yr.	Eff: 4/9/90
*Joanne Matthews	Adm. Secretary	\$19,119/Yr.	Eff: 1/1/90

*Retro to 1/1/90 per Job Study & County Council

Auditor (Releases)

Lisa Tieken	Posting Clerk	\$13,028/Yr.	Eff: 4/18/90
Nancy Dale	Posting Clerk	\$13,028/Yr.	Eff: 4/24/90
Marian Ellsperman	Posting Clerk	\$16,627/Yr.	Eff: 4/6/90
Joanne Matthews	Adm. Secretary	\$18,138/Yr.	Eff: 1/1/90

Perry Township (Appointments)

Jacquelyn Page	R. E. Transfer	\$13,028/Yr.	Eff: 4/9/90
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Coroner (Appointments)

Helen A. Groves	Clerk	\$15,816/Yr.	Eff: 5/14/90
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Coroner (Releases)

Helen A. Groves	Clerk	\$15,816/Yr.	Eff: 4/9/90
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(Sick Leave) *

*Commissioners asked Joanne Matthews to have Mr. Althaus provide a letter for the record. Upon motion made by Commissioner Borries and seconded by Commissioner Borries, the sick leave was approved. Mr. Willner said Mr. Althaus discussed it with him and K. Hadfield will be covering for Ms. Groves part time and Mr. Althaus is covering the other part time, so no one else will be required in the office while she is off. He understands Ms. Groves is having surgery. She will take one week vacation and two weeks sick leave.

Pigeon Assessor (Appointments)

Joan Dorsey	Chief Deputy	\$18,258/Yr.	Eff: 4/2/90
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Pigeon Assessor (Released)

Candy Walls		\$13,208/Yr.	Eff: 3/30/90
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Prosecutor IV-D Support (Appointments)

Rita Jo Ford	Secretary	\$18,138/Yr.	Eff: 4/2/90
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Prosecutor IV-D Support (Releases)

Teresa Hardesty Secretary \$4.50/Hr. Eff:3/30/90

Burdette Park (Appointments)

Angela Wade Rink Guard \$4.00/Hr. Eff:3/28/90

Burdette Park (Releases)

Angela Wade Rink Guard \$3.50/Hr. Eff:3/28/90

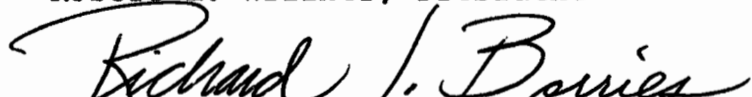
There being no further business to come before the Board,
President Willner declared the meeting recessed at 4:40 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
David V. Miller, County Attorney
Sam Humphrey, Auditor
Cletus Muensterman, County Highway
Greg Curtis, County Highway Engineer
Brenda Murray, MLK Steering Committee
Inez Vick, Bellemeade-Bayard Park Neighborhood Assn.
Sidney Taylor, NAACP
Estella Moss
Mark Tuley, Manager/Burdette Park
Pete Dooley, Modern Marketing
Chuck Schaefer/Intelenet Communications
Mike Wyatt, I. C. Systems
Susan Jeffries, Purchasing Dept.
Marvaline Prince
Sam Biggerstaff
Jerry Riney
Margie Meeks
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 16, 1990

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MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 16, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 16, 1990 with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of March 19, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: ORDINANCE VACATING KANSAS ROAD BRIDGE & RIGHT-OF-WAY
(FINAL HEARING)

County Engineer Greg Curtis said Mr. Scott Davis of his office and Attorney Curt John have been handling the vacations and, except for what involvement he personally has had, he will let Scot and Curt answer the questions.

Attorney John said that approximately two years ago petitions were filed vacating the three bridges (and he thought they had been approved) which are up tonight (Kansas Road Bridge, the Boonville-New Harmony Bridge and Mill Road Bridge). Scot has reviewed that and cannot find any particular meeting of the Commissioners where that was actually done. If that be the case, his office has again filed a petition to vacate these three bridges and these are brought up for final hearing today. He would assume that everyone has been notified. Previously everyone wasn't notified. They have talked about it and sent out letters on some of the bridges, the first being Kansas Road Bridge.

Mr. Davis said it would probably be easier to address any questions individuals in the audience might have.

Attorney John asked Mr. Davis if he feels there is any reason to keep that particular bridge on our bridge list and maintain it for public use?

Mr. Davis said with the completion of that part of the I-164 spur and the cutting off of Kansas Road, that bridge was closed two years prior to that spur being completed insofar as construction. There really is no longer any reason or a need for the County to maintain that bridge open for public purpose because of the negotiations that have gone through in the past -- there is no longer a need for it to be on our inventory.

Attorney John said it is his understanding that the bridge is actually usable, but not for heavy equipment trucks and some other things. Is that correct?

Mr. Davis confirmed that this is correct.

Commissioner Willner asked if there is anyone in the audience who wishes to be heard with regard to the Kansas Road Bridge? If so, please come forward and state their name and address, as the meeting is being recorded.

Attorney John Wittmer of Boonville, Indiana said he is present to represent Wayne Fehd. Mr. Fehd owns a 40 acre parcel that is located between the creek and the I-164 spur and he is bounded on the north by a couple of ditches and a borrow pit from the I-264 construction. He is bounded on the south and east sides by the creek and on the west by I-164. Kansas Road and this bridge, in particular, is his only means of access to this 40 acres of ground which he has farmed in the past. Since the bridge has been closed he has been unable to get any equipment to his property. He has no access from any other location. This bridge -- he knows Curt said it is passable by truck (he has driven over it -- he will say that -- but it is his understanding it has just recently been inventoried and is not approved for any tonnage whatsoever). So technically he thinks the bridge is not even supposed to have vehicle traffic on it. In any event, it is by no means for Mr. Fehd to bring his tractors and other equipment across -- which he needs to farm that particular ground. He doesn't know if the other two bridge matters to be brought up tonight are similar to this one, but it is their understanding there were bridges in a similar situation. On Mill Road a bridge was built on the location -- even though maybe the public way requirement wasn't there -- we didn't need it for the public. But then it is now the County's position to vacate that bridge and turn it over to the landowner. He certainly has no problem with that. Mr. Fehd is requesting that a similar thing be done in his situation. If this bridge is sought to be vacated and Kansas Road is sought to be vacated and not maintained by the County, he would not have any objection to that if there was a bridge and access sufficient for him to be able to continue to farm his ground. If that bridge was constructed as it was on Mill road, he would have no problem with that being abandoned to him for him to maintain. But to simply abandon Kansas Road and this bridge will leave him unable to reach his property in any way whatsoever other than by foot.

Commissioner Willner asked if Mr. Fehd has settled with the State insofar as I-164??

Attorney Wittner said that case proceeded to trial and a Judgment has been entered on that. That is over with -- yes.

Commissioner Willner asked, "Was that part of that case -- that they knew that this piece of ground was landlocked?"

Mr. Wittmer said, "That was one of the issues. Condemnation cases, unfortunately, are not going to decide whether this is or isn't landlocked. It is simply a taking and then the Jury in this case determined the amount of damages without ever having anyone answer (to his knowledge) that yes this is or no this is not landlocked. It is my understanding there was testimony that it was landlocked and there was testimony that it was not -- and that centered on whether this road was going to be opened. At the time (which Curt alluded to earlier) when this vacation was sought that was while this lawsuit was pending concerning whether it was going to be landlocked. At that time at least the road was not closed, so I guess technically it was not landlocked, because Kansas Road is still a public way. But physically it is and will be landlocked once this bridge is taken down."

Commissioner Willner asked if there was evidence introduced then that this Commission wrote the State Highway Department telling them that we were going to close the bridge on Kansas Road and it would be given back to the farmer?

Attorney Wittmer responded, "I wasn't involved in that lawsuit, so I can't answer that."

Mr. Willner continued, "We did write that letter and so as far as I am concerned, whatever remuneration was received was received with the knowledge that that bridge was going to be abandoned. I

think that -- and I'm not sure, this may need legal counsel -- but I think your determination is whether you want to accept that bridge as it is or whether you do not want it. If you do not, I think we need to tear it down. If you do want it, I think we need to give it to you as it is. That was this Board's determination two years ago. So I think that is your choice and I think you ought to adhere to that. To bring that bridge now back up to specifications of the County would take a considerable amount of money and if your client was paid for that ground knowing that the bridge was closed -- then I think we should not do that."

Commissioner Borries asked Attorney Wittmer if his client received a settlement?

Attorney Wittmer said he received a Judgment or Jury verdict in his favor. You understand that ground was not actually taken. He was not actually paid for the ground. He was paid for the road -- the road acreage, if you will -- that was actually taken from him. So he has not been paid for this forty acres. This 40 acres was and always will be as long as for all work purposes -- agricultural ground. So he was not paid for 40 acres of agricultural ground. He was paid on the basis that he still had 40 acres to farm. Unfortunately, he cannot farm that now. He is not asking that you come in and build the bridge to County specifications, because we understand it is not going to be open to the County public traffic. What he is asking for is a bridge that is capable of servicing his needs there. There have been bridges built, I know, in Pike County and I think in Warrick County. For example, using old railroad cars -- that will withstand 50,000 lbs. that you can build for \$30,000. So we're not talking a \$200,000 bridge like may have been constructed on Mill Road (I don't know what the Mill Road bridge cost). We're not talking about that kind of bridge or expense to the County. We just feel that whether or not he was paid for ground that I-164 took he was not paid for this 40 acres of ground. What he was paid is far short of what this 40 acres of ground is worth. It was and is still being taxed as farm ground -- just as if he was farming it, but he has not been able to farm it.

Commissioner Willner said, "I'm sure you've reminded us of that ten times -- and we understand that they didn't take his ground. But he was paid for that being landlocked to the point that the bridge was vacated at the time of the lawsuit -- is that correct?"

Attorney Wittmer said, "I did not say that and I would challenge the Commissioners to find that anywhere in the Judgment. That is not part of the Judgment as far as I know."

Commissioner Willner asked the other Commissioners what their pleasure is?

Mr. Scott Davis said he needs to make a couple of comments. "I am Scot Davis with the County Engineer's office. There were a couple of items in 1988 the last time this matter was addressed -- when the process was instigated in the first place.

Number one, there is small parcel past Mr. Fehd's property (owned by Mr. Brown) that is part of a large parcel that was cut in half by I-164 construction that the Commissioners, at that time, stated they would be willing to purchase from Mr. Smith as part of this process, because he had expressed some concerns. He was in our office last week and left some documentation and mentioned some minutes which Mr. Davis researched wherein the Commissioners had decided to do that. It is a very small, minor piece of property. But the Commissioners did agree that if we did go through with this process we would pay the small amount of money involved and purchase this piece of property.

Also, Mill Road was mentioned. Mill Road, when this was brought up -- the agreement with the property owner at that time was to take the bridge as is. But one of the people who was farming the land past the bridge knocked the bridge down with a piece of equipment. Now, since farmers and certain other businesses are exempt if they overload a bridge or do any damage to the bridge, the County was bound to do the repairs to that bridge before we vacated it.

Attorney John said that was prior to two years ago when they were vacating it.

Mr. Davis said this was in the process -- it was mid-1988. And before the June 20th hearing it was knocked down and as an emergency it was approximately \$12,000 to \$14,000 to fix that bridge because it had been knocked down. And it was a bridge similar in construction -- and similar in rating to the one on Kansas Road. The agreement was "as is". But because of circumstances we had to do some repairs. And at that time the agreement had been made at least verbally in the meeting for the same thing for this bridge -- that this one would be "as is". The choice was removed or accepted "as is" --and the preliminary agreement at that time was "as is" and we have it reflected in the minutes in both 1985 and 1988. This is just something he'd like the Commission to keep in mind.

Mr. Willner asked if anyone else wishes to speak concerning the Kansas Road Bridge?

Commissioner McClintock said that since this all occurred before her time, she has some questions. "Mr. Fehd, were you not aware that the Commission minutes and what actually occurred at the Commission meeting reflected that you would be asked to take that bridge 'as is' in both 1985 and 1988?"

Mr. Fehd offered response -- but it was inaudible because he was not speaking from the microphone.

Ms. McClintock asked, "Were you present at the 1985 meeting? Were you present at any meeting where the Kansas Road bridge was discussed, Sir?"

Mr. Fehd again offered comments prior to coming to the microphone -- he subsequently approached the microphone.

Ms. McClintock asked, "Did you know about the vacation of the Kansas Road bridge and that it was the Commissioners' intention to either remove that bridge or give it to you 'as is'?"

Mr. Fehd responded, "Not in 1985."

Ms. McClintock asked, "Did you ever know that, Sir?"

Mr. Fehd responded, "No, -- not as Mr. Smith even knew. He sold his property without knowing. He had a little strip of property left, also. That is what you're talking about trying to buy."

Commissioner Willner commented, "Mr. Fehd, I know you -- you live in Scott Township. I, personally, have talked to you about it and you did know that. Now don't play games with us."

Attorney Wittmer said, "When you said that he knew the Commissioners wished to do that -- now you're asking him whether he was here when they approved it or allegedly approved it?"

Mr. Willner said, "I don't know whether he was here -- but he knew that we..."

Ms. McClintock interruptd, "I'm just askig him if he knew about this?"

Attorney Wittmer said, "I think he had made requests back then that if they were going to abandon the bridge that they pay him what the cost of removing the bridge was -- because he was going to have to remove the bridge and put another bridge in. And the Commissioners never agreed to that and that is where it was left with Mr. Fehd. He knew you all wanted to vacate the bridge and leave it to him as is. He just didn't want to have to bear the cost of removing the bridge."

Ms. McClintock asked, "So he wants us to remove the bridge?"

Mr. Wittmer continued, "At that time they were going to remove the bridge or pay him the cost of removing the bridge. That is what his request was. The Commissioners never approved that. Now that's been two or three years ago."

Ms. McClintock asked, "So now you want us to remove the bridge?"

Attorney Wittmer responded, "We would like for you to replace the bridge -- or repair it to where he can use it. Similar to what you did on Mill Road. Our situation is really no different than theirs. While the process to vacate the bridge was going on, the bridge fell in. Here, while this process to vacate the bridge was going on, this bridge has now been rated as a "0" bridge. It is the next best thing to its falling in -- so if you replaced or repaired the bridge in the Mill Road situation, why won't you do it here?"

President Willner said, "That is not true either."

Attorney Wittmer said, "That is my understanding."

President Willner continued, "It was rated. We asked our Bridge Engineer (the one we hire to do our bridge inventory) not to do that bridge because it wasn't on our inventory. That doesn't mean it is ready to fall down -- that absolutely is not true."

Attorney Wittmer said, "You apparently closed it -- I don't know what you're saying -- what is ready to fall down. When you say a bridge is closed, it is unsafe for the public to go across, then it is ready to fall down in my book."

Mr. Fehd asked, "Mr. Willner, what would you say the acceptable tonnage on that bridge for me to cross it with my equipment would be?"

Mr. Willner said, "I haven't even looked at the bridge for two years -- but I thought that when we originally vacated that bridge it would have been probably good for five tons in my estimation. Now we can get our old bridge inventory (which Mr. Curtis has) and that is probably the last one we have. Mr. Curtis said he has the 1987 bridge inspection report and the tonnage is rated as closed -- well anytime the low rating is under three (3) tons they rate it as recommended being closed."

Attorney Wittmer said, "It is going to be under three tons." One other thing Wayne (Fehd) mentioned to me earlier - there is going across his property -- both a SIGECO and an Indiana Bell easement -- where their lines run across this property. If this bridge were torn down, this would also leave SIGECO and Indiana Bell with no means of ingress/egress to maintain their easements because, again, there is no access -- since they can't work off I-164 and they can't get to the property from any other direction. They actually have poles located on this property that need to be maintained."

Commissioner Willner asked for a motion.

Mr. Borries moved that the Ordinance advertised for final hearing with regard to vacating the Kansas Road Bridge and Right-of-Way be approved, with a second from Commissioner McClintock.

Commissioner Willner asked for a roll call vote. Commissioner McClintock - yes; Commissioner Borries - yes; and Commissioner Willner - yes. President Willner declared the ordinance vacating the Kansas Road Bridge approved by unanimous roll call vote. So ordered.

RE: ORDINANCE TO VACATE BOONVILLE-NEW HARMONY ROAD BRIDGE
FINAL READING

Mr. Curtis said that due to the time that this was initially started, the right-of-way for I-164 was not real defined as to where it would be. The documents were prepared two years inaccurately to reflect that it would be vacated to the State of Indiana and they were not changed at this time before advertisement. They were not changed to reflect they would be vacated to the Ziliaks. Therefore, we will need to forego and re-advertise for the final hearing.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries permission was given to re-advertise the vacation of the Boonville-New Harmony Road Bridge and Right-of-Way. So ordered.

Commissioner Willner asked Mr. Curtis if he has had dialogue with the Ziliaks and whether they still want that bridge?

Mr. Curtis said he has not had an opportunity to talk with them.

Mr. Willner said Mr. Curtis probably should talk with them. He doesn't think the situation has changed, but he doesn't know this to be fact.

Mr. Davis said there was some preliminary contact near the end of last year when this was first brought up. Since there was still question as to whether it was going to the State -- and as far as the vacation of that portion of the road past their property and the bridge they indicated no problems. But we will get in touch with them and re-notify just to make sure.

Mr. Willner asked if Mr. Davis knows whether they have settled with the State with regard to their property?

Mr. Davis said he thinks so. He believes they were far enough away that they weren't really that greatly affected. There wasn't any major controversy about their property. Their access was addressed by the State and provisions were made when they relocated Boonville-New Harmony Road.

Mr. Willner requested that the record show we will re-advertise with regard to the final hearing on the Boonville-New Harmony Road Bridge and Right-of-Way.

RE: ORDINANCE VACATING MILL ROAD BRIDGE AND RIGHT-OF-WAY
- FINAL HEARING

Mr. Davis said that basically this was done at the same time the Kansas Road Bridge was and at the same time negotiations were with Mr. Mueller. He had no problem accepting the bridge before it sustained damage by the farmer and he has no problems with this either. The way that was cut off with the new highway going through, Mill Rd. curves around to the left and has a cul-de-sac for turnaround. There is a small spur called Old Mill Road that Y's before the cul-de-sac. We are going to abandon the bridge and everything west. There will still be a small stub of Old Mill Road that the County will own, because there are properties that have access right off that small stub -- one, maybe two -- on the east side of the bridge.

President Willner asked if there is anyone in the audience who wishes to speak concerning the Mill Road Bridge?

Mr. Bosecker said, "I don't particularly have anything with the bridge -- the only thing that I was having at the last meeting you had when they were going to close the bridge -- you promised to clean out the road ditch and several other things -- and as yet nothing has been done. I was wondering if in the very near future something could be done."

Mr. Willner asked if this is on the east side of the bridge between the original Mill Road and the bridge? Both sides of the road on the east side -- north and south sides of the road on the east side. He then asked Mr. Cletus Muensterman, County Highway Superintendent, to take care of this -- and apologized to Mr. Bosecker.

Mr. Willner then asked if there is anyone else who wishes to speak?

Mrs. Mueller said, "I am Mrs. Edwin (Colleen) Mueller - there is no Mr. Mueller. They keep getting that mixed up because I haven't had the tax papers changed (as mentioned before). I want to apologize, Mr. Curtis. It was two years ago that all of this was taking place and the last meeting we had was at the same time all of the Bethel Temple people were at the meeting. I had mentioned then that we would accept the bridge -- we had already accepted the bridge except for a few minor things Mr. Bosecker wanted done -- which was bring some rip-rap rock, cleaning the ditch and things like that. So if you will take care of cleaning the ditches for Mr. Bosecker, then we will accept it."

Mr. Willner said, "We will certainly do that and I apologize."

Mr. Willner then asked if there is anyone else who wishes to speak to the Mill Road Bridge vacation? There being none, a motion was entertained.

Motion to approve the ordinance vacating Mill Road Bridge and Right-of-Way on final hearing was made by Commissioner McClintock, with a second from Commissioner Borries.

Mr. Willner then asked for a roll call vote: Commissioner McClintock - yea; Commissioner Borries - yes; and Commissioner Willner - yes. Commissioner Willner said the ordinance vacating the Mill Road Bridge and Right-of-Way is approved on unanimous roll call vote. So ordered.

RE: FINAL HEARING - ORDINANCE AMENDING PERSONNEL POLICY

President Willner entertained questions concerning the Ordinance amending the Personnel Policy with regard to Corrections Officers.

Motion was made by Commissioner McClintock to approve the Ordinance amending the Personnel Policy with regard to Corrections Officers, with a second from Commissioner Borries.

Commissioner Willner then asked for a roll call vote: Commissioner McClintock - yes; Commissioner Borries - yes; and Commissioner Willner - yes. President Willner said the Ordinance is approved by unanimous roll call vote. So ordered.

RE: TRANSIENT MERCHANTS ORDINANCE

Mr. Mike Moade said that so far everything is running smoothly. We have the I. D. Cards printed and they are in the Auditor's Office. They have some self-laminating sheets. The thumb print is required and they will just use an ink pad and put the print

on the back of the I.D. Card, along with the photo that the Transient Merchants are supposed to provide. So everything is go.

Commissioner McClintock said Attorney Miller was to research the question with regard to enforcement by the City Police and the Board has not yet heard back from him.

President Willner said he is sure that they will adhere.

RE: RESOLUTION RE INTER-LOCAL AGREEMENT RE TAX INCREMENTAL PROGRAM

Commissioner Willner submitted a Resolution concerning an agreement with the City to help finance a position in the County Auditor's office which does help the City more than it does the County. He requested that County Auditor Humphrey explain the program.

Auditor Humphrey said that this is for the Tax Incremental Program; roughly from Riverside Drive to 7th Street and from Cherry Street to Fulton Avenue. The city put this area into a Tax Incremental Finance Program to finance the last two blocks on Main Street. He doesn't know what the bonding amount was, but the Auditor's office has to set that aside in their settlement -- all increases and evaluations -- to pay off that bond. It is a very complicated method of doing a simple thing. The City purchased a computer for the Auditor's office, did maps, and agreed to pay one half the salary of the person to operate that and conclude the settlement and that agreement has been approved by him.

Commissioner McClintock asked what the bottom line cost here is?

Mr. Humphrey said he believes it is \$16,000 -- but he is not certain.

There being no further questions, a motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Resolution was approved. So ordered.

RE: RESOLUTION RE CIVIL DEFENSE ADVISORY COUNCIL

Attorney John said he has a Resolution adopted by the City Council changing the make-up of the Board Civil Defense Advisory Council by adding one (1) member who is a voting member of the Community Advanced Life Support Consortium. City Council has requested that we adopt the Resolution.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the Resolution was approved. So ordered.

RE: AMENDMENT TO EXISTING COUNTY ORDINANCE RE ROAD STANDARDS

Attorney John said perhaps Greg Curtis may want to explain further, but he has added to the existing County ordinances the standards for acceptable roads which is a lengthy document. Thus, the Board may want to review same prior to voting on the ordinance and adopting it. What it basically does is incorporate by reference these particular standards into the County ordinance, stating that if the developer wishes his streets to be accepted by Vanderburgh County he needs to adhere to these particular standards. It also states that even if they do adhere to them the Commissioners are not obligated or bound to accept those. It also states they can be amended from time, etc.

County Engineer Greg Curtis said, "About a year ago my office, in conjunction with the City Engineer's office, started working on this. We have tried to come up with a set of standards that we feel will give both the City and the County a good quality product as far as the roads that we are asked to accept. We had hoped to have these done by the end of last year so that it could have been done early this year and we have not been able to do that. However, we are asking that it be advertised and the hearings be held. We are in the process of preparing for each of you a summary of the effect going through each particular section and the affect of those changes so you can have a quick reference rather than having to try to digest the entire document. We've had a lot of problems in the past, as has the City. There are a lot things that are very open to a lot of judgment on the part of the inspector that you place in the field and we are trying to somewhat ease that burden of judgment by tightening some areas to where it is more defined to what is required by the developer."

Attorney John said that in the current ordinance it discusses roads and how they are to be constructed prior to 1954. The second section is from 1954 to 1972. And he has left a date that we can fill in for streets built after a particular date -- whether it be June 1 of this year or whatever date. Mr. Curtis may wish to recommend whatever date we fill in.

Mr. Curtis asked when we will be hearing this ordinance? will it be in May? Perhaps we should put July 1st as the date. Most of the developers bid their work far enough in advance that if we approved it in the middle of May and made it effective June 1st they would already have all their things set in concrete, insofar as their pricing -- and that would require a change on their part. The July 1st date would give them some notice. He doesn't believe making it effective upon approval would not be fair to the developers.

Commissioner McClintock asked what happens, according to the ordinance, if the developer already has an approved subdivision plan?

Mr. Curtis said that is what Scot Davis was saying. He thinks rather than reflect roads constructed we would want to say roads that have received construction approval. And that being the case, he would recommend June 1st -- because the Letters of Credit, etc. are not normally drawn up until after the street and road plans are approved. Mr. Curtis said this is just the recommended ordinance and he can change that prior to advertising.

Mr. Willner requested Attorney John incorporate the changes and bring it back next week for First Reading. (Discussion then ensued as to whether you have to advertise 1st or Final Reading, etc., and Attorney John said he will get with Joanne in the morning.)

RE: ORDINANCE ADOPTING WEIGHT LIMITS FOR CERTAIN COUNTY BRIDGES

Attorney John said he also has an Ordinance adopting weight limits for certain County bridges varying from 3 tons to 10 tons. According to Greg Curtis this has been mandated and the limits have already been posted; but we need the Commissioners to adopt this particular ordinance establishing those weight limits.

Mr. Curtis said these are based on our bridge re-inspection report from last year. Sometimes those load ratings change with each inspection and we have to revise the ordinance each time.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the ordinance is to be advertised. So ordered.

RE: USI OVERPASS

Mr. Curtis asked Mr. Barron if he has an appraiser that he would like to recommend. Mr. Curtis said we have discussed but he fails to find a copy of the letter sent to Mr. Barron. However, we sent a letter to Mr. Barron based on the information that Gary Kercher of his office and Mr. Willner that the latter met with him and outlined alternatives we believed viable for this project insofar as his property. If he recalls correctly, one of the options was that we would buy the house outright and the property and what we did with it from that point on was ours to decide. Another option was that we possibly would buy another piece of property or find another piece of property to move that house onto and he would keep the school house. Or we would likely, on University property, move that school house as a historical building -- move it to USI for them to preserve. Is he not right?

Mr. Willner confirmed that this is correct.

Mr. Curtis said we also asked that if Mr. Barron had any other options that he saw as a viable option that we might take that we would be more than willing to listen to that. However, he thinks it was basically the concern of everyone that we keep this thing moving, rather than letting this keep dragging on.

Mr. Willner asked if Mr. Barron would like to address the Commissioners.

Mr. Robert Barron introduced himself and said he lives at 15600 N. St. Joe Avenue (47711). First off, the way he understands it is that the Commissioners will have the property appraised by their appraiser and they will pay for his appraiser. Is that correct?

Mr. Willner confirmed that this is correct.

Mr. Barron said he would like to talk to the appraiser before he gets him down here -- to find out if he will come down here -- but he is considering Kenneth Chitwood of Greensburg, Indiana (up around Columbus, Indiana).

Commissioner McClintock asked why Mr. Barron would want to bring in an appraiser from Greensburg?

Mr. Barron said he has confidence in him for his benefit.

Mr. Willner asked, "You want us to pay for him to travel down?"

Mr. Barron said he is going by the list sent to him stating the different appraisers from which he could choose and they are addressed throughout the State. Greensburg is closer than Ft. Wayne.

Ms. McClintock asked, "So we sent him a list of out-of-town appraisers?"

Mr. Curtis said we sent him a list of State-approved review of appraisers, and buyers.

Ms. McClintock said she didn't realize this.

Mr. Willner asked if the Board wants to approve an out-of-town appraiser?

Mr. Barron said the only reason he chooses this appraiser is because he is experienced in special cases like this where we don't have a normal building or a normal piece of property. The Commissioners know that and he (Barron) knows that. In all

fairness to him, he thinks since the Commission is bringing this to a head he believes he has the right and the privilege to get somebody who is familiar with this type of thing. He does not know of anyone locally who is as experienced as this man is with special properties such as this.

Commissioner Borries asked if there are local review appraisers on that list?

Mr. Barron said there are.

Commissioner Borries said he respects Mr. Barron's rights. However, he would believe that the Commission would have to set some kind of limit in relation to what their obligations would be not only to protect his rights, but also to insure that the County would not spend anymore money than it would do with a local appraiser. Is there some way we can insure that should his services be obtained?

Mr. Barron said that would have to be the Commission's decision -- to come back with another appraiser of their choice at that point. If he is given approval on this appraiser, first off -- they have given approval for him to have an appraiser at the County's cost. If they don't like that appraiser's decision, it is the taxpayer's money they will be spending anyway -- so they can get another appraisal. He doesn't see anything wrong with that. If they feel like there is someone locally -- he doesn't feel there is -- that is going to give him the best consideration from his point of view. There are two different points of view here. There is the County's point of view and his point of view.

Commissioner Willner said he doesn't think the Commission has any problem with Mr. Barron's choice of an appraiser per se, except that he is going to have to come down here and follow through on all the property that was sold to bring himself up to date and we're going to pay him travel time and hotel fees and he doesn't think that is acceptable.

Mr. Barron asked, "Have there been properties sold already to the County in this project? If he were to be the first, then he wouldn't have to make many trips -- maybe just one. To my knowledge, I am the first person up in this batting order. I am the biggest stumbling block."

Commissioner Willner said, "I wouldn't say that. But it will be the most complicated piece of property -- that's for sure."

Mr. Barron said, "Right. And if you're saying that paying his travel expenses down here to go through the other pieces of property that are sold, there has been none sold at this point."

Commissioner Willner asked Mr. Curtis if he is going to recommend an appraiser for the County tonight?

Mr. Curtis said our standard procedure -- and most standard procedures of local agencies -- is to have two appraisers. He thinks as a result of Mr. Willner's and Mr. Kercher's meeting with Mr. Barron, it was decided to give him the opportunity to choose one of those two appraisers and we sent him this list from the point of view that they are people that we know are respectable appraisers, in general, because they are on the State list and they do a considerable amount of State work. He was going to recommend William Bartlett of Appraisal Company, Inc., who is presently doing the appraisal work for Green River Road, as well as for the piece of property on Lynch Road that we had proceeded with earlier this year. That would be his recommendation for our appraiser. He has no knowledge or experience with either Mr. Chitwood or his firm or their expertise -- either good or bad.

Commissioner McClintock said, "Clearly, since we sent this gentleman this list and told him he could select from any of them -- I don't have a problem approving this appraiser or paying for his mileage. But I am not going to pay for hotel rooms or meals. If that is acceptable to him then I don't have a problem doing that. We can put a cap on it -- two or three trips or something. I mean, we're not talking about much money in a huge project if we limit the number of trips."

Commissioner Borries said he maybe would not exceed what the local appraiser fee would be -- he'd agree to that, plus mileage.

Mrs. McClintock said, "You're not going to be able to do that. I mean we gave him this information -- we've opened this can of worms. Let's close it and make a decision. We're the ones who gave him this -- he didn't go out and make it up on his own."

Mr. Barron said he appreciates this.

Commissioner Borries said he knows we sent him the list. He guesses the question is if it's a State list whether or not they would be just as familiar with this situation. He cannot see why they would not and he respects Mr. Barron's right to select whom he wants. He is just concerned about the escalating fee if we don't put some kind of a cap on it.

Ms. McClintock said, "Well, since we don't always have to vote the same, I'll make a motion and see what happens to it."

Motion was made by Commissioner McClintock that the Board approve the appraiser requested by Mr. Barron and in addition to the normal appraisal fee, that we approve at this point up to two (2) trips from Greenburg, Indiana to Evansville, Indiana and that the County would be responsible for that mileage at the normal County rate and these expenses have to be submitted on a normal blue claim form.

Commissioner Willner said, "Before I ask for a second to the motion, Mr. Attorney, if this does go to a condemnation, the Court will appoint two more separate appraisers and won't use these two. Is that correct?"

Attorney John said that is correct.

Mr. Willner said thus we may have to wind up paying four appraisers.

Commissioner Willner said if Ms. McClintock will say "one" trip and then he doesn't finish it, then he would second the motion -- or subject to review after the first trip.

Ms. McClintock said she will amend her motion to one (1) trip.

Mr. Barron asked if she is saying subject to condemnation?

Mr. Borries said, "No, we're going to assume that he is going to be able to do it in one trip. If there is anything necessary, he would like to have the option to review that at that time. But he will second Commissioner McClintock's motion subject to one (1) trip."

Mr. Willner said, "So ordered. That puts us in the William Bartlett and Kenneth Chitwood of 507 N. Davidson Street, P. O. Box 247, Greenburg, IN."

Mr. Barron said, "I did state at the beginning of this argument..."

Commissioners Willner and Borries interrupted by saying, "Discussion".

Mr. Barron continued, "Argument -- opposing point of view -- that this is subject to his accepting this. At that point I can get back in touch with Greg Curtis if things don't work out there and go another route."

Attorney John said, "I heard a motion and I heard you insert per diem."

Mr. Barron stated, "I was talking in terms of mileage - strictly mileage."

Ms. McClintock asked, "So you would like a motion to appoint William Bartlett as our appraiser for the same property?"

Mr. Willner said that is correct.

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

President Willner asked if there is further discussion?

Mr. Barron said the other discussion concerns options. He is going to read the options and at some point -- he would honestly like to know what the County's option is, based on the three they gave him. What is their preference?

Mr. Willner said the Board doesn't have a preference at this time. They don't know what another lot is going to cost; they don't know whether they have to leave the building stand or whether they can tear it down -- so they don't have a preference at this time.

Mr. Barron said, "So what you are saying is that you are proposing to obtain my property -- not knowing whether you have to leave the building stand or not?"

Mr. Willner said that is correct.

Ms. McClintock said, "We don't know that yet, Mr. Barron. So we can't answer those questions. Hopefully, by the time all of this process is completed, then we will know what options we have. Right now we don't know, so there is no reason to spend a lot of your time discussing it."

President Willner said, "The three options we gave you were to let you start thinking about this."

Mr. Barron proceeded to read the following options:

- 1) The County has the option to buy the property and the building at a fair market value established by approved appraisers. The building and the land will therefore be the sole property of the County to do with as they see fit.
- 2) The County has the option to buy the property and move the building to a site approved by Mr. Barron and within a reasonable distance from the present site. The new site will be purchased by the County and all moving expenses of the building will be paid by the County. Once the building is in place, the new site will be turned over to Mr. Barron and the County releases any further responsibility for the building.
- 3) The County has the option to purchase the property and the building at a fair market value. The County will preserve the building by moving it to a new site approved by the County Commissioners (he is assuming that is USI).

Mr. Barron said Mr. Willner will recall he was in his office last Thursday and according to the second option -- the way he reads it, the County would come in, buy his lot, assuming that the statement "the County has the option to buy the property" -- which is restated in all three options -- taking that statement there, the County has the option to buy the property. He would assume that means the land alone. Because it is obvious that the building as far as the way this reads -- a different entity in itself. The lot is one and the building is another.

President Willner said, "Mr. Barron, in my opinion, there is no way we are going to buy both lots. We are either going to buy you a new lot, move the building, and give you the new lot and the building and then the other lot becomes ours. We are not going to buy two lots."

Mr. Barron asked, "So this really doesn't mean anything?"

President Willner said, "No, it's a matter of interpretation I think."

Mr. Barron said, "No, I think the interpretation if your attorney wants to look at what you wrote -- it says the County has the option to buy the property and the building (in the first option)."

Attorney John interjected, "I believe it would be better stated that if the parties negotiated, those are possible options. I don't believe that it is solely in the hands of the Commissioners or solely in the hands of you. If they decide to condemn the property, they have the right to do so. If the other ones come into play, it would take your negotiations with them to make that feasible."

Mr. Barron said, "The reason I brought this up was because to the average layman like myself it looks as though in each option the property is one entity and the building is another. And they are, in each option, handled separately --and that would have a bearing insofar as which option I would desire."

Attorney John said, "I'll state this. If the Commissioners and you cannot come to an agreement on how to resolve this problem, then it would go to a condemnation and it would be a taking of the building and the land."

Mr. Barron stated, "Assuming at that point you know you can tear down the building, move the building, or whatever."

Attorney John said, "If it came to a condemnation, they would own the building and the land and then it would be their option as to what they wanted to do with it. Anything else would be a negotiation between you and the Commissioners. If you can find a suitable piece of land that they felt was reasonable and they moved the building to that, that could be part of the purchase."

Commissioner Willner said, "I think, Mr. Barron, we gave you those three options with the intent for you to give us another option if you had one --not pick what we tried to give you to pieces."

Mr. Barron said, "No, I didn't take it to pick it to pieces. I picked it to pieces to determine what was my best option -- as you yourself would do."

Mr. Willner said, "We gave you that --that is why you are here this evening -- if you have another option, give it to us."

Mr. Barron said, "The only things I would add or delete here -- since according to you you are treating them as one, although this treats them as two entities -- you are treating them as one. What I would like -- according to Option #3, the County has the option to purchase the property and the building at a fair market value -- and then prior to the closing of the deal (whatever that price may be or whether it goes to condemnation or whatever) -- at that point I would like to -- once we have come to a settlement of an amount of money -- I would like to have the right to donate the building -- the physical structure itself -- to the Westwood Garden Club."

Attorney John said, "I don't believe that would be an option if they had to negotiate a price for the land and the building. If they were going to do something with the building, as I recall the Statute is going to require a bidding on the improvement itself. Maybe that would come in at nothing -- I don't know -- at which time they would have the option"

Mr. Barron asked, "Of bidding on the building itself? Is that what you are saying?"

Attorney John said, "If the people wanted the building and it exceeded the statutory amount (and off the top of my head I don't know if it is a \$1,000 or \$2,000 or what the dollar amount is) -- but if the appraised value exceeded that, they would have to go through the statutory procedure of advertising the improvement for auction. They would have the right to raze it themselves if it is not going to a third party -- but if does go to a third party, there are statutory procedures you have to follow as opposed to allowing you to donate it."

Mr. Barron asked, "You're saying these procedures take place after a condemnation?"

Mr. John responded, "After the County would become owners. If it happened prior to their becoming the owners, then if you were donating it to someone, then I don't believe that they would compensate you for that. So you would want to go through the negotiation and be paid for it, I'm sure."

Mr. Barron stated, "That is what I am saying. According to the third option -- where the County has the option to come in and purchase the property and the building -- once a value has been reached that we agree on or whether a Judge determines what that value is, at that point that is what I am saying. Once we have determined that this is the dollar amount that will compensate me for the loss of my property -- then at that point I would like to have the option of giving the building in its entirety to the Westwood Garden Club."

Attorney John, "I don't think you can get compensation and the improvement."

Mr. Barron said, "My whole point in asking for that is simply for the value -- I think realistically speaking here you are not going to give me what that property is actually worth -- because the property is obviously going to save you quite a chunk of money. I have seen three different plans. And if you go by the plan where you take my property -- I know how little you will get by with -- then I think I am only asking for some little bit of fair compensation for what you are going to save."

Attorney John said, "Well, with the appraisers coming in, their job is to put a fair market value of that property against it and that is what the Commissioners would be required to pay."

Mr. Barron said, "So then basically it does not matter what option I choose? That is a realistic point of view, isn't it?"

Attorney John said, "In negotiations, yes; in a condemnation, no."

Mr. Barron said, "We are not negotiating here."

Attorney John said, "It sounds like we are."

Mr. Barron said, "No, we're trying to negotiate -- but I have been given an ultimatum."

Mr. Willner said, "We are not going to negotiate here at this meeting. We need to get on with the meeting as we had rezonings at 7:30 p.m. and it's ten minutes past that."

Mr. Barron asked, "What this boils down to is that you go ahead and do what you want, right?"

Ms. McClintock commented, "No, Mr. Barron."

Mr. Barron said, "I will call Mr. Chitwood and ask him if he will agree to come down and appraise -- with the one trip down. Thank you."

RE: REZONING PETITIONS (FIRST READINGS)

VC-5-90/Petitioner, National City Land Trust: Requested zoning is from C-2 to C-4. Common known address is 2920 N. St. Joe Avenue. The land is currently undeveloped ground for commercial purposes and proposed land use is a mini-storage facility and future development. The petitioner's representative, Mr. Curt Angermeier, is present if the Board has any questions. If not, a motion is entertained to pass on First Reading and forward to APC.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries VC-5-90 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-6-90/Petitioner, Humphrey Family: Requested zoning is from Agricultural to C-2. Common known address is 1300 N. Burkhardt Rd.. Present land use is farming and residential and proposed land use is a medical building, nursing home, and other C-2 developments.

Commissioner Borries said his only comment is that subject to approval here, that this matter might involve seeking right-of-way for the possible extension of Vogel Road. He only calls that to the attention of the Area Plan Commission should they vote to approve this particular motion. With that comment, he moves that this particular Petition be approved on First Reading for forwarding to the Area Plan Commission.

Commissioner McClintock seconded the motion. So ordered.

VC-7-90/Petitioner, Jack Rogers and Robert Jarrett: The common known address is 129 S. Red Bank Road. Present land use is Agricultural and requested change is to C-4. Land is currently used for agricultural and residential and proposed land use is commercial.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, VC-7-90 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

RE: REZONINGS (THIRD READINGS)

VC-2-90/Petitioner, Duane Duvall: Requested change is from Agricultural to C-4 and the request has been made to continue it until May and this Board needs to act.

Ms. Catherine Sherman approached the podium and said she represents Duane Duvall. He approached her on this matter this morning. She knows that isn't a great excuse for Mr. Duvall; on the other hand, it is a great excuse for her -- because she is not prepared to go ahead with addressing this matter. There is another reason why they wish to continue this petition and that is that this piece of property is directly adjacent to the property which is the subject of the next matter (VC-3-90), which is coming before this Board next month. She believes that the same remonstrators are involved in both cases and the same sorts of problems are involved. They would like to have an opportunity to talk with Counsel for the remonstrators and also with Counsel for the Nalley's and perhaps come forth with some kind of proposal agreeable to everyone before they come before the Board of Commissioners.

Attorney Les Shively said he does not want to create an acrimonious atmosphere, but he certainly sympathizes with Mrs. Jones' position that if he is a worthy colleague and certainly trying to do her best under circumstances. However, he is not quite as charitable towards her client's position. As the Commissioners will recall, Mr. Duvall was here last time and the Board made it very clear to him what they wanted him to do. He has made no effort to contact the representatives who were here for the adjacent property owners. There is a big difference between the petition filed by the Nalley's and this particular petition. The Nalleys' concerns a use which had been there for several years, but not long enough to qualify for level non-conforming; and that is what they are seeking to do -- legitimize that use -- and right off the bat their Counsel sent a letter to Sater Enterprises and we entered into negotiations immediately. And but for the fact the Plan Commission has a somewhat arbitrary rule that says use and development commitments can't be submitted unless they are submitted five (5) days before the Plan Commission Meeting, we would have had a done deal (as one of our more famous national politicians would say). But the only reason to continue this is to put that use and development commitment of record. But we basically have worked out things with the Nalleys, which is a totally different situation than Mr. Duvall. He has established a commercial use most recently and given no good justification for it. We have recent information that he's -- as you will recall he told you all that he wanted to have a commercial vehicle there to park during the weekends. That commercial vehicle and vehicles are there now constantly seven (7) days a week and now he is selling vehicles from that location. I am not trying to put Ms. Jones in a bad position, but I certainly don't think that the good faith has been exhibited by the petitioner in this particular situation to warrant a second continuance, so we would ask that this matter be entertained and now, this evening, based upon the information that you have already heard, for those of you on the Planning commission, have already heard once, in the Commissioner's Meeting last time, you heard for the second time and now for the third time this evening, so we would ask that the continuance not be granted.

The Chair entertained questions of Mr. Shively.

Commissioner Borries asked Mr. Shively if he was here to represent Mr. Nalley.

Mr. Shively responded negatively. He represents Sater Enterprises, who has voiced concerns on both petitions, although it would appear on the Nalley petition that we would have had that already put to bed had it not been for procedural problems with the Planning Commission and what we are trying to show you is that there is a totally different situation that exists and there are some additional facts that I think need to be known.

The Chair entertained others in the audience who wished to speak on VC-2-90, Petitioner Duane Duvall.

Being no further questions, the Chair entertained a motion on request to continue until May.

Commissioner McClintock so moved. Commissioner Borries seconded, taking into consideration the comments that Mr. Shively has made regarding this petitioner, he had raised some of the concerns in the March meeting and requested that this matter be continued because these two properties are so closely...well, they are adjoining, so, I think for us to make a good zoning decision, we would need to proceed to address all of the concerns that have been raised. If we can't get that information tonight, we will have to act in May. That would be the ninety (90) day limit. He stated that he would Area Plan to read the minutes to address these concerns so that we have all of the information at the next evening meeting.

President Willner stated that the motion to continue until May is approved.

The Nalley zoning has already been approved by this body to continue until May. Is that correct?

Mr. Borries stated that there had been a request made and they should honor that request today.

Ms. McClintock stated that it was delayed in Area Plan, but if you need a motion, I will make a motion to continue VC-3-90 until May. Seconded by President Willner.

The Chair asked if anyone was in the audience on VC-3-90 before they did a final vote.

No response.

The Chair stated that the motion had been made and seconded and the record should state that VC-3-90 also has been continued until May and both of these will be at the same evening.

VC-4-90/Petitioner, Robert Woodward: Requested change is from Agricultural to M-2. The property affected is the North side of Old Boonville Highway, 5500 Old Boonville Highway, Evansville, Indiana. The zoning is now agricultural and request is to use as M-2. The existing land use is agriculture park and the proposed land use is a commercial park.

President Willner asked what an agriculture Park is.

Jeffery Lantz spoke, as a representative for Mr. Woodward. On the drawing that was prepared earlier, this property is in M-1, it is zoned light industrial. At the Area Planning Commission Meeting, the individuals who are directly north of that particular piece of property were there and they indicated...It is Barbara and Alfred Vaal...they had no opposition to that and there was no opposition at all at the Area Planning Commission. Mr. Woodward has indicated that this particular property is land-locked. He, at the present time, does not own that property yet, but he does own the property (inaudible). His feeling is that he would prefer to have it zoned M-2 because that way the light industrial, close to the old Boonville Highway, be rezoned to heavier industrial back there in the area that he is attempting to re-zone.

The Chair entertained questions of Mr. Lantz.

Hearing none, Chair asked if there were remonstrators to VC-4-90.

Being none, Chair entertained a motion.

Motion was made by Ms. McClintock to approve VC-4-90. Second was made by Commissioner Borries. After motion and second, there was a roll call vote: McClintock-yes; Borries-yes; and Willner-yes. VC-4-90 was approved as presented.

RE: DISCUSSION ON AMBULANCE SERVICE/CURT ANGERMEIER

President Willner remarked that Mr. Angermeier is here to speak on the ambulance problem that we are trying to make a decision on and he represents a company that might be able to shed some light on the labors.

Mr. Angermeier came forward and stated that his name is Curt Angermeier and he resides at 420 Court Building, Evansville, Indiana. He presented a letter to the Commissioners.

Mr. Angermeier explained that basically what he was proposing to the Commissioners in reviewing the published reports about the ambulance problem..you are spending too much money to collect not enough money, which economically, does not make sense. What he is proposing basically is that he will undertake to take over the collection accounts, or the new accounts, and he would propose that upon the assignment of a collection account, that the County Commissioners pay \$75.00 up front with each account assigned. With that proposed money, with that payment, that would be used to pay attorney's fees and court costs. The \$75.00, the filing fees in Small Claims and assuming all of these matters would be small claims, which is under \$3,000.00, he would then pay, if the matter went to litigation, the sum of \$30.00 in court costs out of the money that he has been paid. He would then propose to split any recovery with the County Commissioners, basically, at 1/3 attorney's fees and 2/3 recovery to the County Commissioners. If they would go to suit, the \$30.00 paid by him, as court costs, would be reimbursed to him out of the first money received. The benefit to the County in this particular situation is (1) you don't have a control or limit on your expenditures for collections at the present time. They are going after collections and I don't know whether they are doing a good job or a bad job, but under this proposal, you pay \$75.00 you know going into the matter that you will never pay more than \$75.00 to collect any sum of money that is due and owing. The benefit to me, is that I get paid some attorney's fees whether or not the debt is collectible. I think a lot of attorneys, their fear, in collection matters is, that they will receive cases which really have no hope of ever being paid and yet, they are expected to go after people. The County would always have the opportunity not to assign an amount for collection if they feel it is uncollectible. The \$75.00 guarantees me that you think the claim has some merit and that you are willing to risk up to \$75.00 to collect on it and by the same token, once I get the case, I have to pursue it with all good faith and with my best efforts. So, in that regards, it puts a cap on the amount of money that you will ever have to pay on any individual case and you will know that going in and if you want to budget that or however you do that, that is the beauty and simplicity of the system. After that, it would just be split, 1/3, so the most I would ever get in fees would be 1/3 of any account. That is the proposal.

Ms. McClintock asked, "You have not seen any listing, or have no idea what we have tried to collect this year?"

Mr. Angermeier responded, "All I know is that there was a newspaper article that said you spent X dollars and got 1/2 of X back. That is what the newspaper article said and I don't know if that is 1,000 cases or what?"

Ms. McClintock said, "That is right. So, you have no idea how this formula would compare to....?"

Mr. Angermeier interjected, "I can't compare that because I don't have that information."

Ms. McClintock stated that they have two or three of the proposals, so when do we think we might make a decision on this?

Mr. Borries stated that he appreciated this proposal and they would like at least one (1) week to consider it. He is not sure that, no offense to members of the media here, that all of the figures that were reported in the paper were completely accurate. He thinks there were different sets that Mr. Miller seemed to indicate at the last meeting and those were different from those that were reported in the media. He would first like to reconcile those figures and also ask, 'How would you deal with the reluctant payer, Curt? By that I mean a person who can't pay more than \$5.00 a week. We have some that have also been interviewed by the electronic media, who have indicated that if it were not for their ability to pay \$5.00 a week, or \$5.00 per pay, they would be bankrupt. They can't sustain a \$400 or \$500 bill. What would be your procedure in that type of situation? Would you continue to bill or, you're saying the fee is a standard \$75.00 and you would continue to work and forward those payments in a timely fashion?"

Mr. Angermeier responded, "Basically, the \$75.00 would be an effort at non-litigation collection. A letter from my office saying here is the bill, will you please pay it or make arrangements to pay it and if you want me to accept arrangements or use my best judgement...Tell me what to do. If you want me to make arrangements and I think most of those people are judgement proof anyway. Going to collect from them won't do anything good other than put a lien on their property sometime in the future, but if you want arrangements to be made, those can be made and accept payments that I deem necessary or deem liable or whatever would work out. Obviously, these people are not insured because that is why the file would get to me and these people will have either no ability to pay or low ability to pay and if they are just plain stubborn and have the money, then it is up to me to get that."

President Willner explained that what is transpiring now, is that they say we cannot afford to pay more than \$10.00 a month and they start that and pay for two months and then they stop and then the process

Mr. Angermeier said that at that time they would have to decide and tell him what to do. If people don't cooperate, we can say 'please' as often as we wanted to and it wouldn't do any good. The fees then, if we file, would come out of what the \$75.00 that you have paid me.

Ms. McClintock stated that if there were questions on Mr. Miller's figures, she would like to get those next week so they could make a decision the following week. Everyone that has been here has told us that they would work with these people, that they also have compassion, etc. I have no interest in continuing the same system, where we are paying more money than we are collecting and so we are going to have to make a decision on somebody unless the majority of the Commission wants to continue to do that.

President Willner said that also, everyone they have talked to, does not wish for us to send them 'deceased' people out of the country and etc., so we have to make a determination, when we are going to screen them, or, do we order Alexander to screen them and tell us. Whichever way we decide to go, you also need to make another decision.

Ms. McClintock thinks if they send us people that are deceased and their records are that poor, then if we have to pay Mr. Angermeier or Joe Blow Collection service to do it or whoever, I think Alexander should be responsible for that.

Mr. Angermeier stated that you could also collect from a deceased if there was any kind of an estate. What you are looking for is a guaranteed return on your investment.

Mr. Willner said this brings up an interesting question. Let's say somebody is deceased and they do have an estate and Small Claims might not get that out of an estate. That is more work, right?

Mr. Angermeier said it is not necessarily small claims, with an estate, you file a claim against the estate and unless it is disputed, that claim would be handled through the estate, if there is an estate. You have five months from the date that the estate is opened.

Mr. Willner said he is not sure that they get them within five (5) months. Some procedure is going to have to be ordered by this Board no matter who they give it to.

RE: CITY ENGINEER/GREG CURTIS/

President Willner called Mr. Curtis back to the podium, as he was interrupted earlier in the meeting.

Mr. Curtis said, "We have, as we discussed last week, we had asked to advertise for Bituminous Materials fob at the plant. Since that time, I discussed with each of the Commissioners and the County Attorney and provided we receive a letter from each of the three (3) bidders on the City's bid list from Dec. of last year, we can accept their bids if we have a letter saying that those bids will still be honored. To date, and the lack of messages crossing paths at the right time, with Rudolph and Company, I have not yet gotten that letter. Mr. Peters is here and he has indicated that they are willing to and will get me that letter by next week. Jerry David was the other bidder that I have not received a letter from. He has indicated that he will honor his prices, but I don't have a letter at this time. Sam Oxley and Company does have a letter that they will honor their price. It would be my recommendation, and whether you want to make a contingent award or whether you want to wait until next week, it will be my recommendation, once we have those three letters, that we accept all the bids and base our purchases upon the most equitable price for the location for which we are paving."

Mr. Willner stated that he would rather disperse with that problem here and make this motion subject to your receiving this letter so they don't have to come back again.

Ms. McClintock made a motion that we accept bids on the asphalt paving contingent upon the receiving of the letters from the bidders, saying that they will hold their prices that were on the original documents back in December of 1989. Motion was seconded by Mr. Willner. So ordered.

RE: ROAD MANAGEMENT REPORT

Mr. Curtis stated that he had spoken with Bernardin, Lochmueller and Associates and they would like to present that next week. He made the suggestion, due to the length of the presentation and etc., that we possibly have an informational meeting prior to, much the same as when they have a road hearing, have an informational meeting for them to make their presentation before the Commission Meeting next week. Maybe the meeting could be at about 1:30 p.m.

President Willner stated that this would have to be advertised.

The Chair then called for a motion.

Ms. McClintock moved to advertise an informational hearing on the Road Management Report at 1:30 p.m. on April 23, 1990. Motion was seconded by Commissioner Borries. So ordered.

RE: APPROVAL TO HIRE PERSON IN ENGINEER OFFICE/POSITION OF DESIGN ENGINEER

Mr. Curtis stated that the County Council had approved the changes necessary in the classifications for them to hire someone and they advertised in February. They received one (1) applicant, Mr. John Moore. He has a Bachelor's Degree from Purdue University, his Masters Degree from Purdue University, is a Registered Land Surveyor, Registered Professional Engineer, both of those in Indiana and a Registered Engineer in the state of Oregon. At the present time, and since July, 1985, he has been a Professor of Engineering Department at the University of Southern Indiana. Due to, I presume, declining enrollment there, he is going to be without a job at the end of the school year. I would be very interested in hiring a person of that calibre, as Design Engineer and would like to recommend hiring him. This semester he has a very light load of classes and would be available to work approximately 20 to 25 hours a week and I could greatly use the assistance in my office and I would like to ask that he be able to be hired as an employee, working about 20 hours a week, which will be 1/2 time for four (4) weeks, starting next Monday and after that four week period, school will be out and he would begin working fulltime at which time his benefits would start."

Ms. McClintock asked, "What rate are we going to pay him?"

Mr. Curtis said, "I had spoke with Curt and I am proposing to pay him at the hourly rate for that position and basically to hire him as a full time person and he will only be working 1/2 time."

Ms. McClintock asked, "Would that be okay with Council?"

Mr. Curtis said, "If you will recall, this year or maybe even last year, the Council appropriated salaries and put it on hourly rate. This was presented to Mr. Owen to make sure that it did conform with the procedures that the Council adopted. He indicated that the Council had no problem, so it would be on an hourly rate at whatever has been appropriated for that position."

Ms. McClintock moved for approval. Motion seconded by Commissioner Borries. So ordered.

RE: CLAIMS/FROM COUNTY HIGHWAY ENGINEER

Mr. Curtis present two (2) claims:

Veach, Nicholson, Griggs Assoc.

Other Contractual Services.....\$4,347.00
Orchard Road.....\$5,179.60

Mr. Curtis recommended that both of these claims be allowed.

Commissioner Borries so moved, with a second by Commissioner Willner.

RE: PERMISSION TO TRAVEL/CO. HIGHWAY ENGINEER

Mr. Curtis stated that this Wednesday, he is going to try and present to the State Fire Marshall's Office the proposed seating arrangement and addition seating in Vanderburgh Auditorium to see what possible obstacles they might encounter, as well as get information from the Department of Transportation in regard to policies that they have as far as some of the local projects and he would like permission to take a County Vehicle and travel to

Indianapolis. He also wants it known, for the record, that Mr. Kercher in his office has a hearing with the State Board of Registration regarding his Engineer's Registration and what will be required of him, which is at 4:00 p.m. that day and he is planning on travelling with Mr. Curtis because he has to be at Mr. Kercher's hearing to vouch for some of the information that they are questioning.

Commissioner Borries moved that the request be allowed, with a second by Commissioner Willner. So ordered.

RE: PERMISSION TO TRAVEL/COMMISSIONER WILLNER

President Willner also requested Permission to Travel on Wednesday for the Association of County Commissioners Monthly Meeting and a decision is going to be made whether they will hold the Summer Conference in Evansville this coming summer. Mr. Willner stated that he and Mr. Curtis could not get their time together, so they would need to drive two (2) vehicles.

So moved by Commissioner Borries and seconded by Commissioner Willner. So ordered.

RE COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman said he submitted his reports and entertained questions or comments on same.

President Willner stated that his only question was about the purchase of a new Sickle Bar.

Commissioner Borries asked if they had the funds to get this.

The request was for \$4,800.00 and Mr. Muensterman does have enough money in account 201-3430 to purchase this sickle bar.

President Willner entertained a motion.

Commissioner Borries moved that the sickle bar purchase in the amount of \$4,800.00 be approved. Motion was seconded by Commissioner Willner. So ordered.

RE: REQUESTS TO GO ON COUNCIL CALL

President Willner stated that he had several requests to go on Council call.

County Commissioners: 130-423 - Cape Smile Transportation Program is \$41,875.00. President Willner asked Jerry Riney to speak on this.

Mr. Riney said, "We advertised for proposals for the CAPE Smile Transportation for this year and the next two (2) years and they were the only one who sent any proposal in. They sent them in in proper form. The bid for 1990 through May of 1991 is for \$41,875.00 and for 1991 through 1992 is \$42,875.00; 1992-May of 1993 is for \$43,875.00. It increases \$1,000 every year. This year, so far, we have already requested the amount of \$13,333.00, which runs us through this month. To complete this year, we need the request to go to the Council for \$28,545.00."

Commissioner Borries moved that the request be placed on Council Call, with a second by President Willner. So ordered.

Superintendent of County Buildings

Mr. Riney explained that this request is for 131-352 - Equipment Repairs in the amount of \$1,400.00. At the County Garage, wet heat has worked on the boiler and for the last two years they have told us that they need work on the boilers and we didn't

permit this to happen. This year, somehow, Sidney Brown or Cletus, somebody called them and they went ahead and done the work. It was needed to be done for the safety of the boiler and the heating of the plant. It came in as \$2,777.65 and we don't have enough money to pay it. With this \$1,400.00, after this bill is paid, will leave \$500.00 to last the rest of the year.

Commissioner Borries moved to approve the request, with a second by Commissioner Willner. So ordered.

RE: REQUEST TO TRAVEL- LORETTA TOWNSEND

Mr. Riney explained that Ms. Townsend had already travelled, but I promised her, (that was to Mt. Vernon today) she just wanted the Commissioners to know that she was out of the County and she called me and she was late with getting her request in and she needed to go there today because they have the equipment to make the operation complete there, so I told her to go ahead and I would ask you tonight for permission.

President Willner asked, "There is no monetary value?"

Mr. Riney responded that this is correct. There is no monetary value.

Commissioner Borries moved to approve, with a second by Commissioner Willner. So ordered.

RE: CORRESPONDENCE- INA BROWNING

President Willner read correspondence as follows:

Ina Browning
3018 St. George Road
Evansville, IN. 47711

April 6, 1990

Dear Mr. Willner:

I am responding to you in regards to our conversation a few weeks ago relating to the great need that sewers be installed on St. George Road. Homes built on small parcels of land that cannot handle septic systems indefinitely. We are bounded by the Bowers Subdivision-Fuquay behind us and Melody Hills. All are on sewers.

I thank you for your help and support and trust that our needs can be met.

Thank you.

/s/ Ina Browning

President Willner stated, "I swore that we would never get into another Barrett Law, so I am not too sure of how we can handle this."

President Willner asked if there was someone else they could ask besides the Health Department toor do you want to ask the Health Department to investigate this complaint and see what their recommendation would be?

Commissioner Borries affirmed that he would like to get some advice on this and the Health Department would be fine. Ms. McClintock also agreed that this is fine.

The Chair entertained a motion.

COUNTY COMMISSIONERS
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Commissioner Borries moved that this matter be referred to the Vanderburgh County Health Department for comments and study. Motion was seconded by Commissioner McClintock. So ordered.

RE: CORRESPONDENCE-COUNTY CORONER-EMPLOYEE SICK LEAVE

April 10, 1990

To: Vanderburgh County Commissioners

RE: Ann Groves, Sick Leave and Vacation

Ann Groves has taken vacation from April 2nd through April 16th. From this time forward until May 1st, she will be on sick leave and has insurance.

/s/ Charles Althaus, Coroner

The Chair entertained a motion.

Commissioner McClintock moved to approve this request, with a second by Commissioner Borries. So ordered.

RE: CORRESPONDENCE-CO. TREASURER-EMPLOYEE LEAVE OF ABSENCE

April 11, 1990

TO: County Commissioners

FROM: Patrick Tuley

SUBJECT: Leave of Absence

I would like to request that Beth Kerchief's leave of absence be extended until April 30, 1990. This is one additional week from originally requested.

/s/ Patrick Tuley

Commissioner McClintock asked, "This is not paid?"

Affirmative response.

Ms. McClintock moved to approve the one week extension on the one weeks unpaid leave of absence for Beth Kerchief. Motion was seconded by Commissioner Borries. So ordered.

RE: REPORT FROM ALEXANDER AMBULANCE SERVICE - FOR MARCH

President Willner stated that he had a report for the billing of March and a quarterly report to be received and filed.

RE: CORRESPONDENCE - JOHNSON, CARROLL & GRIFFITH
RE: LANDFILL SITE ON LAUBSCHER ROAD.

April 11, 1990

Mr. Robert Willner
Vanderburgh Co. Commissioner
City County Building
Evansville, Indiana 47708

Dear Commissioner Willner:

Please be advised that we represent several hundred people in the area of the Browning Ferris landfill site on Laubscher Road.

Because the Board of Zoning Appeals has required Browning Ferris to obtain approval from the Drainage Board of its drainage plan for this project, we know at some point in the future they will come before you and attempt to win approval of their plans. The purpose of this letter is to ask that the neighbors be notified and given an opportunity to explain their position concerning the drainage in the area when BFI requests approval of their plan. If you will advise the undersigned, we will see that the neighbors are notified. We do ask that you not hear this matter without giving us an opportunity to appear and be heard.

Thank you for your kind consideration and assistance in this matter.

Very truly yours,
JOHNSON, CARROLL AND GRIFFITH
/s/ Edward W. Johnson

The Chair entertained a motion to grant this request.

Commissioner Borries moved that the request be granted, with a second by Commissioner McClintock. So ordered.

RE: REQUEST OF CLERK OF CIRCUIT COURT TO GRANT OVERTIME PAY

Dear Commissioners:

The Election Office request you grant over-time pay to four employees, who will work approximately five hours overtime, due to the Precinct Board Instructional meetings to be held April 16th and 24th.

Also, Election Day, May 8, 1990, approximately eight employees will work over-time ten hours or so.

Please inform us how you want us to complete our payroll to avoid any problems.

Thank you for your consideration.

/s/ Betty Knight Smith

The Chair entertained a motion.

President Willner stated that first he thought they should give them compensatory time off. If that is possible, that is the way we want to handle it. If it is not possible, we are bound and determined to pay overtime.

Mr. Riney explained that these people are part-time employees that she is willing to use, so they won't have compensatory time. They are paid hourly.

Commissioner Borries moved for approval, providing that the employees that are mentioned in this request are paid at their hourly rate because they are part time employees. Motion was seconded by Commissioner McClintock. So ordered.

President Willner stated that if they are full-time employees, this does not apply.

RE: OLD BUSINESS

President Willner entertained Old Business to come before the Board at this time.

Hearing none, he entertained:

RE: NEW BUSINESS

RE: COLUMBIA-DELAWARE BRIDGE

Commissioner McClintock stated, "I just wanted to make sure that we got the Columbia-Delaware Street decision they need to make on the agenda for next week, on the Lopp Building."

Mr. Curtis responded, "I just received that today and I don't know when each of you received it and we are going to contact the property owner and try and get their inclinations before we make any sort of recommendation. There is an encroachment that goes underneath the bridge and there is some appearance that it might possibly have been allowed in the past, even when the bridge was constructed; however, there is no legal right that we can find in the recorded records that he has a right to have that underneath there and we want to see what his position is."

There is no one living here. It is a part of a business.

RE: BUILD INDIANA FUND

Ms. McClintock stated that they all received a packet on the Build Indiana Fund and are they going to discuss what they are applying for.

President Willner stated that they have already made that determination. Lynch Road in the dual counties will be making recommendations and he does not know the timetable.

Mr. Curtis stated, "We are in the process of going over the application and accumulating the information. I have spoken with Bernard Lochmueller of whom we chose to design the rural secondary portion as well as, they are already designing the urban portion of that project and with their assistance, we hope to, within the next couple of weeks, have that application ready to submit. Warrick County has indicated a willingness to do that and I believe it was about 6 or 7 months ago, we discussed that Warrick County had pulled out of our original agreement with HNTB that we were going to pursue Build Indiana Funding at that time. We hope to have that presentation ready in the next couple of weeks."

RE: SCHEDULED MEETINGS

Thurs. April 19 - Board Zoning Appeals - 4:00 p.m. Room 301

RE: CLAIMS

Bowers, Harrison, Kent & Miller

Legal services through March 26, in the amount of \$7,839.93.

President Willner stated that he had gone through these and found them to be in order and entertained a motion for approval.

Commissioner McClintock moved for approval, with a second by Commissioner Borries. So ordered.

Bowers, Harrison, Kent & Miller

Fees and costs for attached breakdown....\$301.00

President Willner stated that he also had looked this over and entertained a motion for approval.

Commissioner Borries so moved, with a second by Commissioner McClintock. So ordered.

RE: HAPPY BIRTHDAY COUNTY AUDITOR

Commissioner Borries stated that he would like to recognize the County Auditor, Sam Humphrey, who is celebrating his birthday today.

RE: EMPLOYMENT CHANGES

Circuit Court - (released)

Terry A. White...Public Defender...\$22,812.00 annually

Scott Township Assessor - (released)

William R. Oistad - Deputy @ \$5.00 per hr. -Will be paid on
4/20/90

Vanderburgh Co. Sheriff Department - (Release)

Margaret A. Gill - Correction Officer ..\$17,500.00...Eff. 4/12/90

Tamara Lohr - Correction Officer..\$17,000.00..Eff. 4/12/90

Vanderburgh Co. Sheriff Department - (Appointments)

Tamara Lohr - Correction Officer..\$17,500.00..Eff:4/13/90

Prosecutor - IV-D Support (Appointments)

Amy Smith Gerth - Sec/Inv....\$16,451.00...Eff: 4/9/90

Prosecutor - IV-D Support (Releases)

Rita Jo Foprd..Sec/Inv...\$18,138.00...Eff: 4/9/90

Amy Smith Gerth...Recept...\$13,679.00..Eff: 4/9/90

Bernice M. Roth..Ass't Dir..\$19,119.00..Eff: 6/19/90

Prosecutor (Appointments)

Michael E. Clay...Dep. Pros...\$24,500.00...Eff: 4/9/90

Ronald W. Bell....Dep. Pros...\$27,656.00...Eff: 4/9/90

Keith E. Rounder..Dep. Pros...\$25,000.00...Eff: 4/16/90

Prosecutor (Releases)

Harold R. Johnston...Dep. Pros..\$26,828.00...Eff: 4/6/90

Michael E. Clay.....Dep. Pros..\$23,000.00...Eff: 4/6/90

Ronald W. Bell.....Dep. Pros..\$24,500.00...Eff: 4/6/90

Burdette Park (Appointments)

Nick Jankowski...pt ground crew...\$4.00/hr...Eff: 4/7/90

Shawn Helmer.....pt ground crew...\$4.00/hr...Eff: 4/8/90

Dan Kolb.....pt ground crew...\$4.00/hr...Eff: 4/8/90

James Gerard.....pt ground crew...\$4.00/hr...Eff: 4/7/90

Jeremy Jourdan...pt ground crew...\$4.00/hr...Eff: 4/8/90

Julie Singer.....pt ground crew...\$4.00/hr...Eff: 4/7/90

Kendra Stinson...pt ground crew...\$4.00/hr...Eff: 4/7/90

William Goldsmith..Pt Ground crew.\$4.00/hr...Eff: 4/7/90

Matt Singer.....pt ground crew...\$4.00/hr...Eff: 4/7/90

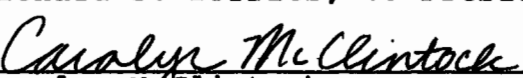
President Willner entertained other business to come before the
County Commissioners at this time. Hearing none, the meeting was
declared recessed at 8:37 p.m.

SECRETARY: JOANNE MATTHEWS

Transcribed by Joanne Matthews
Bettye Miles (Last 9 pp.)


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 23, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 23, 1990, in the Commissioners Hearing Room, with Commissioner Rick Borries presiding.

The meeting was called to order by Commissioner Rick Borries, in the absence of President Robert Willner.

RE: POOR RELIEF APPEAL/PIGEON TOWNSHIP/KENNETH SMITH

Commissioner Borries called for Kenneth Smith to give his presentation before the Commissioners.

Commissioner Borries stated that the records should show that at 2:37 p.m., Mr. Smith was summoned twice and he is not in the audience, so at this time, we will move on with the next item on the agenda.

RE: BOB GULICH/SIGECO/TREE CLEARING EASEMENT ON
S. GREEN RIVER ROAD AT JAMES CEMETERY

Mr. Greg Curtis spoke on behalf of Mr. Bob Gulich. He stated, "Mr. Gulich did not express to me that he would be here, but to bring you up to speed on what they are requesting, they have an electric service line that will be running down and serving the property that was recently rezoned where Koester is going to be putting in his asphalt plant and to put those lines in, there is a tree in the cemetery that extends far beyond the property line of the cemetery and enough of it extends beyond that the tree needs to be removed for them to put their line in and they are asking, it is a cemetery, as I understand from him, that the County Commissioners are given responsibility for maintenance, and they are requesting an easement to go in and take that tree down. They are going to haul it away from the cemetery off the property, but they need to remove the tree to put their line in and that is what he was requesting."

Ms. McClintock asked, "So, this is a temporary easement?"

Mr. Curtis responded affirmatively.

Ms. McClintock asked, "And then they will clean up the tree?"

Mr. Curtis responded, "Right. I don't know what our position has been on those types of things in the past and if that is something you want to go ahead and do, I just thought I would let you know this is what he wants to do."

Commissioner Borries asked if they needed action from this Board.

Mr. Curtis stated that he has a copy of an easement form that he wanted to get signed, that gives them permission to do that.

Ms. McClintock made a motion to grant SIGECO a temporary tree clearing easement on S. Green River Road at James Cemetery and that the Commissioners sign the form pending the approval of Commission Attorney. Motion was seconded by Commissioner Borries. So ordered.

RE: POOR RELIEF APPEAL/KENNETH SMITH

At this time, Mr. Kenneth Smith entered the Commissioner's Chambers and was recognized by Commissioner Borries.

Commissioner Borries said, "Mr. Smith, if we have already proceeded here. We, usually, out of courtesy to those persons-- we usually have the Poor Relief Agenda at the beginning of our meetings, so your name was called twice. If you would please sir, if you will come up right now, we will hear your request."

Mr. Smith stated, "First, I would like to apologize to the Commission for being late. I was tied up with Officer Mills in the Police Department. My name is Kenneth W. Smith and I live at 1216 Read Street, Evansville, Indiana."

Commissioner Borries said, "The nature of your request sir?"

Mr. Smith stated, "I had been to the Pigeon Township Trustee to petition for public assistance on paying off a SIGECO shutoff notice. They had denied it because they said we were over income. The Township Trustee had been helping us through the winter months with these shut-off notices, when the bills are much higher than they are in the summer time. Up until about two or three weeks ago, nothing was said by the Township Trustee's Office about us being over income. The only income in the home is my wife's SSI, which she started receiving in November of last year and her ADC through the Public Welfare Department. That is the only income in the home. We had tried all of the other resources in Evansville the previous month and had received some help from a lot of other charitable organizations in town and this month, we could not receive any, so we had no choice but to turn to the Township Trustee."

Commissioner Borries asked, "You say you had received aid before from the Township Trustee?"

Mr. Smith responded affirmatively.

Mr. Borries asked, "What kind of aid was that?"

Mr. Smith responded, "SIGECO shutoffs and Water Department shutoffs."

Commissioner Borries asked, "What were you requesting this time?"

Mr. Smith said, "For the Township Trustee to help us with our present SIGECO shutoff, which must be paid by 4:30 p.m. today."

Commissioner McClintock asked, "How much is that, sir?"

Mr. Smith stated, "That is \$138.87. We have collected \$57.00 of that amount, but we don't know where the rest of it is going to come from."

Ms. McClintock asked, "You have \$57.00?"

Mr. Smith said, "We have \$57.00 and what pocket change I have."

The Chair called for questions from the Commissioners.

Ms. McClintock asked, "What is your combined monthly income?"

Mr. Smith said, "\$732.00."

Ms. McClintock asked, "For a family of six (6)?"

Mr. Smith responded affirmatively.

The Chair announced that the representative from the Trustee's Office was coming back up to the meeting.

Mr. Smith asked, "May I interject something to the Commission please?"

The Chair granted Mr. Smith permission to speak.

Mr. Smith said, "The lady's name that I had talked to two or three times in the past couple of weeks in the Trustee's Office, name is Joann, she is a very pleasant lady, but I don't think she understood the situation. When you have four (4) teenage daughters at home, you have to provide for them, no matter what. At this present time, the Township Trustee is the only one we could turn to. According to the Township Trustee's guidelines for a family of six (6), if you are over \$600.00 a month income, you are no longer eligible."

Ms. McClintock asked, "You do not work Mr. Smith?"

Mr. Smith responded, "No ma'm, I am disabled and have presently filed for my SSI but I have not heard anything from it yet. I am waiting to hear from Indianapolis now."

Ms. McClintock asked, "Do any of your children work?"

Mr. Smith responded, "No ma'm, they are all in school."

Ms. McClintock asked the ages of the children.

Mr. Smith said they are 12, 13, 14, and 16.

Commissioner Borries asked Mr. Smith when he received aid before. He asked if it was before Mr. Smith was eligible for S.S.I. and ADC.

Mr. Smith said the last time he received aid was in the month of March. At that time they had a shut off notice from SIGECO for \$294.26. The total bill was \$400+, but the shut off amount was \$294.26. By going to HOPE of Evansville, CAPE, the Township Trustee and other charitable organizations, they were able to get that amount together and pay the shut off amount. That still left \$138.87 on what was then the current bill, which has since become the shut off amount. He said that he had gone to SIGECO two weeks ago and got a two week extension on it until today at 4:30 p.m. They said if it is not paid today, at 8:00 a.m. in the morning, they will be there to turn the key on the box.

Ms. McClintock said, "So, these people need \$81.87. I personally do not have a problem directing the Trustee to give them the \$81.87 if they have a shut off at 4:30 p.m. today. We do not have any time to negotiate."

Mr. Smith interjected, "I might add that my wife is presently in the psychiatric unit at Deaconess Hospital and has been for four out of the past five weeks and with four girls in the home and her in the hospital, and as far as her date of release, that is indefinite now, because she is under extreme suicide watch up there, and so, being the male figure in the home, it's up to me to take care of these things."

Commissioner Borries asked, "Are you currently unemployed for some reason? I think I need to ask this at this time."

Mr. Smith said, "I had been working at the Farmer's Daughter downtown here until the 3rd week of October last year, at which time I incurred a lower back injury. I was under a doctor's care and at the same time, I was a student at Ivy Tech in Computer Programming Technology. After the back injury, the doctor told me not to go back until he released me. When I took a signed release from the doctor back to the gentleman at the Farmer's Daughter to return back to work, he would not accept the release in writing. That told me then and there that I had no job. I did keep going to Ivy Tech. Since my wife is in the hospital, I had to drop out of school which I really didn't want to do, but

I had to take care of the girls and get them off to school in the morning, make sure they are clothed and fed, their laundry is done and things like this, in addition to running all over town trying to pay bills and get things like this together, too."

Commissioner Borries said that he thought the Trustee representatives had arrived and he wished to express that they do understand Mr. Smith's plight at this time and then recognized the representative from the Trustee's Office.

Jo Ann Hastie, who resides at 724 E. Powell Avenue, came to the podium, representing the Township Trustee's Office.

Commissioner Borries asked Ms. Hastie to present the Trustee's response at this time.

Ms. Hastie responded, "Mr. Smith came into our office on April 9, 1990. He wanted us to help him with a shut off notice. After checking his income of the household, I told him that he was over income. The income within the house is ADC, which is \$346.00; his wife receives an SSI check in the amount of \$386.00. I told Mr. Smith that with those two (2) added together, the amount of income is \$732.00 per month and our income level for Pigeon Township Trustee for six (6), which is in his household, is \$600.00 per month. So, that means that he is \$132.00 over our limit. I told Mr. Smith that and he seemed to be okay. I asked him, by receiving, he was in on the 9th and I asked him what had happened to the money since they had that much income and this is just a week after the checks came out, so I asked him what happened to the money and he said that his wife had paid rent, but he didn't know what happened to the rest of it. I told him that we couldn't help and he said okay and he left. Then, on April 11, 1990, he came in and said that he wanted a non-food order. He needed some soap powder and stuff to wash his daughters' clothes. I went ahead and okayed a non-food order in the amount of \$9.00. Whenever we disallow someone, we have to send a denial letter and this is what I did. Mr. Smith came in and said that he was going to file an appeal and that was on Monday, the 17th. He came in on Tuesday and told me that we had to go ahead and pay the shut off notice. I told him that we could not. First of all, because he was over-income and not only that, but our utility assistant allotment is \$300.00. We have paid \$511.00 for this family already for a year. So, he is really way over on everything."

Commissioner Borries asked, "Could you tell me, under what circumstances that you pay like \$500 for utilities, how do you determine....maybe a little explanation there?"

Ms. Hastie explained, "I am not his regular case worker. I am the one who denied him the utility assistance. I don't know what all he has told his regular case worker. So, I can't honestly answer that."

Ms. McClintock told Ms. Hastie that she thought she had done a beautiful job with this and Mr. Smith had some very nice things to say about you before you arrived on the scene, but, I do think, in this particular case, considering that Mr. Smith's wife is under treatment at Deaconess Hospital in the psychiatric unit, that may well explain why this gentleman does not know what his wife did with the money. She may not even remember what she did with the money. It has been a particularly horrible year, utility wise, so, I think that all of our bills were higher than normal and perhaps in view of that, the \$500 limit this winter may not be as applicable. Besides that, I have a problem with denying someone \$81.00 when their utilities are going to be shut off tomorrow morning. I have a real problem with that. I would like to see us go ahead and do the \$81.00 and then work with Mr. Smith. If you are cleared by a physician to work, then it is my position that you should be out looking for some kind of work. I

realize that you have had all of these other problems, but you yourself stated that it is your responsibility to care for your family and that is something that you should be doing.

Commissioner Borries said, "This is the most difficult thing that we have to do, but I would concur with Commissioner McClintock, but only up to a point. As I see our role here, we are not here....it is a very embarrassing, often sensitive thing for people to have to come here.....but, I guess what we are designed to do is to see from the trustee, if he or she has followed his or her guidelines. It appears that they have. I would be willing to 'kick in' some money to you. I don't think that I could ask the Trustee to do something here at this particular time, when it looks as if they have assisted you in the past and I am not here to say that you are right or wrong, but certainly to say that the Trustee has denied you and violated your rights for some unjust cause. I can't do that either, because they have a Board and that Board adopts valid guidelines. The citizens have a right to protest those guidelines, or, again, if your rights are uniquely violated, then that is our job to kind of act as a three person judge group here and say that you have been wronged. I can't see that you have in that sense. I don't know what you are going to be able to do in the future insofar, as Carol points out, the utility bills have been high, but we are not even into July yet and I don't know if you have any air conditioner or what is going to happen there, but there could well be utility bills that are going to be higher yet this year."

Commissioner Borries continued, "I would be willing to assist you in some way, but I can't, at this time, find grounds to say that the Trustee should because I am not sure....you see, the Trustee is designed only for temporary help, for like a non-food order or for help that is lacking in an on-going way."

Commissioner Willner asked, "Would \$81.87 get him over the hump from now on or will he be back next month?"

Ms. Hastie responded that Mr. Smith has been coming in almost every month with a shut off notice.

Commissioner Willner asked Ms. Hastie if she saw any relief in sight? Has he got an offer of a part time job or anything? Has he tried to find work?

Ms. Hastie said, "He told me that he had filed for SSI and he also told me that he was a full time student."

Commissioner Willner asked Mr. Smith if he was eligible for any aid in being a full time student? He asked Mr. Smith if he is doing this currently now.

Commissioner Willner continued, "Education is fine, but you have to feed your family first. I wouldn't want to keep you from an education, but I think you should be out hunting a job and if I had some assurance of that, I wouldn't mind going the \$81.87, but I certainly am not going to do that if we have a potential that you will be right back here next month with the same problem."

Ms. McClintock asked Mr. Smith if he was looking for a job.

Mr. Smith responded, "No, I have kids to take care of."

Ms. McClintock stated, "Mr. Smith your kids are in school. You told us that. That is why they couldn't work."

Commissioner Willner said, "Didn't you say they were teenagers? I think Commissioner McClintock is correct. They should be in school. That should free you up to have some time shouldn't it -- sometime during the day?"

Commissioner Willner asked if he owned his own home.

Ms. Hastie responded negatively.

Commissioner Willner asked Ms. Hastie how many years his case went back? How many years have they been helping this family?

Ms. Hastie stated that her records went back to 1987.

Commissioner Borries asked Mr. Smith if his doctor had given him any form in writing that says you are prohibited from doing any certain work.

Mr. Smith stated that he has been released. He made other comments that were inaudible.

Commissioner Borries asked if his doctor's release stated that he is capable of doing work.

Mr. Smith said he received a letter in Saturday's mail from the SSI Board in Indianapolis and he has an appointment on May 1st with a doctor on Bellemeade Avenue. What kind of results he sends to Indianapolis, I won't know until Indianapolis contacts me.

Commissioner Borries asked Mr. Smith if he was eligible for Project SAFE.

Mr. Smith stated that he went to the Salvation Army earlier this month and they had no funds.

Mr. Borries explained that Project SAFE was an aid supplement put in by the State of Indiana, run through each local utility and if you are eligible, there was some reduction in your utility costs.

Ms. Hastie responded that he was on that.

Mr. Smith made comments that were inaudible.

Commissioner Borries asked the Trustee representative if they could work with him a bit.

President Willner stated, to Ms. Hastie, "What I think would be good would be if you could find him a part time job if you could and if he reports and does that fine and if he doesn't, then we will know that he is not interested. Would you call SIGECO and see if they would go along for a week anyhow, see if you could work something out? That is the only thing that I see that we could do for him. Is that possible?"

Commissioner Borries asked Mr. Smith if he was injured on the job.

Mr. Smith responded in the affirmative.

Commissioner Borries then asked Mr. Smith if he filed, or received any Workman's Compensation as a result.

Mr. Smith responded that he received Workman's Compensation and they paid the doctor and hospital bill.

Ms. McClintock stated that after he was released from the doctor, the Farmer's Daughter released him, which I am not sure is too legal.

Mr. Smith stated that he did not think it was legal either. He took the written release with the doctor's name, the date to return to work, etc. and when he took it back, the boss refused to accept it. I went back home and a couple of days later, I took it back to him again because he said he did not see it the first time.

Ms. McClintock asked, "What do you want these ladies to do if SIGECO says they will not extend this a week or two?"

Mr. Smith stated that he had already gone to SIGECO and had gotten a two weeks' extension on this.

Commissioner Willner said, "Let's try and if you don't have any luck at all, come back next week."

The Chair then entertained a motion.

Commissioner Borries moved to refer the case to the Trustee and see if we can work with this to obtain a one (1) week extension and then report back. Motion was seconded by Commissioner McClintock. So ordered.

Commissioner Borries then said that he had to leave the meeting because of a previous engagement.

RE: APOLOGY FOR BEING LATE FROM PRESIDENT WILLNER

Commissioner Willner apologized for being late to the meeting and stated, "As you know, I am going through a bit of a problem with the Prosecutor. He has just dropped all charges and is going to re-file them and we see it as a delaying tactic and that is why I am late and I apologize."

RE: PARSON BISHOP NATIONAL COLLECTIONS/AMBULANCE FEES

The Chair recognized George Provence of Parson Bishop National Collections to give his presentation on Ambulance Collection Fees.

Mr. Provence said, "I will keep it brief. In fact, because the information that I want to leave you is detailed in some areas, I will leave you a complete written presentation so that you can review it. If there are any questions after that, I will be happy to answer them. If I can, I would like to do a brief overview to -- if nothing else -- give you an idea of where I am coming from and also perhaps open up a question that you might have that you would like me to answer today for you, if at all possible. There will be a cover letter inside the folder, basically introducing who we are and why we are contacting you folks. Specifically, the reason that I am pursuing this, is that I feel that there is another avenue here, another business that I think I can be beneficial to. I own the Parson Bishop National Collection Franchise here in Evansville. Parson Bishop National's Home office is out of Cincinnati and we are the only service, to our knowledge, that actually has an ownership in the locale in which we do business. In other words, we are not just a representative. Because it is my business, I think that is an advantage to folks that choose to use our services, because quite honestly, it directly reflects in my pocketbook as to what type of a job I do for you. That is real incentive for me. Okay? We have about 28 different systems that we actually have clients using. The one that we will be talking about basically for you folks, is what we call our 'Medical Collection System.' Typically it is used for hospitals, clinics, etc., but because this is a medically related situation and should be handled as patient-type accounts. Parson Bishop is licensed as a collection agency. I personally am licensed as a collection agency. I am also bonded by the State of Indiana. That is one of the laws for Indiana. Because we are a national concern, I think we will be of even more benefit to you because I am sure we do have folks from the Kentucky and Illinois areas that would use services that the Paramedics and Ambulance Service provides and we would be able to pursue those accounts for you. In fact, anywhere in the free world -- because we are a national organization."

Mr. Provence continued, "There are over 6,000 agencies nationally. It is difficult sometimes to sort through and find out which agency should we use? One advantage that you will have with Parson Bishop is that we are a member of the Commercial Agency of the Commercial Law League of America. This is actually a screening process that is done on an annual basis. They actually come into the offices to see how we handle money, how we handle debtors, how we make telephone calls and etc. It is kind of like a UL listing of an appliance. Should you choose not to use Parson Bishop National, I would highly recommend that you review some of these other members. What we are trying to do for you folks is basically three (3) things:

1. We realize that the bills that you are looking at are sometimes of such a small nature that many people don't consider them important.

2. I can help you reduce some internal expenses that you might have in a prolonged search for trying to collect monies. There is a point in time where it is a diminishing return. The longer you work the account, the more apt they are to go bankrupt, go out of business, die or whatever. We have some tactics that we can help you internally in moving those dollars along.

3. We also think that by helping with the controlling of the receivable, you will have more profitability, but you will also be able to move the dollars into your bank accounts and get some other people paid.

The system that is recommended in here may not be the system five years from now that you are using. What I want to provide is a program where it costs you nothing to try the program. Basically it is going to be on a contingency basis where if we are successful in collecting something then you pay us. If we aren't successful, we don't get anything.

We will provide in this service, a written management report every 30 days. It will be a complete overview since Day One that we have compiled for you.

In 1984 I provided some services for the Paramedic Group. At that time, it was basically a low-cost letter service that they were wanting us to provide with more of a push than a shove. We did turn almost 60% of your small balances and almost 35% of the larger balances on simply a letter-writing program."

In closing, Mr. Provence entertained questions.

Being no questions, President Willner thanked Mr. Provence for coming and said the Board would give this consideration.

President Willner further stated that for the record, he does have correspondence from the Evansville Credit Bureau that also wants to have us look at their brochure and their services and we will be doing that.

RE: DAVID LOCKRIDGE/REQUEST FOR EXTENSION OF TIME FOR DOING BUSINESS AT PRESENT LOCATION

The Chair recognized David Lockridge and asked him to present his request for an extension of time for doing business at the present location.

Mr. Lockridge stated, "My name is David Lockridge of 14600 Darmstadt Road. You gave me an extension a while back to get my new building up and everything and with the weather and waiting on surveyors and etc., they are behind and I am here to ask for six (6) to eight (8) weeks more, if I could have it. They did just get the footings in and they went to Indianapolis themselves

Thursday to get the footing permits and that is where we are right now. I still have to get the electrician in there after they get the building up and the drive cleared and rocked, etc., and that is where we are."

Ms. McClintock responded, "Mr. Lockridge, I understand the problems with getting something built on time, but I have NO sympathy. The reason that I have no sympathy is that when we made this original agreement, you were to have no more than three (3) cars in that driveway, ever! You stood right here in front of us and gave us your solemn word that this would never happen. I cannot tell you the number of people who have called and written me, that live out there, that know that because they were in the meeting and you are violating this like crazy!"

Mr. Lockridge said, "I have a question. Has anybody ever stopped to see how many I am working on or how many.....my wife babysits and there are people who drop kids off and everything."

Ms. McClintock stated that they had made this very clear!

Mr. Lockridge interrupted, "You said three that I am working on. That is what you said. Look back in your records."

Ms. McClintock asked Mr. Riney to get the minutes from the Rezoning meeting of November 1989.

Mr. Lockridge stated that they said that his cars didn't count and it was three (3) cars that he was working on.

President Willner presented a letter signed Sue Seiler and also from LeRoy Gorman and Ted Gerichs, Jr. as follows:

April 19, 1990

Dear County Commissioner Willner,

It is my understanding that David Lockridge intends to refile for another extension of time to relocate his business.

He was given 60 days the first time in September and 5 months at the November 1989 County Commissioners meeting.

At the November meeting Mr. Lockridge agreed to keep the cars down to three cars plus two cars of his own in the driveway, where in fact there are often 8-10 vehicles in his driveway, including large trucks and campers. One truck had a "For Sale" sign on it and sat in the driveway several weeks.

It is my feeling that Mr. Lockridge has not kept his part of the agreement in keeping the number of vehicles down.

Please do not grant the extension of Mr. Lockridge's time. Our's is a residential area and we have had this business in our neighborhood 6 months past the time the zoning was turned down. Mr. Lockridge has had ample time to relocate his business.

Thanks.

/s/ Sue Seiler
LeRoy Gorman
Ted Gerichs, Jr.

Mr. Lockridge responded, "The truck that was for sale was mine and when you told me....I have three of my own vehicles, and you did say three, instead of five, there were six there. Three I am working on and my three and you said three I am working on is okay.. People visit and my wife does babysitting and they come and go, but if you look back in the records, it will say three

(3) that I am working on and I have tried to keep it to that. If I have more than that, I move them to the neighbors. I have some neighbors that let me park in their drive."

Ms. McClintock said, "That is not happening now...No it is not! I have got pictures with 8 to 10 cars sitting in your driveway."

Mr. Lockridge asked, "Did anybody come in and ask which ones I was working on?"

Ms. McClintock stated, "You are violating our intention. Our intention was to never make that driveway look like a used car lot. I don't care whether those people are visiting, whether they are your relatives, I don't care! We promised these neighbors, these other people that live in that neighborhood and have to look at that, that we would make sure that this did not happen and you have turned right around and done what YOU pleased."

The chair entertained other questions of Mr. Lockridge.

Being none, the Chair entertained a motion.

Ms. McClintock moved that Mr. Lockridge's request for a two (2) month extension be approved. Motion seconded by President Willner.

The Chair called for a roll call vote:

Commissioner McClintock - no
Commissioner Willner - no

Mr. Willner said the request for an extension has been denied.

Mr. Lockridge said, "Now I have a question. What do we do about paying bills and everything when this May 1st deadline runs out? I don't want to be down there on ADC or whatever. I am trying to put a place up and every penny I've got is tied up in this lot."

President Willner responded, "You need to go to a commercial establishment and do your work there. I am sure you can rent one."

RE: SETTLEMENT AGREEMENT & MUTUAL GENERAL RELEASE/ANDY EASLEY

Attorney Cedric Hustace, who was sitting in for Attorney David Miller, submitted a Settlement Agreement & Mutual General Release document with regard to former County Engineer Andy Easley for execution. He said Attorney Miller has reviewed the document and Mr. Easley has already signed.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the agreement was approved and signed. So ordered.

RE: MEMORANDUM OF UNDERSTANDING BETWEEN THE SUPERIOR & CIRCUIT COURTS AND THE BOARD OF COMMISSIONERS WITH REGARD TO WAGES AND HOURS

Also submitted was the foregoing document, which Commissioner McClintock said she had read last week.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Memorandum of Understanding between Superior & Circuit Courts and the Board of Commissioners was approved and signed. So ordered.

RE: ACCEPTANCE OF CHECKS - ALEXANDER AMBULANCE LAWSUITS

The following payments on Alexander Ambulance Lawsuit Collections were submitted by Attorney Hustace:

James Woodruff	\$ 5.00
Thomas L. Jarvis	5.00
Oren McKinney	40.00
Stephanie Pruitt	234.80
Walter Wells, Sr.	16.75
Larry Seib	20.00
Thomas Jarvis	5.00
Robert Longest	20.00
James Woodruff	5.00
Thomas L. Jarvis	5.00
Total	\$356.55

Also submitted was a summary of the Alexander Ambulance Lawsuit Collections, listing the current status.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the checks were accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

Mr. Hustace said this is all he has.

Mr. Willner entertained questions of Mr. Hustace.

RE: CIVIL DEFENSE ADVISORY BOARD - ORDINANCE

Commissioner McClintock asked Mr. Hustace if he has any idea where we are on this Civil Defense Advisory Board Ordinance that we were going to pass?

Mr. Hustace said he has not discussed this with Mr. Miller.

Ms. McClintock said they are still calling her and she would like to get this resolved. What was to happen (and it might have been Curt John) -- they were to contact the City and get a copy of the City's ordinance and the County was going to adopt the identical ordinance.

Mr. Hustace agreed to check this out.

Mr. Willner asked if Mr. Riney can answer that question for Commissioner McClintock. Mr. Riney said he thought we did this last week.

Ms. McClintock said the Board talked about it last week and she thought they were going to see it this week.

Mr. Willner requested that Mr. Riney call Roger Lehman about this.

RE: LOCKRIDGE MATTER - REQUEST FOR EXTENSION

Commissioner McClintock said she does wish to read from the November minutes with regard to the Lockridge matter, as follows:

Commissioner McClintock: "Okay, Mr. Lockridge, I'd be willing to make a motion that we extend the agreement that you can operate out of there until May 1, 1990 if you will agree that there will never be more than three (3) cars parked there."

Mr. Lockridge: "That is not counting my vehicles?"

Commissioner McClintock: "No, that is just including what you are working on."

Mr. Lockridge: "Now just one question. I'm in agreement with this. My brother would come over -- which he often does. I was wondering if he would count as one of the three."

Commissioner McClintock: "Yes, I think you're missing the point. The point is that those neighbors did not want the rezoning, because they did not want a permanent operation of that type. To me it does not matter -- the neighbors are still going to see the cars and that's the problem."

Ms. McClintock said she thinks that's pretty clear.

Commissioner Willner said, "I think I need to say that a part of what has been rumored along that line -- he had started to build a building without a building permit and also got caught in the process -- so that is another reason why he is late. But that is not me saying this -- that is what I understand. I didn't investigate that myself. That was heresay."

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said the Board has received his reports. Are there any changes?

There were no changes noted.

Sickle Bar for Mower: Commissioner Willner said Mr. Muensterman was going to talk to the Board about a sickle bar for mowers.

Mr. Muensterman said he has two quotes; one from Stevens for \$4,800 and another one from Ohio Valley Tractor Company for \$4,990. He would like to take the low bid; Stevens is here in town and we got the last one from there and it is working real well. He has money in his budget for this.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the purchase of a sickle bar from Stevens of Evansville, Indiana in the amount of \$4,800.00 was approved. So ordered.

Mr. Willner asked Mr. Muensterman to get the sickle bar as soon as possible.

Paving Progress Report: It was noted by Mr. Muensterman that they are starting to pave Daylight Drive. If we have good weather the next couple of days, this should be completed.

Boonville-New Harmony Rd. Bridge Opening: Mr. Willner said we did have a bridge opening on the NEW Boonville-New Harmony Road on Friday of last week (April 20th) and we did promise those people we'd start paving Daylight Drive today, weather permitting. We are doing that and the project really turned out well -- he's extremely pleased with the project and to top it all off, Turis Coal Company has a coal washing establishment just down the road on Highway 57 and they also agreed -- or their truckers agreed -- they would not use Green River Road or Daylight Drive in their travels to and from that coal washing plant. So that is another plus and the people living along that road really appreciated that. We were probably getting at least one complaint per day about trucks and it was true -- because an empty truck along a rough road really messes up your sleeping habits.

RE: COUNTY ENGINEER - GREG CURTIS

Claim/Happe & Sons Construction, Inc.: Mr. Curtis submitted a claim in the amount of \$2,781.13 on the Caranza-Kembell Drive Sewer Project. He said he has gone through the claim and in discussing it with Veach, Nicholson, Griggs & Associates and their personnel that have been on the job site, he has revised the claim somewhat due to a little bit of inconsistency between what they were saying and trying to get it straightened out and

paid. The remainder of the claim, if it is due -- pay the remainder of what Happe & Sons was asking for -- by next week. He would recommend that we pay the \$2,781.13.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the claim was approved for payment. So ordered.

Columbia-Delaware Expressway Encroachment: Mr. Curtis said this matter was discussed last week. There is a building that extends underneath the Columbia-Delaware Expressway Bridge that we have applied for Federal funding on to rehabilitate that bridge. The Federal Highway Administration has indicated that we have two options. We have the option of applying for a revocable permit. From investigating this, his understanding is that we do have a very slim chance of getting this. They very seldom give those permits.

Our other alternative is to ask the owner to remove the portion of the building that is in our right-of-way. He spoke with Attorney Curt John and they both have done as much as they could in investigating this and these are our only two options -- asking for the permit or asking the gentleman to remove his building. For it to be there -- whether we receive it or not -- (and it appears unlikely that we would) and rather than make a recommendation as to which we do, he would ask the Commissioners which way we are going to proceed.

Mr. Willner asked if the building was placed there subsequent to the bridge being built?

Mr. Curtis said it appears that at the time the bridge was built (which was in the 50's or 60's) the structure was built with the building there. The building that is encroaching at this time was there when the bridge was completed. He thinks there is evidence from looking at it that it did require the building be modified for the bridge to be built. But nonetheless, it does encroach upon the right-of-way and the Federal Highway Administration is saying we either have to apply for that permit or ask that the building be removed. What he is telling the Board is that if we say we are going to apply for the permit, he may very likely be back in a month's time saying we were denied the permit -- and we will have to proceed that way -- but whichever way the Board wishes to proceed from this point.

Mr. Willner asked if the building is commercial or residential?

Mr. Curtis said Lappe Heating and Air Conditioning owns it. They rent that particular space out. It is office space that used to be a boiler room and they remodeled it and re-did that portion of the building and they rent it out as office space. We have contacted them preliminarily and they weren't real thrilled with it -- but like the Federal Highway Administration they want to know what we are going to do. They are in the process of trying to have the property change hands -- so he is sure they would rather us obtain a revocable permit and get it in a couple of weeks so that they can have the property change hands. He doesn't know of a good solution to this problem for them either. Because he doesn't think with a revocable permit they will get a very quick answer.

Ms. McClintock asked, "So we could apply for the permit and they could deny us and then we'll have to do Step B anyway?"

Mr. Curtis said, "All the Federal Highway Administration wants for the project to proceed is that they want to know what we are going to do and then they want it taken care of before construction begins. And I don't see a problem with getting all of this done before construction would begin -- if we asked for the permit and were denied. It's just that Federal Highway needs to know which way we are going to proceed."

Commissioner Willner said he doesn't have a problem with making up his mind. What he does have a problem with is which came first -- the chicken or the egg? Did the bridge come first and then the building? Or, was the building there when the bridge was built?

Mr. Curtis said, "Well, we purchased the right-of-way for the bridge and did not require the owner to completely remove the building at the time --or thought that the owner had removed the building completely at the time when, in fact, he had not. At least this is his understanding. So whether we did or did not ask that it be removed at that time -- it was not and Curt John has indicated that we have no means by which we can legally compensate him for that building or go out and purchase that building -- because it is already on our right-of-way.

Mr. Willner asked if Federal funds were involved when the bridge was built?

Mr. Curtis said he was not able to obtain any information on that one way or the other.

Mr. Willner said there had to be.

Mr. Curtis said, "Even if that were so, Federal Guidelines and Regulations could very easily have changed over that period of time. I have no problems. We have to come up with sufficient justification for asking for a revocable permit and we'll have to do that -- and we can ask for it."

Mr. Willner asked Attorney Eustace if he has been listening to this discussion?

Mr. Curtis said, "Short of asking him to remove the building, that is our only option. If you don't want to ask him to do that -- then we'll ask for a permit."

Ms. McClintock said, I don't want to ask him to tear his building down. It's probably not his fault that he's sitting there in the first place."

Mr. Curtis said, "No, -- he wasn't the owner of the building at the time."

Mr. Willner asked, "What is our alternative?"

Ms. McClintock said, "We can apply for a permit. Then we can discuss that in a later meeting; let's don't build up too much excitement in this one. I think we ought to apply for the permit and see if we can get it. If we can't get the permit, then we have more of a leg to stand on when we go to talk to this guy and try to figure something out. Because right now he is going to ask, "Why don't you apply for a permit for me?"

Mr. Willner asked, "Suppose we have a motion that says we apply for a permit and tell him that if that is denied we will ask him to remove the building for this reason. If he is in the process of selling it, I do not want him to sell it on the pretense that we are not going to make him tear it down -- because we are." I just want to tell him right now -- and the new owner, also -- that if that permit is not obtained, then we are going to ask him to remove the building. Is that fair enough?"

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

RE: AUDITORIUM LIGHTING-SOUND PROJECT

Mr. Curtis said he wanted to make the Commission aware of his office and Rick Higgins' timetable in getting the bids prepared, etc. At this time a rough preliminary cost estimate would be between \$225,000 and \$250,000. They intend to have a presentation for the Commissioners, as well as requesting permission and approval of the plans and an appropriation request to the Council on May 14th. At that time they will have a firm cost estimate on which to base the appropriation request. Bids will then be advertised the 17th and the 24th. They will present it to the Council at their Finance Meeting on the 30th; bids will be received Monday, June 4th, and the Council appropriation would then be heard two (2) days later, which would be June 6th. We would then give the Notice to Proceed as soon as possible after Council approval is given so they can order their equipment and the start date is July 23rd -- when the Auditorium will not be in use and the times blocked away for the project to be started.

Ms. McClintock asked who has reviewed these specs? The Philharmonic and the Stage Manager?

Mr. Curtis said, "Once we get plans the completed which, hopefully, will be within the next week -- I am going to get some input from some other groups (consistent users of the Auditorium) as to how this will affect their operations."

Mr. Willner said, "Before we do this with the Council, I'd like to have the seating agreeable, too -- because I don't want to have to do two things at once. I'd like to have the Commissioners know what is going on with the seating and what we have to do -- or whether we can add or subtract to the way it is. So before any dollar amount is put on there I do want to understand the seating arrangement."

Mr. Cuurtis said, "I do want to report that I was unable to get my appointment last Wednesday with that particular gentleman. I believe he was not at work that day. I didn't get the definite answer that he wasn't there at all, but he didn't return my call and when I called they said he was unavailable, etc. Anyway, I will be reporting to the Council, as well, our preliminary timetable and approximate cost so they will be aware it is coming -- so if they have questions, etc., I can get the information they need,"

Quotes for Work on Red Bank Road: Mr. Curtis noted he has quotes from Sam Oxley & Co. and J. H. Rudolph & Co. for some work on Red Bank Road that we had an agreement with Jack Rogers to do -- the bituminous portion of. He has the curb work finished and the State's project is complete such that we can go ahead and do the work that we have. You have a copy of the quotes in front of you. Oxley & Co. quoted \$7,573.00 for some basic work and some other work (which he thought was optional but something he wanted done as part of the project to adjust the elevation to the service station entry, which added \$450.00 for a total of \$8,023.00). For the same work, J. H. Rudolph & Co. had quoted \$6,114.00 for the basic work and for removing the hump on the entrance discussed was \$2,171.00, which made \$8,285.00.

Mr. Curtis said he would like permission to have Oxley & Co. perform the work as soon as possible, as they are approximately \$260.00 cheaper.

Mr. Willner asked if the money is available.

In response to query from Commissioner McClintock, Mr. Curtis said the difference between the two quotes is \$260.00? And this is not the company we had the problems with last year -- that was The Rogers Group. They are no longer in business in this area.

They still own their plant and they may be in business next year, but they have indicated they are not going to be in business this year.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the work on Red Bank Road north of S. R. 62 was awarded to Sam Oxley & Company in the amount of \$8,023.00. So ordered.

Mr. Willner asked what account this is coming out of, and Mr. Curtis responded it is coming out of Other Contractual Services - Local Roads and Streets.

RE: CHANGE ORDER ON OUTER DARMSTADT ROAD BRIDGE NO. 35

Mr. Curtis said the original contract amount was in error on the Type B compacted aggregate for roadway. The way that is calculated is so many pounds per square yard, which you divide the number of square feet by nine (9) -- and the tonnage on borrow materials is bid by cubic yard on things such as dirt and his office inadvertently divided by twenty-seven (27) instead of nine (9), so they were off by a factor of three (3). On the rock that change amounted to \$5,100.00. The first item (No. 4 Type P compacted aggregate for roadway) was in error in the original document quantities. We had a decrease of 202.6 cubic yards of borrow for roadway (the fill was a little high). On the rip-rap, we didn't need the amount shown and that is a decrease of 63.5 tons for \$1,270.00. When the project began the Soil Conservation Service and one of the farmers in the area had requested some additional work be done and the labor for installing some additional pipes on that by Deig was \$2,015.00 and that will basically allow the water flow in the area to keep from backing up and help that situation a little. The total increase was \$7,115.00 and the total decrease \$2,485.60 for a total increased cost of \$4,629.40. He has the original Change Order and Dick Hartmann of Deig Bros. and himself have signed this. There is nothing he can say except that his office made a mistake on the aggregate calculation.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the Change Order was approved in the amount of \$4,629.40. So ordered.

Mr. Curtis said that in response to a request from the contractor, he is forwarding a request to the Board for an eight (8) day extension on the completion of this bridge. The original completion date was Easter Sunday night at midnight. He was asking until midnight this evening. Mr. Curtis said he did receive the request and intended to bring it to last week's meeting. He had it with him, but forgot to bring it up. Of the eight days being requested for the additional pipes that were on the Change Order, three (3) days were required for the installation of those pipe structures. Granting the request would negate \$4,000 in penalties to the contractor and he had told him that he would forward the request to the Board. The bridge was open to traffic today. Or, I was told as late as noon today that they were sure it would be open today. However, the contract states that the bridge project must be complete or damages to be assessed until it is complete. So damages will continue to accrue until the contract is completed. How many days that will take he doesn't know. He was told it would take past Wednesday of this week just to get the bridge open last week and they got an amazing amount of work done Thursday, Friday, and they worked this past Saturday. So I can't tell you how much more damages will accrue before the contract is complete. But he wanted to get the action of the Board as to whether or not to give them a time extension and, if so, how many days.

Ms. McClintock said, "The point is we want to get the bridge open."

Mr. Curtis again said it will be open today and if the weather stays as forecasted, they will likely finish this week.

Ms. McClintock asked, "They are just requesting an extension until midnight tonight?"

Mr. Curtis said that is correct.

Ms. McClintock said, "If they are not finished, they will get penalties this week."

Mr. Curtis said, "That will be eight (8) days and, as I said, three (3) of those days were what was required for the pipes we had asked for.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the extension until midnight April 23, 1990 was granted. So ordered.

RE: OAK GROVE ROAD CULVERT

Mr. Curtis said that if the Commissioners will recall, last December we awarded a contract to Southwest Engineering to replace a culvert on Oak Grove Road. He has an estimate today from the Water & Sewer Department on two (2) lines that need to be removed prior to that project being started in the amount of \$7,878.27 for relocation of the sewer line and \$5,666.30 for relocation of the water line. He told them he would forward the estimate to the Board. His understanding is that in the past we have not paid this type of claim unless the utility has had an easement inside our easement and from the information he has been able to gather they do not. He has a basic drawing of their relocation plans if the Commissioners would like to look at it. But rather than have them work up an agreement -- knowing in the past we have not approved this kind of thing -- he told him he would get the Board's action.

Mr. Willner asked how long it will take for them to complete this work?

Mr. Curtis said he has been told that they will carry this to their next meeting (which is scheduled next Tuesday or Wednesday) and the work would commence the following week (around May 8th) and it would take approximately two (2) weeks to complete.

Mr. Willner asked if it is absolutely mandatory that they be moved?

Mr. Curtis said that it is. Part of the footing for the foundation of the structure will be where the water line and sewer line are presently located.

Ms. McClintock said that if we haven't paid for these in the past she doesn't see any reason to start paying for them now....and Mr. Willner agreed. He said Mr. Curtis needs to send them a letter advising of our starting time.

Mr. Curtis said we already have. We gave him Notice to Proceed so he could order his materials, because the particular precast structure has a six week lead time and we all felt the water line would be moved by that time. We gave him the Notice to Proceed in January -- so we may be hearing from the contractor before too long.

Mr. Willner asked if there is a scheduled completion time?

Mr. Curtis said there is not. Due to the contract being bid in the middle of the wintertime, there is a road closure time in there -- the amount of time he is allowed to have the road closed; but there is not a completion time, because we were not sure when he would be able to start on the project.

Mr. Willner said we need to direct Attorney Miller to forward that opinion to the Water Works forthwith (like tomorrow, if possible).

Mr. Curtis said he will take care of that.

RE: STREET CONSTRUCTION APPROVAL - NORTH POINTE ESTATES

It was noted by Mr. Curtis that Mr. Biggerstaff is here for construction approval for the streets in North Pointe Estates and he will present the plans. He (Curtis) has reviewed the street plans. The streets themselves are fine; there will be some reluctance by the Commission. There is a road where there is a lake and a retention pond on each side and he knows the Commission's normal feelings on those things. Thus he will let Mr. Biggerstaff do the arguing.

The Board proceeded to peruse the plans and discuss same among themselves and with Mr. Biggerstaff. Mr. Biggerstaff said the retention pond is a necessity but he doesn't feel it will be a mosquito pond -- it runs down so fast. Apparently there has been a problem in the past with roadways over dams. What they have done is to eliminate the dam. They have pulled designated area back and cut it down. They put a 30 inch culvert between two designated areas. They thought the lake would at least suffice as a retention area to take care of any water.

Mr. Willner said if they will adhere to the plans as shown, he has no problem with it.

Following brief discussion, upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the street construction plans in North Pointe Estates were approved, as presented, up to the 700 point and tentative approval from there on pending review after construction. So ordered.

RE: REQUEST FOR WAIVER OF SIDEWALKS - NORTH POINTE ESTATES

Commissioner McClintock noted they are also seeking approval for waiver of sidewalks.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the request for waiver of sidewalks in North Pointe Estates was approved. So ordered.

RE: LETTER FROM ROUNDY'S (DALE SALES) RE CLOSING OF OPERATIONS

President Willner gave the above-mentioned letter to Cedric Hustace who read same, as follows:

April 18, 1990

Mr. Robert Willner, President
Vanderburgh County Commissioners
1 N.W. 7th Street, Room 305
Evansville, IN 47708

Subject: American Merchandising Associates, Inc.
Dale Sales Division Closing

Dear Mr. Willner:

Pursuant to applicable state and federal law, please

take notice that American Merchandising Associates, Inc. intends to terminate operations of its Dale Sales Division located at 2504 Lynch Road, Evansville, Indiana, 47736, on Sunday, June 17, 1990.

The planned termination of operations is permanent and is the result of a decrease in business for this division.

The expected date of the first separation and the anticipated schedule for making separations is yet to be determined.

For the job titles of positions to be affected, the number of employees in each job classification, and the names of the workers currently holding those jobs, please refer to the attached Exhibit A.

There are no existing applicable bumping rights or collective bargaining agreement.

For further information, contact Mr. James D. McAlister, c/o Dale Sales Division, 2504 Lynch Road, Evansville, Indiana, 47736, telephone 812-464-3611.

All employees will be paid all earned wages and agreed upon fringe benefits upon termination.

Sincerely,

AMERICAN MERCHANDISING ASSOCIATES

/s/Robert G. Turcott
Vice President & Secretary

Mr. Hustace said American Merchandising apparently operates under the trade name of Roundy's Foods and the corporation operates Dale Sales Division, which is some kind of a merchandising plant. He believes this is a notice under the new Federal Law about plant closings. There is a certain number of days required before you can close the plant and it appears to be that they are giving a 60 day notice of the plant closing. Probably the reason the Commissioners received the notice is because they are the Executive Governmental Body where the plant is located -- he would assume. The letter does not show that any action is required on the part of the Board of Commissioners.

Mr. Willner asked that the record so state that 144 persons will be affected by this closing and anyone wishing to employ those people might contact the Commissioners. They have a complete list and will probably do everything in their power to see that they relocate within our confine with at least a comparable job.

RE: ACCEPTANCE OF CHECK - HILLCREST-WASHINGTON

A check from Southwestern Mental Health in the amount of \$182,250.40 (1st Quarter of 1990) for Hillcrest-Washington Home was submitted.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the check was accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

RE: VOTING PLACES FOR 1990 PRIMARY ELECTION

A complete list of voting places for the 1990 Primary Election was submitted for approval. Mr. Willner said the Board has tried to adhere to public places wherever possible and this is a complete list (although subject to change if there is a fire or something beyond the Board's control). If a change is required,

the change will be read in the Commission meeting and also approved -- with a special effort made to get the information into the newspaper -- so everyone will know where their polling place is for the upcoming election.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the list was approved, as submitted, and the Secretary was instructed to advertise same in the prescribed manner. So ordered.

RE: OLD BUSINESS

President Willner entertained matters of Old Business for discussion. There were none.

RE: NEW BUSINESS

President Willner entertained matters of New Business for discussion. There were none.

RE: SCHEDULED MEETINGS

Wed. Apr. 25 2:00 p.m. County Council Personnel Committee
(Room 303)

Wed. Apr. 25 2:30 p.m. County Council Finance Committee
(Room 303)

RE: CLAIMS

Bowers, Harrison, Kent & Miller: A claim in the amount of \$1,695.83 was submitted. Mr. Willner said he has reviewed the claim and finds it to be in order.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the claim was approved for payment. So ordered.

RE: REQUEST FOR LEAVE OF ABSENCE/COUNTY ASSESSOR'S OFFICE

Mr. Willner said he has a letter from the County Assessor requesting a three (3) month's leave of absence beginning April 16, 1990 without pay for Sylvia Angermeier, due to a broken ankle.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the request was approved. So ordered.

RE: EMPLOYMENT CHANGES

Burdette Park (Appointments)

Julie Mitchell	Hd. Rink Cashier	\$ 5.00/Hr.	Eff: 4/23/90
Bob Coleman	Security	\$12.00/Hr.	Eff: 4/20/90
Eric Williams	Security	\$12.00/Hr.	Eff: 4/20/90
Sandy Schuler	Security	\$12.00/Hr.	Eff: 4/20/90
Michael Taylor	Security	\$12.00/Hr.	Eff: 4/20/90

Burdette Park (Releases)

Julie Mitchell	Rink Cashier	\$4.35/Hr.	Eff: 4/23/90
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Superior Court (Appointments)

Teresa J. Wargal	Sec./Probate	\$18,202/Yr.	Eff: 4/23/90
Sue G. Steele	Cler. Asst.	\$15,668/Yr.	Eff: 5/7/90
Jeri L. Varnier	Small Claims	\$18,138/Yr.	Eff: 4/23/90
Brenda L. Glenn	Vacation Pay	\$19,119/Yr.	Eff: 4/23/90

Superior Court (Releases)

Brenda L. Glenn	Sec./Probate	\$19,119/Yr.	Eff: 4/23/90
Jeri L/. Werner	Cler. Asst.	\$18,138/Yr.	Eff: 4/23/90
Teresa J. Wargel	Small Claims	\$17,576/Yr.	Eff: 4/23/90

Center Assessor (Appointments)

Michael Moers	R. E. Deputy	\$697.62 B/W	Eff: 4/23/90
Charlotte Rohrbacher	Dep. Ass.	\$550.34 B/W	Eff: 4/23/90

Center Assessor (Releases)

Gary Coursey	R. E. Deputy	\$773.06 B/W	Eff: 4/23/90
Michael Moers	Dep. Ass.	\$550.34 B/W	Eff: 4/23/90
Charlotte Rohrbacher	Dep. Ass.	\$5.00/Hr.	Eff: 4/23/90
Cindy Harnishfeger	PT Dep.	\$5.00/Hr.	Eff: 4/23/90

County Highway/Cumulative Bridge (Appointments)

John Moore	Design Engr.	\$30,771/Yr.	Eff: 4/23/90
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County Assessor (Appointments)

Betty Singer	Part Time	\$5.00/Hr.	Eff: 4/19/90
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County Assessor (Releases)

Sylvia Angermeier	R. E. Dep.	\$14,364/Yr.	Eff: 4/16/90
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(Leave of Absence without pay - see letter above)

There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 4:15 p.m.

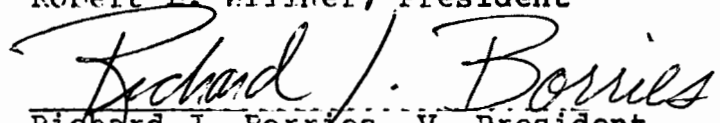
PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Sam Humphrey, County Auditor
Cedric Hustace, Acting County Attorney
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Superintendent
Bob Gulich, SIGECO
George Provence/Parson-Bishop Collections
Sam Biggerstaff
Kenneth Smith/Poor Relief Applicant
JoAnn Eastie/Pigeon Trustee's Office
David Lockridge
Jerry Rinery
Margie Meeks
News Media

SECRETARY:

Taped by Bettye Miles
Transcribed by Joanne Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McIntock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 30, 1990

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MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 30, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 30, 1990 with President Robert Willner presiding. Commissioner McClintock was unable to make this meeting.

- RE: PROPOSALS SUBMITTED FOR RESURFACING OF VARIOUS COUNTY ROADS (4):
- a. Meltzger Construction Co. - \$299,900.00
 - b. Sam Oxley - \$232,348.90
 - c. Koester Construction - \$218,788.15
 - d. J. H. Rudolph - \$240,804.50

Commissioner Borries made a motion to accept the above bids and requested the County Engineer, Greg Curtis to give recommendations to the Commissioners in their next meeting (Monday, May 7, 1990). The motion was seconded by Commissioner Willner. So ordered.

- RE: BIDS TO BE OPENED FOR FURNISHING & DELIVERY OF ONE SUB-COMPACT CAR FOR CIRCUIT COURT:

Attorney Curt John opened the bids and stated that neither bid had a financial statement included. He wasn't sure if this was a requirement.

- a. D Patrick - \$9,198.00
- b. Gorman Chevrolet - \$8,568.71

Commissioner Borries made a motion to referred the bids to Purchasing to work with Circuit Court and was seconded by Commissioner Willner. So ordered.

- RE: PUBLIC HEARING - COMMUNITY FOCUS FUND

Commissioner Willner read the following notice:

At the request of the County Commissioners, the Department of Metropolitan Development submitted a Community Focus Fund proposal to the Indiana Department of Commerce for an Emergency Home Repair Program to be funded through the IDOC-administered Small Cities Community Development Block Grant Program.

Vanderburgh County's Community Focus Fund proposal met IDOC's threshold criteria and the County is invited to submit an application for the Community Focus Fund's second funding round, for which applications are due on May 9th. As a part of the application process, the County Commissioners are required to conduct two public hearings to give the public the opportunity to express their views on community development and housing needs in Vanderburgh Count, to discuss past community development and housing activities and the proposed emergency home repair program.

A Public Notice was published on April 20, 1990 in the Evansville Courier and Press providing notice of public hearings scheduled during the Commissioners' regular meetings on April 30th and May 7th. Flyers were also distributed to township trustees and local social service agencies who serve low income persons in an attempt to reach low income persons who reside in the unincorporated areas of the County.

Past community development projects implemented by Vanderburgh County through the Indiana Department of Commerce administered Small Cities Community Development Block Grant program include the 1985 T.J. Maxx Storm Sewer project, for which Vanderburgh County received a grant of

\$296,200; and for the 1986 Sunbeam Plastics Expansion Project, for which the County received a grant of \$201,548.

The project for which the May 9th application is being submitted is an Emergency Home Repair Program which would be available to very low income homeowners who live in the unincorporated areas of Vanderburgh County. They would be eligible for grants of up to \$5,000 to correct life and health threatening housing code violations. The program would not conduct any general property improvements. There may be some properties for which the nature and extent of code violations are such that they cannot be corrected for \$5,000 or less and for which an investment of public funds is not appropriate.

The Indiana Department of Commerce would require the "grants" be in the form of "forgivable loans" which would be "forgiven" or converted to grants after the passage of a specified amount of time, proposed to be one year; provided that the homeowner continues to own and reside in the property during that time.

The program would be administered on behalf of Vanderburgh County by the Department of Metropolitan Development which would be reimbursed for its staff and related costs from grant funds.

The application is seeking a grant of \$250,000 and would require a local match of \$25,000 from the County. It is anticipated that from 50 to 75 homes could be repaired during the anticipated 18 months during which this program would be in operation.

I would now like to ask if there is anyone in attendance that would like to express their views on housing and community development needs in the unincorporated areas of Vanderburgh County.

No one in the audience responded.

RE: COMPUTER ROOMS - ROGER ELLIOTT & ART GANN

Art Gann (Police Department) stated that they had a couple of items to go before the Commissioners today.

The first item is an addendum to the contract with the Intelenet Data Systems Corp. This is the firm that did the cabling throughout the three-building complex. During the course of that cabling, they identified several other additional ports that they required and they installed those during the same time as a cost reduction to us. However, now they need an addendum to pay for those items. They also have a clause that will lock in the cost of any additional terminal device-cabling for the next year at the same rate that they got during the term of this original contract. Then there is another section that stipulates that because Judge Lensing is remodelling his Court, they had approximately 14 cables that they just left up in his ceiling and they will come back upon notification and complete the job at that time. There's an additional expenditure over the original contract of \$2,187.70 of this addendum. Copy of this addendum has been provided to Mr. John and Mr. Miller and Mr. Winterheimer, from the City's side.

Commissioner Willner asked if there was sufficient money in the account and Mr. Gann stated that there is money there for that.

Commissioner Borries made a motion to approve the above addendum and was seconded by Commissioner Willner. So ordered.

The second item Mr. Gann brought before the Commissioners is concerning a Fire Prevention for the computer rooms in question. They have expended a lot of money for the recent acquisition, as well as for the current one they are using, and there was no adequate fire protection other than the portable spraying devices. So, they made some inquiries into setting up an alarm system for both the temporary computer room and the permanent computer room and they have talked with the Traffic Engineering Department and the Utilities Department, who also have their own separate computer rooms. They have a proposal that Roger Lehman developed that will allow them to connect all four computer sights, within the building, and hook up a fire alarm system, which would alert the security guards at their desks should any overheating conditions be apparent in those four rooms. The cost of the system is estimated to be approximately \$5,000.00, with the Traffic Engineering and the Water Department, they will be paying back the County approximately \$1,000.00. The remaining \$4,000.00 will be split according to the current City/County split for this data processing stuff. So, approximately the cost to the County will be 75% of the \$4,000.00. What they would like to do is get a motion to go ahead and proceed as to development of the necessary paperwork to get this type of contracting done. It has passed the recommendation of the Data Board the they proceed on this to protect their investment.

Commissioner Borries made a motion to approve to proceed with the fire prevention for the computer rooms and was seconded by Commissioner Willner. So ordered.

RE: PROPOSED ORDINANCE ON COUNTY SOLID WASTE MANAGEMENT DISTRICT

Commissioner Willner stated that he did have a phone call from another county but the name had escaped him at the moment. They wanted to join forces with Vanderburgh County. It does permit the counties to have a multi-coordinate proposal and they wanted to have a meeting with the County sometime before this the Commissioners approve this. From attending the County Commissioners Association, Commissioner Willner stated he understood that this does not have to be done this year, but sometime next year, according to the statute and that the Commissioners were not to get in a hurry because it was liable to be changed before the implementation is required. Commissioner Borries read from the statute that it states 1991. Commissioner Willner stated that they need to go ahead and advertise it. Commissioner Borries stated that Attorney Miller did not change or re-write it because it is real clear as to what it is trying to do but they do have time. He suggested that the only decision that the Commissioners would have would be if they want to designate themselves as a County Solid Waste District or whether or not they want to do that with other counties, as Commissioner Willner pointed out.

Commissioner Willner stated that the Commissioner would need to take this under advisement.

RE: LETTER REQUESTING EXTENDED LEAVE FOR EMPLOYEE FROM THE COUNTY TREASURER

Commissioner Willner stated that the Treasurer is requesting that Beth Kerchiff's leave of absence be extended until May 7, 1990 due to a medical condition of one of her twins and that her medical insurance continue to be carried.

Commissioner Borries made a motion that Beth Kerchiff's leave of absence be approved and was seconded by Commissioner Willner. So ordered.

RE: COUNTY ATTORNEY - CURT JOHN

Curt John submitted the four bids that were received on the resurfacing of various county roads:

- a. Meltzger Construction Co. (Boonville) - \$299,900.00
- b. Sam Oxley - \$232,348.90 (Evansville)
- c. Koester Construction - \$218,788.15 (Dwensville)
- d. J. H. Rudolph - \$240,804.50 (Evansville)

Commissioner Borries made a motion that the bids be referred to the County Engineer and County Highway Superintendent for their review and to give a recommendation at the next meeting, Monday, May 7, 1990 and was seconded by Commissioner Willner. So ordered.

Curt John submitted the two bids for the sub-compact car for Circuit Court: (Mr. John pointed out that neither bid contained a financial statement, however, he doesn't know if that was required)

- a. D Patrick Inc. of Evansville - \$9,198.00
- b. Gorman Chevy of Poseyville - \$8,568.71

Commissioner Borries made a motion the bids be referred to the Department of Purchasing for review with Circuit Court personnel and was seconded by Commissioner Willner. So ordered.

Attorney Curt John stated he had a proposal from J. E. Sheckel, Inc. regarding the air conditioning at the Coliseum and it is his understanding that the Commissioners wanted him to review the proposal. He checked to make sure that the County is protected.

Commissioner Willner stated he had also asked for a set of plans and he asked the County Engineer to go over those plans so they would not alter the structural strength of the building while they are installing the air conditioners. Curt John stated he did not receive the plan as of yet. Greg Curtis stated that he had received the plan this morning and Commissioner Willner asked if he could have the Engineer's opinion before next Monday, May 7, 1990. Curt John pointed out that Mr. Mark Acker will be submitting a request next Monday in the Commissioners' meeting.

Curt John submitted the last item which was for the Commissioners to authorize for the secretary to stamp a blue claim for the purchase of the two properties located on Market Street, (Between Market and Third). The Folz property and the Raben property. They have negotiated and come to an agreement on the prices. He does not have the blue claim signed by them yet but he is going to try to have it closed by Friday and in the event he can accomplish that, he'd like them to have the authority to issue the checks.

Commissioner Borries made a motion that the blue claims be stamped and should the Attorney conclude the matter of the property purchase regarding the property immediately adjoined to the Coliseum, then the price and the claims be executed at that point. The motion was seconded by Commissioner Willner. So ordered.

Commissioner Borries stated he would like to commend Mr. Sheckel for doing this and he thinks it will enhance the effectiveness of the Coliseum. His main concern was that the Attorneys could review it so they could have it clearly understood that there would not be any obligation on the part of the County. Commissioner Willner agreed and wanted to thank him also. He stated it was a little ironic that he has also heard from another company that said if this one fell through that they would like to do the same thing. First you have none and then you have too many.

RE: COUNTY HIGHWAY SUPERINTENDENT - CLETUS MUENSTERMAN

Cletus Muensterman asked if there were any comments on his report that he had submitted Friday. There were none. Commissioner Willner stated he has received some good reports and that his telephone has buzzed off the wall while the Highway Department was paving Daylight Drive. They also called to say that trucks were still using it and that they were afraid that the trucks were going to tear it up so, Commissioner Willner called the Sheriff and the Sheriff went out and stopped the trucks from using that road and the signs went up the Friday. Commissioner Willner thinks this will take care of that problem. The people really appreciated that and they wanted the Commissioner to thank the Highway Department.

Mr. Muensterman stated they had sent the painter out on Boonville-New Harmony Road and Petersburg Road and put that white on that stop block. He drove out there to see what it looked like and in front of the tavern set a big mobile home and you couldn't see to the east at all. He then called the Sheriff to ask him to tell the guy to move it so people could see to the east. The block is out almost to the middle of the road and you couldn't even see to the east down Boonville-New Harmony Road. He assumes the mobile home has been removed because he hasn't heard anymore about it. Mr. Muensterman said he had trouble with Elberfeld Road overpass (didn't know if it belonged to the State or what) and they went out the next day and put rock on it because they had gotten quite a few complaints. The State said it belonged to the County, so they took care of putting rock down. In the meantime he got with the County Engineer and he informed them that it did belong to the State and they are going to take care of it. He hasn't heard anything since. It's on the westside of the overpass on Elberfeld Road and I-164 overpass is just tore completely up. Those coal trucks are just tearing it up. It had about a foot and a half deep and about 4 foot long hole. It still belongs to the State according to Mr. Macgregor and our Engineer. He hopes that they dig it out because there are two or three soft spots right in that area.

Commissioner Borries stated he has received several complaints on River Road and he suggests they do some research on River Road, which is the last road in the County regarding some heavy trucks. Seems like they try to pave and redo that particular section and try to keep it open for maintenance but the load limit on some of these trucks is enough to reduce the road to shambles. He would like to find out who that firm is (Clarence Shepard stated he would look into that the next day) and he is aware it is difficult to restrict access to a person's business. If there are some alternatives, he wants to find out and explore who is doing what down there and see if they are complying with all of the current ordinances. He thinks they might want to look into a load limit on that road because he doesn't know of anyway to keep that road maintained year after year with some of the heavy trucks that use the road. The difficulty is that you can't expect a group not to use it if that is in fact the only access they have. If the Commissioners could get some information on that he would be glad to know.

Mr. Muensterman stated that they are running 24 hours a day according to his foreman. Clarence Shepard stated that it was Rose Brothers and Mr. Muensterman said that was who he thought it was but wasn't sure. Mr. Shepard stated (if he wasn't mistaking) they made an agreement with the County that they would repave the problems. Commissioner Borries stressed that he would like to see some contact on this. He is not sure if they have any load ordinances but he would hate to think about the tonnage of a loaded coal truck. Mr. Shepard thinks the tonnage is about 8 tons. The route they are taking is River Road to 41 and they are hauling out of Vincennes and so they come down 41. River Road and

Weinbach Avenue are the only access roads available. Mr. Muensterman stated that they haven't been using Weinbach. Commissioner Borries said he would like to see what they could do because every year after that dries out (particularly this time of year when the soil still is soft) and it's usually covered with high water. If they are traveling 24 hours a day, it's causing problems. Commissioner Borries appreciates any information the Sheriff and Mr. Muensterman could get on this.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS.

Greg Curtis stated that his office prepared an Engineer's estimate for the resurfacing project and it was in the amount of \$239,031.00. Two of the four bids came in under the estimate.

The first item Mr. Curtis has a request for construction approval for Evergreen Acres Section R. It's the final plat in Evergreen Acres. Danny Leek, Morley Associates, is here if the Commissioners have any questions. The Engineer's office has reviewed the plans as well as the pipe structures underneath the road and they find no reason not to recommend these. (Talking away from microphone and cannot hear to type)...

Commissioner Willner asked what the grade was and Mr. Curtis stated that is 5% to 8%. Commissioner Willner also asked if there was any flooding problems down there and Mr. Curtis answered from what they had designed that he didn't foresee any problems with flooding. Commissioner Borries questioned if they were going to have concrete streets which could be a problem. He pointed out that when the grade is more than 5% they usually ask for something to be done with the cracks. Mr. Curtis stated, as a construction practice, when the grade is in excess of 5%, they have been requiring lugs in the pavement and they have basically left that up to the discretion of their inspectors as far the frequency of those and where they are placed. Commissioner Willner asked Mr. Leek if they were locked into concrete because they have had problems with concrete streets in Melody Hills where the grade is steep and the road hollows out and then there are great big hollow underneath and they don't know where they are at and they break through. Commissioner Borries explained that what happens is that cracks are in the base and sometimes they can't seal those cracks and you have some voids in there that can really cause some problems. He wanted to be able to look at some alternatives there for that steep grade. (Mr. Leek is talking but is not near the microphone and cannot hear)...Commissioner Borries stated that could be an alternative as long as our inspectors are there and that all of the current ordinances are enforced. He does want to look at those lugs because that is a steep grade there. Commissioner Borries made a motion to approve the plat for Evergreen Acres Section R and was seconded by Commissioner Willner. So ordered.

The next item Mr. Curtis has is construction approval of Sycamore Hills Estates. Veatch, Nicholson & Griggs, Associates is present if the Commissioners have any questions. Mr. Curtis has reviewed the plans and asked for some changes to be made and they have been made. Therefore, Mr. Curtis is recommending the plans in their present form. Commissioner Willner asked if they have drainage approval and Mr. Curtis stated they got drainage approval last week (4/23/90). Mr. Leek stated that they would have to elevate the houses in the location above the flood plain because the lots do back up on the ditch. Commissioner Borries made a motion to approve the plans for Sycamore Hills Estate and was seconded by Commissioner Willner. So ordered.

Mr. Curtis stated that last week they were scheduled to have the Street & Road Management presentation by Bernardin Lochmueller & Associates at 1:30 p.m. and he would like to request, due to the need to cancel that last week, that we reschedule that for next Monday at the same time. Commissioner Borries stated the meeting for Monday 5/7/90 at 1:30p.m. would be fine with him and Commissioner Willner agreed. Mr. Curtis said he would have it set up then and would notify the media.

Mr. Curtis requested that the Commission ask EUTS to perform the environmental study on Bridge #91, which is on Old Petersburg Road. They recently selected Veatch, Nicholson, Griggs & Associates for the design on that project but before they have them begin on the project, they need to get the environmental studies out of the way. Commissioner Borries made a motion to request EUTS to perform the environmental studies for Bridge #91 and was seconded by Commissioner Willner. So ordered.

Mr. Curtis submitted a travel request. He reminded the Commission that last year he had sent most of his personnel to Indianapolis to take a concrete testing technician certification and he would like to send David Franklin this spring, May 11 & 12. The fees are \$75.00 per person and two days per diem, it's a Friday and a Saturday, for one person, which would be \$48.00 and one nights lodging which he has estimated at \$65.00. Mr. Franklin doesn't have reservations at this time because he is trying to find a more inexpensive motel. He also is requesting authorization for use of a county vehicle. Commissioner Borries made a motion to approve the request and was seconded by Commissioner Willner. So ordered.

Mr. Curtis stated that in reference to Green River Road they had selected United Consulting Engineers for the construction engineering portion of that project and need to get the draft agreement sent to the State and get their approval before they look at it and execute that. However, he has some documents, one being a cover letter and the other being a letter saying that they are who the County has selected them and Mr. Curtis needs to get them signed and sent in.

Mr. Curtis submitted a letter from United Consulting Engineers in regards to the Union Township Project extending Tekoppel Avenue. The railroad has notified their Soil Consultant Engineering Testing and Services, Inc. that they are going to require insurance coverage and a flagman while working within the limits of the CSX Railroad property so therefore, the soils consultant that does the soils work has notified United that it will require additional cost for them to do the work. Therefore, that being a standard item in an engineering agreement, United has asked that we sign a supplemental agreement which would basically amend section A to c of appendix D from a "not to exceed fee of \$16,400.00 for the soils work" to a fee of \$17,800.00 which amounts to an increase of \$1400.00. The overall cost would not need to increase due to some other items that they have deleted from the contract such as some of the traffic items that were originally in the contract have been deleted. Commissioner Willner stated he wasn't sure he understood and asked if we are going to flag the trains or the automobiles. Mr. Curtis explained that the railroad has asked for flagman to be there to flag the train down so that the train will not...When he spoke with United Consulting Engineers, they said that the soils consultant was rather upset at the requirements by the railroad but the railroad said that was their standard requirements and that was just the way they did business. Commissioner Borries stated that he had learned a long time ago that you don't argue with the railroads. Commissioner Borries made a motion to approve the additional cost and was seconded by Commissioner Willner. So ordered.

Mr. Curtis submitted two claims on the Carandza Sewer Project. The first one from Happe & Sons is in the amount of \$26,721.80 and he recommends that this claim be allowed.

Commissioner Borries made a motion to allow the claim and was seconded by Commissioner Willner. So ordered.

The second claim to submit is from Veatch, Nicholson, Griggs, & Associates for construction engineering in the amount of \$4,003.72 and Mr. Curtis recommends that the claim be allowed.

Commissioner Borries made a motion to allow the above claim be allowed and was seconded by Commissioner Willner. So ordered.

The last item to be submitted by Mr. Curtis is a check from the State of Indiana to be received for reimbursement on the bridge inspection in the amount of \$2,515.85 and he is requesting that the amount be deposited in the Cumulative Bridge Fund account number 203-354.

Commissioner Borries made a motion to receive the check and deposit it in the account #203-354 and was seconded by Commissioner Willner. So ordered.

Commissioner Willner asked Mr. Curtis to inquire of the people who are going to do the Allen's Lane/St. Joe Avenue project to please do that and wondered if there was a problem there. Mr. Curtis stated that he did not think there was and he had spoke with them after his discussion with the Commissioners and they indicated that they would be completing that work this week if we had good weather.

OLD BUSINESS:

Jerry Riney requested permission to go on Council call for \$5,000.00 for the new fire protection equipment that was requested earlier in the meeting. Commissioner Willner stated that he thought the money was available and Mr. Riney explained that they have money in the computer account but that this shouldn't be taken from that same account rather that this should be an individual equipment account.

Commissioner Borries made a motion to allow the request and was seconded by Commissioner Willner. So ordered.

NEW BUSINESS:

Sam Humphrey stated that a company has come into his office and wants to photograph their transfer records in order to make a county plat book. He asked what they should charge them for this. Commissioner Borries questioned how they were going to make money off this and Mr. Humphrey stated that they were going to sell them for \$15.00 each. Commissioner Borries asked where they had done this kind of business before. Mr. Humphrey stated that they had done Elkart County and he has a copy of that one. Commissioner Borries asked if Mr. Humphrey couldn't call them in Elkart County and inquire what their charge was there and make a duplicate of that. Mr. Humphrey stated that we don't have one here that he is aware. Commissioner Borries stated he wanted to get some information before a decision is made, some kind of a fee we can charge or whatever. Commissioner Willner stated we can charge them only if we make the copy but Mr. Humphrey said we could even make them come in and furnish the person that does the work and Commissioner Willner said he thought they were going to do that anyway. If they were going to come in and do it, he thought they were bringing in their personnel to do it. Mr. Humphrey stated he thought they could still charge them. He thinks up to \$1.00 a page but he would check with the other counties.

Mary Gidcumb, Attorney in David Miller's office, stated the City Health Department is represented by David Bunner and he enforces all the code violations for the Health Department. The County Health Department is being consolidated with the City Health Department and right now the County has no procedure for the enforcement of code violations. The Health officers do have the authority to go out and ticket violators out in the County. They had a problem arise where Carol Hardin, the County Health Representative went out and ticketed someone on her own and then went on her own and filed the complaint in the Small Claims Court for enforcement. She came to us on Friday asking if we could represent her in the hearing which is to take place this week. At this point, they don't have any authority to do anything on the matter but they wanted to bring it to the Commissioner's attention and request authorization.

Curt John stated that this is similar to the situation that Weights & Measures problem that he had handled and that it was pretty standard enforcement. (Part of what Mr. John was saying could not be heard) Commissioner Willner questioned whether the County had an ordinance for them to report or are they in the transition and don't have one. Mr. John stated that they were in the transition, and asked Ms. Gidcumb if they did indeed have the authority. Ms. Gidcumb stated that they do have authority and that yes there is a statute stating that. (She stepped away from the microphone and the rest of what she had to say could not be heard)...Ms. Gidcumb explained that right now what that consists of is appearing one time in Small Claims Court and going before the Judge and asking him to impose a fine. Commissioner Borries made a motion that the Health Department be authorized to proceed in this manner through the Attorney's office and was seconded by Commissioner Willner. So ordered.

MEETINGS SCHEDULED:

Tuesday, May 1 - Local Emergency Planning Committee - 8 am Room 18
Wednesday, May 2 - County Council - 2:30 p.m. Room 301
Wednesday, May 2 - Area Plan Commission - 6 p.m. Room 301
Wednesday, May 2 - Civil Defense Auxiliary - 7 p.m. Room 18
Friday, May 4 - Environmental Protection Agency - 1 p.m. Room 307

The Vanderburgh Auditorium's parking lot will be closed May 1, 1990 as the Old National Bank has reserved the parking lot for their annual stockholders meeting.

CLAIMS:

No claims submitted.

EMPLOYMENT CHANGES:

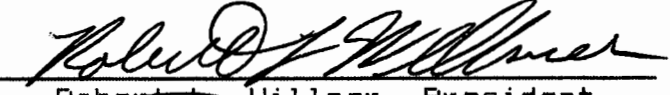
Burdette Park - Appointments Made

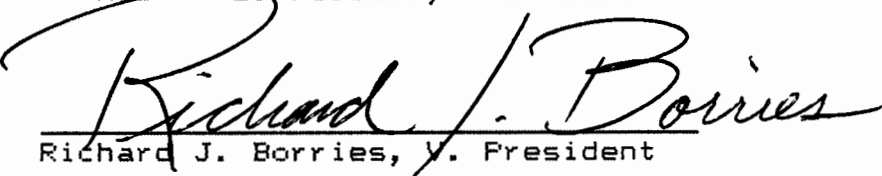
Oscar Shutt	PT ground crew	\$4/hr	4/24/90
Scott Fritts	PT ground crew	\$4/hr	4/21/90
Chris Rowe	PT ground crew	\$4/hr	4/21/90
Kyle Kassel	PT ground crew	\$4/hr	4/21/90
Elizabeth Marx	Receptionist	\$4.35/hr	4/25/90
Jon Greenwalt	PT ground crew	\$4/hr	4/16/90
Wayden Channing	PT ground crew	\$4/hr	4/28/90
James Townsend	PT ground crew	\$4/hr	4/22/90

Prosecutor - Appointments Made			
Jonathan Jay Parkhurst	Dep. Pros.	\$25,000.00	4/23/90
Auditor - Appointments Made			
Donna Krowl	Transfer Clk	\$15064.00	4/30/90
Auditor - Released			
Carol Haas	Transfer Clk	\$15064.00	4/23/90
Virginia Wallace	Part Time	\$5/hr	4/06/90
Donna Krowl	Posting Clk	\$14485.00	4/27/90
Pigeon Township Assessor - Appointments Made			
Judith Masden	Deputy	\$13028.00	4/30/90
Knight Township Assessor - Released			
Michelle Allen	Deputy	\$5/hr	4/23/90
Circuit Court - Appointments Made			
Bill G. Danks	Supervisor	\$21000.00	5/01/90
Deana M. Dunkel	Sec.-Work release	\$14500.00	5/01/90
David A. Wilkins	Officer/Guard	\$17200.00	5/01/90
Connie Nally	Recpt. Clerk	\$13028.00	5/01/90
Circuit Court - Released			
Denise G. Karcher	PT Intern	\$5.50/hr	3/28/90
Deana M. Dunkel	Recpt. Clerk	\$13679.00	4/30/90
Bill G. Danks	Officer/Guard	\$17200.00	4/30/90
Burdette Park - Released			
Oscar Shutt	PT ground crew	\$4/hr	4/26/90
Vanderburgh Superior Court - Released			
Brenda L. Glenn	Sec.-Ct. Reporter	\$19119.00	5/02/90

There being no further business before the Board, the meeting was adjourned at 3:36 p.m.

Minutes transcribed by: Karen Hadfield
(Joanne Matthews on Funeral Leave)


Robert L. Willner, President


Richard J. Borries, V. President

Carolyn McClintock, Member